

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 IN RESPONSE TO
MINUTE 3 OF THE PANEL CONVENER**

DATED 21 AUGUST 2026



Helen Andrews

Director

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MAY IT PLEASE THE CONVENER:

Introduction

1. On behalf of Bell Road Limited Partnership (“BRLP” or “Applicant”), the following responds to Minute 3 of the Panel Convener (“Convener”) dated 5 August 2026 (“Minute”), regarding the Wairakei South Project (“Project”). The Minute was issued following the Convener conference held on 23 July 2026 and directed that the Applicant file a memorandum regarding the following issues:
 - (a) Stormwater and flood modelling;
 - (b) Water quality;
 - (c) Matters raised for the conference by Te Maru o Kaituna River Authority (“TMK”); and
 - (d) A revised suggested timeframe for the Panel to issue a decision on its application for the purposes of section 79 of the Fast-track Approvals Act 2024 (“Act”).
2. Before responding to those directions, BRLP acknowledges the issues raised by other participants at the conference, as summarised by the Convener at paragraphs [14]-[31] of the Minute. In respect of those issues, BRLP wishes to record that it has:
 - (a) Continued to actively engage with those participants on the issues raised since the conference, to assist the Panel by clarifying matters and narrowing areas of contention;
 - (b) Provided participants with guidance as to where relevant information can be found in the application material, where applicable;
 - (c) Specifically adopted and progressed the Convener’s recommendation (at paragraph [37] of the Minute) to continue discussions with:
 - (i) Tauranga City Council (“TCC”) regarding the cross boundary and infrastructure connection and funding issues it has raised; and
 - (ii) Bay of Plenty Regional Council (“BPRC”) regarding groundwater and stormwater pumping infrastructure; and
 - (d) Prepared a further suite of information that will be made available to the Panel as soon as it is appointed, so that the Panel can quickly gain a clear understanding of the Applicant’s position in respect of all outstanding issues and/or has further information that will assist it to undertake its task.
3. The Applicant also wishes to record it does not accept that the cross boundary or infrastructure connection/funding issues are as claimed by TCC at the conference, or that these will have as much impact on the timeframe required for the Panel’s work as was suggested by TCC. The Applicant is happy to provide the Convener with further details (and/or a copy of the further information that has been prepared for the Panel) in this regard, if that would assist and as requested.
4. However, as directed, we have confined this memorandum to the matters from paragraphs [39]-[42] of the Minute. We accordingly turn to address those now.

Stormwater and flood modelling

5. In response to paragraph [39] of the Minute, **attached as Annexure A** is a joint memorandum from the Applicant and BPRC's experts addressing the outstanding stormwater and flood modelling issues. In summary, the joint memorandum confirms the following:
 - (a) BPRC provided their technical stormwater and flood hazard assessment of the Project to BRLP on 7 August 2026. As a result of that assessment, the parties have agreed that the main issues and "information gaps" that remain unresolved are:
 - (i) A difference in flood levels produced by their respective models, particularly for smaller storm events; and
 - (ii) The need for further CAPEX, OPEX and Lifestyle Cost Assessment in respect of the proposed stormwater infrastructure.
 - (b) BPRC and BRLP have agreed the following two pieces of work will resolve the majority (if not all) of the remaining technical disagreement between them:
 - (i) Validating BRLP's model against an observed recent storm event, to ensure it is suitable for assessing the full range of flood and stormwater effects relevant to this application; and
 - (ii) Preparing a costed long-term assessment of the capital expenditure, operational expenditure and lifecycle costs associated with the proposed stormwater infrastructure, including the potential financial implications of vesting the pumping infrastructure in BPRC.
 - (c) The parties have committed to a programme whereby the workstreams outlined in (b) will be completed within 8-11 weeks (that is, by early November 2026) at the latest.
 - (d) Subject to completion of those workstreams, the parties have agreed:
 - (i) Outstanding matters relating to the stormwater and flood hazard assessment can be resolved through the further technical review within the timeframes identified above; and
 - (ii) All other technical assessment workstreams e.g. water quality and ecology, can progress independently of and in parallel to those outlined above

Water quality

6. In response to paragraph [40] of the Minute, **attached as Annexure B** is a memorandum prepared by Chad Croft and Dr Mike Fitzpatrick of EcoLogical Solutions. As directed, this memorandum comments on (and where appropriate, addresses) the "information gaps" identified in the technical review prepared for BPRC by Mr Wilson.
7. BRLP/EcoLogical Solutions will now work with BPRC/Mr Wilson to confirm:
 - (a) The extent to which that memorandum addresses outstanding water quality issues; and
 - (b) That no supplementary water quality assessment is required, given the responses that have now been provided on behalf of BRLP.

