
MINUTE 3 OF THE PANEL CONVENER

Post-conference summary and directions

Wairakei South [FTAA-2605-1227]

5 August 2026

Purpose of Minute

- [1] This application was lodged with the EPA on 19 May 2026 and seeks approvals under the Fast-track Approvals Act 2024 ("the Act") to undertake the development of approximately 350 hectares of rural land for residential, commercial and industrial use in Papamoa, Bay of Plenty. The project involves the establishment of a large-scale, master-planned community in stages over 15-20 years.
- [2] On 23 July 2026 I held a convener conference to canvass views of the statutory participants in respect of the two principal matters that I must determine, namely the appointment of an expert panel to make a decision on the approvals sought in the application, and the setting of a timeframe within which that decision must be delivered.
- [3] I will issue a separate Minute in due course confirming the determination I have made on those two matters. The purpose of this Minute is to:
- a. Summarise the views expressed by conference participants as to the matters on which I invited comment, and in particular the matters relevant to the setting of a timeframe;
 - b. Identify the matters on which I require further information before I can make a final determination on decision timeframe; and

- c. Issue directions to the Applicant (and other participants as necessary) to provide that further information.

Conference participants

[4] The conference was attended by the Applicant (Bell Road Limited Partnership), the local authorities (Bay of Plenty Regional Council (BPRC or Regional Council), Western Bay of Plenty District Council (WBPDC) and Tauranga City Council (TCC)), the Director-General of Conservation (DoC), Heritage New Zealand Pouhere Taonga (HNZPT) and Te Maru o Kaituna River Authority (TMK) as a relevant Treaty settlement entity established by the Tapuika Claims Settlement Act 2014. For the avoidance of doubt, a range of other iwi authorities and Treaty settlement entities were invited to attend the conference.¹

[5] In advance of the conference, I received written memoranda from all participants, some of which were lengthy and detailed. The memoranda addressed the specific matters set out in Schedule 1 to Minute 2, including matters relevant to the setting of the decision timeframe such as the extent of engagement to date, complexity (legally, factual, evidential) and the issues likely to be in contention. Those matters were discussed at some length at the conference, as summarised below.

[6] A preliminary matter was raised by TCC, namely its standing to be involved in the fast-track process for this application, and it filed extensive documentation (including records of title) to establish that it is a "relevant local authority" for the purposes of section 53(2)(a) of the Act.

[7] On this issue, the application site clearly includes land that falls within TCC boundaries, and the Applicant helpfully acknowledged as much at the conference, confirming that it did not dispute the Council's standing. For this

¹ See Schedule 2 to Minute 2.

application, both WBPDC and TCC are relevant local authorities, in addition to the Regional Council.

[8] The application does, however, raise a number of challenging cross-boundary infrastructure issues, discussed further below, that will present some complexity to the expert panel in due course.

Decision timeframe

[9] The timeframe I set for the decision on this application will be informed by a range of factors that are largely centred around the issues in contention, the information currently available in respect of those issues, and the mechanisms that may need to be used by the panel to resolve them.

[10] The fulsome memoranda filed by the participants indicate a range of views about those matters.

Applicant

[11] The Applicant's view is that 50 working days after receipt of comments would be an appropriate timeframe for the panel to make its decision, on the basis that:

- a. Extensive consultation has occurred with the local authorities prior to lodgement, and a number of discussions are ongoing;
- b. There are no significant gaps in the information provided with the application. No areas of assessment have been missed, and anything that remains outstanding can be resolved within the proposed timeframe;
- c. The cross-boundary issues are not as problematic as suggested by TCC, and in any event the recently signed Western Bay of Plenty Regional

Deal includes commitments made by the local authorities to work together to support growth in focused areas including the one in which the Project is located;

- d. The infrastructure concerns raised by TCC and the Regional Council are overstated. In particular, WBPDC has confirmed availability of water supply and access to wastewater infrastructure sufficient for the first stage of the development, and any further concerns can be addressed by conditions that are expressly encouraged by the recent introduction of section 84A of the Act;
- e. There is no "fundamental or intractable difference between the parties, or which present a critical impediment to granting the authorisations². Expert conferencing, mediation and/or hearings on discrete topics will provide efficient mechanisms to resolve the issues in contention, all within the proposed timeframe; and
- f. The draft consent conditions have been discussed with the local authorities and attempt to address matters raised during consultation. Further discussion and work will be required but that can be accommodated within the proposed timeframe.

