
MINUTE 6 OF THE PANEL CONVENER

Next steps following second convener conference

Wairakei South [FTAA-2605-1227]

1 October 2026

- [1] On 1 October 2026 I held a second convener conference to ascertain progress made between the Applicant and the Bay of Plenty Regional Council (**BPRC**) on a range of stormwater and flood modelling issues that were the subject of earlier Minutes 3 and 4, and compliance with the directions set out in Minute 4.
- [2] The second conference was attended by all the parties who attended the first conference. A joint memorandum was filed by the Applicant and BPRC addressing the Minute 4 directions, and Te Maru o Kaituna River Authority (**TMK**) filed a separate memorandum providing an update on matters remaining outstanding from its perspective.
- [3] The purpose of this minute is to acknowledge the information provided in response to the directions, including advice from the participants at the conference as to timing for completion of existing workstreams, and to set out next steps that should see the application ready for panel appointment and commencement before the end of year break.

Current status - stormwater/flooding workstreams and related issues

- [4] The Joint Memorandum confirmed that:
- a. Two days of facilitated expert conferencing are being arranged for the week commencing 19 October 2026;
 - b. While the principal focus of the conferencing will be the workstream

associated with stormwater model validation and resolving outstanding issues from the Awa peer review, there will also be time for conferencing between the parties' ecologists on wetland delineation and related issues, and potentially water quality issues;

- c. Joint Witness Statements will be prepared and filed immediately following the conclusion of expert conferencing;
- d. At the same time, an update will be filed that includes the proposed timeframe for completion of any agreed further work;
- e. In relation to the second workstream (proposed stormwater pumping infrastructure) the Applicant is continuing to prepare information sought by BPRC, but the expectation is that these matters will likely need to be addressed by consent condition given the proposed staging of the development.

[5] The parties acknowledged at the conference that there would be work required following expert conferencing, including updates to the Applicant's assessment of stormwater and flood hazard effects, but there were slightly different views expressed as to the time required for completion of that work:

- a. The Applicant advised that its technical team is well prepared to respond quickly following expert conferencing, and it remains hopeful that the original timeframe for completion of the two identified workstreams (early November) can be met, with the Panel commencing work well before the end of year break;
- b. BPRC considers that early November is not likely to be viable given the 3-week period originally identified as necessary following completion of the workstreams for council feedback and updates to effects assessment documents. BPRC considers that delivery of all relevant information is unlikely to occur before early-mid December and that panel appointment and commencement will likely need to be deferred to the New Year.

[6] The other parties advised as follows:

- a. WBPDC continues to resolve matters with the Applicant;
- b. TCC is very interested in (and maintaining a watching brief on) the outcome of the stormwater and flood hazard work and supports having full and complete information before being asked to provide comments to the panel;
- c. TMK is keen to ensure that the stormwater modelling and associated work gives the panel sufficient information to evaluate the impact of the proposal on the values of the Kaituna River;
- d. HNZPT and DOC noted that they have continued discussions with the Applicant. In terms of the ongoing work, HNZPT noted that they will need to be advised of any proposed changes to the footprint of the project to assist their evaluation.

Likely timing of panel appointment and decision on timeframe

[7] I am encouraged by the effort undertaken in the past month to advance resolution of the stormwater modelling and flood hazard assessment issues, and steps taken to arrange expert conferencing not only on those issues, but on other issues of interest to other parties, notably water quality and wetland delineation.

[8] Realistically, in order for the panel to commence work and meet the first of its procedural obligations prior to the end of year break in working days (under the RMA as imported into the FTAA) the panel would need to be appointed no later than 25 November and commence no later than 2 December. That would enable the invitation to comment to be sent by 16 December.

[9] Those dates can only be met if the work required following the outcome of expert conferencing is able to be delivered by Friday 20 November at the latest, to allow several days for panel appointment formalities. I have set out directions below requiring an update as to progress by 30 October.

Directions

[10] Any expert conferencing convened on water quality issues should include a

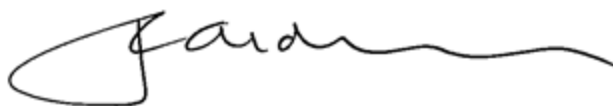
matāuranga expert from TMK.

[11] Following the conclusion of expert conferencing expected to take place during the week commencing 19 October 2026, the parties are asked to provide to the EPA:

- a. Joint Witness Statements for all conferencing topics;
- b. A joint memorandum (as between the Applicant and BPRC):
 - i. confirming matters remaining unresolved following expert conferencing;
 - ii. confirming further work being undertaken on the two principal workstreams and any other matters discussed at conferencing, including any updates to be made by the Applicant to AEE documentation following conferencing;
 - iii. outlining a timetable for the provision of any further information to complete the two principal workstreams.

[12] The joint memorandum should be filed with the EPA by 5pm on Friday 30 October 2026.

[13] I see no need for a further conference (unless the parties request it), but I will release a further minute following receipt of the joint memorandum.

A handwritten signature in dark ink, appearing to read 'J Caldwell', with a long, flowing horizontal stroke extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024