

21 July 2026

Jennifer Caldwell
Panel Convenor
C/- Environmental Protection Authority

Tenā koe Jennifer

FTAA-2605-1227 – “Wairakei South” Fast Track Approvals Act 2024
Convenor’s Conference
Council Reference: RC14565V01FA

Thank you for Minute 2 from the Panel Convenor dated 14 July 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 23 July 2026. Our response follows the structure of Schedule 2 within the Minute.

Participants at the panel convenor’s conference

3. *The following persons are invited to attend the conference:*
 - (a) *The authorised person or Applicant – Bell Road Limited Partnership*
 - (b) *The relevant iwi authorities and relevant Treaty settlement entity (see Schedule 2)*
 - (c) *Relevant administering agencies – Department of Conservation and Heritage New Zealand*
 - (d) *Relevant local authorities – Bay of Plenty Regional Council, Western Bay of Plenty Regional Council, and Tauranga City Council.*

The following staff will attend on behalf of Western Bay of Plenty District Council.

- Chris Watt, Development Project Facilitator and
- Anna Price, Principal Planner

Timeframe for a decision

4. *The Panel Convenor decides the appropriate timeframe for release of the decision on the Application. The Convenor 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.

Matters relevant to timeframe

5. *At the conference participants are invited to:*
 - (a) *Identify any significant gaps in information provided with the Application;*

Geotechnical

- The below matters have been raised with the applicant to-date, and we are currently working with the applicant on clarifying these matters
- Clarification of anticipated liquefaction performance outcomes and foundation assumptions across the site.
- Understanding expected infrastructure performance and resilience under liquefaction-induced ground deformation.
- Further information on differential settlement assumptions and infrastructure/building tolerances.

Liquefaction

The geotechnical report gives somewhat contradictory statements as to the level of liquefaction risk within the site. The executive summary and other sections state that all lots within the development are expected to require TC3 foundations, implying high risk. Later sections of the report and the analyses indicate a lower risk, with TC2 foundations recommended for much of the site and Table 21 stating "surface manifestation during or following a [1/1000 year] event is unlikely'. It is therefore difficult to understand the actual expected extent and severity of liquefaction induced ground damage within the development area.

The report indicates that specifically designed ground improvement will likely be needed to protect key infrastructure such as pump stations. However, the report does not describe expected effects, risk and mitigation options for the pipework connecting these.

Static Settlement

The report provides a detailed assessment of expected total settlements within the development but has less discussion of differential settlements, which are generally more critical for building and infrastructure performance. The report states that differential settlement is 'expected to be within recommended limits', referring to the 25mm vertical / 6m horizontal maximum deflection recommended in the building code. I suggest that the development will need to achieve a high level of confidence that actual differential settlement below the proposed residential sites will be well within and/or towards the lower end of the recommended range. The 25mm/6m deflection in the building code is not intended to be a design target, in recognition of the fact that calculated settlement values are prone to significant error.

Infrastructure

Council is working with BOPRC on identifying issues which relate to hydrology, flooding effects, stormwater pumping and asset ownership.

Both Council's will also be raising these key matters along with the below infrastructure issues with the applicant in the coming days.

Water

Water supply solution is available as identified in Appendix N of the Application information.

Stormwater

- The flood modelling and stormwater strategy are heavily reliant on ongoing pumping to manage both current groundwater conditions and future climate change effects, including a projected sea level rise and elevated groundwater levels. The reports state that changes in groundwater inflows and future conditions can be managed through pump operation.
- While the modelling demonstrates that pumping can theoretically manage these conditions, the full extent of the ongoing pumping requirements, operational reliability, energy demand, lifecycle costs, maintenance obligations, and long-term cost-effectiveness of this approach have not yet been quantified. Additional information will be sought from the applicant to understand the long-term sustainability and resilience of the proposed pumping regime.
- Given the development's dependence on pumps to offset the loss of natural floodplain storage, Council will need certainty around operation, funding and renewals associated with the pumping infrastructure.

Wastewater

- The Infrastructure Report identifies that proposed wastewater rising main will require a daily flush cycle during the early stages of development to achieve self-cleansing. This would involve the discharge of significant additional flushing volumes to the Te Puke Wastewater Treatment Plant until development flows increase sufficiently.
- This operational requirement was not identified during earlier discussions regarding wastewater servicing and was not considered in the initial capacity discussions with Council.
- Initial review indicates that the Te Puke WWTP may not have sufficient available capacity to accommodate these additional flush volumes from the commencement of development. This has potential implications for plant capacity, and growth planning
- Further discussion with the applicant is needed to clarify the flushing regime, impacts on the Te Puke WWTP, and the basis on which treatment plant capacity has been assessed.

Transportation

Council is currently engaging with the applicant on these key issues below, and several other matters which we believe can be resolved through agreement/draft conditions.

Bell Road Corridor between the proposed development and Te Puke Highway.

