

29 September 2025



Helen Atkins
Panel Convener Fast-track Approvals Act 2024
Environmental Protection Authority
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Wellington 6140

Tēnā koe Helen,

Bay of Plenty Regional Council (BOPRC) response to minute of the panel convener, Conveners Conference Takitimu North Link – Stage 2 [FTAA-2507-1085], 26 September 2025

Thank you for the Minute dated 26 September 2025. BOPRC have the following written response to the matters set out in this Minute, including Schedules 1 and 2 and also the List of Iwi Authorities in Schedule 3.

Participants in the panel conveners conference

Not all relevant Iwi Authorities have been included in Schedule 3. Te Pirirākau and Ngāti Taka have been actively involved in pre-application discussions / consultation with the applicant regarding the Takitimu North Link Stage 2.

BOPRC's database identify the following iwi / hapu as having a registered interest, in the area, of the proposal:

- Ngāi Te Rangi.
- Ngāti Ranginui.
- Te Pirirākau.
- Ngāti Pūkenga.
- Ngāti Taka.

Timeframes

BOPRC are flexible and agree with the timeframes set out in Schedule 1.

BOPRC have no comments regarding when the panel commences.

Given the extensive and constructive pre-application discussions with the applicant, 10 working days to provide comments to the panel is sufficient for BOPRC in this particular case, provided there are no changes to the application in its current form. BOPRC have had the application and conditions lodged with the EPA technically reviewed.

BOPRC request at least 15 working days to comment on the draft conditions (s70(2)).

Composition of the panel

BOPRC recommend that a lawyer, experienced planner and a panel member with tikanga Maori knowledge and experience sit on the panel for this application. Depending on the size of the panel, consideration could also be given to appointing a panel member with expertise in freshwater ecology.

Approvals

There is one consent that the applicant has not applied for under the National Environmental Standards for Freshwater (NES-F) which may be required, relating to earthworks outside a 10 metre (m) but within a 100 m setback from a natural inland wetland (Regulation 45(3)). The application and technical assessments undertaken by BOPRC are sufficient to address the consenting requirements under this regulation.

Other than the above consent, the applicant has applied for all relevant consents from BOPRC under the RMA, Regional Natural Resources Plan and the NES-F.

Complexity

BOPRC have had the following technical reviews of the proposal undertaken:

- Engineering – temporary stormwater discharges, erosion and sediment controls, flooding, bridges, culverts, permanent stormwater.
- Freshwater ecology.
- Terrestrial / wetland ecology.
- Contaminated soils.
- Water quality – permanent stormwater.
- Marine ecology.

BOPRC have reviewed the CIA provided by Ngāti Taka.

BOPRC have been involved in some, but not all, of the discussions that the applicant has had directly with iwi / hapu with an interest in the area of the proposal. It is BOPRCs understanding that the applicant is still involved in discussions with Pirirakau to address some remaining concerns. This information / the outcomes of this consultation has not been provided to BOPRC for review or comment.

Outstanding issues from BOPRC's perspective are:

- The permanent loss of 6.14 hectares (ha) of freshwater wetland extent, particularly the loss of 2.58 ha from two high value wetlands – Ōmokoroa and Merrin Wetlands.
- Disagree with the magnitude or level of effect listed for each individual wetland.
- The ratio for offsetting wetlands of 1:1:1 (loss: creation: restoration) is not supported.
- Wetland restoration is not equivalent to wetland creation and will still result in a loss of wetland extent overall. For moderate wetlands a 1:2 (wetland loss: creation) or 1:1:3 (wetland loss: creation: restoration) is recommended.
- Loss of stream length and replacement of this lost extent considered 'remediation' rather than 'offsetting' by the applicant. BOPRC consider the loss of stream extent and the proposed channel creation to be an offset action as the diverted channels location differs to the original stream alignment.
- Baffle configuration for the triple cell culvert (TNL-11650) is not in accordance with the New Zealand Fish Passage Guidelines 2024.
- Potential effects associated with construction phase waste materials and contaminants and use of machinery fuel / oil on waterways.
- Timeframe (40 working days prior to construction commencing) for submission of the Groundwater Drawdown Monitoring Plan to BOPRC for written certification.
- Consent conditions – BOPRC have reviewed the consent conditions lodged with the EPA and have not reached full agreement with the applicant regarding these.
- Te Pirirakau and Ngāti Taka have been involved in considerable pre-application consultation with the applicant regarding this application. Neither Te Pirirākau or Ngāti Taka have been included in the List of relevant Iwi Authorities include in Schedule 3 to the Minute dated 26 September 2025.

BOPRC agree with the applicant on the following:

- Proposed compensation package for loss of high value wetlands, provided it includes at least 1.56 ha of wetland creation.
- Offsetting of loss of wetland extent from moderate value wetlands at a ratio of 1:2 (loss: creation) is supported.
- Offsetting of loss of wetland extent from low value wetlands at a ratio of 1:1.
- Recommendations regarding fish passage at culvert crossings.
- Use of best practice stormwater devices to manage operational phase stormwater discharges.
- The proposed attenuation devices are appropriate and the sub-catchments without attenuation are acceptable.
- Stream realignments – agree with the applicant regarding conveyance of various design flows within the realigned channels.
- Adequate erosion protection (including stormwater outfalls) has been proposed.
- Proposed culverts and bridge designs meet the relevant BOPRC guidelines.
- Downstream flooding effects – BOPRC agree with the conclusions reached by the applicant.
- Construction and air quality effects – BOPRC agree that the proposed management methods can be implemented and are in accordance with the BOPRC Erosion and Sediment Control Guidelines and Best Practice.
- The Construction Water Assessment and Construction Air Discharge Assessment – applicant has addressed all the potential risks.
- Support the submission of alternative plans to BOPRC that could achieve the same outcome as the plans lodged with the application.

Procedural requirements

BOPRC are willing to engage with the panel directly as and when required.

BOPRC recommend that any outstanding issues are referred to expert conferencing and then mediation (if required) – for example – outstanding ecological issues could be resolved or significantly narrowed through expert conferencing.

Confirmation of attendance

Eleanor Christensen, Senior Consents Planner, BOPRC.
Rachel Boyte, Legal Counsel, BOPRC.
Marlene Bosch, Principal Advisor, BOPRC.

Anything else

As outlined above, BOPRC are concerned that Te Pirirākau and Ngāti Taka have not been included in Schedule 3. Both Ngāti Taka and Pirirākau have been actively involved in pre-application consultation and are still in discussions with the applicant directly regarding this application.

Nga mihi,



Eleanor Christensen
Senior Consents Planner, BOPRC