

WAIRĀKEI SOUTH PROJECT
FTAA-2605-1227

UNDER the Fast-track Approvals Act 2024

IN THE MATTER of an application by **BELL ROAD LIMITED PARTNERSHIP** for resource consents, a wildlife approval and an archaeological authority for the Wairākei South development in Pāpāmoa, Tauranga

BELL ROAD LIMITED PARTNERSHIP

Applicant

**MEMORANDUM OF COUNSEL FOR APPLICANT IN RESPONSE TO
MINUTE 2 OF THE PANEL CONVENER**

DATED 21 JULY 2026



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MAY IT PLEASE THE CONVENER:

Introduction

1. We act for Bell Road Limited Partnership (“BRLP”), the applicant for the following authorisations (collectively, “authorisations”) in respect of the Wairākei South development (“Project”) under the Fast-track Approvals Act 2024 (“Act”):
 - (a) Various regional and district resource consents (overall bundled as a non-complying activity) under the Resource Management Act 1991;
 - (b) A wildlife approval under the Wildlife Act 1953, relating to potential encounters with native skinks during earthworks (noting that no native skinks were identified during ecological surveys, although areas of potential copper skink habitat were identified); and
 - (c) A general authority to modify or destroy the whole or any part of an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014, to address any accidental discoveries of archaeological sites.
2. This memorandum responds to Minute 2 of the Panel Convener (“Convener”) dated 14 July 2026 (“Minute”), by which the Convener:
 - (a) Set down a Convener’s conference in respect of the substantive application for the Project, to be held at 10am on 23 July 2026;
 - (b) Invited various parties (including BRLP) to participate in that conference; and
 - (c) Required all participants to file a written response addressing the matters set out in the Minute by 5pm on Tuesday 21 July 2026.
3. On behalf of BRLP, we accordingly address the matters from the Minute, as follows.

Timeframe for a decision

4. BRLP respectfully requests that an appropriate timeframe for the Panel set up by the Convener under section 50 of the Act (“Panel”) to issue a decision on its application¹ would be 50 working days after the date specified for receiving comments under section 53 of the Act.
5. BRLP considers such a timeframe is appropriate for the Project, having regard to the matters set out in paragraph 5 of the Minute and paragraphs 1 and 2 of Schedule 1 to the Minute, as follows:
 - (a) Given the time and extensive consultation undertaken in preparing the application, as well as the application’s comprehensive coverage, BRLP does not consider there are any significant gaps in the information provided with the application. To the extent the Panel considers it requires further information to determine the application, BRLP (or other experts/parties involved) should comfortably be able to prepare and provide that information, within the 50 working day timeframe BRLP has suggested.
 - (b) The Project is significant, in that it proposes the staged establishment of a large-scale master-planned community (2,729 residential lots and approximately 50ha of industrial/

¹ As the Convener is required to set under section 79 of the Act.

employment land) over 349.2ha of contiguous land. That said, the application is not overly complex for a Project of this nature and scale, in that the application:

- (i) Does not involve any novel, difficult or untested legal issues, or engage either constitutional law or public law;
 - (ii) Is for approvals under multiple Acts, but none of the approvals required are uncommon, unusual or out of the ordinary; and
 - (iii) Requires assessment of a large volume of technical evidence across a range of disciplines (including three waters, cultural/heritage, transport, ecology, economics, contamination, urban design, geotech, landscaping, hydrogeological, hazard assessment, HPL assessment and planning), but none of the factual or opinion evidence involved or which needs to be considered by the Panel is exceptional or unexpected in the context of a large-scale urban development, or relates to a unique/highly specialised subject matter.
- (c) As set out in detail in paragraph 8 below, BRLP has undertaken a comprehensive consultation and engagement process prior to lodging its application. That process is ongoing and has enabled BRLP to pro-actively identify, respond to and where possible resolve or narrow, the scope of issues that the Panel need to determine.
- (d) There no matters arising from the engagement/consultation undertaken to date on which BRLP considers there is a fundamental or intractable difference between the parties, or which present a critical impediment to granting the authorisations. The potential effects of the Project and matters raised during consultation are all consistent with what might be expected for a proposal of this nature and scale, such as:
- (i) Strategic planning alignment;
 - (ii) Infrastructure servicing and modelling methodologies; and
 - (iii) Ensuring the Project can appropriately integrate with its surrounding environment, in a manner that respects iwi interests in the relevant area and without causing any undue adverse effects.
- (e) BRLP therefore considers expert conferencing, mediation and/or hearings on discrete topics will provide efficient mechanisms to sufficiently enable the Panel to understand and resolve issues in contention as necessary, within the timeframe proposed.
- (f) A set of draft conditions has been prepared and provided with the application. Those conditions have been socialised with the relevant local authorities and/or prepared with a view to addressing the matters those Councils have raised during consultation. While the draft conditions will require further discussion and refinement during processing of the application (and as such have not been “finally agreed” by any of the relevant local authorities), BRLP understands that work can comfortably accommodated within the timeframe proposed.
- (g) Such a timeframe would be consistent with that provided in respect of previous proposals of a similar nature and scale, which have been processed under the Act.

