

BEFORE THE PANEL CONVENOR

Under The Fast-track Approvals Act 2024 (**FTAA**)

In the matter of Application FTAA-2605-1227 to develop rural land at Wairakei South for residential, commercial, and industrial use, including up to approximately 2,000 to 3,000 residential allotments, approximately 60 to 80 hectares of new industrial land, stormwater corridors and management areas, and a State Highway Buffer Reserve (**Application**)

Memorandum on behalf of Tauranga City Council

21 July 2026



PO Box 105147
Auckland 1143

Solicitor: T Fischer
E: tim.fischer@ricespeir.co.nz
M: +64 (21) 942295

Memorandum on behalf of Tauranga City Council

1. Introduction

- 1.1 Minute 2 from the Panel Convener dated 14 July 2026 scheduled a panel convenor's conference for 23 July 2026 at 10am. Minute 2 requested the participants to file a written response to the matters set out in the Minute along with confirmation of attendance by 5pm on 21 July 2026. The matters requiring a response are set out in paragraph [5] and Schedule 1 of Minute 2.
- 1.2 The purpose of this memorandum is to:
 - a. Outline the interest of Tauranga City Council (**TCC**) in the Application;
 - b. Confirm TCC's standing to be involved in the process and make comments;
 - c. Provide TCC's responses to paragraph [5] and Schedule 1 of Minute 2; and
 - d. Confirm attendees on behalf of TCC for the panel convenor's conference.
- 1.3 TCC respectfully requests that this memorandum be passed on to the Expert Panel once appointed.

2. TCC's interest in the Application

- 2.1 Tauranga City and the broader Western Bay of Plenty sub-region face significant urban and population growth pressures. TCC supports the Wairakei South proposal in principle because it could play a significant role in managing these growth pressures. However, this is subject to appropriate management of on-site and off-site effects (such as stormwater, flooding and natural hazard management), and cross-boundary infrastructure funding and financing matters being resolved.
- 2.2 TCC has a significant and direct interest in the Wairakei South proposal due to its scale, location, and purported reliance on infrastructure and services owned and controlled by TCC or located within Tauranga City.
- 2.3 The Application represents a large-scale urban development on Tauranga City's urban boundary. In practical terms, if developed, Wairakei South will function as an extension of the Tauranga urban area and operate as a *de facto* suburb of the City. However, the majority of the site lies outside TCC's jurisdiction within the Western Bay of Plenty District, creating a misalignment between the location of

the development and the infrastructure and community amenities and services it will depend upon.

- 2.4 TCC considers that this gives rise to complex cross-boundary issues, particularly in relation to infrastructure provision and funding. Of particular note, the proposal contemplates direct connections to TCC owned water supply infrastructure and the transport network within Tauranga City. These networks have been planned, funded, and delivered to support existing and planned growth within Tauranga City, including the Te Tumu urban growth area, which provides for approximately 6,500 dwellings and 60 hectares of business land.
- 2.5 The capacity of this infrastructure is finite. The introduction of a development of the scale proposed at Wairakei South has the potential to compromise the efficient and timely development of Te Tumu or alternatively require substantial additional unplanned infrastructure investment and accelerated delivery of planned infrastructure investment. This is not addressed by current funding mechanisms or agreements between the respective parties and consequently there is a risk that costs may fall, directly or indirectly, on TCC and its ratepayers and developers, contrary to TCC's established "growth pays for growth" approach and TCC's obligations under the Local Government Act 2002 to act in a financially prudent manner.
- 2.6 Broader community infrastructure effects are also anticipated. Future residents of Wairakei South are likely to place significant demand on TCC's parks, reserves, and community facilities due to their proximity and functional integration with the Tauranga urban area. These effects are not readily addressed through existing rating, development contribution or funding mechanisms given the cross-boundary context.
- 2.7 Despite ongoing engagement at both officer and elected member / Mayoral levels, key matters relating to infrastructure provision, funding and financing remain unresolved between TCC, the developer and Western Bay of Plenty District Council (**WBOPDC**). In light of these unresolved issues, access to TCC's water supply and the transport networks within Tauranga City is not available to the proposal. That is the position on account of TCC's ownership and control of the proposed water supply and arrangements in relation to the Papamoa East Interchange.

- 2.8 Currently TCC and WBOPDC are working in good faith on a potential Head Start application (voluntary pathway for local government reorganisation), which may lead to a different local governance arrangement. This could potentially address some of the cross-boundary issues, although they could not be fully resolved for the reasons below.
- 2.9 A joint water services organisation with WBOPDC is currently being established with incorporation likely this calendar year, and operational commencement from 1 July 2027. Any waters infrastructure delivered by developers and landowners from 1 July 2027 will be vested to the new water organisation.
- 2.10 TCC and WBOPDC have both passed resolutions (through the process to establish a joint Water Organisation) to progress good faith negotiations to agree to growth related funding agreements for waters infrastructure and services. In addition, TCC has resolved to progress good faith negotiations with WBOPDC to agree growth related funding agreements for non-water infrastructure and services. TCC has also resolved that, in the event that an agreement is unable to be reached with WBOPDC by 31 March 2027, TCC will consider options to preserve its financial interests and ensure a fair and equitable position. One of the options which has been discussed is to restrict access to the water supply unless the cross-boundary issues are resolved.
- 2.11 The following issues would remain irrespective of local authority boundaries and whether waters infrastructure is vested in the new water organisation:
- a. the timing of development approvals under the FTAA process and the current territorial boundaries would mean that the development has not been required to contribute to the capital costs required to serve the development under the usual funding mechanisms (through the issuing of a development contributions requirement when resource consent is granted by the relevant consent authorities), meaning that growth is not paying for growth; and
 - b. Te Tumu and other planned growth currently within TCC's district could still be compromised because existing infrastructure lacks sufficient capacity and is not planned and funded to accommodate Wairakei South.
- 2.12 TCC is well placed to assist the Expert Panel by providing more detailed information on these matters. TCC's involvement will ensure that the Expert Panel is fully informed of the implications of the proposal for existing and planned

infrastructure, funding frameworks and the sustainable management of growth across the sub-region.

3. TCC's standing to be involved in the process and make comments

3.1 Relevantly, s 53 of the FTAA includes mandatory requirements for comments to be invited from:

- a. the relevant local authorities – s 53(2)(a)
- b. the owners of the land to which the substantive application relates and the land adjacent to that land – s 53(2)(h)
- c. any requiring authority that has a designation on land to which the substantive application relates or on land adjacent to that land – s 53(2)(l)

3.2 Under s 53(3), the Expert Panel also has the discretion to invite comments from any other person it considers appropriate.

TCC is a relevant local authority – s 53(2)(a)

3.3 TCC has to-date been treated as a relevant consent authority for the purposes of consultation on the completeness and scope of the Application under s 46 of the FTAA. That is the correct approach because part of the project area falls within TCC's jurisdiction.

3.4 There is a mandatory requirement for comments to be invited from “the relevant local authorities” under s 53(2)(a). “Relevant local authority” is defined in the FTAA as follows:

relevant local authority, in relation to a referral application or substantive application,—

- (a) means any local authority whose region or district the project area is in...

3.5 “Project area” is in turn defined as follows:

project area means the whole or any part of the geographical location in which a project is to be undertaken

3.6 “Project” is defined as follows:

project—

- (a) means,—

- (i) in relation to a listed project, the project as described in Schedule 2:
- (ii) in relation to an unlisted project,—

(A) the project as described in the referral application for the project or, if the referral application is yet to be lodged, as it will be described in the application; or

(B) if the project has been referred, the project as described in the notice under section 28; and

(b) includes any activity that is involved in, or that supports and is subsidiary to, a project referred to in paragraph (a)

3.7 The Application site includes:

a. part of Section 26 on SO Plan 427562, as comprised in Record of Title 624307; and

b. part of Lot 2 Deposited Plan 537375, as comprised in Record of Title 893644.

3.8 The local authority boundary is marked on the respective land transfer plans attached to those Records of Title. The Records of Title are included as **Attachment 1**. The land transfer plans clearly show that the Application site includes land that falls within TCC's district. Part of the project area is therefore within TCC's district.

3.9 However, the "project area" is not necessarily confined to the Application site, because it is defined to mean the geographical location in which a "project" is to be undertaken, and "project" is broadly defined to include "any activity that is involved in, or that supports and is subsidiary to" a listed project as described in Schedule 2 of the FTAA.

3.10 The Application includes a proposed connection and upgrades to the Papamoa East Interchange, and various upgrades to other parts of the surrounding transport network within TCC's district.¹ Those upgrades include lengthening of the Domain Road Northbound on ramp, additional lanes on The Sands Avenue, upgrades at Te Okuroa Drive/The Sands Avenue intersection, an Eastbound PEI bypass lane, Latham Drive connection and free left turn lanes on The Sands Avenue southern approach and The Boulevard eastern approach to the signalised intersection.

3.11 These are activities that are involved in, support and are subsidiary to the listed project, meaning they should be treated as part of the "project" and in turn part of the "project area" under the respective definitions.

¹ Table 7: Summary Mitigation and Staging

3.12 TCC is therefore a relevant local authority for the purposes of s 53(2)(a) of the FTAA. In summary, that is because part of the Application site and some of the proposed transport upgrades are part of the project area that falls within its district (on its own, either would be sufficient to qualify TCC as a relevant local authority).

3.13 However, the majority of the project area falls within WBOPDC's territory. TCC is therefore not the primary consent authority and TCC intends to focus its involvement on cross-boundary issues and other issues of ongoing relevance to TCC.

TCC owns land adjacent to the land to which the Application relates – s 53(2)(h)

3.14 TCC is the owner of land adjacent to the Application site. The Environmental Protection Agency's guidance on the FTAA sets out the meaning of "adjacent" as follows:

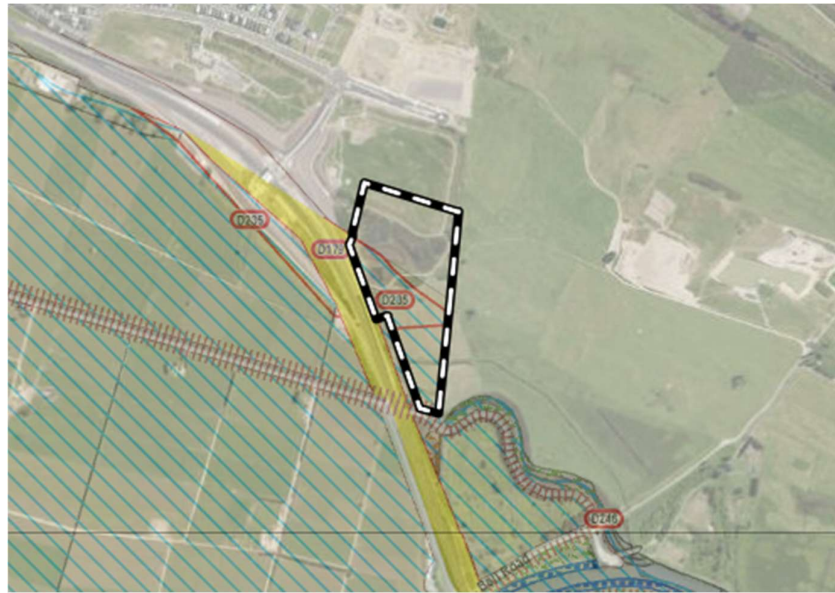
Adjacent land can be land that is near or next to land to which the substantive application relates ("application land").

It could include:

- Land that has a common boundary or is contiguous with the application land (see figures 1 and 3 below).
- Land that is close enough to be considered to form part of the context of the application land. This could be:
 - Land that is not contiguous but is directly across from, or separated by, a road, rail corridor or watercourse (see figure 2 below).
 - Land that is surrounded by land that is considered to be directly adjacent (see figures 3 and 4 below).

3.15 TCC is the owner of:

- a. Section 2 SO 465254, as comprised in Record of Title 642577



- b. Section 2 SO 457222, as comprised in Record of Title 687139



3.16 Section 2 SO 465254 is located on the northern side of State Highway 2 (Tauranga Eastern Link). It was acquired by TCC to be developed for road and other purposes in connection with the Wairakei Urban Growth Area. Section 2 SO 457222 is located on the southern side of State Highway 2 (Tauranga Eastern Link). It was acquired for roading purposes.

