

FTAA-2607-1266

18 August 2026

Edward Sundstrum

Vermont Street Partners No.4 Limited

By email: [REDACTED]

Copy to: [REDACTED]

Tēnā koe,

**Request for further information in relation to your application under the Fast-track
Approvals Act 2024**

You lodged a substantive application, Brookvale Green under the Fast-track Approvals Act 2024 (the Act) on 3 August 2026.

Prior to referring a substantive application to an Expert Panel, the EPA must assess the completeness and scope of the application to ensure it complies with section 46(2) of the Act. To assist with making this assessment, under section 46(2A) of the Act the EPA may seek further information from you.

Request for Further Information

To inform the EPA's assessment of the application for completeness, please provide a response to the following matters.

1. Referral Basis and Staging

The following request was raised as part of the mandatory consultation the EPA undertook with Hawkes Bay Regional Council.

“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).

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.

2. Reclamation of wetlands and stream bed

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.

3. Assessment against NPSFM and NES-F

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.

4. Source water protection

The following request was raised as part of the mandatory consultation the EPA undertook with Hawkes Bay Regional Council.

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 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.

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.

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.

5. Hasting District Council

Through mandatory consultation processes with the EPA, Hastings District Council (HDC) has confirmed that it is satisfied the application meets the requirements of sections 42, 43, and 44 of the Act and considers the application complete for the purposes of the FTAA.

However, HDC has provided additional comments identifying technical concerns that they consider important to bring to the EPA's attention at the outset. HDC has noted:

- **Geotechnical Assessment:** *"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..."*.
- **Secondary Access:** *"Council notes that... it remains unclear whether the proposed secondary access arrangement will provide a resilient long-term outcome,"* particularly noting that landowner engagement appears to have been relatively recent.
- **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"*.
- **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.

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.

6. Department of Conservation

Through mandatory consultation processes with the EPA, the **Department of Conservation (DOC)** has provided feedback regarding the proposed Wildlife Act approval and the broader ecological management framework for the project.

- **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.*
- **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.*
- **Complex Freshwater Fisheries Approval:** *The applicant has indicated that a Complex Freshwater Fisheries Activity approval is not 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.

- **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."*

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.

Responding to the Request for Further Information

Under the Act, you have until the end of the 20th working day from the date of this letter to provide a response to the EPA, which is 15 September 2026.

From the date of this letter, the 15 working day timeframe for the EPA to decide on completeness and scope of the substantive application ceases to run. The 15 working day timeframe will recommence once your response is received or after 15 September 2026 whichever is sooner.

If you wish to clarify any matter relating to the request, and the request was generated from the EPA's consultation with an administering agency or local authority, we suggest that you contact that administering agency or local authority directly before providing your response to the EPA.

If you require information from the EPA in relation to the request for further information, you may request that information from the EPA under section 46(2C) of the Act. Please send your request to projects@fasttrack.govt.nz.

The EPA intends to publish the information received from you in full, including your responses in our completeness memorandum, on the Fast-track website.

If you have any questions, please contact Maggie Burns, Application Lead by email at info@fasttrack.govt.nz.

Nāku noa, nā



Ben Bond

Team Leader, Fast-track Applications