Composition of the Panel

6. Having regard to the above (and with respect to the matters set out in paragraph 7 of the Minute and paragraph 4 of Schedule 1 to the Minute), BRLP respectfully suggests that an appropriate composition of the Panel to determine its application would be:
 - (a) One lawyer;
 - (b) One planner; and
 - (c) One other technical expert, preferably with engineering/infrastructure (and specifically stormwater engineering²) experience.
7. BRLP does not consider that there are any factors relating to its application which warrant the appointment of four (or more than three) Panel members, given:
 - (a) The circumstances applying to the Bay of Plenty Region (and specifically, the Western Bay of Plenty sub-region);
 - (b) The number of fast-track applications which currently need to be considered in the Bay of Plenty region (and specifically, the Western Bay of Plenty sub-region);
 - (c) The nature and scale of its application; or
 - (d) Any matters unique to any relevant iwi participation legislation.

Issues raised during pre and post-lodgement engagement/consultation

8. With respect to paragraph 3 of Schedule 1 to the Minute:
 - (a) BRLP has undertaken a comprehensive consultation and engagement process prior to lodging its application, with iwi, local authorities, landowners and other key stakeholders. That consultation process is ongoing and aims to ensure transparency, accountability and responsiveness to stakeholder feedback. Full details of the consultation undertaken pre-lodgement are provided in Appendix AB of the application. As noted, this consultation is ongoing post-lodgement, with the intent to continue clarifying and resolving any items that remain outstanding or on which there are differing expert opinions, in advance of formal comments being received and/or requests for further information being made under the Act.
 - (b) BRLP has used the key themes and matters raised during the consultation to pro-actively inform and refine the Project, as appropriate.
 - (c) For iwi, Te Kapu o Waitaha have advised as follows, in the Cultural Impact Assessment that they have provided regarding the Project:

TKOW support the Wairākei South development in principle, including the activities required to enable it. However, this support is enabled through, and dependent on, the ongoing application of the relationship framework outlined

² Noting that of all the matters raised during consultation on the Project to date, stormwater design and treatment is the one that BRLP considers has raised the most interest, comment and debate with the relevant local authorities in particular.

in Section 10, ensuring that cultural values are actively integrated into design, decision-making, and implementation.

- (d) Further, letters of support for the proposal have been provided by Armer Farms (NI) Limited, Graham and Julie Thompson, Marie and Matt Went, Tranz Port NZ Limited, Phillip and Andrew Dovaston and Perpetual Guardian Trust. Powerco Limited has also indicated a neutral position regarding the Project. At this stage, no party has formally advised it opposes the Project.
- (e) As noted above, as a result of the extent of consultation it has undertaken, BRLP understands there are no fundamental or intractable differences between the parties, or which present a critical impediment to granting the authorisations.
- (f) Accordingly, BRLP does not anticipate that there will be any issues raised by the Panel or those invited to comment on its application which cannot be resolved, including by way of appropriate consent conditions.
- (g) BRLP's application does not include any activity which is the same or similar to one previously lodged with any consent authority.
- (h) There are no other statutory processes either already in train or required to be undertaken/completed in respect of the Project, which coincide with the 30-working day time period under section 79(1)(b) of the Act or otherwise.

Other procedural matters

- 9. With respect to paragraph 6 of Schedule 1 to the Minute:
 - (a) The appropriate timeframe for the Panel's decision is addressed in paragraphs 4 and 5 above.
 - (b) BRLP is willing and ready to engage with the Panel as necessary, to assist the Panel to progress the application efficiently. It has also ensured all its experts will be available as needed while the application is being processed, for that purpose. To be clear, the engagement and assistance that BRLP will provide to the Panel includes (but is not limited to) undertaking the following as required (and on short notice, as necessary):
 - (i) Preparing briefings and/or further information to the Panel; and
 - (ii) Attending meetings, conferencing or hearings.
 - (c) BRLP agrees to attend expert conferencing and/or wānanga as required, at any point in the fast-track process (including before the appropriate parties are invited to provide written comments on its application). At this stage (and subject to reviewing other parties' responses to the Minute), BRLP does not consider there are any matters or issues which need to be the subject of expert conferencing and/or wānanga now, or as a priority. It considers that the need for such processes can be reviewed and accommodated once written comments on its application are received from invited parties. However, it notes that infrastructure (particularly stormwater) and planning are the issues most likely to require (or benefit from) expert conferencing, going forward.

- (d) Similarly, BRLP does not consider there are any matters or issues which need to be the subject of mediation now, or as a priority. It is, however, open to the use of mediation and attending mediation, as the Panel may consider appropriate.
 - (e) There are no disputed facts, issues regarding the proposed conditions or legal issues which BRLP is already aware of which need (or would be best resolved by) a formal hearing process. But again, BRLP is open to having a hearing on any discrete issue(s), as the Panel may consider appropriate.
10. We trust the above is of assistance to the Convener. Both counsel and BRLP are grateful for your consideration of this matter.

DATED at Auckland this 21st day of July 2026



H C Andrews
Counsel for Bell Road Limited Partnership