3.17 A copy of the two relevant Records of Title are included with this memorandum as **Attachment 2**.

TCC is a requiring authority that has a designation on land to which the Application relates and land adjacent to that land – s 53(2)(l)

3.18 TCC is the requiring authority for Designation D235 for the Papamoa East Interchange (Tauranga Eastern Link) under the WBOPDC district plan. Designation D235 is over part of the project area, namely:

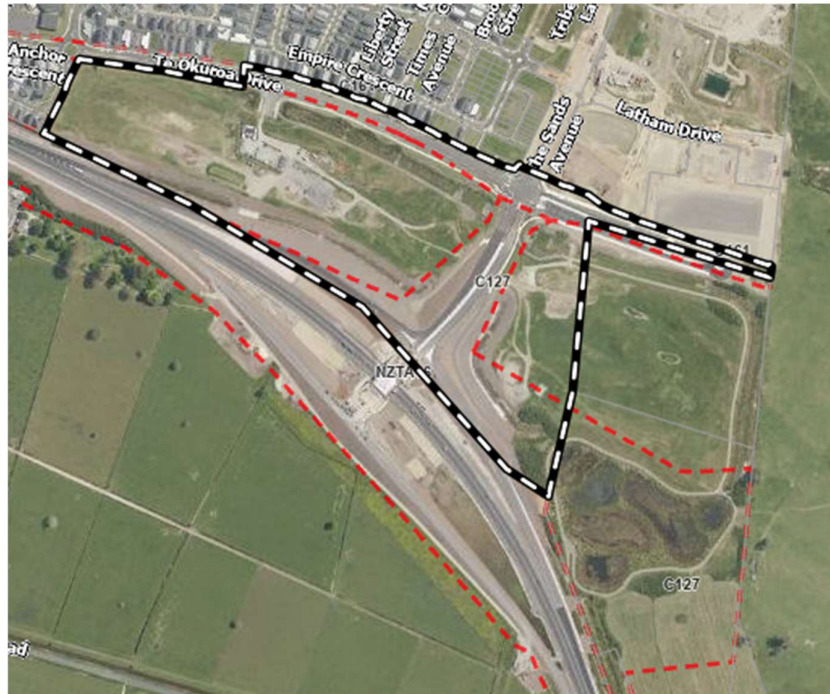
- a. part of Section 12 on SO Plan 458365, as comprised in Record of Title 605743; and
- b. part of Section 13 on SO Plan 458365



3.19 A copy of Record of Title 605743 with SO Plan 458365 is included with this memorandum as **Attachment 3**.

3.20 TCC is also the requiring authority for Designation C127 for the Proposed Interchange under the TCC district plan. Designation C127 is over land on the northern side of State Highway 2 (Tauranga Eastern Link), adjacent to the project area. That adjacent land includes:

- a. part of Lot 3004 DP 576684, as comprised in Record of Title 1067983;
- b. part of Lot 3 DPS 101111, as comprised in Record of Title SA54B/213; and
- c. part of Section 2 SO Plan 465254, as comprised in Record of Title 642577



3.21 A copy of the first two relevant Records of Title are included with this memorandum as **Attachment 4**. The third Record of Title is included in **Attachment 2**.

It is otherwise appropriate for TCC to have the opportunity to comment

3.22 As noted above, the Expert Panel also has an overriding discretion to invite comments from any other person it considers appropriate. Irrespective of the matters above, it is appropriate for TCC to have the opportunity to make comments due to its interest in the Application as set out above.

4. Paragraph [5] response

4.1 A table is included as **Attachment 5** which provides TCC's response to the matters identified in paragraph [5] of Minute 2.

5. Schedule 1 response

5.1 A table is included as **Attachment 6** which provides TCC's response to the matters identified in Schedule 1 of Minute 2.

6. Conference attendance

6.1 TCC will be represented at the conference by:

- a. Tim Fischer – Legal Counsel
- b. Andrew Mead – Head of City Planning and Growth

Dated: 21 July 2026



T Fischer

Counsel for Tauranga City Council

ATTACHMENT 1

LINZ DOCUMENTS SHOWING PART OF THE PROJECT AREA WITHIN TCC'S DISTRICT



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **624307**
Land Registration District **South Auckland**
Date Issued 27 June 2013

Prior References
SA45B/855 SA55D/201

Estate Fee Simple
Area 21.4595 hectares more or less
Legal Description Lot 1 Deposited Plan South Auckland
69524 and Section 26 Survey Office Plan
427562

Registered Owners
Bell Road Limited Partnership

Interests

Appurtenant to Lot 1 on DPS 69524 is a right of way, right to convey water and telephone and electricity rights created by Transfer H955786.5

The easements created by Transfer H955786.5 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right of way and rights to convey water, telephone and electricity over part section 26 marked A on DP 466162 specified in Easement Certificate H930821.2 - 7.2.1990 at 9.00 am

The easements specified in Easement Certificate H930821.2 are subject to Section 309 (1) (a) Local Government Act 1974 B259999.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.3.1995 at 9.02 am (affects Lot 1 DPS 69524)

Subject to a right of way and rights to convey water and electricity over part Section 26 marked A on SO 460288 created by Easement Instrument 9432756.1 - 27.6.2013 at 3:26 pm

Subject to Section 11 Crown Minerals Act 1991

Subject to Part IVA Conservation Act 1987

Subject to Section 120(9) Public Works Act 1981

Appurtenant hereto is a right of way and a right to convey water and electricity created by Easement Instrument 9985727.1 - 18.3.2015 at 9:30 am

12540277.1 Mortgage to Bank of New Zealand - 6.9.2022 at 1:12 pm

Approvals

Approved pursuant to Section 223 of the Resource Management Act 1991 on the 19th day of November 1994.

The Common Seal of the Western Bay of Plenty District Council is affixed hereto in the presence of:



B. Baulkrow
Chief Executive Officer

Pursuant to Section 224(c) of the Resource Management Act 1991 I hereby certify that some of the conditions of the subdivision consent have been complied with to the satisfaction of the Western Bay of Plenty District Council and that a consent notice has been issued in respect of those conditions that have not been complied with.

Dated this 24th day of November 1994

B. Baulkrow
Authorised Officer

Schedule of Proposed Easements

Purpose	Serv. Ten.	Shown	Dom. Ten.
R.O.W. Right to Convey Water to the Public and Telecommunications Locations.	Lot 3 DPS54113	(A)	Lot 2 hereon

CT. Allocation

Lot	CT. Reference
1	55D/201
2	202

Total Area: 16,5715 ha

Comprised in: C.T. 45B/896 (All)

JOHN RHETT LEWIS
Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys conducted by him or under his direction and that the same have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at TE PUKE this 19th day of November 1994

John Rhett Lewis
Signature

Field Book DPS54113
Reference Plans DPS54113
Examined 8/1/95 Correct G. HALLAN

Approved as to Survey G. S. Rahmy
day of March 1995
Surveyed by MARTIN MCCAULAY MORTON LTD.
Scale 1:3000 Date OCT 1994

DPS 69524

Diagram 'A'
NOT TO SCALE

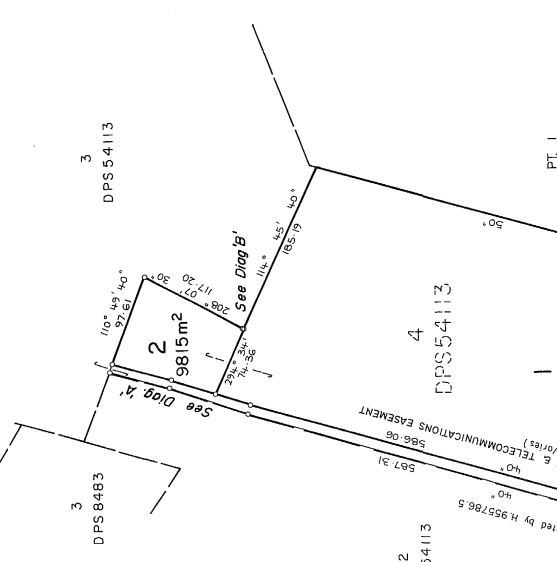


Diagram 'B'
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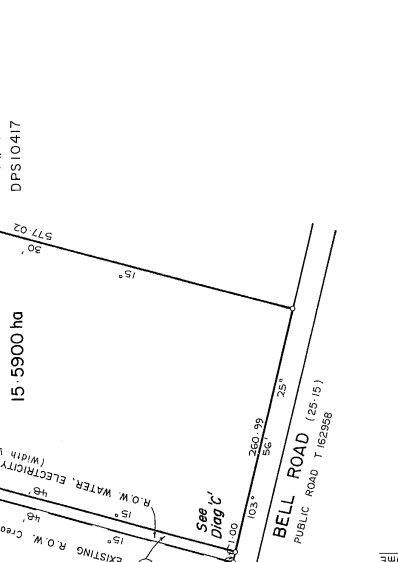
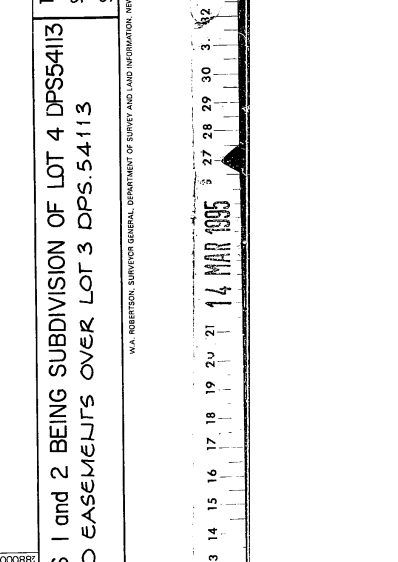


Diagram 'C'
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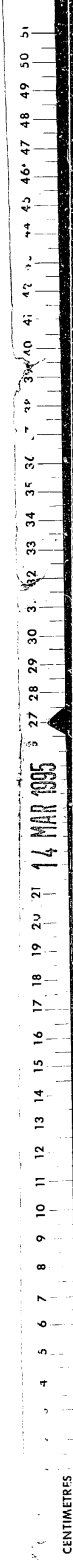
LAND DISTRICT: SOUTH AUCKLAND
SURVEY BLK. & DIST.: IV TE TUMU
NZMS 261 SHIT: U14
RECORD MAP No: 7.3

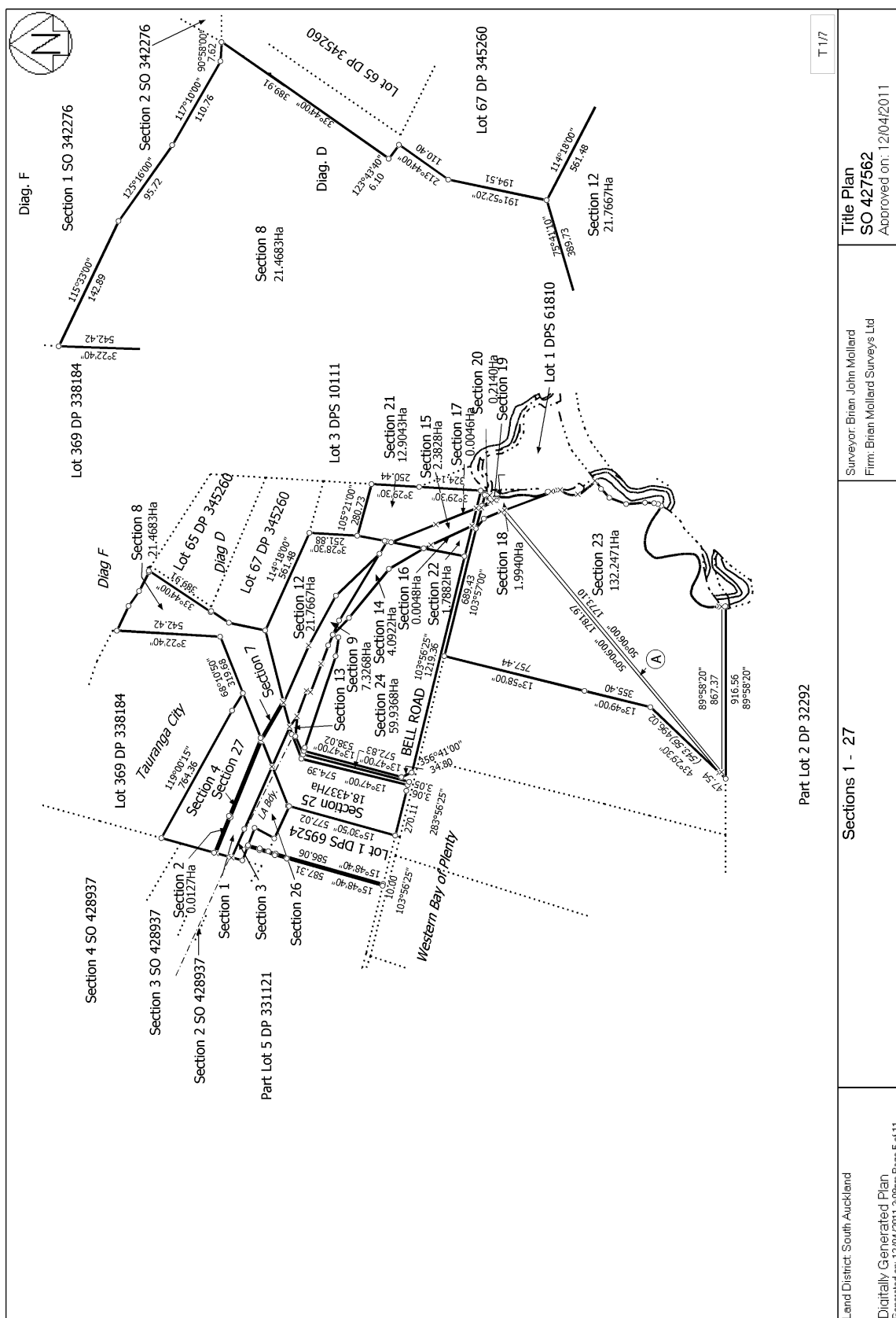
LOTS 1 and 2 BEING SUBDIVISION OF LOT 4 DPS54113 AND EASEMENTS OVER LOT 3 DPS.54113

