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22 September 2026

Helen Atkins
Panel Convenor
C/- Environmental Protection Authority

Tenā koe Helen

FTAA-2606-1254 – "State Highway 29 Tauriko Network Connections (including Omanawa Bridge replacement)" - Fast Track Approvals Act 2024
Convenor's Conference
Council Reference: RC14897V01FA

Thank you for Minute 2 from the Panel Convenor dated 16 September 2026 relating to the above project under the Fast Track Approvals Act 2024 (the Act).

As requested, Western Bay of Plenty District Council have considered the content of the Minute and offer the following information which we trust will assist the panel conference on 28 September 2026. Our response follows the structure of Schedule 2 within the Minute.

Participants at the panel convener's conference

3. *The following persons are invited to attend the conference:*
   (a) The authorised person or Applicant – New Zealand Transport Agency Waka Kotahi
   (b) The relevant iwi authorities and relevant Treaty settlement entity (see Schedule 3)
   (c) Relevant administering agencies – Department of Conservation and Heritage New Zealand Pouhere Taonga
   (d) Relevant local authorities – Bay of Plenty Regional Council, Western Bay of Plenty District Council, Tauranga City Council.

   The following staff will attend on behalf of Western Bay of Plenty District Council.
   - Chris Watt, Development Project Facilitator and
   - Rochelle Friend, Senior Consents Planner

Timeframe for a decision

4. *The Panel Convener decides the appropriate timeframe for release of the decision on the Application. The Convener does so having had regard to the scale, nature, and complexity of the approvals sought (among other matters). Complexity is in part a function of the issues that arise on this application.*

   Noted.

5. *If the timeframe for a decision in not appropriate this then risks –*
   (a) *insufficient time being allowed, impacting on the quality of the decision-making;*
   (b) *not adequately engaging with the wider requirements of public law leaving the decision susceptible to appeal or review; or*
   (c) *an overallocation of time which would not satisfy the procedural principles in section 10 of the Act.*

   Noted

The Conference

6. *At the conference participants are invited to*:
   (a) *comment on the extent of engagement by the applicant both before and following lodgement of the application;*

   The applicant established "Consenting Authorities Forum" early on bringing the key parties together to understand the nature of the application, review draft applications documents and discuss pre-lodgement across planning, transportation, ecological, acoustic and other matters.

   While not all disciplines were consulted in equal detail before lodgement, Council acknowledges the applicant has generally been responsive to requests for information and engagement.

   Following lodgement, further technical issues have emerged through detailed review of the substantive application documentation and discussions continue between specialists to refine and, where possible, resolve those matters.

   (b) *the applicant aside, identify in-house experts and external consultants engaged on this project; and*

   The District Council is limited in the physical land area comprised within the total application. In-house experts and staff associated with this application are:

   Chris Watt – Development Project Facilitator/ Fast-track Lead/ Planner (WBOPDC)
   Rochelle Friend – Senior Consents Planner (WBOPDC)
   Pip Browne – Transportation Planner (WBOPDC – seconded from Aurecon)

   Matters regarding NESCS are being addressed through BOPRC specialists (as lead) with Council Planners.

   Matters regarding Acoustics/ Noise are being managed by Styles Group through Tauranga City Council across the full application.

   (c) *record processes agreed with the applicant to narrow or reduce any issues relevant to the application and the decision that the panel is required to make;*

As advised, the District Council matters are narrow. The substantive application seeks approvals for:

- Notice of Requirement to alter a designation in the District Plan.
- Land use consent for disturbance of contaminated land under the "National Environmental Standard for Assessing and Managing Contaminants in Soil" (NESCS).
- Land use consent for earthworks associated with creation of stormwater pond within an Outstanding Landscape Feature (S7 Wairoa River Landscape Management Area) under the District Plan.

We note that the District Council has already issued consents for the "Omanawa Bridge Replacement" which is currently under construction. No further assessment on this aspect of the Tauriko West network is required to be addressed.

Discussion centres on preparing a robust set of consent conditions that will assist the Panel moving to a decision. This has focused on similarities and consistency where possible with consent conditions that may have been applied in similar NZTA applications such as Takitimu Northern Link – Stage 2 which have recently secured fast-track approval.