[12] The Applicant did not have much to say about the issues likely to be in contention, noting that the potential effects are all consistent with what might be expected for a proposal of this nature and scale, such as strategic planning alignment, infrastructure servicing and modelling methodologies, and ensuring the project can appropriately integrate with its surrounding environment.³

[13] The issue that is clearly of greatest concern to the Regional Council and was discussed at some length at the conference, namely stormwater management,

² Applicant memorandum, para 8(e).

³ Applicant memorandum, para 5(d).

design and treatment, warranted only a footnote in the Applicant's memorandum.⁴

Local authorities

[14] Each of the three relevant councils has a different perspective on the application, of the issues in dispute and the effort that may be required to resolve those issues. That in itself indicates that the expert panel may need a longer decision timeframe than that proposed by the Applicant.

[15] As the Applicant pointed out at the conference, resolution of some of these issues will need to occur in a regional context that includes both the recently signed Regional Deal and the establishment of a joint water services entity, due to commence on 1 July 2027. Nevertheless, these are matters that the panel will need to grapple within in order to be satisfied that it can grant the approvals sought.

[16] The memorandum from WBPDC provided a helpful summary of the issues it has identified to date and those requiring further information and discussion. For a small council, the application is complex and the Council has had to engage 10-12 experts. Engagement to date, while variable across different areas, has been good, and most remaining issues should be capable of resolution with further clarification and work on conditions (which, for land use matters, have been based largely on standard WBPDC conditions). The Council has confirmed to the Applicant that water supply and wastewater servicing can be provided for the initial stage of the project, although there are further discussions required about the extent of capacity available given the operational specifications of the Applicant's proposed system. For completeness, I note WBPDC's view that 70 working days would be appropriate following receipt of comments.

⁴ Applicant memorandum., footnote 2.

[17] TCC is primarily concerned with what it describes as cross boundary issues in respect of infrastructure connections (specifically water and local road network) and a lack of information on those and other issues.

[18] In relation to infrastructure, TCC notes that:

- a. The Waiari water supply treatment plant that WBPDC has confirmed is available for connection may be located in Western Bay district but was funded, built and is owned and controlled by TCC, and any connection will require TCC approval. TCC advised at the conference that access to the Waiari supply is not, and will not in the foreseeable future be, available to service Wairakei South because the relevant water supply capacity has already been planned to support development of the Te Tumu growth area;
- b. Similar concerns apply in relation to roading connections required into the Papamoa East Interchange;
- c. While TCC acknowledges that, from a sub-regional perspective, there is a need for the Project to assist in managing growth pressure, Wairakei South will essentially become a new de facto suburb of the city, placing demand on a range of other infrastructure and community facilities. A package of infrastructure funding will need to be negotiated in respect of these matters before any infrastructure connections will be approved;
- d. To date it appears that there has been little if any direct engagement between the Applicant and TCC to discuss or negotiate these issues.

[19] TCC also identified a number of what it termed "significant information gaps", set out in Attachment 5 to its memorandum. To the extent that those relate to matters other than infrastructure access, capacity and funding, they include insufficiency of information relating to:

- a. transport modelling assumptions, network capacity, intersection performance and bridge load capacity;
- b. natural hazard risks under future climate change scenarios including sea level rise and tsunami effects over the life of the project;
- c. effects of groundwater settlement on underground infrastructure;
- d. stormwater and flooding effects beyond the site boundary. TCC is currently considering further information provided by the Applicant on these matters via the section 46 process.

[20] The draft conditions offered by the Applicant are not acceptable to TCC in their current form because they do not address the principal environmental issues or matters in dispute, in particular the infrastructure access issues. The TCC memorandum provided some constructive suggestions as to efficient processes that might assist the panel to resolve these matters. TCC did not express a view about timeframe.

[21] BPRC considers that the hydrology and flooding effects and related issues (eg asset ownership and ongoing maintenance costs) are the most complex issues for the regional consent approvals sought, with water quality and natural hazard effects also considered to be complex.

[22] The Regional Council raised significant issues with information gaps and incomplete assessments, particularly in relation to what it views as incomplete stormwater modelling and an inconsistent approach to that modelling, including by a peer reviewer. While there appears to be alignment on the main modelled scenario, modelling has yet to be completed or verified on a range of other scenarios that are relevant to effects assessments in relation to water quality and ecology (including impacts on wetlands).