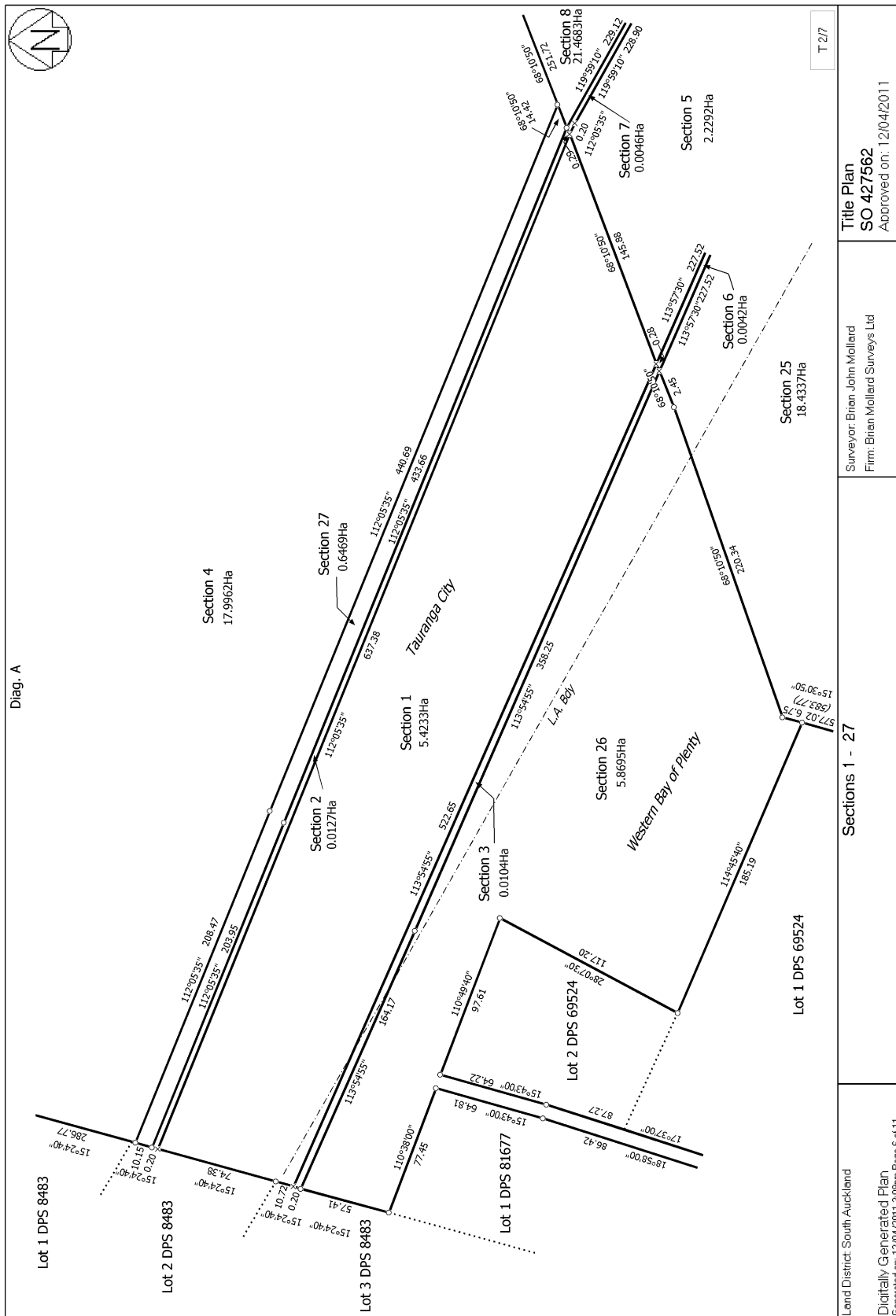
TERRITORIAL AUTHORITY: WESTERN BAY OF PLENTY DISTRICT
Surveyed by: MARTIN MCCAULAY MORTON LTD.

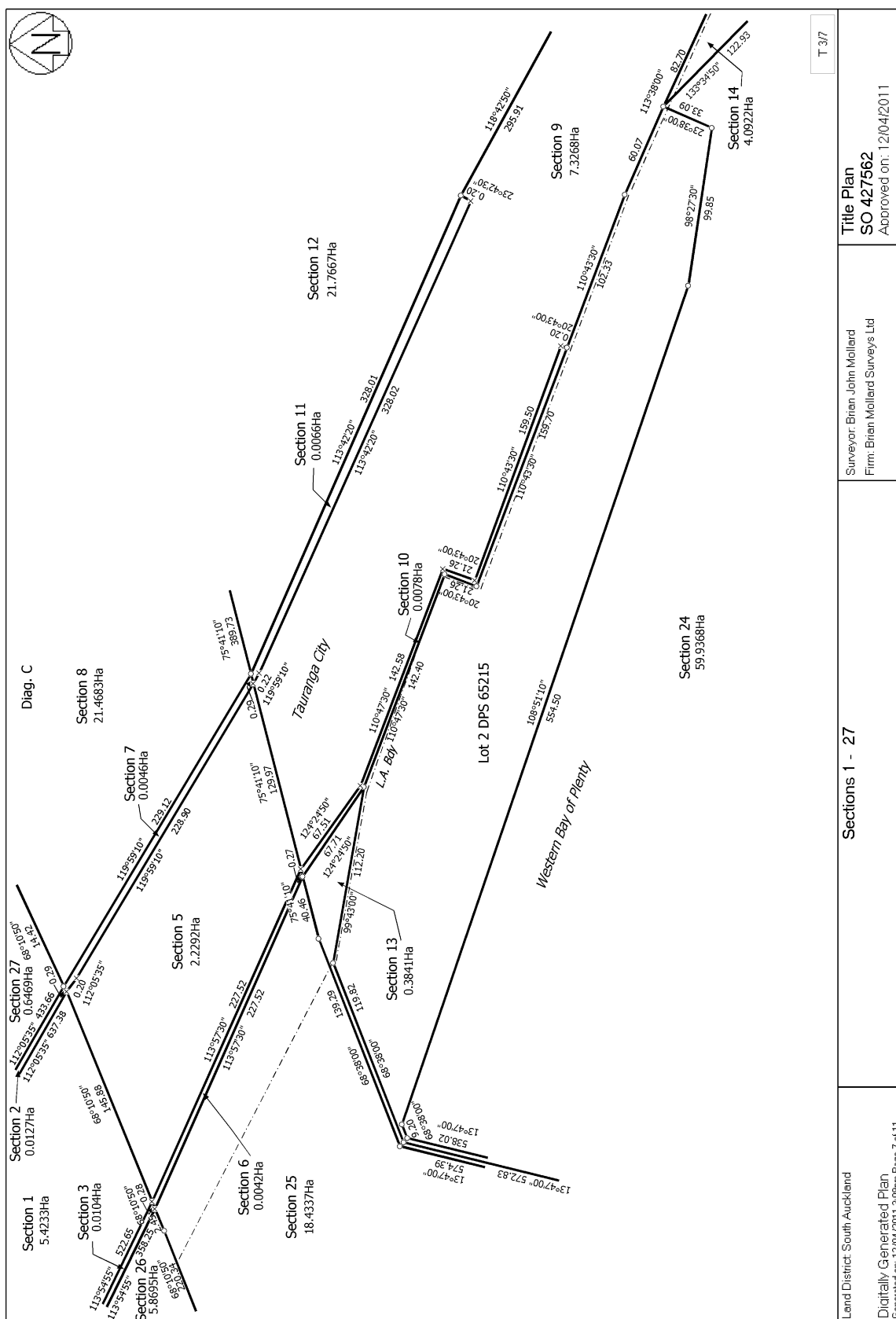
Scale: 1:3000
Date: OCT 1994

M.A. ROBERTSON, SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND









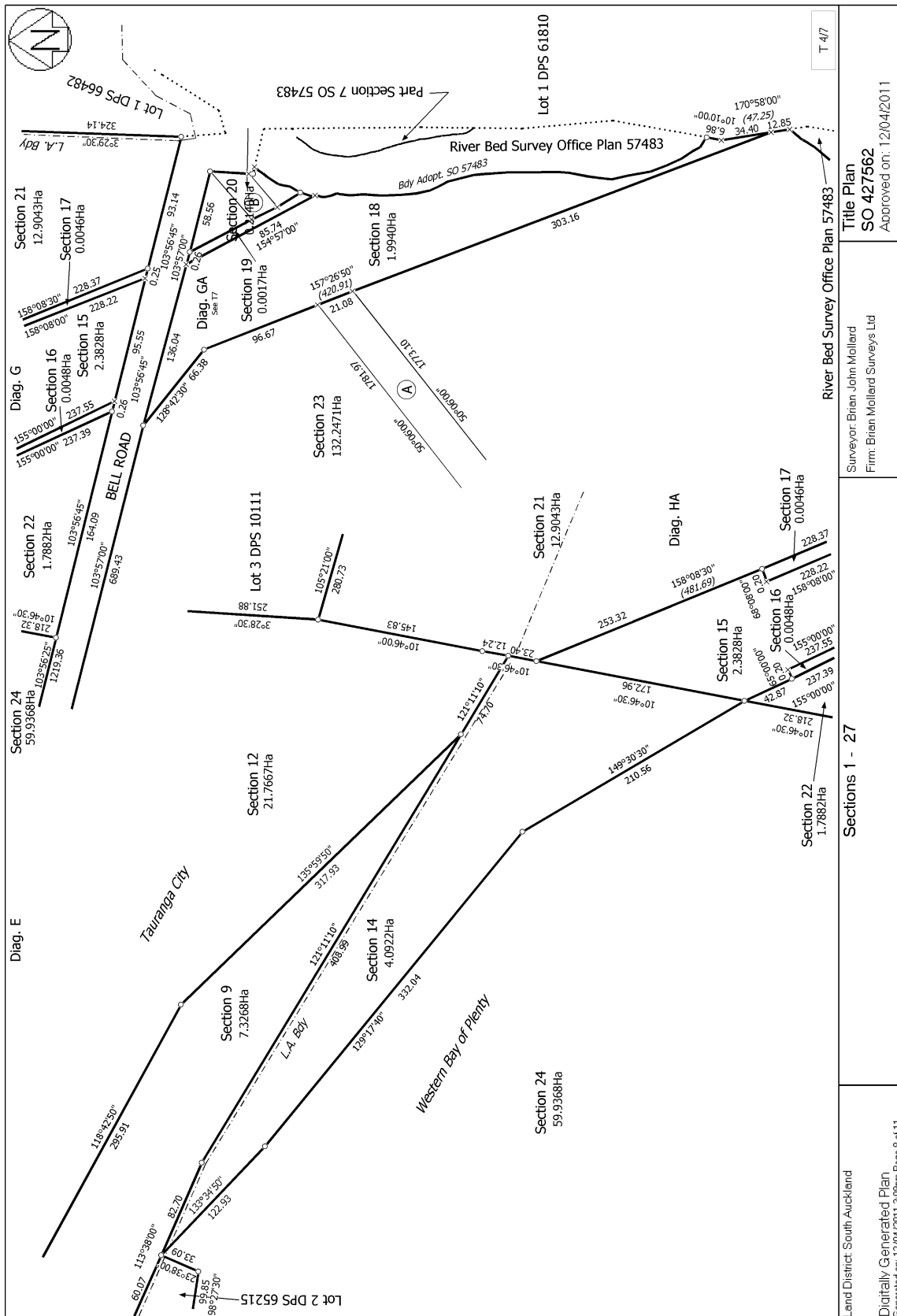
T 3/7

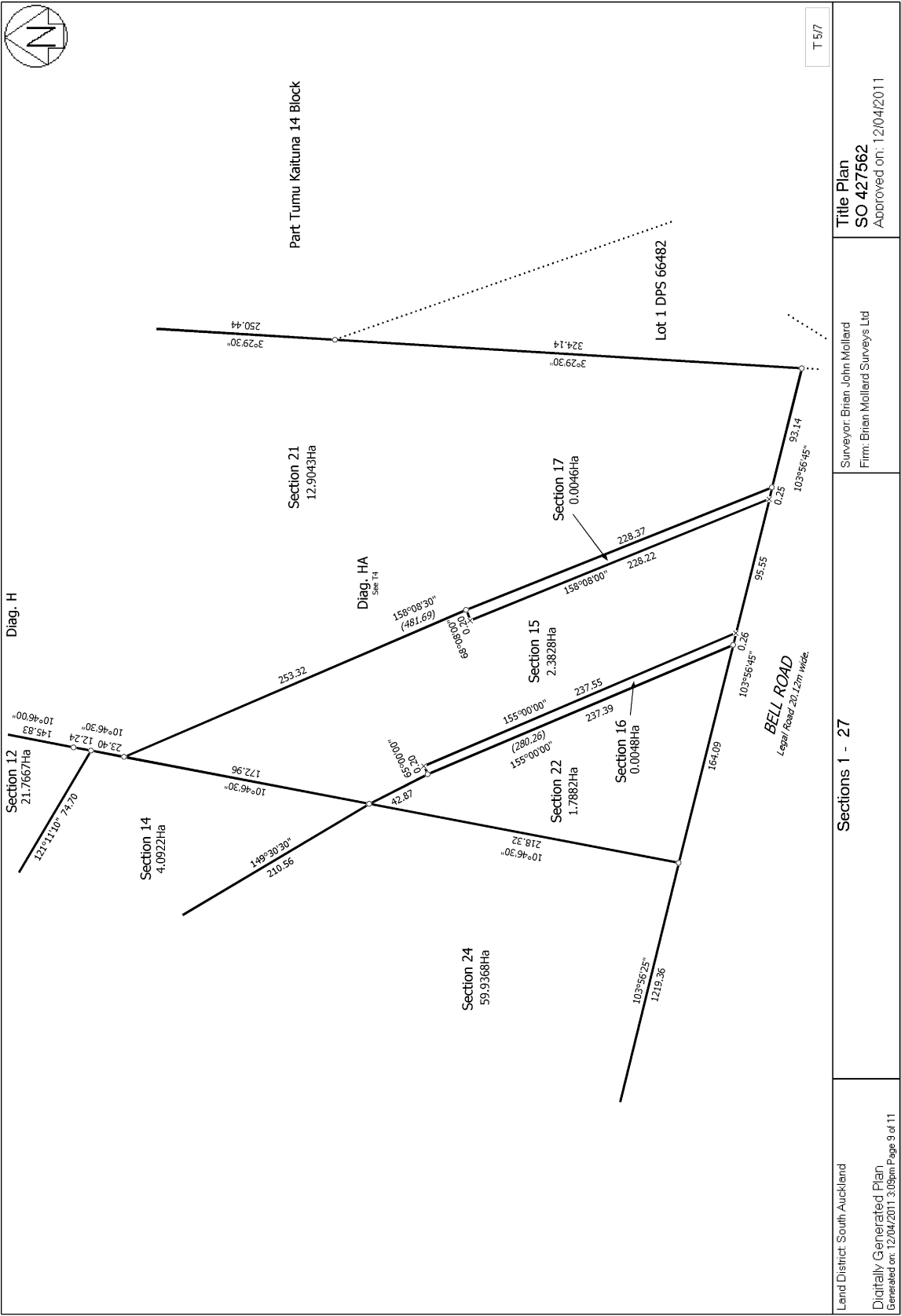
Title Plan
SO 427562
Approved on: 12/04/2011

