21 July 2026

ATTN: Emma Fahey
Fast-track Application Team
Environmental Protection Authority

Tenā koe Emma

FTAA-2605-1227 – Wairakei South Fast Track Application
Bay of Plenty Regional Council (BOPRC) Response to Panel Convenor Minute 2

Thank you for the Panel Convenor Minute 2, dated 14 July 2026, relating to the Convenor's Conference set for 23 July 2026. Bay of Plenty Regional Council (BOPRC) provide the following written response to the matters set out in this Minute, including Schedules 1 and 2 and the List of Iwi Authorities in Schedule 3.

Participants at the Panel Convener's Conference

The BOPRC (as a relevant local authority) would like to confirm the attendance of:

- Danielle Petricevich, Principal Consultant – Planning (SLR Consulting NZ Ltd). Consultant Planner for the BOPRC
- Mary Pappon, Senior Planner, BOPRC.

In addition to the Iwi Authorities, Treaty Settlement Entities and other Māori groups with relevant interests identified by the Ministry for the Environment, we consider that the following iwi also have relevant interests:

- Ngāti Rangiwewehi
- Ngāti Whakaue ki Maketū.

Approvals

The Applicant has applied for a range of consents required under the Resource Management Act (RMA) and the Bay of Plenty Regional Natural Resources Plan (RNRP). In total the Applicant has identified 13 rule triggers and 21 Permitted Activities under the RNRP.

As a result of the initial technical reviews of the Application, a question has been raised with the Applicant regarding their delineation of wetlands/natural inland wetlands on the site and within 100 metres of the site. The Applicant has provided an initial response to the BOPRC. This has been reviewed by BOPRC's Consultant Ecologist for this Application (Ms Nicola Pyper – SLR Consulting NZ Ltd). Ms Pyper considers that there is insufficient information (within the Application and initial response) to determine whether there are natural inland wetlands outside of the site bounds that may be adversely impacted by the development, and as such whether resource consent(s) under the National Environmental Standards for Freshwater (NES-F) are required for activities in and/or impacting wetlands.

We have not identified any other additional rule triggers at this stage, however, do note that:

- The Applicant has assessed that resource consent is required under Rules DW R21 and DW R23 – Restricted Discretionary Activity, for the permanent discharge of stormwater from the developed landform. While the Applicant is satisfied that the discharge will not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person, it is BOPRC's view that the discharge will at least contribute to flooding and/or ponding on land owned by another person. As such, the BOPRC considers resource consent is required under DW R8 as a Discretionary Activity.
- The permanent discharge of stormwater from the site would be consented as a comprehensive catchment discharge consent, as such all of the stormwater discharged from the site requires consent as one activity (rather than some components of the discharge being consented and others being permitted).
- The construction, use and maintenance of bridges and culverts has been applied for under Controlled Activity rules. The structure(s) will be in an area that will be an urban area, therefore resource consent is required under BW R36 as a Discretionary Activity for these activities. We expect there will be no material difference in the assessment or conditions for the bridges and culverts whether they are assessed as controlled or discretionary activities, as the matters of control are also the matters which we would use to assess the effects of these activities.

Complexity

BOPRC considers the hydrology and flooding effects and related issues, such as asset ownership and ongoing maintenance costs, as being the most complex issue for the regional consents. Water quality and natural hazard effects are also considered to be complex, while the other effects/issues are less complex and are able to be dealt with through consent conditions and management plans. This has previously been communicated to the Applicant via the ongoing engagement process.

BOPRC considers that the application, in relation to hydrology/flooding effects, is highly complex due to the location of the proposal and existing environment, as:

- The site is low lying and sits within a floodplain with a high-water table.
- Flooding currently occurs across the site, with physical conditions restricting water drainage via gravity to the Kaituna River.
- The site is within the Lower Kaituna River Scheme Drainage Area and is currently serviced by a BOPRC operated flood management scheme, which enables the ongoing operation of rural farming activities in the wider area.
- The proposal requires significant earthworks to create a developable platform, resulting in floodwater displacement and the potential for exacerbating cumulative flooding effects and flood risk on surrounding land and downstream of the site.

As detailed in the issues (below), there are also a number of additional matters that create further complexity in relation to this application. In summary these include:

- Modelling undertaken to assess the effects and ensure appropriate mitigation measures can be implemented, including incomplete modelling of relevant scenarios.
- Staged nature of the proposal.
- Hydrology/flooding mitigation measures proposed.
- Asset ownership and vesting processes.
- Water quality effects assessment and mitigation measures.
- Consent conditions.