Issues raised by TMK

8. In response to paragraph [41] of the Minute, **attached as Annexure C** is a memorandum prepared by Collier Consultants (“Colliers”) addressing the matters raised by TMK in preparation for and during the conference. Collier’s memorandum has been provided to TMK, with an invitation to continue discussions and engagement on the Project (including the matters addressed in that memorandum).
9. In response (via email dated 21 August 2026), TMK have advised that the memorandum provides useful consolidated information to support TMK members to better understand and consider the application through the substantive process, and that the memorandum will be further discussed at their next hui on 18 September 2026. In light of that response, the Applicant’s position is as follows:
 - (a) Collier’s memorandum (together with the application documents) addresses the information and assessments identified as unclear or missing in TMK’s conference memorandum (including an integrated assessment of the Project against Te Maru o Kaituna).
 - (b) Accordingly, the Applicant has appropriately progressed (and likely resolved) the “information gaps” identified by TMK for the purposes of the conference.
 - (c) As such, no further information or assessments need to be provided to the EPA to address TMK’s preliminary concerns.
10. Further to the above, BRLP representatives have continued to demonstrate a willingness for ongoing engagement with Tangata Whenua and Mana Whenua. Other Iwi Management Plans directly associated with the development of the Project will also be the source of ongoing engagement and collaboration for BRLP.

Revised timeframe for Panel decision

11. In response to paragraph [42] of the Minute, the Applicant now respectfully requests that an appropriate timeframe for the Panel to issue a decision on its application would be 70 working days after the date specified for receiving comments under section 53 of the Act.
12. We trust the above is of assistance to the Convener. Both counsel and BRLP are grateful for your consideration of this matter .

DATED at Auckland this 21st day of August 2026



H C Andrews
Counsel for Bell Road Limited Partnership

ANNEXURE A

STORMWATER AND FLOOD MODELLING JOINT MEMORANDUM

Memorandum

To: The Environmental Protection Agency (EPA)
From: Bell Road Limited Partnership (BRLP) & Bay of Plenty Regional Council (BOPRC)
Date: 21/08/2026
Subject: **Wairakei South Fast-Track Application (FTAA-2605-1227) – In Response to the Panel Convener’s Minute 3, Stormwater and Flood Modelling Joint Memorandum**

1. Purpose and Background

This memorandum is provided jointly by BRLP and BOPRC in direct response to paragraph 39 of the Convener’s Minute 3 (dated 5 August 2026).

The purpose of this memorandum is to:

- a) Confirm the status of the technical review of the Applicant’s model, information gaps identified in that review that remain unresolved including inconsistencies between BRLP and BPRC’s Model (refer [39](a));
- b) Outline areas of agreement reached on the steps required to resolve the issues identified in the technical review and the likely timeframe required to do so (refer 39](b));
- c) Outline further time required to run the models for additional scenarios not modelled to date but jointly agreed to be desirable or necessary ((refer 39](c));
- d) Outline the extent to which further technical review and effects assessments (by BPRC Experts are dependent on the resolution of modelling issues and verification of modelling output and the associated timeframes ((refer 39](d));

On 11 and 18 August 2026, as part of preparing this response to the Panel Convenor, the BRLP and BOPRC technical experts, Mr Stoffel Bakkes and Mr Bill Noell, met to discuss the Panel Convener’s Minute 3, paragraph 39 and the questions provided by Maven on 11 August 2026 (1;Are there differences between the BRLP and BOPRC models?, 2; If so, are the differences material?, 3; How are these to be closed out?).

This memo only addresses the areas of agreement between the parties.

Minute 3, Paragraph [39](a); Confirm the status of the technical review of the Applicant’s model, information gaps identified in that review that remain unresolved including inconsistencies between the Applicant and BPRC’s Model:

BOPRC provided their technical stormwater and flood hazard assessment of the Wairakei South substantive application information to BRLP on 7 August 2026. The review considers the flooding and flood hazard effects arising from the hydraulic modelling undertaken by the Applicant and BOPRC, including a comparison of the respective modelled results across the floodplain. While the review is focused on the resulting assessment of effects rather than a technical review of the Applicant’s hydraulic model itself, the status and limitations of the modelling are relevant given the Applicant’s

reliance on its modelling outcomes. Additional scenarios undertaken as part of the BOPRC workstream included stopbank breach and pump failure scenarios for risk assessment purposes.

Further information is identified through the stormwater and flood hazard assessment technical review to understand the stormwater and flooding effects. To be able to provide a response to the technical review, the technical experts from both parties have agreed a pathway to progress model calibration, verification and validation (hereby referred to as Validation).

Information Gap 1: Model Validation

Mr Noell's assessment states that there are inconsistencies between the Applicant's model and the Council's model and notes differences in levels produced by the two models. Model validation is key to providing confidence that the Applicant's model is suitable for assessing the full range of flood and stormwater effects relevant to this application. Both parties have agreed to progress a model validation workstream. BRLP has provided (on 20 August 2026) a draft scope for this process to BOPRC for consideration, which BOPRC are actively reviewing.