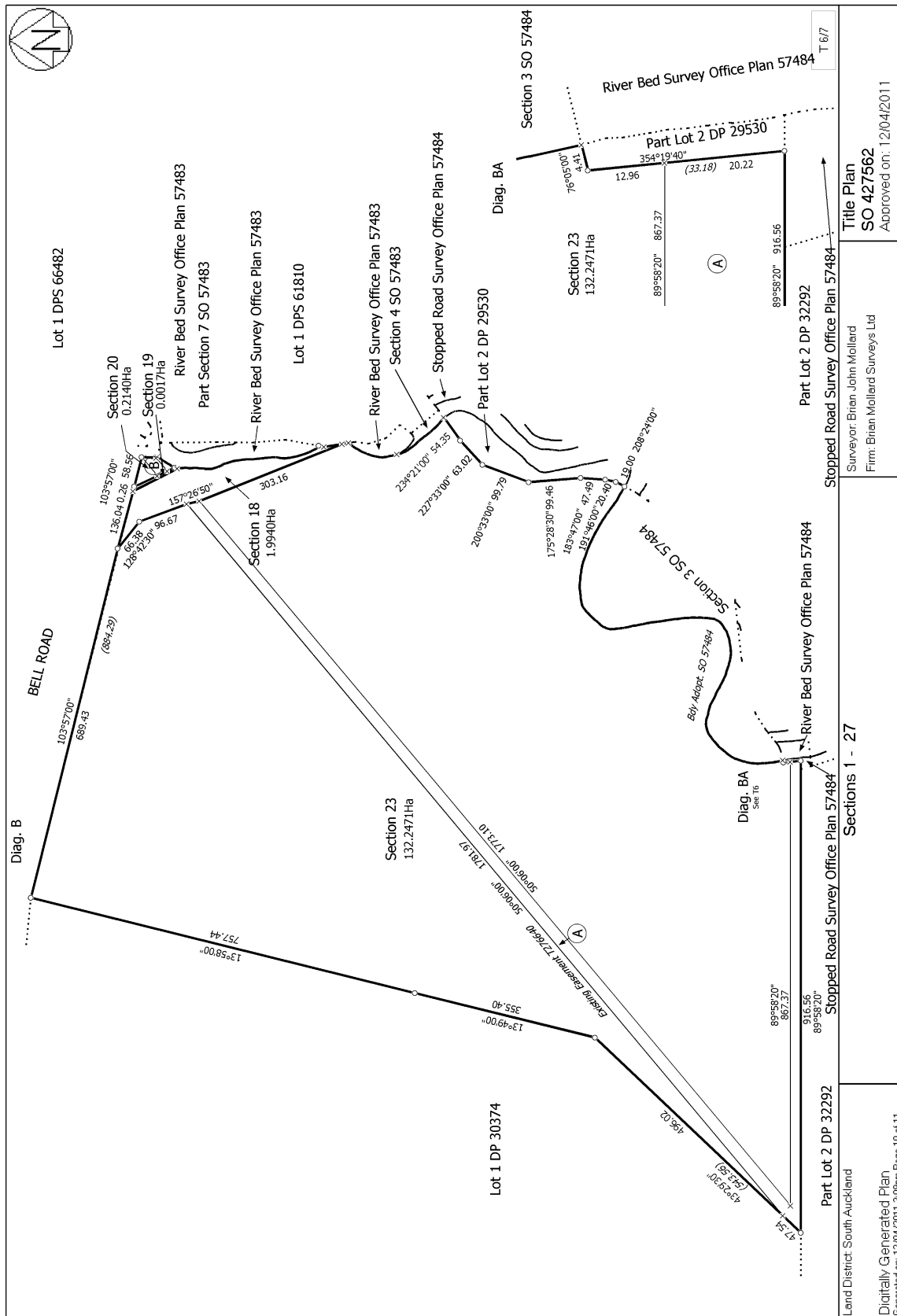
Surveyor: Brian John Mollard
Firm: Brian Mollard Surveys Ltd

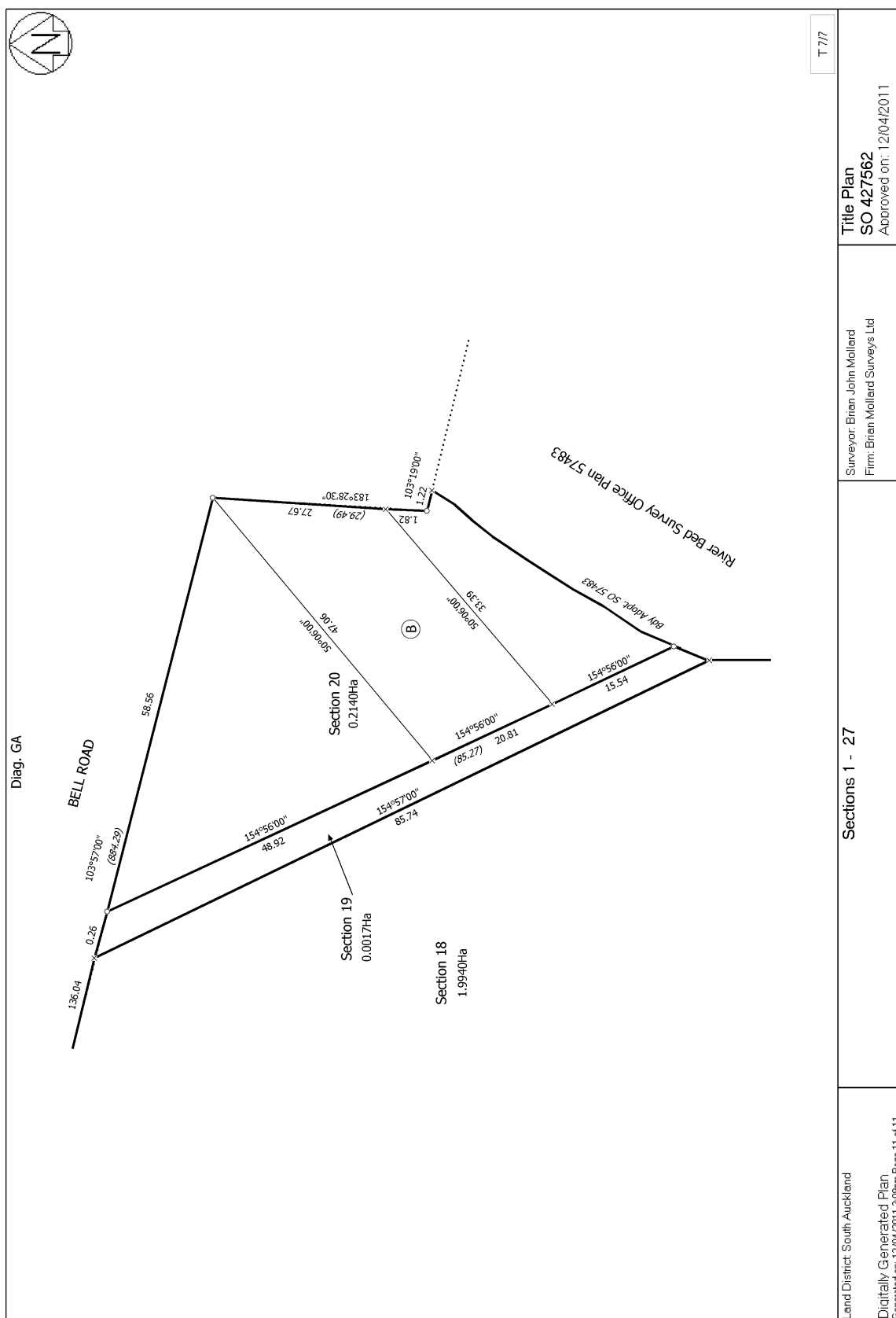
Sections 1 - 27

Land District South Auckland
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Generated on: 12/04/2011 3:05pm Page 7 of 11











RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **893644**
Land Registration District **South Auckland**
Date Issued 04 March 2020

Prior References

621787 702981

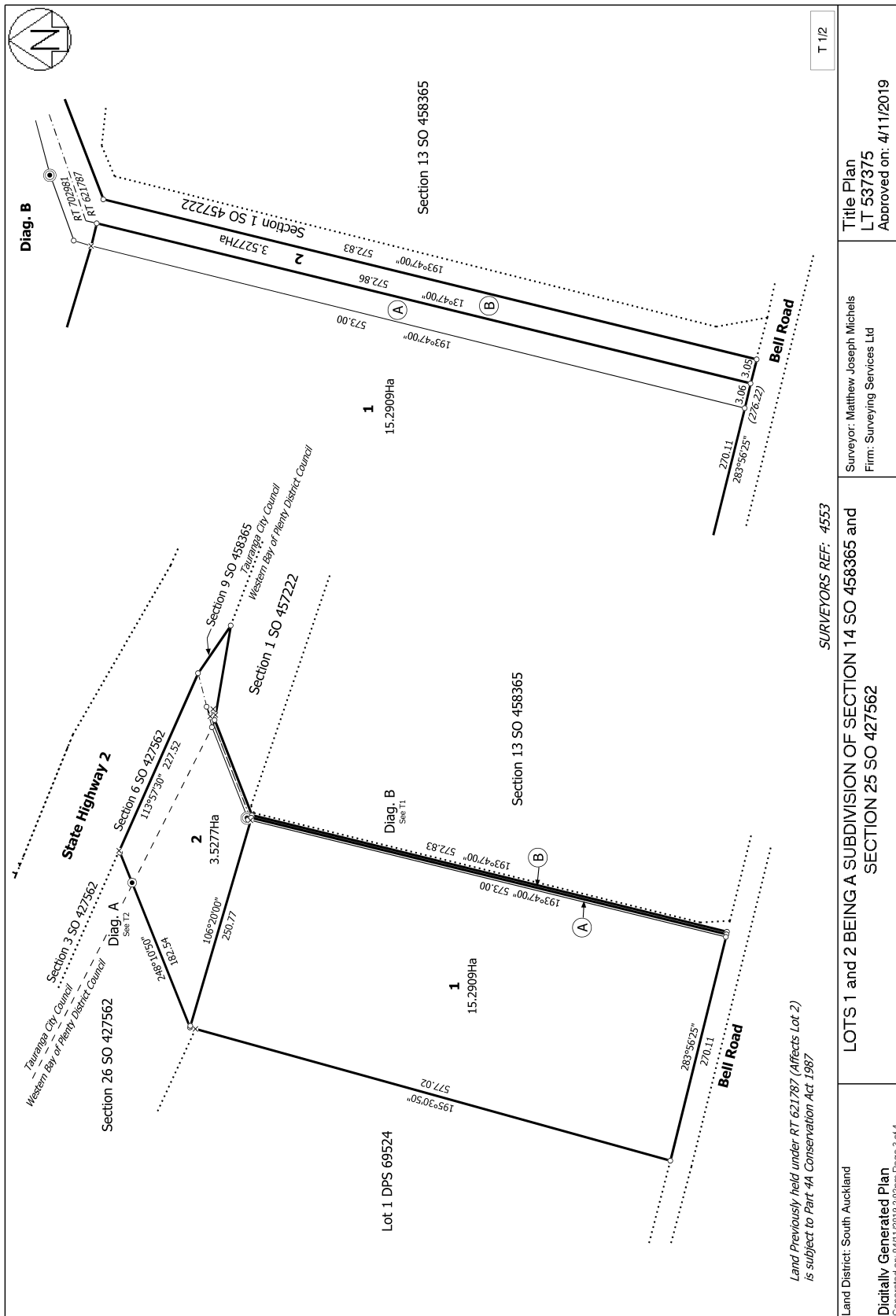
Estate Fee Simple
Area 3.5277 hectares more or less
Legal Description Lot 2 Deposited Plan 537375
Registered Owners
Graham Douglas Thompson, Julie Thompson and James Colin Stewart

