

19 August 2026

Environmental Protection Authority

Attn: [REDACTED]

Via email: [REDACTED]

Tēnā koe [REDACTED]

Brookvale Green — Response to request for further information under section 46(2A) of the Fast-track Approvals Act 2024

Thank you for your letter of 18 August 2026 requesting further information in relation to the Brookvale Green substantive application. This letter responds to each of the six matters raised, on behalf of the applicant, Vermont Street Partners No.4 Limited.

We note at the outset that the request is made to inform the Environmental Protection Authority's ('EPA') assessment of completeness and scope under section 46(2). As set out in your letter, Hastings District Council ('HDC') has confirmed that it is satisfied the application meets the requirements of sections 42, 43 and 44 and considers the application complete, and the EPA's letter records Hawkes Bay Regional Council's ('HBRC') view that the source water information provided is of sufficient detail to be considered complete for sections 43 and 44 purposes. Against that background, several of the matters raised are clerical corrections, or comments the EPA has invited under section 46(1), rather than deficiencies in the information required for a complete application. We have nonetheless addressed each matter substantively below so the EPA has what it needs to conclude its assessment.

Ref.	EPA Comment	Response
1. Referral Basis and Staging		
1a	<i>Section 43(1)(b)(ii) of the Act sets out requirements for applications referred under s21(1)(a) (being staged projects). Section 3.1 of Volume A Application Report states the Minister's decision on the Brookvale Green Referral application was made under s21(1)(a). However, the referral decision (Appendix 22 to this substantive application) states the Minister was satisfied the project meets the FTAA criteria in s22 (s21(1)(c)). It is therefore assumed the applicant has made an error and that s43(1)(b)(ii) is not applicable in this instance as the application does not appear to be progressing in staged substantive applications (instead, the development would occur in separate construction phases which is not subject to s43(1)(b)(ii), if approved).</i>	We confirm that the reference in Volume A to the Project having been "accepted under section 21(1)(a)" of the FTAA is a typographical error. The Project was referred under section 21(1)(c), on the basis that it met the criteria in section 22, consistent with the referral decision at Appendix 22. The Project is not a staged project for the purposes of section 43(1)(b)(ii). Delivery is proposed in separate construction phases and does not involve staged substantive applications. The requirements of section 43(1)(b)(ii) therefore do not apply. The reference has been corrected to section 21(1)(c) of the FTAA. Refer to section 3.1 in the attached updated Volume A Planning Report.

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	<i>As Hawkes Bay Regional Council has noted, the referral decision appears to have been made under s 21(1)(c). Please confirm whether the reference to s 21(1)(a) is in error.</i>	
2. Reclamation of Wetlands and Stream Bed		
2a	<i>Hawkes Bay Regional Council has identified that proposed works, including stream diversions, culvert upgrades, and fish passage provisions, may constitute a standard freshwater fisheries activity. Please clarify whether this approval is sought, and if so, please provide the information required by Clause 9 of Schedule 5.</i>	No standard freshwater fisheries approval is required as part of the substantive application as the works do not trigger the standard freshwater fisheries activities definition of the FTAA. The proposed works involve the formation of a replacement realigned channel and associated culvert works. Fish passage will be maintained through the realigned channel and proposed culverts, and potential effects on freshwater fauna are addressed through the regional resource consents (Volume A Planning Report), Ecological Assessment Report (Appendix 8), Fauna Management Plan (Appendix 29) and proposed conditions (Appendix 28). On that basis, the works do not trigger a separate standard freshwater fisheries approval and the information requirements in clause 9 of Schedule 5 do not apply.
3. Assessment against NPS-FM and NES-F		
3a	<i>Hawkes Bay Regional Council notes that while stream bed reclamation is identified as necessary, the application does not appear to apply for resource consent under Regulation 57 of the NES-F. Please provide an updated assessment against the NES-F and NPS-FM regarding this reclamation.</i>	The Applicant accepts this point. The attached Volume A Planning Report has been updated to provide the required assessment in accordance with NES-F Regulation 57. Consent has now been sought for stream bed reclamation in the Planning Report. It is noted that no changes are required to the Ecological Assessment Report (Appendix 8) as this expert assessment has already provided an NES-F Regulation 57 assessment. Please also see attached updated Application Form which addresses the reclamation requirements of NES-F Reg 57.
4. Source Water Protection		
4	<i>Section 43(1)(e)(i) of the Act requires substantive applications to comply with any information requirements specified by the Minister under section 27(3)(b)(ii), in this instance the Minister required the applicant to provide an assessment of the potential impacts to source water as part of the substantive application. The application</i>	<i>The Applicant considers that sufficient information has been provided to address source water protection for the purposes of the EPA's completeness assessment. We note that the EPA's letter records HBRC's view that the information provided is sufficient for sections 43 and 44 purposes, while identifying source</i>