- There does not appear to be sufficient information provided on the potential effects in this corridor from the increase in traffic volumes

generated, and the potential impact of construction traffic in the corridor. This is in terms of corridor width, pavement condition, and ability to be able to upgrade the corridor as proposed.

- There has been no consideration of suitable walking and cycling provision (I understand this is to be also raised by the reserves team).
- The intersection of Bell Road and Parton Road suitability of proposed intersection treatment.
- The suitability of the proposed Bell Road cross section has not been proven.

Construction Traffic Effects

- There has been very limited information or analysis on the proposed Construction methodology. There has not been a scenario presented which can show how this development can be constructed, and what the potential effects may be on the surrounding roading network.

Clear determination of the Staging of the development and the Transport Network Accountability Report. With the length of time of associated with the development, how will the TNAR interface with the construction traffic effects, and the accumulation of the effects. Will it be able to be identify where an unexpected cumulative effect will occur and identify potential mitigation.

Urban Design

Council's urban design review has identified several areas where additional clarification would assist understanding of the likely urban design outcomes of the proposal. These include:

- the relationship between the proposed design guidelines, development controls and approval processes, including the role of the Development Controller;
- how modified development standards are intended to operate and the outcomes they are expected to achieve;
- how centre design, servicing arrangements and commercial frontages are intended to function in practice;
- how neighbourhood, interface and amenity effects have been considered at full development build-out scenarios; and
- the consistency between proposed standards, design guidance and the anticipated built form outcomes.

Accordingly, Council's review is focused on whether the proposed development controls, design guidelines and implementation processes provide sufficient certainty that the urban design outcomes anticipated by the application will be achieved. Particular attention is being given to the treatment of interfaces between residential, commercial, industrial and open space environments, the operation of the Development Controller process, and the delivery of neighbourhood centres, active transport connections and public realm outcomes throughout the staged development.

These matters are currently being refined as part of the ongoing review process before substantial comments are sought. Council anticipates that many of the urban design matters identified to date may be capable of resolution through clarification and refinement of the proposed controls and consent conditions.

Landscape

A preliminary review by Council's technical specialist identifies an unresolved assessment gap in relation to the landscape and visual effects on adjoining and internal rural properties, particularly where those properties interface with proposed industrial built form, raised landform, and areas where the assessment relies on staged mitigation. The current Landscape Assessment does not appear to provide specific assessment of visual effects from these properties. This limits the ability to confirm whether rural-interface effects are fully understood, and whether the proposed mitigation and conditions are sufficient to manage those effects.

Council are currently working with the applicant on these matters and hope to be able to resolve issues, and include relevant conditions of consent.

Reserves

There do not appear to be any fundamental gaps of significant issues arising in the provision of reserves and other open spaces. However, Council will look to raise with the applicant in the coming week several opportunities regarding:

- Opportunity to consider the location and function of the proposed Major Neighbourhood Reserve through an alternative arrangement of the reserve and neighbourhood centre. While not a fundamental objection to the reserve network, this matter warrants further discussion with the applicant
- District Plan Rule 12A.3.1(b) refers. Although the esplanade link along the nearby section of the Kaituna River has not yet been created, the District Plan intent is clear and has only been awaiting progressive subdivision development. Extending an esplanade link, or suitable alternative, along the true left bank of the Kopuaroa Canal would be consistent with that network to provide for future anticipated urban demand.

Highly Productive Land

Council's specialist has identified concerns regarding the economic viability methodology used in the HPL assessment, particularly the treatment of land values influenced by urban proximity and the implications this may have for the interpretation and application of Clause 3.10 of the NPS-HPL and cumulative loss of highly productive land.

A preliminary review by Council's independent HPL specialist has identified concerns regarding the methodology used to assess long-term economic viability under Clause 3.10 of the NPS-HPL.

In particular, questions have been raised about the extent to which the assessment relies on debt-servicing requirements and land values that may be influenced by proximity to urban development and associated amenity value, rather than land-based primary production. Council's specialist has questioned whether this approach is consistent with the intent of Clause 3.10 and whether it appropriately isolates the productive capability and viability of the land for primary production purposes.

The review has also identified potential implications for the cumulative loss of highly productive land, noting that if land values influenced by urban encroachment are relied upon to demonstrate economic non-viability, this approach could progressively increase development pressure on adjoining highly productive land over time.

Discussions between Council's specialist and the applicant's experts are yet to be had on this matter pending receipt of a technical memo from Council specialist.

Acoustic

Council's acoustic specialist preliminary review generally considers that the proposed noise management framework reflects existing District Plan approaches and that construction noise effects are unlikely to be significant due to separation distances and the scale of the site.

The primary acoustic matters which can be discussed with the applicant relate to:

- The treatment of future noise-sensitive activities on adjoining rural land.
- Reliance on the continued retention of existing State Highway noise bunding.
- Assessment of road traffic noise effects on private outdoor living areas.
- Refinement and consistency of several proposed acoustic consent conditions, including construction noise management, internal noise standards and road traffic noise assessment requirements.