Interests

Subject to a right of way over part marked B on DP 537375 created by Transfer S343941 - 5.5.1966 at 11.50 am
Appurtenant hereto are rights of way specified in Easement Certificate S353913 - 24.8.1966 at 1.54 pm
Subject to a right of way over part marked B and C on DP 537375 specified in Easement Certificate S353913 - 24.8.1966 at 1.54 pm
5879589.7 Surrender of the right of way over markings B, E, H and I on DPS 65215 appurtenant to Lot 3 DP 322381 specified in Easement Certificate S353913 - 29.1.2004 at 9:00 am
Fencing Covenant in Gazette Notice 6268016.1 - 24.12.2004 at 9:00 am (part formerly Section 25 SO 427562)
6348078.6 Partial Surrender of the right of way specified in Easement Certificate S353913 - 16.3.2005 at 9:00 am
6348078.7 Partial Surrender of the right of way specified in Easement Certificate S353913 - 16.3.2005 at 9:00 am
6348078.7 Surrender of the right of way over markings B, E, H and I on DPS 65215 appurtenant to Lots 61-63 DP 345260 specified in Easement Certificate S353913 - 16.3.2005 at 9:00 am
Appurtenant to part formerly Section 25 SO 427562 is a right of way and the rights to convey water and electricity created by Easement Instrument 9432756.1 - 27.6.2013 at 3:26 pm
Subject to Part IVA Conservation Act 1987 (affects part formerly Section 25 SO 427562)
Subject to Section 11 Crown Minerals Act 1991 (affects part formerly Section 25 SO 427562)
Appurtenant to part formerly Section 25 SO 427562 are rights of way, and rights to convey water and electricity created by Easement Instrument 9985727.1 - 18.3.2015 at 9:30 am
10707826.2 Mortgage to ANZ Bank New Zealand Limited - 28.2.2017 at 1:55 pm
Subject to a right of way, a right to convey electricity, telecommunications, water and gas and a right to drain stormwater over part marked B and C on DP 537375 created by Easement Instrument 11593989.3 - 4.3.2020 at 4:11 pm
Appurtenant hereto is a right of way, right to convey electricity, telecommunications, water and gas, a right to drain stormwater created by Easement Instrument 11593989.3 - 4.3.2020 at 4:11 pm
The easements created by Easement Instrument 11593989.3 are subject to Section 243 (a) Resource Management Act 1991
11593989.4 Encumbrance to New Zealand Transport Agency - 4.3.2020 at 4:11 pm

11593989.5 Mortgage Priority Instrument making Encumbrance 11593989.4 first priority and Mortgage 10707826.2

second priority - 4.3.2020 at 4:11 pm



ATTACHMENT 2
LINZ DOCUMENTS SHOWING LAND OWNED BY TCC ADJACENT TO THE
APPLICATION SITE



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
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R.W. Muir
Registrar-General
of Land

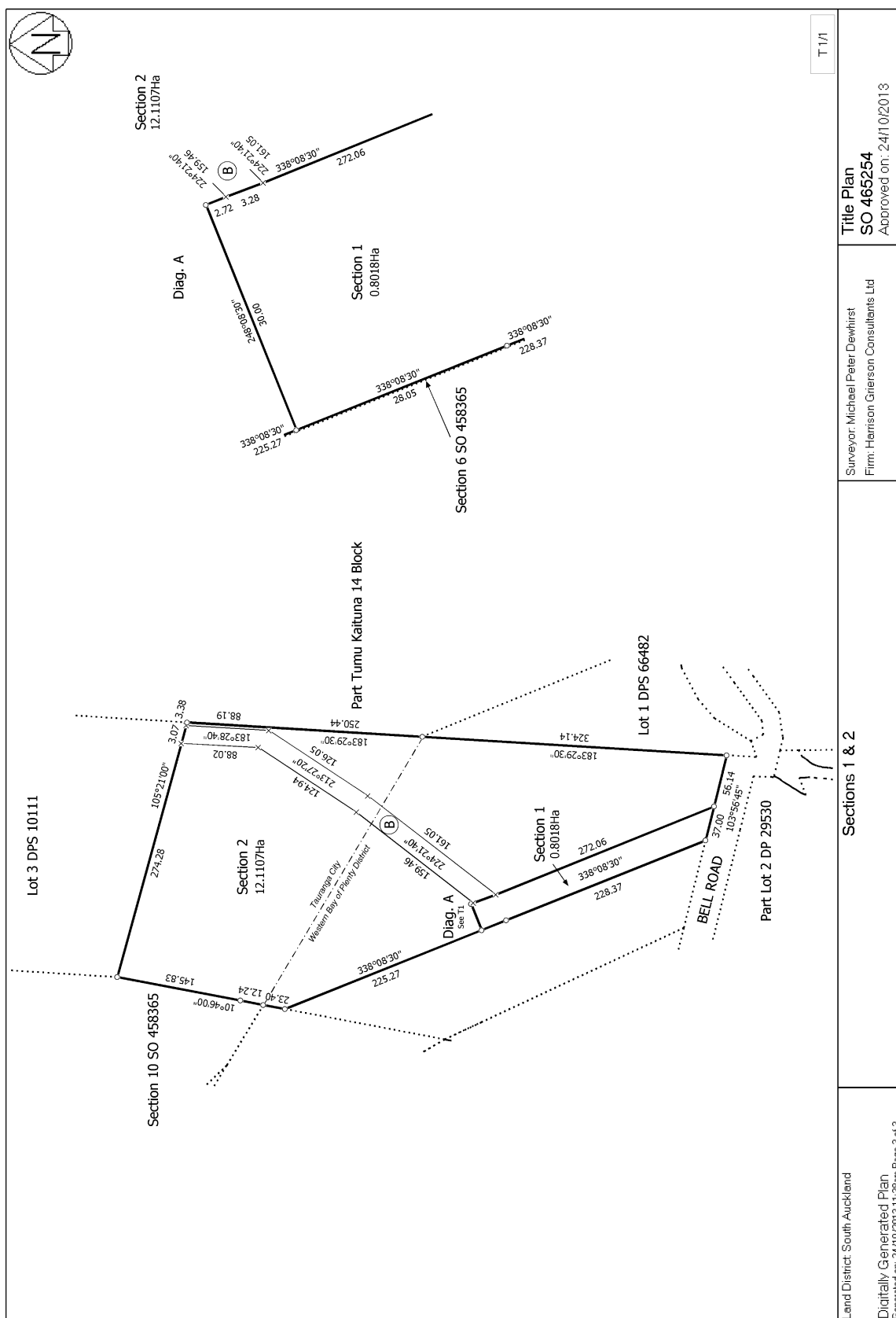
Identifier **642577**
Land Registration District **South Auckland**
Date Issued 19 December 2013

Prior References
606877

Estate Fee Simple
Area 12.1107 hectares more or less
Legal Description Section 2 Survey Office Plan 465254
Registered Owners
Tauranga City Council

Interests

Subject to a right (in gross) to drain water over part marked B on SO 465254 in favour of Tauranga City Council created by Easement Instrument 9511071.1 - 24.9.2013 at 2:54 pm
Subject to Part IVA Conservation Act 1987
Subject to Section 11 Crown Minerals Act 1991
9859717.2 Encumbrance to New Zealand Transport Agency - 20.10.2014 at 8:39 am





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
GAZETTE NOTICE**

Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **687139**
Land Registration District **South Auckland**
Date Registered 24 April 2015 04:27 pm

Prior References
SA52C/332

Type	Fee Simple	Instrument	GN 9966278.1
Area	2840 square metres more or less		
Legal Description	Section 2 Survey Office Plan 457222		
Purpose	Roading		
Registered Owners	Tauranga City Council		

Interests

Appurtenant hereto is a right of way and a right to convey water, electricity, telecommunications & computer media created by Easement Instrument 9966278.2 - 24.4.2015 at 4:27 pm

Land Set Apart for Roading Purposes—339 Bell Road, Papamoa, Tauranga, Western Bay of Plenty Page 1 of 2

Land Notices

Land Set Apart for Roading Purposes—339 Bell Road, Papamoa, Tauranga, Western Bay of Plenty District

Pursuant to section 52(4) of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Kerry McPhail, Land Information New Zealand, declares the land described in the Schedule to this notice be set apart for roading purposes and remain vested in the Tauranga City Council on the date of publication hereof in the *New Zealand Gazette*.

South Auckland Land District—Western Bay of Plenty District**Schedule**

Area ha	Description
0.2840	Part Lot 2 DPS 65215; shown as Section 2 on SO 457222 (part Computer Freehold Register SA52C/332).

Dated at Wellington this 16th day of April 2015.

K. MCPHAIL, for the Minister for Land Information.

(LINZ CPC/2005/10907)

23
APR
2015

Notice Number

2015-ln2420

Issue Number

41

[View PDF](#)