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	<i>identifies source water protection as a key issue and acknowledges the potential for adverse effects on the municipal drinking water supply and other groundwater users (i.e. possible contamination) arising from associated activities. It recognises the potential hydraulic connectivity between surface water/activities and the underlying aquifer and proposes a suite of conditions to manage this risk.</i> <i>While the information provided is of sufficient detail to be considered complete for s43 and s44 purposes, this will continue to be a key matter requiring consideration through the process. The applicant has sought HBRC's groundwater expert review of the application, and we anticipate discussions will continue at the end of the month once the review is complete.</i> <i>Please provide any further information you wish to have considered for the purposes of the EPA's assessment under s 46(1) in response to this comment from HBRC.</i>	water protection as a matter for ongoing consideration through the substantive process. The substantive application includes expert reporting (Hydrogeological Assessment, Appendix 19 and Source Water Protection Plan, Appendix 31) assessing potential effects on source water and proposes conditions (Appendix 28) to manage identified risks. These conditions have been reviewed by HBRC and changes have been adopted by the Applicant in the conditions set provided as part of the application for consideration by the Panel. The Applicant has undertaken substantial engagement with both HBRC and HDC on this matter, including joint meetings to discuss the technical assessment and proposed management measures, and has provided HBRC and HDC with the opportunity to undertake further expert review and provide additional feedback. These feedback points have been accepted and the expert reporting has been updated to reflect the feedback provided. Accordingly, no further information is considered necessary for the purposes of the EPA's completeness assessment under s 46(1). The Applicant is happy to have further discussions with both Councils on source water protection through the substantive assessment process, including through any further expert review of the final reporting.
5. Hastings District Council		
5a	Geotechnical Assessment: <i>"Council has concerns regarding slope stability given the extent of the proposed earthworks, cut heights, retaining and the implications for assets proposed to be vested in Council. We will be seeking an independent peer review of the geotechnical assessment..."</i>	Noted. The Applicant is satisfied that the Geotechnical Assessment Report submitted with the application has been prepared by suitably qualified geotechnical professionals (Hawkes Bay Geotech Ltd) and that the findings are reliable. The Hastings District Council is welcome to conduct a peer review of the report to satisfy any concerns. This should not preclude the substantive application from being accepted into the substantive process.
5b	Secondary Access: <i>"Council notes that... it remains unclear whether the proposed secondary access arrangement will provide a resilient long-term outcome," particularly noting</i>	Noted. The secondary access arrangement was developed through extensive pre-application engagement with HDC and was refined in

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	<i>that landowner engagement appears to have been relatively recent.</i>	response to HDC feedback to provide an appropriate and resilient access outcome. The arrangement has been designed to meet HDC Engineering Code of Practice requirements and is supported by the necessary Council landowner approval for use of the adjoining reserve land. HDC also obtained its own legal advice in relation to the reserve access, and the Chief Executive, Nigel Bickle, subsequently provided HDC's written agreement in principle to works in the Reserve (including the road access), included in Appendix 20. The access arrangement is addressed in the Substantive Transport Assessment (Appendix 14) and the associated Reserves Act approval is assessed in Volume B. The Applicant is therefore satisfied that sufficient information has been provided for the Panel and HDC to assess this matter.
5c	<i>Stormwater Solutions: "Council does not support the use of swales within private property vegetation buffer areas to convey overland flow paths, as this may create a flood risk and presents uncertainty regarding long-term maintenance and protection".</i>	Noted. The Applicant considers that sufficient information has been provided within the substantive application to address the proposed stormwater management approach. The feature within the private lots is an overland flow path (conveying stormwater runoff across the surface during rainfall events), not a permanently flowing watercourse within private lots requiring active channel management. Its location on private land is standard subdivision practice and is consented routinely. This matter can be considered further through the invitation for comment process.
5d	<i>Project Viability (Water Take): HDC identifies that the project relies on a separate groundwater transfer application being processed outside the Fast-track Act. They note that "a refusal may necessitate a reassessment of feasible alternatives" given existing constraints on water allocation across the district.</i>	Noted. The Applicant considers that sufficient information has been provided with the substantive application for the Panel to assess the proposal. The application identifies a viable pathway for securing water supply through the transfer of an existing water permit to HDC's public reticulation, with the transfer being progressed separately with HBRC. HDC's Three Waters team confirmed by letter dated 2 July 2026 (Appendix 20) that this is an acceptable potable water servicing approach, subject to the necessary HBRC approvals and water-efficient design. The Applicant therefore

