
MINUTE 2 OF THE PANEL CONVENER
Post-conference decisions on panel appointment and decision timeframe
[Arataki] [FTAA-2506-1083]
24 September 2025

[1] On 16 September 2025 I held a convener conference in respect of this application. The conference was attended by the Applicant and its legal and planning team, the local authorities (Hawkes Bay Regional Council (HBRC), and Hastings District Council (HDC)), and the Ministry for the Environment (MfE). A representative of Tamatea Pōkai Whenua, an iwi authority and Treaty settlement entity identified in the section 18 report prepared by MfE, also attended.

[2] The purpose of this minute is to:

- a) Summarise the views expressed by conference participants on the matters of panel composition and the timeframe required for the expert panel to deliver its decision; and
- b) Confirm my decisions on those two matters.

[3] In advance of the conference, I received written memoranda from the Applicant and both Councils.

[4] In relation to expert panel composition and expertise, the participants' views can be summarised as follows:

- a) The Applicant identified no specific panel expertise requirements and that there was no reason to appoint more than 4 members to the panel;
- b) The only comment made by the Regional Council on panel

composition related to the need for stormwater expertise including the design and operation of larger-scale stormwater infrastructure for residential developments;

- c) The District Council expressed no view on panel composition;
- d) The Tamatea Pōkai Whenua representative advised that there was nothing of particular cultural concern evident on the face of the application material that would indicate that the panel required specific cultural expertise and has since confirmed that view by email to the EPA.

[5] In relation to the decision timeframe:

- a) The Applicant proposed 40 working days following receipt of comments which, assuming a September start date for the Panel, would result in a final decision being released at the end of January 2026. The Applicant considers that there are no legal, evidential or factual issues that are sufficiently complex as to require an extended timeframe, but identified two specific issues (relating to reverse sensitivity and highly productive land) that might, together with conditions, require provision to be made for additional procedural steps such as mediation, legal submissions or a settlement conference;
- b) The Regional Council advised it had had good interaction with the Applicant to date and had made good progress with conditions. The key issue relates to stormwater management/flooding risk and impact on water quality and instream values. The Regional Council expressed no view on the decision timeframe;
- c) The District Council also identified stormwater management as a principal issue, in addition to urban design outcomes, reverse sensitivity (in respect of neighbouring activities) and issues associated with highly productive land. There are some outstanding issues with consent conditions, but they are capable of resolution, and suggestions were made regarding the potential for expert conferencing. The Council

expressed no view on the decision timeframe, other than to confirm that decision making steps in January 2026 might be challenging for Council staff;

- d) Tamatea Pōkai Whenua agreed with my comments that the holiday period might pose difficulties with various decision-making steps required under the Act but otherwise expressed no view as to timeframe.

[6] I record my thanks to all conference participants for their attendance and thoughtful participation.

Decisions

[7] I am appointing the following persons to the Expert Panel to determine the substantive application lodged for the Arataki Project:

- a) Jennifer Caldwell (myself) as Chair;
- b) Michael Parsonson (Councils' joint nominee);
- c) Matt Lindenberg.

[8] I am satisfied that, collectively, the Expert Panel will hold appropriate expertise and experience in relation to law, planning & policy, residential development, stormwater management and, as required by the Act, te ao Māori and Māori development.

[9] The Expert Panel may wish to engage other specialist technical disciplines to assist them in their task once they have considered the application in detail.

[10] The date on which the Expert Panel will commence work is **1 October 2025**.

[11] I recommend that the Applicant continue its constructive engagement with the Councils in particular to identify or narrow issues in contention and confer on conditions, and to make arrangements for an Expert Panel briefing session and a

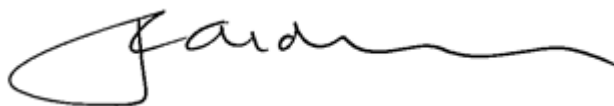
site visit, ideally both to be undertaken prior to the invitation to comment being issued (which will be due on 15 October 2025).

[12] I consider that a timeframe of **55 working days** following the receipt of invited comments is appropriate. The Expert Panel decision will be due on **20 February 2026**, subject to the application being suspended for any of the reasons outlined in section 60 of the Act, and to comments on the application being invited on 15 October 2025.

[13] In setting this timeframe I have had regard to the following relevant matters:

- a) The nature of the application and the range of activities for which approval is sought;
- b) The participants' views on complexity and the likely issues requiring resolution;
- c) The possibility that some mechanism to resolve focused issues, or to workshop conditions, may need to be provided for by the Expert Panel;
- d) The impact of the end of year holiday period, which may limit the Panel's ability to finalise a draft decision and draft conditions for circulation, as well as the ability of other participants to review and comment on those draft documents at that time.

[14] In terms of next steps, the participants will be contacted by the Arataki Expert Panel upon commencement.

A handwritten signature in black ink, appearing to read 'J. Caldwell', with a long, horizontal, wavy line extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024