Title Diagram Title Diagram

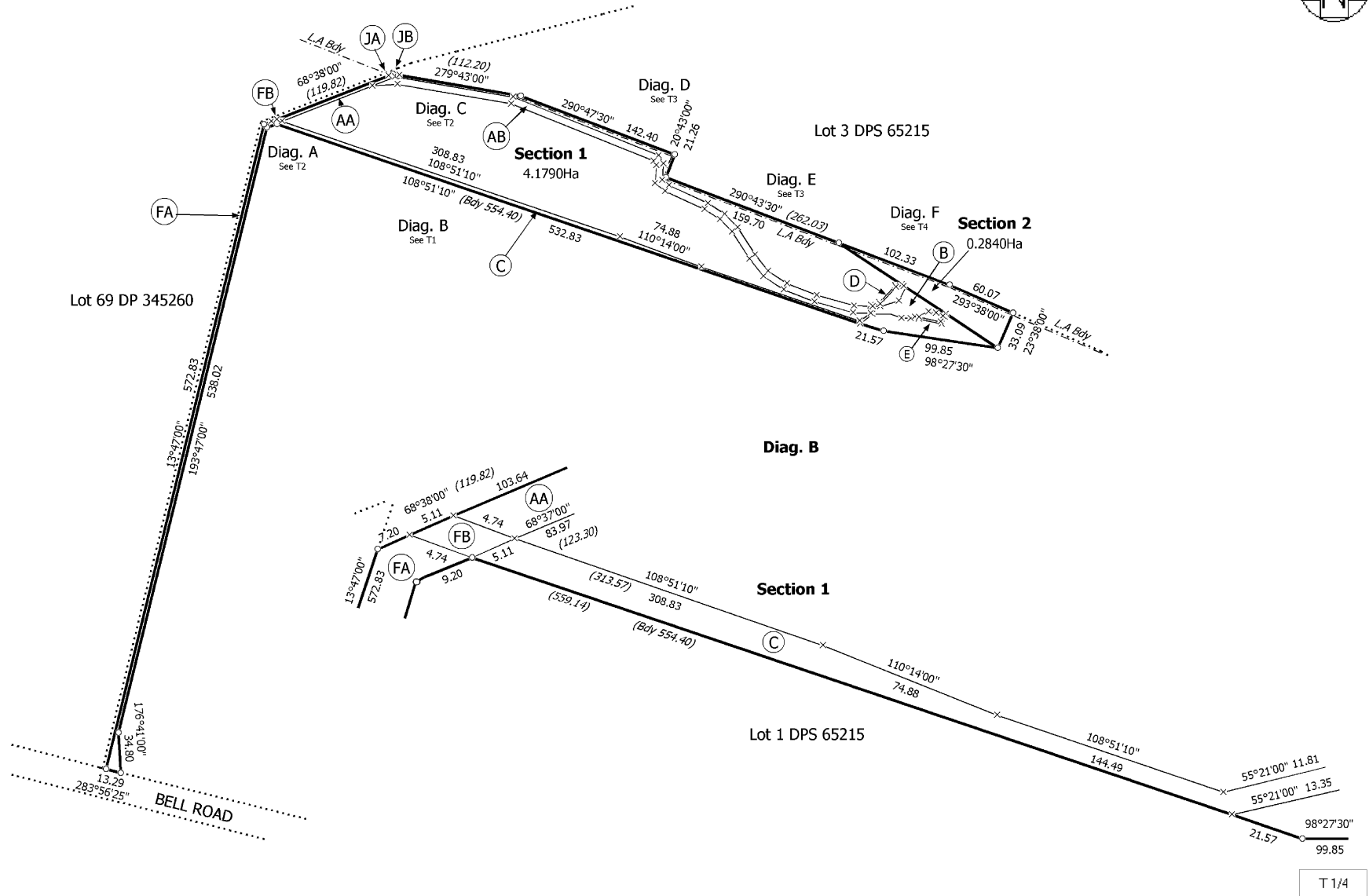
Cpy - 01/01, Pgs - 001, 30/04/15, 15:13

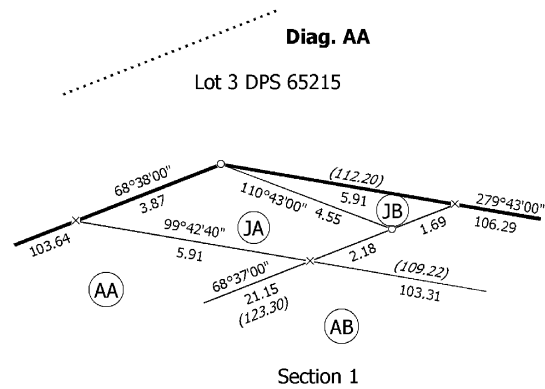


DocID: 515612873

<https://www.gazette.govt.nz/notice/id/2015-ln2420?year=2015¬iceNumber=2420>

24/04/2015



**Diag. AA**

Lot 3 DPS 65215

Section 1

Diag. A

Lot 69 DP 345260

Lot 3 DPS 65215

Section 1

Diag. AA

See T2

Diag. C

Lot 3 DPS 65215

Section 1

T 2/4

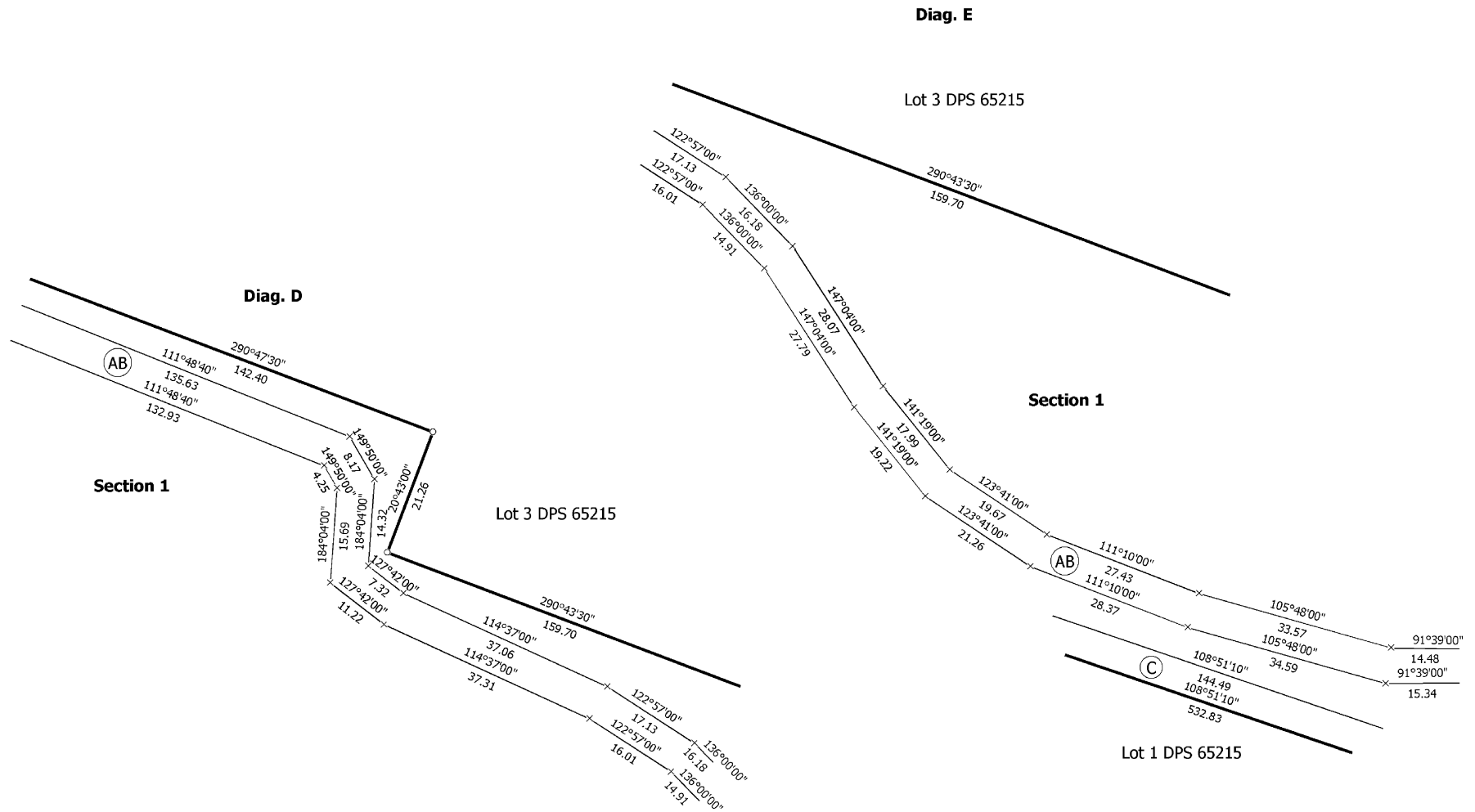
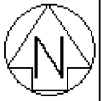
Land District: South Auckland
Dataset Type: Parcels without Survey Information

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Generated on: 14/10/2013 11:45am Page 4 of 6

Sections 1 & 2

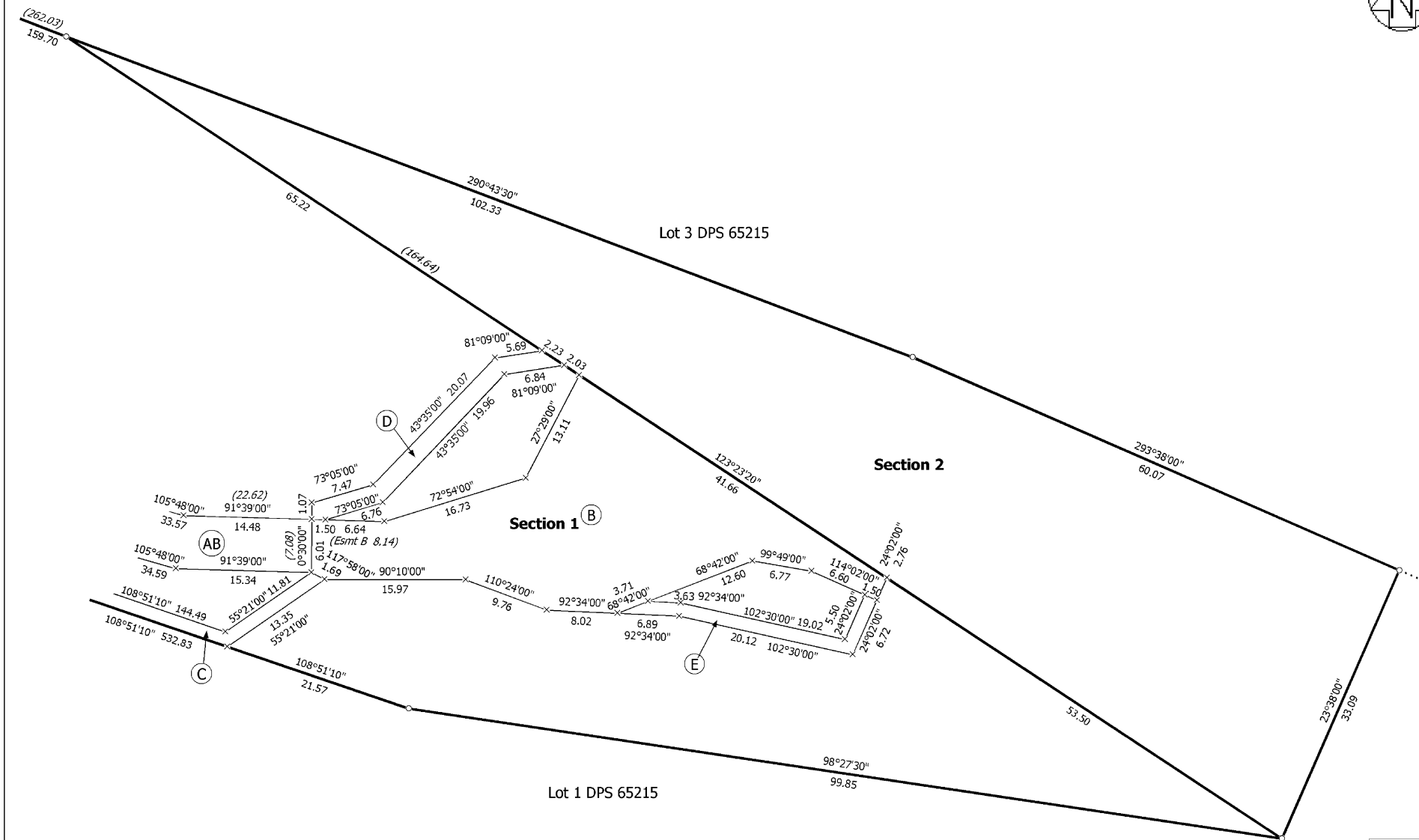
Surveyor: Andrew Robert Martin
Firm: Lysaght Consultants Ltd

Title Plan
SO 457222
Approved on: 9/11/2012



T 3/4

Diag. F



T 4/4

ATTACHMENT 3
RECORDS OF TITLE SUBJECT TO WBOPDC'S DESIGNATION D235



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **605743**
Land Registration District **South Auckland**
Date Issued 04 January 2013

Prior References

9281362.4 SA16D/174

Estate Fee Simple
Area 1.7884 hectares more or less
Legal Description Section 12 Survey Office Plan 458365
Registered Owners
Bell Road Limited Partnership

Interests

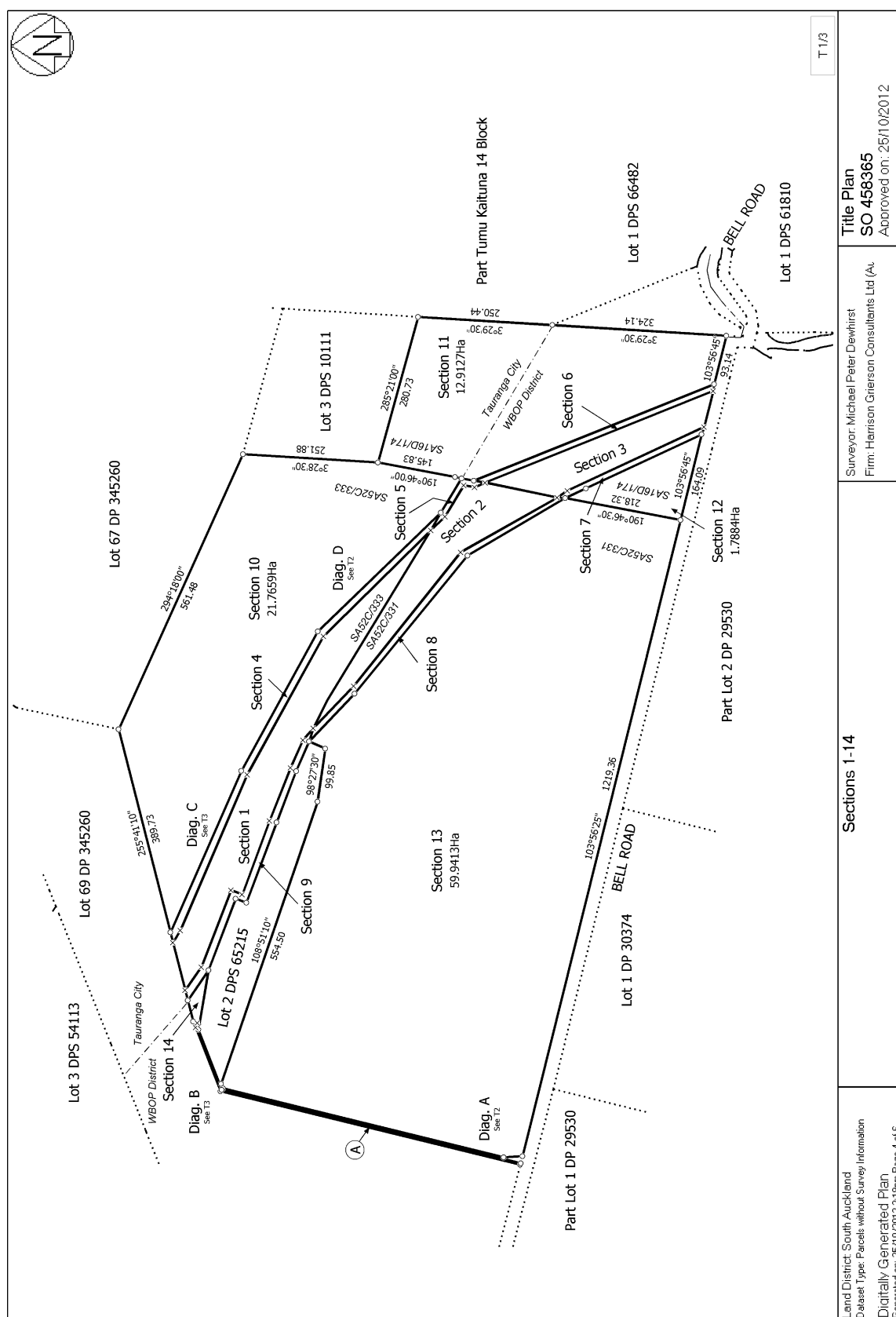
Subject to Part IVA Conservation Act 1987

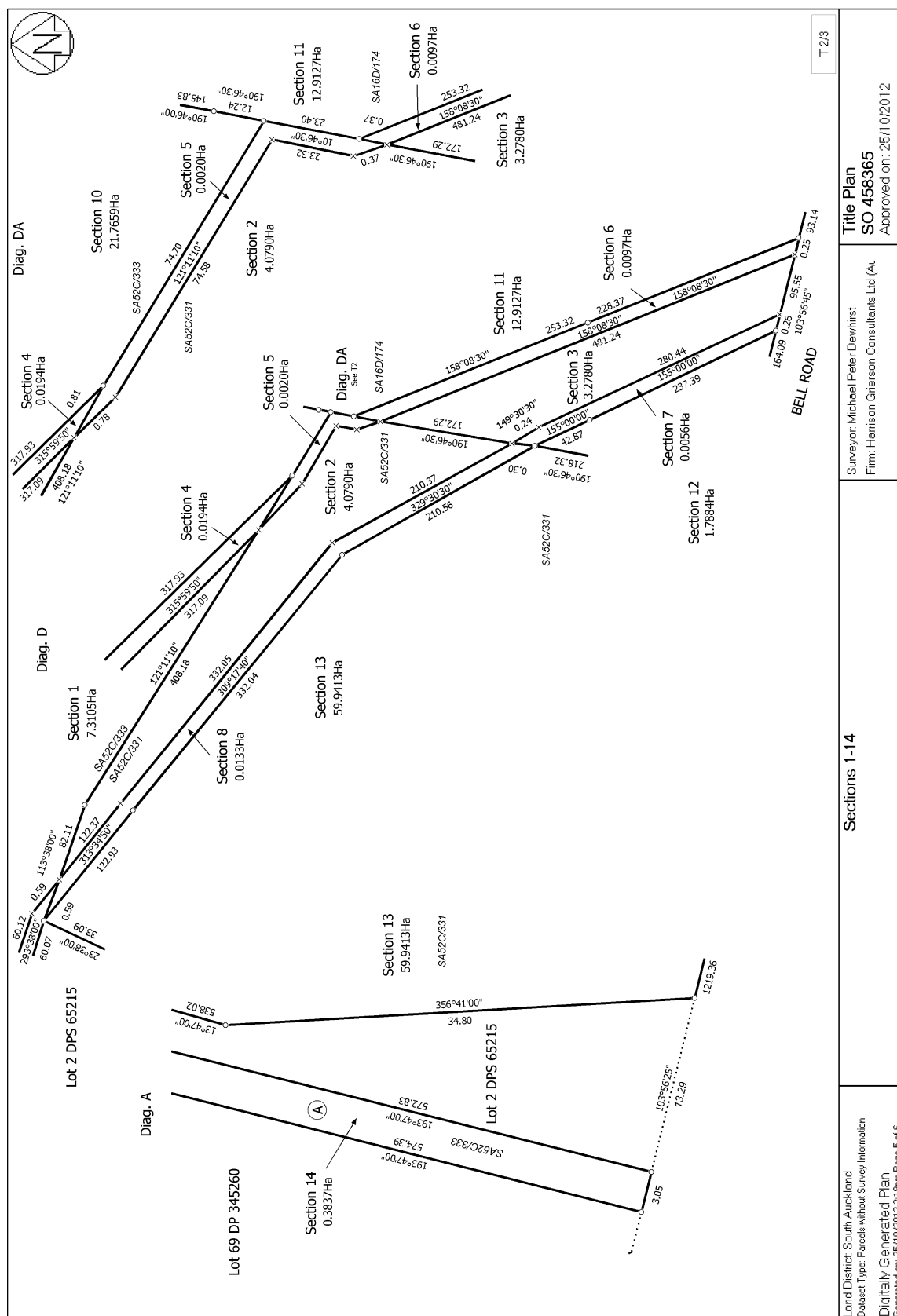
Subject to Section 11 Crown Minerals Act 1991