(d) *where there is a difference of opinion between the applicant and any other participant, identify the principle environmental effects at issue*

Currently, we are working through the conditions of consent. We don't consider there are any 'deal-breakers' and anticipate reaching an agreed set of consent conditions; however, this requires alignment with Tauranga City Council also on the designation space.

We expect NESCS consent conditions presented by the Bay of Plenty Regional Council will be standardised and not subject to any contention.

There are some transportation matters that relate to residual land and revocation matters along with new access points falling out of the realignment. We have engaged with the applicant and continue to work through these. Council may bring to the attention of the Panel through the Comments process if not resolved.

We anticipate the application will be updated to address the potential non-compliance with the earthworks' performance standard within the Wairoa River Landscape Management Area S7 to include mitigation and landscape integration measures. However, we do not anticipate this will be subject to any contention.

(e) *describe the complexity of the application.*

The District Council does not consider the effects of the designation alteration on the underlying rural zone to be unique or unusual in terms of complexity.

The District Council does not consider matters relating to disturbance of contaminated land to be unique or unusual in terms of legal complexity. We anticipate the Bay of Plenty Regional Council will respond to this matter on the basis they are addressing this matter on behalf of

the District Council.

The District Council does not consider matters relating to the Outstanding Landscape Area to be unique or unusual in terms of complexity.

There are no principal issues of contention or other disputed matters.

(f) *State whether the drafting of proposed conditions for the approvals sought (including and draft management plan filed) is accepted.*

Council has commenced review of the draft conditions. We have had a meeting with NZTA/ BBO and will continue to work on the Designation conditions with Tauranga City Council along the lines of management plan wording.

The conditions lodged with the application are still subject to the full agreement of the territorial authority. The territorial authority anticipates outstanding issues, if any, can be conveyed through the comments phase to the Panel, and if instructed, can be referred to expert conferencing for resolution in the first instance.

(g) *Propose efficient processes to enable the panel to understand, resolve or narrow the scope of any likely issues and indicate how these processes may be accounted for in the decision timeframe;*

Council consider the following processes would assist:
- ongoing technical engagement between experts;
- focused expert conferencing where material disagreements remain;
- circulation and review of draft consent conditions at an early stage;
- issue-specific meetings on issues raised

Council anticipates matters may be capable of resolution through refinement of conditions and expert conferencing rather than formal hearing processes.

7. *It is anticipated that the local authorities will obtain input from planning and technical advisors to identify the likely issues. However, an assessment of merits is not required at this stage. For information about cost recovery, please refer to the EPA's cost-recovery policy (details below).*

Noted

Composition of the Panel

8. *I will be seeking the participants' views on the skills, knowledge, and expertise required for persons to be appointed to the panel.*

Noted

9. *I have written separately to the Local Authorities separately inviting them to nominate a person for appointment to the panel.*

The District Council responded on 14 September 2026.

Accessibility and recording of the panel convener's conference

10. *The conference will be held remotely, with access provided to participants. The conference will be recorded, and a copy of the recording will be made available on the fast-track website.*

    This is noted and accepted by the Council.

11. *The Application documents can be viewed on the fast-track website here.*

    Noted

Cost recovery

12 *Cost recovery for participation in fast-track processes is determined by the FTAA and the Fast-track Approvals (Cost Recovery) Regulations 2025.*

    Noted

13. *Costs for preparing and attending this conference are described in the policy. For information on costs recovery, the link to the policy is found here.*

    Noted

Preparation

14. *I ask that participants take the time to consider the range of matters set out in Schedule 1 and come prepared to discuss them.*

    Noted. These points under Schedules 1 and 2 are addressed later in this response.

Directions

15. *I direct*:
    (a) The participants are requested to file a written response to the matters set out in this Minute, including Schedules 1 and 2 (attached).
    (b) Written responses and confirmation of attendance are to be filed by 23 September 2026.

    Noted

Schedule 1 – Matters to consider when preparing for conference

Approvals

1. *The number and range of approvals sought.*

   Council refer to the Applicant's "*Vol. B – Appendix A – Rule Assessment*" as presented in the application to the EPA. The application seeks a broad range of regional matters under the Bay of Plenty Regional Council plans.