Adding to the complexity of the application, is the volume and technical nature of the application. Given the complexity of the application (particularly in relation to hydrology/flooding effects, and

potentially water quality and natural hazards, asset ownership and maintenance), it is recommended that the Panel direct expert conferencing to try and narrow issues on these technical matters. Given some of the modelling scenarios are yet to be completed, it is likely that multiple rounds of expert conferencing would be required. It may also be helpful for expert conferencing of the planners on consent conditions to narrow any areas of disagreement.

Issues

Modelling of hydrology/flooding effects

The proposal and the effects assessment relating to hydrology/flooding is further complicated by the technical nature of the evidence related to these effects, including use of two separate stormwater models (one owned by the Applicant and one owned by BOPRC) to model the pre- and post-development flood levels and extents. However, it is acknowledged that this is complicated by the fact that the models are not directly comparable. We have not yet been able to confirm how such differences between the models and/or modelling results will be resolved. The complexity of the floodplain hydraulics is illustrated through the fact that both models take several days to run each scenario.

The proposed stormwater pumps will be an integral part of the drainage network that currently services the surrounding area, as well as the south-eastern parts of Pāpāmoa. It is not anticipated that these will be easily separated from existing drainage assets, and the infrastructure needs to be assessed and managed on catchment-wide basis. Reconciliation and agreement of a catchment wide flood model is fundamental to ensuring the drainage system is managed appropriately and consistently.

While the details provided by the Applicant indicate similar requirements to mitigate the 1% AEP design event in both models, there are differences between the outputs of the two models for all other scenarios e.g. spatial distribution of effects, including but not limited to:

- Low flow pumping
- 2-, 5-, 10-, 20-, and 50-year events
- Assessment of extreme events, such as:
    - Pump failure and floodplain displacement effects
    - Failure of adjacent stopbanks; and
    - 500-year event (0.2% AEP).

A technical review of the hydrology and flooding effects is in progress (and being undertaken by Mr Bill Noell, Technical Director, Pattle Delamore Partners). Mr Noell's role is complicated by the fact that he has not been involved in the stormwater modelling but requires a level of understanding of the modelling to be able to confirm the effects have been assessed appropriately. It was initially thought that the peer review of the two models by AWA would assist with reconciling the two models. However, the peer review process was not undertaken in accordance with the agreed peer review scope, meaning that the BOPRC is still unclear about the adequacy of the Applicant's model and the conclusions reached.

We would also like to highlight that:

- Accurate modelling to assess flood hazard effects is important to understand the risk and magnitude of potential effects:
    - Property damage, including effects on productive land.
    - Residential property flooding.
    - Effect on lifelines.
    - Social and cultural effects.

- Modelling does not take into account the increasing area of impervious surfaces allowed through resource and building consents, within the Pāpāmoa East area (authorised but not yet fully implemented).
- Modelling does not take into account the authorised (but not yet implemented) overflow discharge to the Kaituna River from the Pāpāmoa Comprehensive Stormwater Consent held by Tauranga City Council.

Stormwater Pumping

The proposal relies on groundwater pumping to maintain necessary in-catchment storage in wet years and/or winter conditions, and on substantial surface water pumping infrastructure to manage flooding effects. The proposal represents a departure from established New Zealand (and international) stormwater practice by relying on permanent pumping and active management to replace natural floodplain function. While conceptually workable, it introduces long-term operational, financial and resilience risks that have not yet been adequately quantified.

Staging

There are also a number of concerns relating to the staged proposal, which increase the complexity of the proposal, as follows:

- The duration of works over the stages and proposal to remodel hydrology/flooding effects and mitigation measures, including the technical nature of this and ability to undertake technical reviews of this to certify the effects are being managed in accordance with the proposal and conditions of consent.
- The need to ensure that infrastructure is adequately provided across the development, prior to each stage of the development occurring.
- The stormwater wetland and swales appear to be constructed over all 18 stages, resulting in prolonged earthworks in a flood prone area.
- The development becomes financially unviable or is otherwise incomplete, with infrastructure partially constructed and effects not being adequately addressed.

Asset Ownership

The proposal is further complicated by the Applicant's intention that any pump station(s) be vested in BOPRC's Rivers and Drainage (R&D) Team following construction. Despite repeated requests, the Applicant has not provided sufficient information on asset design, lifecycle costs, operational and maintenance requirements, or the proposed vesting process, instead relying on future consent conditions.

This lack of information creates significant uncertainty for the R&D Team, particularly given the reliance on future modelling and a staged approach to managing effects. Without a verified hydraulic model, full lifecycle assessment, and evidence that the proposal represents the best practicable option, there is insufficient certainty that sustainable flood hazard and stormwater management outcomes will be achieved.

