

WAIRAKEI 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 Wairakei South development in Pāpāmoa, Tauranga

BELL ROAD LIMITED PARTNERSHIP

Applicant

**JOINT MEMORANDUM OF COUNSEL FOR THE APPLICANT AND
THE BAY OF PLENTY REGIONAL COUNCIL
IN RESPONSE TO MINUTE 5 OF THE PANEL CONVENER**

DATED 29 SEPTEMBER 2026



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MAY IT PLEASE THE CONVENER:

Introduction

1. This joint memorandum responds to the Panel Convener's ("Convener") Minute 5, dated 4 September 2026 ("Minute 5"). Specifically, it responds to the following directions at paragraph [8] of Minute 5:
 - (a) The Applicant (being Bell Road Limited Partnership, "BRLP" or "Applicant") and Bay of Plenty Regional Council ("BOPRC") should provide a joint memorandum setting out:
 - (i) Progress made to date on the two workstreams identified in their previous Joint Memorandum and an update on the expected timeframe for completion of the work; and
 - (ii) Progress made on narrowing any further issues between them on issues of stormwater and flood hazard modelling.
 - (b) All participants may, if they wish, file an additional memorandum setting out the status of other issues that, in their view, remain unresolved following the provision of the further information in response to the Convener's Minute 3, dated 5 August 2026 ("Minute 3").

Progress made on stormwater/flooding workstreams and related issues ([8(a)] of Minute 5)

2. As outlined in the joint memorandum attached as Annexure A to the Applicant's Memorandum of Counsel dated 21 August 2026 ("August Memo"), the two agreed workstreams to address stormwater and flood modelling issues are as follows:
 - (a) Validation of BRLP's Model:

BOPRC and BRLP have agreed to a model validation workstream (which is subject to BOPRC acceptance of validation scope). The model validation workstream was discussed between BOPRC and BRLP's technical stormwater experts, and it has been agreed that BOPRC would assist with providing relevant available data required to undertake the validation. Maven will undertake the model validation and update the floodplain effects assessment results based on the outcomes of the validation.
 - (b) Proposed Pumping Infrastructure - CAPEX, OPEX and Lifecycle Cost Assessment:

The parties have agreed to progress a workstream to assess the capital expenditure, operational expenditure and lifecycle costs associated with the proposed pumping infrastructure. This will include consideration of the potential financial implications of vesting the pumping infrastructure in BOPRC ownership and is intended to inform BOPRC's position on the proposed ownership and ongoing management arrangements. The assessment may require BOPRC input on existing and planned pumping infrastructure upgrades within their region and relevant costing assumptions to inform the development of the scenarios. The BOPRC will provide this information where possible.
3. The update in respect of progress of those respective workstreams is as follows.

Validation of BRLP's Model

4. The parties commenced progressing the required actions for the validation of BRLP's model, in accordance with the programme set out in Annexure A to the August Memo. However, the parties have now agreed that this workstream can most effectively and efficiently be progressed by way of facilitated expert conferencing.
5. This conferencing has now been arranged for 16 October 2026 (or such alternative date as close as possible to 16 October suitable to all participants), to be facilitated by Marlene Oliver. While the wording of the agenda has not yet been finalised, the parties have agreed that the conferencing will address the following matters:
 1. *Scenario identification: Identification of the particular scenario(s) required to be modelled to enable an assessment of the Proposal's Effects (Identified Scenarios).*
 2. *Suitability: Suitability of the model to enable an assessment of the Proposal's effects in relation to the Identified Scenarios.*
 3. *Workstreams: Identification of any updates required to the Applicant's model (Updated Model) to confirm its suitability for each of the Identified Scenarios.*
 4. *Validation: Identification of any further processes required to confirm the suitability of the Updated Model for each of the Identified Scenarios.*
 5. *Success: Identification of specific factors which would confirm the suitability of the Updated Model for each of the Identified Scenarios.*
 6. *Process: Identification of any procedural steps which will assist in informing the parties and the Panel Convener on the matters above, including any further information required, timeframes for each key step, and who is responsible for them.*
6. The outcome of the conferencing will be a joint witness statement to be provided to both the Convener and Panel, which complies with the Code of Conduct for expert witnesses from the Environment Court Practice Note 2023. It will therefore identify both areas of agreement and disagreement (including reasons), together with the steps that the experts propose should be taken to resolve any remaining areas of disagreement. The conferencing issues are framed broadly, to enable a discussion of the five outstanding action points (from a total of 117) that were identified from the Awa peer review, where those require substantive discussion (rather than the simple exchange of information).
7. The parties will provide this joint witness statement to the Convener and all other participants (together with any other appropriate update), immediately following its finalisation after the conclusion of the caucusing. That update will include the proposed timeframe for completion of any agreed further work, so the Convener has certainty as to whether that remains on track for delivery by early November 2026.