Council anticipates that many of these matters may be capable of resolution through clarification and refinement of proposed consent conditions.

(b) comment on the extent of engagement by the Applicant both before and following lodgement of the Application;

The applicant has undertaken a significant level of pre-lodgement engagement with Council across planning, transportation, infrastructure, geotechnical, reserves and stormwater 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.

(c) describe the complexity of this application;

Council agrees with the Bay of Plenty Regional Council's assessment regarding the complexity of the application and similarly considers it to be one of the most complex urban development proposals it has assessed, given its scale, multiple consent requirements, natural hazard considerations, infrastructure demands, and cross-TA boundary servicing and planning issues.

Complexity arises from:

- scale of development (approximately 349 ha),
- multiple land use components,
- multi-stage delivery programme,
- extensive infrastructure requirements,
- geotechnical and natural hazard considerations,
- cross-boundary servicing and infrastructure issues involving Tauranga City Council,
- multiple regional and district approvals,
- delivery of district and regional council's infrastructure timing and consent requirements

(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;

Matters as raised in section 5(a) above and

Matters largely understood / progressing

- Highly Productive Land
- Earthworks
- Planning framework
- Acoustic matters

Matters potentially remaining in contention

- Geotechnical suitability and infrastructure resilience (natural hazards)
- Stormwater infrastructure and long-term operation
- Water supply and wastewater servicing
- Bell Road transport improvements and intersection design
- Urban design controls and implementation mechanisms
- Landscape treatment of development edges and interfaces

We will continue to engage with the applicant team with an objective of reducing these matters, thereby reducing the level of outstanding matters that may sit in our formal comment to the Panel. Where possible we will look to achieving outcomes and direction through the proposed conditions of consent.

- (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;*

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

- (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.

Discussions are continuing with the applicant regarding a range of draft conditions, including infrastructure, transportation, landscaping, urban design and geotechnical matters.

Council anticipates a number of matters may be capable of resolution through refinement and further drafting prior to substantive comments being provided to the Panel.

6. *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

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

Noted

8. *I will be writing separately to the Local Authorities inviting them to nominate a person for appointment to the panel.*

Noted

Preparation

9. *In the interests of taking all practical steps to use timely, efficient, consistent and cost-effective processes, 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 Schedule 1 are addressed later in this response.

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

Directions

14. *I make the following directions:*
- (a) The participants are requested to file a written response to the matters set out in this Minute, including Schedule 1 (attached).*
 - (b) Written responses and confirmation of attendance are to be filed by **5pm on Tuesday 21 July 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 Appendix AC – Consenting Tables". The application seeks a broad range of regional and district approvals, including subdivision, land use, earthworks, stormwater, wastewater, water supply, flood management and associated infrastructure approvals across Western Bay of Plenty District Council, Bay of Plenty Regional Council and Tauranga City Council jurisdictions.

The application identifies 16 reasons for consent (rule triggers) and 14 permitted activities identified.

The breadth of approvals contributes significantly to the overall complexity of the application.

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 arises primarily from the scale of the proposal and the interaction of regional and district approvals rather than legal uncertainty.

- (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 outlined, there are a number of layers to an application of this scale for the district council including cross-overs with the Regional Council in stormwater/ groundwater, natural hazards and geotechnical suitability of the land and infrastructure resilience.

The Regional Council have undertaken significant stormwater modelling (with peer review) in which the District Council has been involved with also.

There are also a number of other technical specialist reports in particular transportation, geotechnical and which have been peer reviewed or are currently being

reviewed. This may result in conflicting technical opinions that require expert conferencing or panel consideration.

- (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.*

As outlined under 5(d) above, the Council has had to engage external specialist support to review the extensive reports, plans and data associated with the application.

Issues

- 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.*

Refer Council comments under paragraph 5(b) and 5(d).

- (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 has not had a multi-use land use/ subdivision consent of this scale within the district.

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

Nothing that we are aware of.

Mātauranga and tikanga

- 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;*

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

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

N/A

Panel membership

- 4. *Consider:*
 - (a) the knowledge, skills and expertise required to decide the Application under clause 7(1) of Schedule 3*

Outside of the appointed Chair, we consider the fundamental skills required for this application will be:

- Engineering – broad enough to consider Geotechnical/ stormwater/ Infrastructure
- Planner – All round awareness of City, District and Regional Planning. The ability to consider the multiple technical streams and drawing together conditions of consent

Given the significance of geotechnical, stormwater, servicing and infrastructure matters, Council considers engineering expertise is particularly important along with a highly experienced planner.

(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 a number of technical areas are identified, we consider across the Chair, 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

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;*

Given the scale and complexity of the proposal, Council considers a timeframe towards the upper end of the available statutory range is likely to be appropriate, particularly if expert conferencing or condition refinement processes are required.

- (b) 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.

(b) *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?

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

Nothing additional to add.

Nāku now, nā



Anna Price
Principal Planner
Western Bay District Council



Chris Watt
Development Project Facilitator
Western Bay District Council