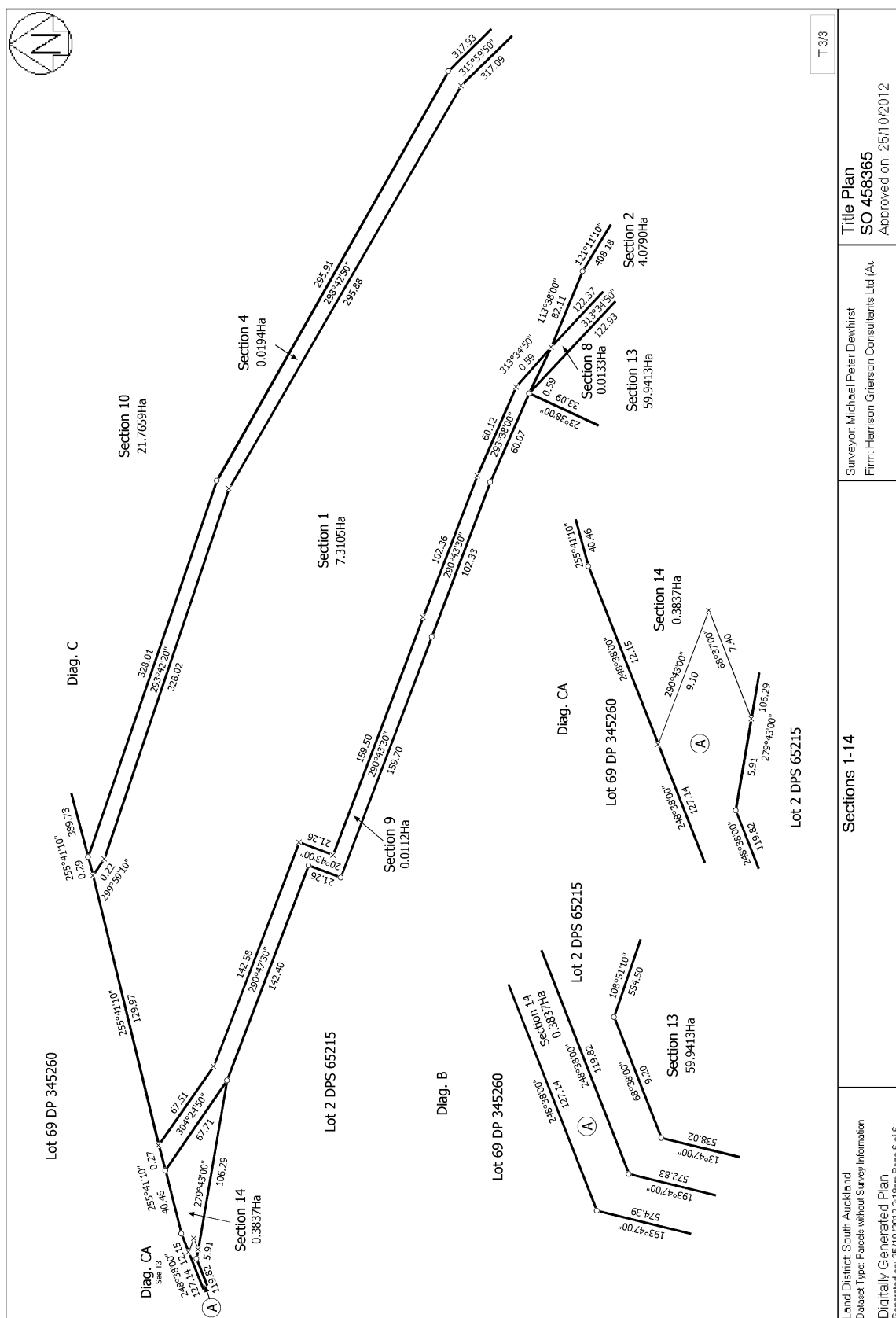
9368985.3 Encumbrance to New Zealand Transport Agency - 14.5.2013 at 3:02 pm

11542099.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Tauranga City Council - 3.9.2019 at 5:56 pm

12363254.1 Mortgage to Bank of New Zealand - 28.2.2022 at 1:36 pm







ATTACHMENT 4
RECORDS OF TITLE SUBJECT TO TCC'S DESIGNATION C127



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **1067983**
Land Registration District **South Auckland**
Date Issued 15 March 2023

Prior References
1036535

Estate Fee Simple
Area 22.7964 hectares more or less
Legal Description Lot 3004 Deposited Plan 576684
Registered Owners
Tauranga City Council

Interests

Appurtenant to parts formerly contained in Lot 1 and 4 DP 517522 are rights of way specified in Easement Certificate S353913 - 24.8.1966 at 1:54 pm

Appurtenant to part formerly contained in Lot 1 DP 517522 is a right of way and a right to convey water and electricity created by Easement Instrument 9432756.1 - 27.6.2013 at 3:26 pm

Subject to Part IVA Conservation Act 1987 (affects part formerly contained in Lot 4 DP 517522)

Subject to Section 11 Crown Minerals Act 1991 (affects part formerly contained in Lot 4 DP 517522)

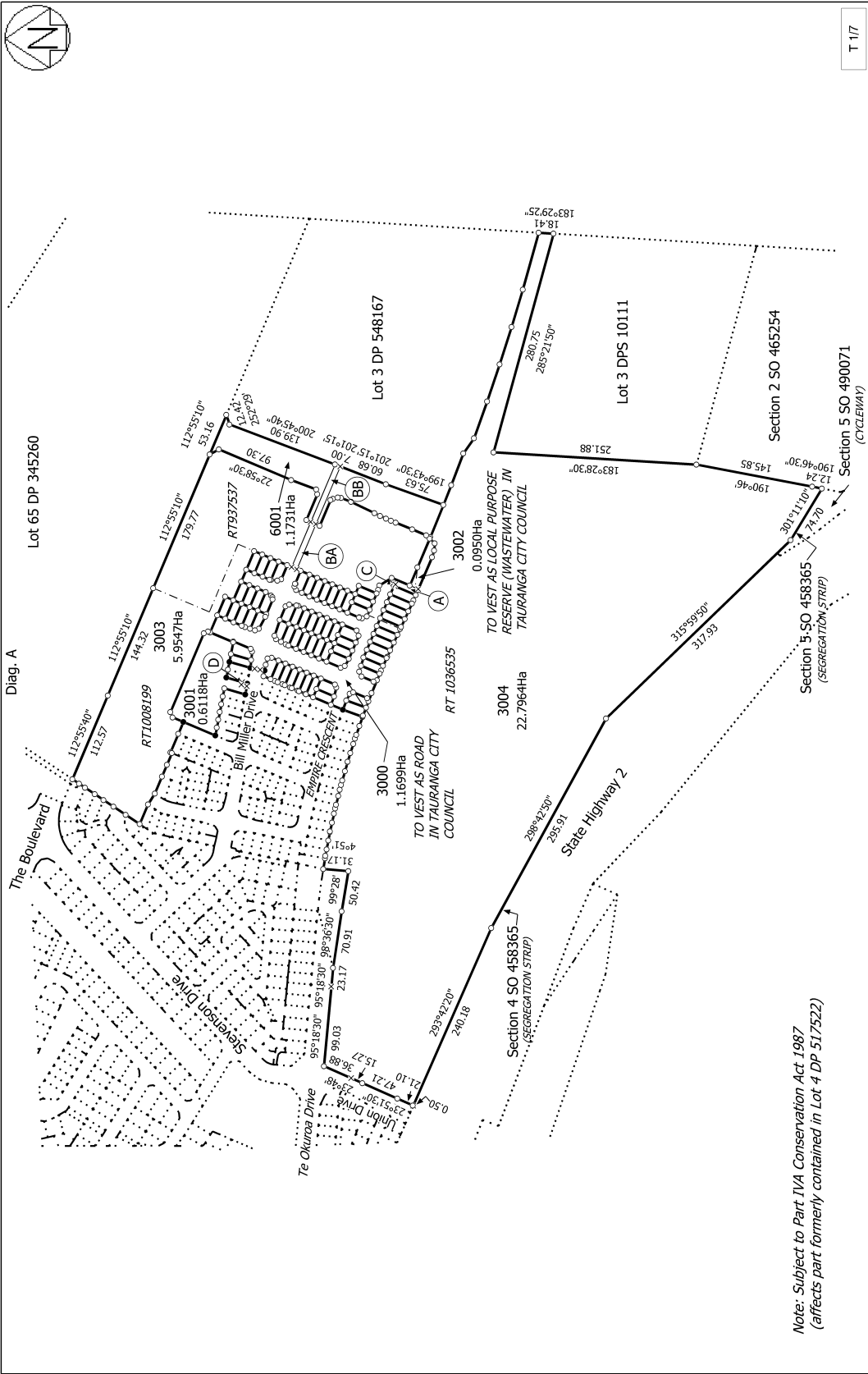
9859717.2 Encumbrance to New Zealand Transport Agency - 20.10.2014 at 8:39 am (affects the part formerly contained in Lot 4 DP 517522)

Appurtenant to parts formerly contained in Lot 1 DP 517522 and Lot 67 DP 345260 are rights of way, and rights to convey water and electricity created by Easement Instrument 9985727.1 - 18.3.2015 at 9:30 am

Appurtenant to part formerly contained in Lot 67 DP 345260 is a right of way created by Easement Instrument 10131745.2 - 11.9.2015 at 1:33 pm

11639034.1 Surrender of the right of way created by Easement Instrument 10131745.2 as to the part marked J and K on DP 520791 - 19.3.2020 at 9:27 am

11831286.4 Surrender of the right of way created by Easement Instrument 10131745.2 as to the part marked D on DP 517522 - 2.11.2020 at 5:10 pm



Note: Subject to Part IVA Conservation Act 1987
(affects part formerly contained in Lot 4 DP 517522)

Land District: South Auckland	LOTS 300-364, 3000-3004 AND 6001 BEING A SUBDIVISION OF LOT 2 DP 548167, LOT 2000 DP 565002 AND LOT 400 DP 566768	Surveyor: Andrew Keith Perry Firm: Aurecon (Tauranga)	Title Plan LT 576684 Approved on: 29/03/2023
Digitally Generated Plan Generated on: 29/03/2023 10:51 am Page 5 of 11			



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **SA54B/213**
Land Registration District **South Auckland**
Date Issued 05 April 1994

Prior References
SA16D/173

Estate Fee Simple
Area 6.9201 hectares more or less
Legal Description Lot 3 Deposited Plan South Auckland
10111