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		does not consider water supply to be a constraint on project viability. Appropriate consenting and conditioning mechanisms are also available to ensure that an acceptable servicing solution is in place. Accordingly, no further information is considered necessary for completeness purposes.
5e	<i>Please provide any further information you wish to have considered for the purposes of the EPA's assessment under s 46(1) in response to these comments from HDC.</i>	See above.
6. Department of Conservation		
6a	<i>Impacts on threatened, data deficient, and at-risk wildlife species: "Table 5.1 in Section 5.3 of Appendix 29 – Fauna Management Plan (FMP) (and also Table 2 within Volume C) identifies the protected species potentially present and likelihood of occurrence; however, it only partially addresses the requirement to outline impacts on threatened, data deficient, and at-risk wildlife species. Effects on protected wildlife are, however, addressed in Volume C – Wildlife Approval Planning Report (Volume C), Section 5.2. DOC recommends the inclusion of a column summarising potential impacts within Table 5.1, Section 5.3 of the FMP (and Table 2 within Volume C) to improve clarity.</i>	Noted. The potential impacts are already assessed in the application. The Ecological Assessment (Appendix 8) prepared by Wild Ecology, the Fauna Management Plan (Appendix 29) prepared by Stantec, and the Planning Report (Volume C) each traverse the potential impacts of the works. DOC's recommendation is therefore a presentational one rather than a gap in the assessment. Accordingly, no further information is considered necessary for completeness purposes.
6b	<i>Avoidance and mitigation measures: In addressing adverse effects and those measures that will be used to avoid and minimise adverse effects, Volume C, Section 5.3 addresses avoidance and mitigation of effects together. DOC recommends that avoidance and mitigation measures should be addressed separately. The application should clearly set out how adverse effects will be avoided in the first instance and, where they cannot be avoided, what mitigation measures are proposed.</i>	Noted. The Applicant considers that Ecological Assessment (Appendix 8) prepared by Wild Ecology, the Fauna Management Plan (Appendix 29) prepared by Stantec, and the Planning Report (Volume C) adequately identifies and assesses the measures proposed to avoid and mitigate effects on protected wildlife, and that sufficient information is provided for the Panel to understand and assess those measures. The Applicant does not consider that separating the assessment into discrete avoidance and mitigation sections is necessary for completeness purposes. DOC's comment relates to the presentation of that assessment rather than an absence of information.
6c	<i>Complex Freshwater Fisheries Approval: The applicant has indicated that a Complex Freshwater Fisheries Activity approval is not</i>	Noted. The Applicant does not consider that the watercourse works constitute a complex freshwater fisheries activity. The works do not

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	<i>required as the proposed works do not trigger this approval (Appendix 20 – Consultation Report, page 28), as such, the applicant has not applied for this approval within its application. It is noted that an applicant may choose to apply for as many or few eligible approvals through the Fast-track process as deemed appropriate. It is understood that the applicant is proposing to reclaim the channel of Waterway 1 and divert it into a new realignment channel at two locations. DOC notes that this may fall under the definition of a ‘complex fisheries activity’ through (b) ‘a permanent dam or diversion structure’, as the new channel is essentially diverting the water from its original course. Should it be determined that this approval is required, the applicant may apply for this approval through the business-as-usual pathway under the Freshwater Fisheries Regulations 1983.</i>	trigger the ‘Complex freshwater fisheries’ definition of the FTAA. Accordingly, a Complex Freshwater Fisheries Activity approval is not required or sought as part of the substantive application.
6d	Fauna Management Plan Administration: Within Volume C, Section 6.1 Table 3 and also within the Consultation Summary provided in Appendix 20 with regard to DOC feedback, it is recorded that: “DOC advised that the FMP required by the Wildlife Act conditions, and any updates to that plan, should be certified by the Council, as DOC will administer the Wildlife Act approval Conditions.” This is incorrect. In the Pre-lodgement consultation summary document provided to the applicant on the 8th of June 2026 and included within Appendix 20, Attachment 5 (at page 23), DOC’s view is recorded as follows: “In DOC’s view, the Fauna Management Plan required by the WA conditions together with any updates to the same should be certified by DOC, as DOC will be responsible for the administration of the conditions of this Plan.”	Noted and accepted. The summary of DOC’s feedback in Volume C and Appendix 20 incorrectly records DOC’s position regarding certification of the FMP required under the Wildlife Act approval. DOC’s pre-lodgement feedback confirms that the FMP required by the Wildlife Act approval conditions, including any updates, should be certified by DOC. The Applicant accepts this correction. No amendments to the proposed Wildlife Act approval conditions in Appendix 28 are required as a result of this correction.
6e	<i>Please provide any further information you wish to have considered for the purposes of the EPA’s assessment under s 46(1) in response to these comments from DOC.</i>	See above.

In summary, to address the addition of the NES-F Regulation 57 stream reclamation assessment requirements, we enclose an updated:

- Volume A Planning Report; and

- Appendix 2 Application Form (which also needs to be updated on the Fast-track Portal digital application form page).

No other updated or additional information is required to address the matters raised in the further information request. We consider that all the necessary information is already provided for in the comprehensive substantive application material.

We trust this response addresses the matters raised and allows the EPA to conclude its completeness assessment. Please do not hesitate to contact me if any point would benefit from further discussion.

Yours sincerely | Nā māua noa, nā

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