The proposed pumping system would introduce significant long-term operational and maintenance obligations, require upgrades to existing BOPRC infrastructure, and become integrated with a flood protection scheme that currently provides a level of service for rural land use. The absence of capital and operational cost information prevents a full assessment of the system's long-term viability and creates uncertainty regarding future liabilities and cost recovery arrangements. If the assets were transferred to BOPRC, a Council-led rating review process may also be required at a time when the Government are proposing a cap on rates increases.

Importantly, any decision for BOPRC to accept ownership of the assets would require Councillor approval, supported by detailed staff assessment of the asset design, lifecycle costs, operational requirements, vesting implications, cost recovery mechanisms and long term suitability. Until this information is available, the R&D Team cannot be satisfied that acceptance of the assets is appropriate given the ongoing use of ratepayer funds in managing and maintaining the infrastructure.

Water Quality

The engineering technical review by Mr Noell has raised concerns about the adequacy of the stormwater treatment requirements to achieve the necessary water quality performance standards. This is also reflected within the water quality technical review completed by Mr Pete Wilson (SLR Consulting NZ Ltd), as the proposed stormwater treatment train does not include pretreatment before runoff enters the treatment swales and wetlands, as recommended in the Stormwater Management Guidelines for the Bay of Plenty region (2012).

The water quality technical review also identifies that:

- The characterisation of the existing environment is based on limited and historical data not in appropriate locations.
- The assessment of effects does not consider all activities which may impact water quality e.g. activities in waterways and the impacts of pumping on water quality, the assessment does not include a quantitative or semi-quantitative assessment of changes in contaminant concentrations, or the effects of sedimentation.
- There is no identification of practicable contingency measures that could be implemented if monitoring identifies inadequate performance.
- The proposed monitoring regime is inadequate to adequately monitor the effects of the stormwater discharge on the receiving environment.

Overall, there is very little information within the water quality effects assessment and therefore this is identified as a gap in the application.

Consent Conditions

BOPRC has restarted reviewing the draft consent conditions lodged with the EPA (following an initial review of draft conditions as part of the pre-application engagement) and have not yet discussed any suggested changes with the Applicant.

The Applicant's flood model is yet to be verified. As such, further work on the model will be required and will require peer review. It is noted that stormwater modelling and the final stormwater management solution(s) should be compatible with a consistent catchment-wide approach, developed and implemented in consultation with the relevant consenting authorities and infrastructure owners. This process should be reflected within the consent conditions.

The conditions required to appropriately manage and monitor the effects of the proposal will be complex, especially considering the Applicant's proposed approach to providing the detailed information through consent conditions, management plans, iterative stormwater modelling and the submission of detailed design drawings. As currently drafted, we anticipate that significant work is required to ensure the conditions appropriately capture the information and processes required to ensure the effects are appropriately mitigated. This will be particularly complex for effects associated with hydrology/flooding.

If the Panel wishes to have a comprehensive set of conditions agreed by the expert planners, this is likely to require expert conferencing and a collaborative process involving several iterations of drafting and refinement.

Panel Membership

Given the complexity of the proposal, including the technical nature of the hydrology/flood modelling and effects assessment, we highly recommend that the Panel membership includes an experienced planner and suitably qualified and experienced engineer. For the engineering panel member, it would be useful for them to have experience across multiple disciplines relating to both regional and district issues such as hydrology/flooding, geotechnical, earthworks / erosion and sediment control, and civil engineering.

We are not aware of any matters that would justify the appointment of more than four panel members. Should the Panel require further assistance with specific technical matters, such as stormwater modelling, water quality or ecology, it is suggested that appropriately qualified technical experts could be engaged to provide specialist advice.

Procedural Requirements

BOPRC have engaged a range of technical experts to support our participation in the Fast-track process. These people have been briefed and have reviewed the relevant parts of the application.

BOPRC recommend that expert conferencing on hydrology/flooding effects is initiated as soon as possible, so that issues can be narrowed and reported back to the Panel early in the process. This could help with comments to the Panel, further information requests and drafting of conditions. As mentioned above, we would also see expert conferencing between planners on consent conditions as being useful.

Given the complexity and technical nature of the application, as outlined above, BOPRC requests a decision-making timeframe that appropriately reflects, as summarised below:

- BOPRC has requested technical information from the Applicant that has not yet been provided.
- The hydrology/flooding effects technical review is expected to identify information gaps, potential further information requirements, and inconsistencies between the modelling undertaken by the Applicant and BOPRC.
- The Applicant's proposed approach would defer key information requirements to consent conditions and management plans. If the proposal remains as such, significant work to the conditions will be required.
- The Panel and relevant agencies inputting into the process will need sufficient time to properly consider the range of matters within the proposal before a decision is made.

We suggest a timeframe of 90 days following receipt of comments, is provided for the consideration of the application.

Nā māua noa, nā

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[redacted]

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