[23] Further technical reviews of some application information (including

modelling undertaken to date) are being provided to the Applicant in the next few days and are likely to raise issues including:

- a. Lack of information regarding the Applicant's proposed groundwater and surface water pumping infrastructure to manage flooding effects, and the proposal to vest ownership of that system in the Regional Council. When I queried the Applicant at the conference about the information requested by the Regional Council (on matters including asset design, lifecycle costs, operational and maintenance requirements), I was advised that this information will emerge from the detailed design process that will not commence until fast-track approvals are obtained. (From the conditions attached to the application, it appears that this information will only be made available to the Regional Council for approval immediately prior to commissioning the pumping system);
- b. Whether wetland consents are triggered under the National Environmental Standards for Freshwater (and the status of some other resource consents required);
- c. The level of detail in the ecology report and the adequacy of the water quality assessment;
- d. The approach to conditions for a staged development that relies on periodic re-modelling to confirm and manage actual effects. These matters are complex and have not yet been fully discussed with the Applicant with a view to establishing an accepted framework. The Regional Council anticipates significant work will be required on conditions for the regional consents and expects that expert conferencing and a collaborative process will be required.

[24] It is clear that the primary issue of concern to the Regional Council at this stage appears to be modelling, with two separate stormwater models being used to model the pre- and post-development flood levels and extents (one owned

by the Applicant, the other owned by BPRC). The models are not directly comparable, and it is not yet clear how the differences between them (and the results they produce) will be resolved, with each model taking several days to run each scenario. While a peer review of both models has been undertaken, it did not adhere to the agreed peer review approach, with the result that the Regional Council remains unclear about the adequacy of the Applicant's model and its results.

[25] I agree with the Regional Council's concern that reconciliation and agreement on a catchment wide flood model is fundamental to ensuring the drainage system on what is acknowledged to be low-lying and flood-prone land can be managed appropriately if approvals are granted. I would like to see progress made on this issue before I fix the timeframe and determine the panel commencement date, since it has the potential to substantially hinder the panel's decision-making task and compromise its ability to meet any timeframe I might fix in the absence of greater certainty.

[26] The Regional Council proposes 90 working days for the decision-making timeframe in light of the issues it has raised and their complexity. Without reassurance that resolution of these matters can be progressed in the near future, I am inclined to agree.

Other agencies

[27] The Department of Conservation advised that the wildlife approval sought in respect of lizards is not overly complex and would have no bearing on timeframe.

[28] Heritage NZ Pouhere Taonga similarly considered that the archaeological authority sought was straightforward. There are some conditions and management plan matters to be tidied up, and these will be discussed directly with the Applicant.

Te Maru o Kaituna River Authority

[29] TMK/the Authority considers the application to be complex and is specifically concerned with the extent to which the Project might place further pressure on the wellbeing of the Kaituna River and its tributaries, and the extent to which it aligns with the vision and outcomes expressed in the Kaituna River Document, prepared under the Tapuika Claims Settlement Act 2014. The Authority has offered to brief the panel, once appointed, on the Kaituna River co-governance framework.

[30] Engagement has occurred, and TMK is confident that it will continue, but the memorandum filed lists a range of information and assessments that still need to be gathered or prepared. These include an integrated assessment of the proposal against the Kaituna River Document, assessment of water quality effects across the full lifecycle of the Project, long term performance of the proposed stormwater and wetland system, proposals to protect tuna passage and habitat, proposed measures to monitor water quality and ecosystem health outcomes, and the proposed approach to cultural health and mauri monitoring.

[31] TMK did not express a view on the appropriate number of working days but noted that time would be required for allow for coordination of responses from various iwi authorities making up the collective.

Discussion

[32] The FTAA process can be relentless once an expert panel commences work, and after that date the only participant with the ability to extend the timeframe for decision that I determine is the Applicant.⁵ While the expert panel will need to form its own view on the matters in contention and regulate their procedures as they think appropriate (in a manner that promotes the just and

⁵ Since the 2025 amendments, the Panel Convener now has the power to suspend processing in certain limited circumstances - see FTAA section 62.

timely determination of the approvals sought)⁶ their task should not be undermined by a highly constrained timeframe that cannot be amended.

[33] Bearing in mind the procedural principles in section 10, which apply to all decision makers under the FTAA including panel conveners, and the need to ensure that the application is ready in all respects to hand over to the expert panel, I am reluctant to fix the timeframe and the date for panel commencement until the Applicant (and, to some extent, the Regional Council) has provided greater clarity on a number of the key issues raised at the conference.

