

WAIRAKEI SOUTH PROJECT
FTAA-2605-1227

UNDER the Fast-track Approvals Act 2024

IN THE MATTER of an application by **BELL ROAD LIMITED PARTNERSHIP** for resource consents, a wildlife approval and an archaeological authority for the Wairakei South development in Pāpāmoa, Tauranga

BELL ROAD LIMITED PARTNERSHIP

Applicant

**MEMORANDUM OF COUNSEL FOR APPLICANT REGARDING
CORRESPONDENCE PROVIDED BY BAY OF PLENTY REGIONAL COUNCIL
IN RESPONSE TO MINUTE 3 OF THE PANEL CONVENER**

DATED 26 AUGUST 2026



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Director

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MAY IT PLEASE THE CONVENER:

Introduction

1. Bell Road Limited Partnership (“BORLP” or “Applicant”) has received the correspondence provided to the Panel Convener (“Convener”) dated 21 August 2026, on behalf of the Bay of Plenty Regional Council (“BOPRC”). That correspondence purports to be provided:¹
 - (a) In direct response to paragraph 39 of the Convener’s Minute 3 (dated 5 August 2026, “Minute”), because BOPRC has *“been unable to fully agree a joint response to the Minute”* with the Applicant; and
 - (b) In addition to the joint response that BOPRC signed with the Applicant (“joint memorandum”), which was attached as Annexure A to our memorandum dated 21 August 2026.
2. The Applicant considers BOPRC’s actions in providing this correspondence are highly irregular and inappropriate, and indeed represent significant bad faith, for the following reasons:
 - (a) Paragraph 39 of the Minute directed the parties to prepare and file a *joint* memorandum and as BOPRC is fully aware, the required memorandum was prepared and executed by both parties, in compliance with that direction. Further, the joint memorandum does not indicate or record that there are *any* outstanding or additional matters that it is agreed BOPRC will address the Convener on separately. It is therefore completely incorrect for BOPRC to advise that
 - (i) It had been unable to fully agree a joint response to the Minute with the Applicant; or
 - (ii) Its correspondence has been provided in direct response to paragraph 39 of the Minute.
 - (b) At no point in preparing the joint memorandum did BOPRC advise BRLP that it was intending to provide correspondence in response to the Minute which was separate from, additional to or contradictory of the joint memorandum which it signed. This issue is exacerbated by the fact Ms Petricevich is a signatory for BOPRC to *both* the joint memorandum and the correspondence provided on behalf of BOPRC. So this is not a case of different personnel within BOPRC acting independently, and without knowledge, of what the other was doing.
 - (c) Rather, it can only be seen as a deliberate, calculated (and very ill-advised) lack of transparency and good faith on BOPRC’s part. Particularly as BOPRC would not have had any time to prepare its correspondence after the joint memorandum was signed. Thus Ms Petricevich must have known that correspondence had already been prepared and BOPRC was intending to file it, while she was negotiating the joint memorandum with BRLP personnel (including throughout the day on Friday 21 August 2026). As well as when she signed that joint memorandum on behalf of BOPRC. Yet as noted, she did not raise or discuss that fact with BRLP during the negotiations, in any way.
 - (d) The correspondence has been prepared by two planners, rather than the technical stormwater experts engaged on behalf of BOPRC who have direct knowledge of and

¹ At page 1 of BOPRC’s correspondence.

involvement in the stormwater matters it addresses. It also appears BOPRC has not taken any legal advice or had any legal guidance, in preparing that correspondence.

3. The Applicant also strongly disagrees with many of the matters raised and comments made in BOPRC's correspondence. For example, the model validation/quality assurance workstream is for BRLP to undertake, not BOPRC. And BRLP has confirmed this work can be completed within 5 weeks. It is accordingly entirely inappropriate for BOPRC to comment on the timeframe for undertaking this work – let alone suggest it could take between 3-5 months. Further, the Applicant of course does not accept those aspects of BOPRC's correspondence that directly contradict the parties' agreement as recorded in the joint memorandum.
4. Notwithstanding the above, the Applicant does not propose providing a detailed response to BOPRC's correspondence for the Convener, unless you require or direct that. Rather, the Applicant will (appropriately) provide that detail to the Panel, at the relevant time.
5. However, the Applicant requests that the BOPRC correspondence be removed from the EPA website, as we understand has previously occurred (and be accepted as appropriate) when participants have provided unsolicited material on other fast-track projects. If necessary, the Applicant is also willing (and available at short notice) to participate in a brief conference with the Convener and BOPRC legal representatives regarding whether the BOPRC correspondence can appropriately be placed on the website.
6. Both counsel and BRLP are grateful for your attention to this matter and trust the above is of assistance.

DATED at Auckland this 26th day of August 2026



H C Andrews
Counsel for Bell Road Limited Partnership