Fast-track

Te Kāwanatanga o Aotearoa
New Zealand Government

MINUTE 3 OF THE PANEL CONVENER

Post-conference decisions on panel appointment and decision timeframe

Brookvale Green [FTAA-2607-1266]

5 October 2026

Purpose of minute

[1] On 25 September 2026 I held a convener conference in respect of this application. The conference was attended by the Applicant (Vermont Street Partners No. 4 Limited), the local authorities (Hawkes Bay Regional Council (HBRC), and Hastings District Council (HDC)), and the Director-General of Conservation (DOC), as a relevant administering agency in respect of the wildlife approval.

[2] In advance of the conference, I received written memoranda from all participants.

[3] The application involves the development of a residential community on a rural zoned site outside Havelock North, comprising 189-215 new homes together with supporting infrastructure (on-site stormwater management, onsite transportation network and necessary upgrades to the wider transport network), connections to public reticulated water and wastewater services, landscaping and ecological planting (including 4.3ha of native planting and pest control) integrated with existing and proposed walking and cycling facilities.

[4] In addition to resource consents, approvals are required in respect of wildlife (lizards) and works on and access by way of easement to a local purpose reserve adjoining the project site that is managed by HDC.

[5] The purpose of this minute is to:

a. Briefly 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.

Decision timeframe

[6] The Applicant recorded the key issues as comprising:

a. Groundwater and the approach to source protection given the site's location within the Hastings Source Protection Zone, overlying the Heretaunga Plains aquifer system;

b. Transfer of existing groundwater allocation associated with the site;

c. Residential development on rural-zoned land outside the area identified for urban growth in the Future Development Strategy;

d. Rural interface issues including reverse sensitivity;

e. Works within the Arataki Reserve;

f. Stormwater and flooding effects

g. Proposed conditions.

[7] The Applicant has sought a decision timeframe of 60 working days following receipt of comments, on the basis that it is not aware of any information gaps, has engaged extensively with the two councils and their technical experts (as well as DOC, mana whenua and adjacent landowners) to achieve a good degree of alignment on effects, and has made good progress on a condition set, informed by discussions with the councils and DOC. A period of 60 working days would allow sufficient time for targeted expert conferencing, if necessary, on specific technical issues.

[8] Neither council expressed a view on decision timeframe. From HBRC's perspective, the issue of potential groundwater and drinking water contamination as a result of land disturbance activities is the primary concern, and one of some

complexity. It is keen to ensure that all activities associated with the project are managed to avoid or minimise risk to the aquifer. No significant information gaps were noted, and the productive discussions to date between the Applicant and both councils are ongoing in relation to these matters and the associated issue of groundwater allocation transfer.

[9] HDC noted several novel issues raised by the application, including the reserve land arrangements and the water allocation transfer, that might require additional time to address, with the water allocation transfer to be sought separately outside the FTAA process but nevertheless linked to the fact that the project comprises unanticipated development outside identified growth areas. The Council is also concerned about a range of geotechnical matters including slope stability assumptions, liquefaction risk assessment, retaining wall design methodology and long-term geotechnical risk management. It is currently commissioning an independent peer review of the Applicant's geotechnical assessment. Other issues of interest to HDC are reverse sensitivity and access.

[10] DOC expressed no view on timing. The wildlife approval is not complex, but DOC's counsel did raise at the conference an issue regarding whether HDC has provided written approval to the Applicant's proposed easement over the local purpose reserve sufficient to address the statutory bar to the grant of approval under clause 7(3)(a), Schedule 6 of the FTAA. I will return to this issue in my directions below.

Panel composition

[11] In relation to panel composition, the Applicant considered that three panel members would be sufficient, with planning and civil engineering expertise noted specifically. It did not agree with suggestions by the councils that a fourth panel member with hydrological expertise should be appointed (having regard to the groundwater and aquifer concerns).

[12] I posed to all participants the possibility of appointing the same panel members who comprised the Expert Panel for the Arataki Project, located immediately adjacent to the Arataki Reserve that is included in this application. Re-appointment of that panel appears to offer some efficiency given that Panel's familiarity with the area surrounding the site, the relevant planning framework and

the nature of the rural interface issues. In response, all participants expressed support for that approach.

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

Decisions

[14] I am appointing the following four persons to the Expert Panel to determine the substantive application lodged for the Brookvale Green project:

a) Myself, Jennifer Caldwell (chair);

b) Michael Parsonson (nominated by HBRC and HDC);

c) Matt Lindenberg (planner);

d) Matt Dodson (hydrogeologist).

[15] I am satisfied that, collectively, the Expert Panel will hold appropriate expertise and experience in relation to decision-making, law, planning & policy, te ao Māori, the effects of residential development in a rural zone, stormwater management, groundwater protection matters as well as district and regional consent conditions. The Expert Panel will be free to commission further technical specialists to support their decision-making process once they have commenced work.

[16] On the matter of timeframe, I consider that the Applicant's suggestion of 60 working days post-receipt of comments should be sufficient. However, the period prescribed for comments will straddle the end of year break in working day calculations under the RMA (imported into the FTAA). The fast-track process is a demanding one for all parties, and to ensure that the Applicant and commenting parties are not required to work through the holiday period to prepare or respond to comments, I will be deferring the commencement of the panel's work to ensure that the period for invited comments falls just prior to the break in December, and the Applicant's response deadline falls after mid-January. This short delay will also assist some panel members to complete existing commitments during October.

[17] The date on which the Expert Panel is appointed is **30 October 2026**, and it will commence work on **6 November 2026.**

[18] After careful consideration of the matters raised at the conference and those discussed above, I consider that a timeframe of **60 working days** following the receipt of invited comments is appropriate. The Expert Panel decision will therefore be due on **7 April 2027**, 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 **20 November 2026**.

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

a. The issues in contention appear to be well understood and narrowed as a result of engagement undertaken by the Applicant with the Councils and DOC;

b. Technical information appears to be complete from the local authorities' perspective. While there is some work to do to refine conditions, that work is already underway and continuing;

c. There may be a need for focused expert conferencing (particularly on groundwater issues), so time has been allowed for that.

[20] I recommend that the Applicant make early arrangements for the Expert Panel to be given an application briefing, and to undertake a site visit, as soon as possible after commencement.

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

Direction

[22] I confirm my request to the conference participants to confer in relation to the point raised by DOC, namely:

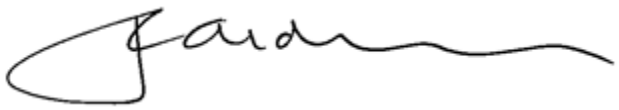
a. Whether HDC has provided its written agreement for the proposed activity to be undertaken on the Arataki Reserve, pursuant to clause 7(3)(a),

Schedule 6; and

b. If not, confirmation from HDC of what further information it requires from the Applicant before it can make a decision to provide such written agreement; and

c. The likely point in the FTAA process at which HDC expects to be able to advise the Expert Panel of its decision whether to provide such written agreement.

[23] I direct that the parties provide a joint memorandum to the Expert Panel prior to the commencement date addressing this issue and confirming their views.



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