[34] In some cases that clarity may be achieved by the provision of additional information, but in others it will involve confirmation of progress made since the conference, and a "road map" of practical proposals and processes to commence or continue discussions and narrow areas of contention that will allow the panel to more efficiently undertake its task. Finally, some of the matters identified may be assisted by guidance from the Applicant to other participants as to where information can be found (if it has already been provided).

[35] Responding to these requests now will lead to a more efficient panel process by:

- a. Enabling me to fix a decision timeframe that accurately reflects the remaining issues likely to be in contention and the measures available to resolve those;
- b. Giving the councils confidence that the assessments they undertake for the purpose of their section 53 comments have been informed by complete, accurate and up to date information (particularly in relation

⁶ Schedule 3, clause 10 FTAA

to the modelling of stormwater and flooding effects);

- c. Minimising the need for the expert panel to issue extensive section 67 further information requests;
- d. Providing greater clarity around those issues in dispute that would benefit from expert conferencing, so that conferencing can be scheduled at an early stage following panel commencement;
- e. Ultimately enabling the expert panel to complete its evaluation and decision-making task in a more streamlined manner.

[36] In relation to the cross boundary and infrastructure connection and funding issues raised by TCC, and the information sought by the Regional Council from the Applicant in relation to groundwater and stormwater pumping infrastructure, I have not made any directions. It is clear that these matters are intertwined with the Applicant's approach to staging the development and that they will require sustained engagement between the Applicant and all local authorities. Where they cannot (in the context of a time-constrained fast track process) be resolved by negotiated development agreements, they will need to be the subject of complex conditions that include appropriate triggers for infrastructure investment at various stages of development.

[37] I strongly recommend that the Applicant and the councils commence discussions on these issues as a matter of some urgency but otherwise will leave them for the panel to wrangle as other recent fast track panels have had to do.

[38] I will address the issue of panel composition in a later minute, once the directions set out below have been complied with. I can confirm that I have now received the joint councils' nomination for the panel and will be able to move quickly to appointment and commencement at that time.

Directions

[39] In respect of the stormwater and flood modelling, I direct the Applicant and Regional Council to confer and to provide a joint memorandum to confirm:

- a. The current status of technical review of the Applicant's model and the issues and information gaps identified in that review that remain unresolved, including inconsistencies between the Applicant and Regional Council models;
- b. Any agreement reached on the steps required to resolve the issues identified in the technical review and the likely time required to do so;
- c. Any further time required to run the models for additional scenarios not modelled to date but jointly agreed to be desirable or necessary;
- d. The extent to which further technical review and effects assessments (by Regional Council experts) are dependent on the resolution of modelling issues and verification of modelling outputs, and the time that will be required to finalise those assessments once modelling outputs are confirmed. This includes assessments of stormwater and flooding effects as well as ecological and water quality assessments.

[40] In respect of water quality, I direct the Applicant to provide a memorandum that:

- a. Comments on the information gaps identified in the technical review completed by Mr Wilson for the Regional Council (summarised in the Regional Council's conference memorandum); and
- b. Confirms the extent to which the information gaps will be the subject of further assessment and whether (and when) a supplementary water quality assessment will be filed with the EPA addressing those matters.

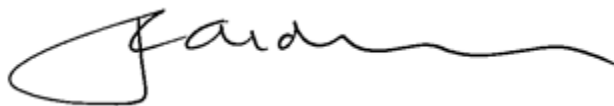
[41] In respect of the matters raised by TMK, I direct the Applicant to provide a

memorandum that:

- a. Comments on the information and assessments identified as unclear or missing in the Authority's conference memorandum;
- b. Reports on progress achieved since the conference in addressing those information gaps, in particular the lack of an integrated assessment of the Project against the Kaituna River Document;
- c. Confirms whether (and when) any further information and assessments will be provided to the EPA to address the Authority's preliminary concerns.

[42] Finally, I direct the Applicant to reconsider its request for a timeframe of 50 working days following the receipt of invited comments, and to offer an alternative timeframe that gives realistic and appropriate consideration to the issues raised at the convener conference and the views expressed by the local authorities as to the time required to resolve those issues and to reach an acceptable set of conditions.

[43] The memoranda prepared in response to these directions should be filed with the EPA by **5pm on Friday 21 August 2026** and circulated contemporaneously to the other conference participants.

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