   The District Council is identified to consider and comment on:

   - Notice of Requirement to alter a designation in the Plan.
   - Land use consent for disturbance of contaminated land under the "National Environmental Standard for Assessing and Managing Contaminants in Soil" (NESCS).

   We have also identified a land use consent matter for earthworks within an Outstanding Landscape Feature. This will be addressed through the comments phase with the applicant then exercising their right-to-respond.

   The breadth of approvals contributes to the overall complexity of the application. However, we do not consider, for the District Council this is significant in the matters being addressed.

Complexity

2. *The level of complexity will have a bearing on the appropriate 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.

      Council is not currently aware of any novel statutory interpretation issues or constitutional law matters requiring specific consideration for this application.

      The complexity may arise from the scale of the proposal and the interaction of regional, city and district approvals rather than legal uncertainty.

3. *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 outlined, there are several layers to an application of this scale for the district council

including crossovers with the Regional Council (contaminated soils) and with Tauranga City Council (transportation, noise/ acoustics and landscape).

The Regional Council are taking the lead on the NESCS matter given their internal level of expertise in analysis, and preparation of consent conditions – which the District Council would otherwise replicate.

The remaining matters are led by Tauranga City Council as lead reviewer; however, District Council staff will take the commentary forward relative to any identified effects within the jurisdictional area – such as transportation and landscape.

There are also technical specialist reports, in particular transportation, which are currently being worked through with the applicant. This may result in conflicting technical opinions that require expert conferencing or panel consideration.

Working through draft consent conditions for the Panel may also require the need to engage as a group; however, we would anticipate the application of standard, and tested conditions across NESCS and management plan requirements for example which would assist with timeframes.

4. *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.

   As outlined under 6(b) above, the Council has engaged external specialist support to review the reports, plans and data associated with the application.

Issues

5. *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.

   Refer Council comments under paragraph 6(c) and 6(d) earlier in this response.

   (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.

   Western Bay of Plenty District Council recently engaged in the Takitimu Northern Link – Stage 2 (TNL2) Fast-track application with the Regional Council and with NZTA and BBO as agents.

   Any request for information from the applicant was direct with the agent and was responded to in a timely manner.

(c) *any statutory process that coincides with the 30-working day period (if proposed)*

Nothing that we are aware of.

Mātauranga and tikanga

6. *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;*
   (b) *seek guidance on any requirement to protect sensitive information.*

   Council defers to the relevant iwi authorities and Treaty settlement entities in relation to these matters.

Panel membership

7. *Consider*:
   (a) *the knowledge, skills and expertise required to decide the Application under clause 7(1) of Schedule 3.9*

   Outside of the appointed Chair, we consider the fundamental skills required for this application will be:
   - Transportation Engineer – Cover the fundamental application-based infrastructure but also broad enough to consider Geotechnical/ stormwater/ Infrastructure
   - Planner – All round awareness of local City, District and Regional Planning matters. The ability to consider the multiple technical streams and drawing together conditions of consent.

   (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.*

   We do not consider 4 panel members need to be appointed. While several technical areas are identified, we consider across the Chair, Transportation Engineer and Planner specialisations, the breadth of the issues raised could be addressed. Again, we acknowledge the Panel reserves the right to seek its own specialist advice if considered necessary.

Procedural requirements

8. *Consider and prepare to indicate*:
   (a) *willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).*

The District Council is open and willing to engage directly with the Panel as considered necessary.

(b) *the timing of expert conferencing or wānanga;*

The District Council will undertake expert conferencing or wānanga as directed by the Panel.

(c) *the referral of two or more participants or topics to mediation;*

The District Council will undertake mediation as directed by the Panel.

9. *the requirement for any form of hearing process including:*
   (i) disputed facts or opinions;
   (ii) proposed conditions; or
   (iii) legal issues.

The District Council will be available for a hearing if considered necessary as directed by the Panel.

Anything else?

Is there any other information needed to decide time frames or panel composition?

On behalf of the District Council, we would anticipate technical matters can be worked through prior to comments being closed. Conditions of consent require work with our Council colleagues and may take more time to work through and close out.

These discussions may require conferencing which could have an impact on the total working days post receipt of comments.

To that end, I would anticipate a timeframe of 50 – 75 wd to progress any residual matters.

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