Proposed pumping infrastructure

8. BOPRC has previously requested information relating to the capital and operational costs associated with the Applicant's proposed pumping system, which the Applicant proposes will

vest in Council.¹ To assist it with providing this information, BRLP have requested that BOPRC provide information relating to examples of other similar schemes, to ensure the information is presented a format that is comparable to existing examples of BOPRC owned pumping infrastructure. BOPRC responded on 23 September 2026 indicating that information relating to specific examples of other systems was unlikely to provide a helpful comparator and would take some time to compile. BOPRC advised that it would be acceptable for the applicant to provide a CAPEX/OPEX assessment in accordance with best practice, and provided a draft list of cost categories that should be considered as part of any lifecycle cost assessment for the relevant infrastructure. BOPRC seeks to ensure that the relevant cost categories are included, rather than prescribing how the applicant should undertake the assessment.

9. BRLP is currently working through the list of required information it has been provided by BORPC to provide the best CAPEX/OPEX data and lifecycle costs assessment it can, given the response it has received from BOPRC. Noting that in the circumstances and given the timeframes/staging involved for the project, this issue may inevitably need to be at least partly resolved via consent conditions. BRLP is on-track to have this information back to BOPRC in accordance with the programme set out in Annexure A to the August Memo.

Progress on other related stormwater/flooding issues

10. The proposed expert caucusing, which is expected to provide direction regarding the remaining action points from the Awa peer review, is expected to significantly narrow (if not fully resolve) all the issues between the parties regarding stormwater and flood hazard modelling (noting that it will not address the assessment of effects relating to stormwater and flood hazard). Where it does not, the joint witness statement will clearly identify the scope of matters that remain outstanding, as well as a recommended pathway and indicative timeframe for seeking to resolve those.

Other issues remaining unresolved following responses to Minute 3 ([8(b)] of Minute 5)

11. The two other substantive issues raised by BOPRC in advance of the initial Convener Conference, and which remain unresolved following the provision of responses to Minute 3, were whether further work is required to either:
 - (a) Determine whether there are natural inland wetlands outside of the application site that may be adversely impacted by the development and if so, whether resource consent(s) are required for the Wairakei South project under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020; and/or
 - (b) Adequately assess the project's potential water quality effects, given BOPRC is unsure if the proposed stormwater treatment is sufficient to achieve the necessary water quality performance standards.
12. The parties have agreed as follows:
 - (a) Expert conferencing between the parties' ecologists would also be useful regarding wetland delineation and related issues. The parties are currently confirming whether this will occur informally, or be subject to facilitated conferencing by Marlene Oliver on or around 16 October; and

¹ BOPRC letter to the EPA dated 28 May 2026.

- (b) Potential water quality effects may either be addressed at the expert conferencing on stormwater and flooding matters, given the related nature of those issues, or at a separate conference facilitated by Marlene Oliver on or around 16 October. That matter will be the subject of a separate joint witness statement arising from the conferencing on those separate but related issues.
13. Both the Applicant and BOPRC agree that in light of the update and matters outlined above, neither party wishes to (or will be) filing their own separate memorandum setting out any further issues that, in their view, remain unresolved following the provision of the further information response to the Convener's Minute 3.

Concluding comments

14. While not the subject of any directions in Minute 5, BRLP notes that in addition to the above, it has of course continued to progress the outstanding matters with other participants that were identified for the initial Conveners Conference on 23 July 2023. BRLP is of course ready to provide the Panel with a comprehensive review of that progress and what (if any) matters remain outstanding as a result, once the Panel is stood up.
15. Both counsel and their respective clients are grateful for your attention to this matter and trust the above is of assistance.

DATED this 29th day of September 2026



Helen Andrews
Counsel for Bell Road Limited Partnership



Mary Hil.
Counsel for the Bay of Plenty Regional Council