Registered Owners
Tauranga City Council

Interests

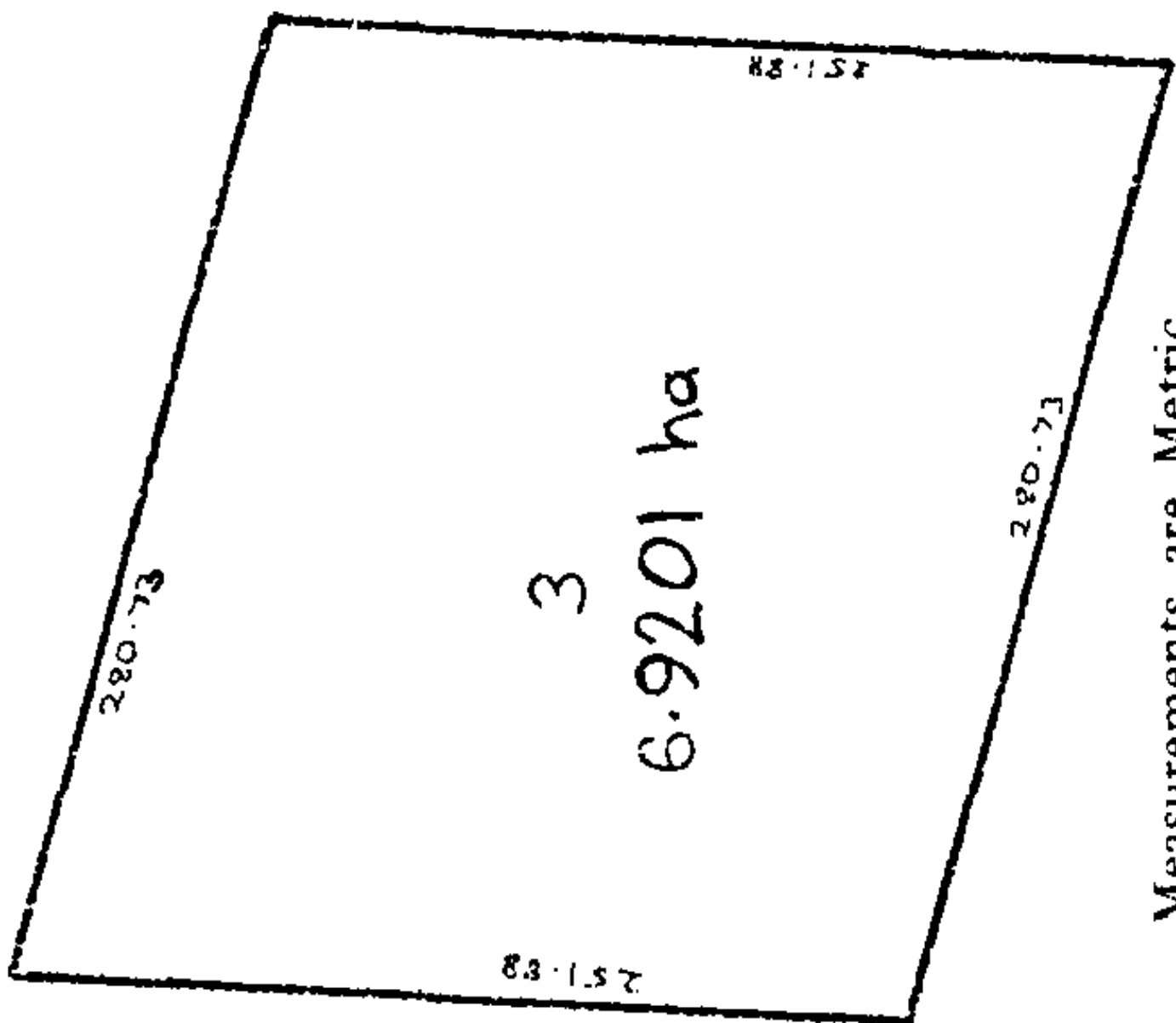
The within land has no frontage to a public road

Subject to a right (in gross) to drain water over part marked A on DP 440889 in favour of Tauranga City Council created by Easement Instrument 9511071.1 - 24.9.2013 at 2:54 pm

Subject to Part IVA Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

9859717.2 Encumbrance to New Zealand Transport Agency - 20.10.2014 at 8:39 am



Measurements are Metric

ATTACHMENT 5 – TCC’S RESPONSE TO MATTERS SET OUT IN PARAGRAPH [5] OF MINUTE 2

Matters set out in paragraph [5] of Minute 2	TCC response
(a) Identify any significant gaps in information provided with the Application;	TCC has identified a number of significant information gaps relating to the availability of and effects on key infrastructure. These include: • Absence of confirmation that the transport access arrangements, including reliance on the Papamoa East Interchange and TCC transport infrastructure, are available and supported by the relevant asset owners. Alternative access scenarios have not been assessed. • Insufficient information regarding transport modelling assumptions, network capacity, intersection performance, bridge load capacity and the identification and funding of required transport upgrades. • Absence of confirmation that the proposed water supply connection to TCC-owned Waiari infrastructure is available or approved by the asset owner. Alternative servicing options have not been adequately identified or assessed. • Insufficient assessment of natural hazard risks under future climate change scenarios, including sea-level rise and tsunami effects over the life of the development. • Insufficient assessment of the effects of ground settlement on underground infrastructure, including infrastructure to vest to public bodies like water, wastewater and stormwater networks, resulting from moderate or greater earthquake shaking and how these effects could be addressed. TCC raised issues under s 46 of the FTAA with the sufficiency of the Applicant’s assessment of stormwater and flooding effects beyond the site boundary, including cross-boundary interactions with TCC infrastructure and downstream effects, and assessment of system failure scenarios or alternative stormwater management approaches. The Applicant has responded to this through its s 46 response and TCC will consider further whether an information gap remains.

(b) comment on the extent of engagement by the Applicant both before and following lodgement of the Application;	The extent of engagement has been mixed. TCC staff were involved in the transport modelling and assessment workstream. Very little engagement occurred on water supply. TCC attempted to engage on funding issues with both the applicant and WBOPDC but there was limited interest in this. TCC have not been involved in other workstreams such as geotechnical, earthworks, natural hazards, stormwater and flooding.
(c) describe the complexity of this application;	As set out above, the majority of the project area falls within WBOPDC's territory. TCC is therefore not the primary consent authority and TCC intends to focus its involvement on cross-boundary issues and other issues of ongoing relevance to TCC. In saying that, TCC considers that the Application is appropriately characterised as a complex application. The reasons for this are set out in TCC's response to Schedule 1 below.
(d) Identify the principal environmental effects and the principal issues likely to be in contention or other disputed matters relevant to the Application and the panel's decision;	From TCC's perspective (as a territorial authority that has jurisdiction over part of the project area but is an adjacent territorial authority for most of the project area) the principal environmental effects and principal issues likely to be in contention include: • The suitability, timing and capacity of transport infrastructure required to service the development, including effects on TCC's transport network and whether access to the transport network is available via the Papamoa East Interchange. • Whether sufficient and appropriate water supply infrastructure is available to service the development. • The effects of the proposal on existing and planned infrastructure investment and growth across the eastern growth corridor, including potential impacts on the delivery of the Te Tumu growth area. • Responsibility for infrastructure funding, delivery and long-term operation where infrastructure relied upon by the development is owned and managed by public authorities other than WBOPDC (while acknowledging jurisdictional limitations in relation to funding). • The extent of stormwater, flooding and natural hazard risks associated with the site, including cross-boundary and downstream effects and the

	resilience of the proposed stormwater management system (this is addressed in the Applicant's s 46 response and will be assessed further to confirm whether it remains a live issue). The potentially significant and ongoing risk profile for underground assets from seismic events including significant repair and replacement costs, and prolonged outages to the lifeline utilities.
(e) Propose, or record where agreed, efficient processes to enable the panel to understand, resolve or narrow / reduce the scope of any such issues and indicate how these processes may be accounted for in the decision timeframe;	TCC considers the following processes would assist in narrowing the issues and enabling the Expert Panel to properly assess the proposal's infrastructure servicing arrangements, environmental effects and associated risks: - Early engagement between the applicant, WBOPDC and TCC regarding infrastructure access, capacity for planned growth and funding and delivery arrangements. - Early requests for further information under the FTAA process to address identified information gaps and alternative servicing scenarios in circumstances where key infrastructure connections or access cannot be confirmed. - Following substantive comments under s 53, expert conferencing and joint witness statements (identifying matters of agreement and disagreement) as necessary in relation to conditions of consent on infrastructure availability and key technical matters - If conditions of consent relating to infrastructure availability remain unresolved after expert conferencing, mediation between the applicant, WBOPDC and TCC. Mediation may also be warranted if technical matters remain unresolved. These processes warrant a longer decision-making timeframe than may otherwise be appropriate.
(f) state whether the drafting of proposed conditions for the approvals sought (including any draft management plan filed) is accepted.	The draft conditions are not accepted by TCC. The draft conditions do not address the principal environmental effects and principal issues identified above. In particular, the conditions proposed by the applicant do not adequately address the implications of relying on infrastructure and services owned and controlled by TCC or located within Tauranga City, where access approval has not been obtained from

	the infrastructure provider. This will be addressed further in TCC's substantive comments under s 53.
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ATTACHMENT 6 – TCC’S RESPONSE TO MATTERS SET OUT IN SCHEDULE 1 OF MINUTE 2

Matters set out in Schedule 1 of Minute 2	TCC response
[1] The number and range of approvals sought.	A detailed summary of the required approvals and consents is set out in Section 4.4 of the Application. The following types of approval are required under the RMA: • Land use consent • Subdivision consent • Water permit • Discharge permit The following types of approval are required under other legislation: • Archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 • Wildlife authority under the Wildlife Act 1953
[2] The level of complexity will have a bearing on the appropriate [time] frame for decision making and may include: (a) Legal Complexity: novel or difficult legal issues - (i) involve untested law or interpretation of statute; (ii) involve application for multiple approvals; (iii) interface with two or more statutes; and (iv) engage constitutional law and public law. (b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence - (i) includes challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and (ii) often involve technical or scientific analysis.	As set out above, most of the project area falls within WBOPDC’s territory. TCC is therefore not the primary consent authority and TCC intends to focus its involvement on cross-boundary issues and other issues of ongoing relevance to TCC. In saying that, TCC considers that the Application is appropriately characterised as a complex application. <u>Legal complexity</u> arises because the proposal raises novel cross-boundary infrastructure, funding and governance issues. The development is located within WBOPDC’s district but proposes reliance on infrastructure and services owned and controlled by TCC or located within Tauranga City. This requires consideration of multiple statutory frameworks, including resource management, local government funding and water services arrangements. <u>Evidentiary complexity</u> arises from the volume and technical nature of the material required to assess the proposal, including transport, water supply, stormwater, flooding and other natural hazards and growth planning. Differences in expert

(c) Factual Complexity: arises from the volume and nature of evidence - (i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and (ii) necessitates analysis of technical, scientific, or highly specialised subject matter are involved.	opinion may be expected, although the extent of any differences is not yet known at this stage. <u>Factual complexity</u> arises from the scale, location and integrated nature of the proposed development and its functional integration with Tauranga City despite being located primarily outside TCC's district. Determining the effects on existing and planned infrastructure, including for the Te Tumu growth area, requires detailed analysis of infrastructure capacity, future growth demands, funding arrangements and unresolved infrastructure access and governance matters. Additional complexity arises from the need to deal with all issues through a resource consent process, in contrast to the typical two-stage approval process under the RMA (eg private plan change followed by resource consent applications within an approved plan framework). Accordingly, the Application raises complex legal, evidentiary and factual issues that warrant a longer decision-making timeframe to enable proper consideration of these matters.
[3] In addition to the matters noted in the Minute, describe: (a) the issues that have arisen during pre-lodgement and post-lodgement consultation and engagement. (b) if the Application concerns an activity the same or similar to one previously lodged with a consent authority, state how requests for information pursuant to section 92 of the RMA have been addressed in this Application. (c) any statutory process that coincides with the 30-working day period (if proposed).	Prior to lodgment it became apparent that the applicant and WBOPDC were not going to come to agreement with TCC over infrastructure capacity, responsibility and funding matters, including effects on planned growth, ahead of the application being lodged. These matters extend to transport, water supply, reserves and community infrastructure. The application relies on direct access to TCC owned or controlled transport and water supply infrastructure without TCC's agreement. TCC was not involved in many aspects of the application pre-lodgement. Once the application was lodged and available TCC has identified other issues associated with stormwater and flood management as well as natural hazards and seismic risk. TCC is not aware of any previous application for an activity that is the same or similar to the Application. TCC is not aware of any statutory process that coincides with the 30-working day period under s 79(1)(b) of the FTAA.
[5] Iwi authorities and Treaty settlement entities are invited to discuss: (a) advise whether tikanga is relevant to the Application, how the panel might receive assistance on those matters, and the time required for this to occur;	N/A

(b) seek guidance on any requirement to protect sensitive information.	
[4] Consider: (a) the knowledge, skills and expertise required to decide the Application under clause 7(1) of Schedule 3.7 (b) whether there are factors that warrant the appointment of more than four panel members, such as: (i) the circumstances unique to a particular district or region; or (ii) the number of applications that have to be considered in that particular district or region; or (iii) the nature and scale of the application under consideration; or (iv) matters unique to any relevant iwi participation legislation.	TCC considers that an Expert Panel comprising of a lawyer, planner and stormwater engineer has the knowledge, skills and expertise required to decide the Application. TCC will defer to the relevant iwi authorities and Treaty settlement entities and abide the decision of the panel convenor on whether a cultural expert should be appointed. TCC does not consider there to be any factors that warrant the appointment of more than four panel members.
[6] Consider and prepare to indicate: (a) an appropriate timeframe for the panel's decision, expressed in working days following the receipt of invited comments; (b) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing). (c) the timing of expert conferencing or wānanga; (d) the referral of two or more participants or topics to mediation; (e) the requirement for any form of hearing process including: (i) disputed facts or opinions; (ii) proposed conditions; or (iii) legal issues.	As set out above, TCC considers that the processes and complexity of the Application warrant a longer timeframe for the Expert Panel's decision. However, beyond that, TCC will abide by the decision of the panel convenor on the number of working days allowed. TCC is willing to engage directly with the Expert Panel as necessary to advance progress of the application efficiently, including briefings, meetings and conferencing. TCC considers that expert conferencing, if necessary, should take place after substantive comments have been made under s 53 of the FTAA and after the Applicant has responded. TCC is open to attending mediation on any topic. If conditions of consent relating to infrastructure availability remain unresolved after expert conferencing, TCC supports mediation between the applicant, WBOPDC and TCC. Mediation may also be warranted if technical matters remain unresolved. TCC is open to attending any form of hearing. It is difficult to foresee whether that will be necessary until substantive comments have been made under s 53 and the Applicant has responded. If conditions of consent relating to infrastructure availability or any other technical issues remain unresolved after comments and

	subsequent processes, TCC would support a confined hearing to ensure its concerns about infrastructure servicing arrangements, environmental effects and associated risks are understood.
[7] Is there any other information needed to decide time frames or panel composition?	TCC is not aware of any other information relevant to time frames or panel composition.