Information Gap 2: CAPEX, OPEX and Lifecycle Cost Assessment

BOPRC has identified a further workstream to assess the capital expenditure, operational expenditure and lifecycle costs associated with the proposed stormwater infrastructure, including the potential financial implications of vesting the pumping infrastructure in BOPRC ownership. BOPRC considers that this information is required to inform its position on the potential ownership and ongoing management of the assets. This workstream has not yet been completed, but BRLP has committed to providing this information relative to the concept design provided in the substantive application. Completion of the assessment will require input from BOPRC regarding relevant information on existing and planned pump infrastructure, together with the costing assumptions and information relevant to those works. BOPRC agrees to provide information to the Applicant where it is available and required for this workstream.

Minute 3, Paragraph [39](b); Outline areas of agreement reached on the steps required to resolve the issues identified in the technical review and the likely timeframe required to do so:

1) Validation of BRLP's Model

BOPRC and BRLP have agreed to a model validation workstream (which is subject to BOPRC acceptance of validation scope).

The model validation workstream was discussed between BOPRC and BRLP's technical stormwater experts, and it has been agreed that BOPRC would assist with providing relevant available data required to undertake the validation.

Maven will undertake the model validation and update the floodplain effects assessment results based on the outcomes of the validation.

BRLP anticipate that the model validation workstream can be completed within five weeks, subject to agreement to the model validation scope (anticipated to take up to three weeks) and timely receipt of the required data from BOPRC, following which the updated assessment will be provided for technical review to BOPRC. BOPRC anticipates that the technical review of the Applicants results and assessment will take two – three weeks.

2) Proposed Pumping Infrastructure – CAPEX, OPEX and Lifecycle Cost Assessment

The parties have agreed to progress a workstream to assess the capital expenditure, operational expenditure and lifecycle costs associated with the proposed pumping infrastructure. This will include consideration of the potential financial implications of vesting the pumping infrastructure in BOPRC ownership and is intended to inform BOPRC’s position on the proposed ownership and ongoing management arrangements. The assessment may require BOPRC input on existing and planned pumping infrastructure upgrades within their region and relevant costing assumptions to inform the development of the scenarios. The BOPRC will provide this information where possible.

Minute 3, Paragraph [39](c); Outline further time required to run the models for additional scenarios not modelled to date but jointly agreed to be desirable or necessary:

The Applicant’s intended timelines for the two committed additional workstreams are outlined below:

Matter	Timeframe	
	BRLP	BOPRC
Model validation	5 weeks following agreement to scope and all information being collected <i>Modelling results and reporting +4 weeks</i> <i>Internal review +1 week</i>	BOPRC feedback +2-3 weeks following model validation completion, reporting and an updated assessment of effects being provided
Long-term pumping viability / CAPEX-OPEX / asset ownership	5 weeks <i>Financial results +4 weeks</i> <i>Internal review +1 week</i>	BOPRC feedback +2-3 weeks

Timeline Management Process

The timeframes above represent the BRLP’s committed programme for progressing and providing the outputs for each workstream. Progress will be monitored throughout, with BRLP and BOPRC maintaining communication on delivery to provide transparency on the status and progression of the work.

Minute 3, Paragraph [39](d); Outline the extent to which further technical review and effects assessments (by BOPRC experts) are dependent on the resolution of modelling issues and verification of modelling output and the associated timeframes:

The stormwater and flood hazard assessment and relevant technical review is dependent on resolution of the modelling issues.

All other technical assessment workstreams e.g. water quality and ecology, can progress independently of and in parallel with the stormwater modelling.

BOPRC Representative	BRLP Representative
Name: Danielle Petricevich	Name: Nathan York
	
Date: 21/08/26	Date: 21/08/26

ANNEXURE B

WATER QUALITY MEMORANDUM FROM ECOLOGICAL SOLUTIONS

Attention: Aaron Collier

CC: Matthew Kerse, Rob Bailey

Date: 20 August 2026

From: **Chad Croft and Dr. Mike Fitzpatrick, including inputs from Maven**

RE: **FTA-2605-1227 Technical Review – Water Quality Response**

1. INTRODUCTION

SLR Consulting New Zealand Limited (SLR) on behalf of the Bay of Plenty Regional Council (BPRC) undertook a technical review of the water quality aspects of the fast-track consent application (FTA-2605-1227) submitted by Collier Consultants (CCL) on behalf of Bell Road Limited Partnership for the development of rural land at Papamoa for residential, commercial and industrial use, referred to as the Wairākei South Development. The following memo outlines the responses to the technical review comments and queries relating to water quality matters as summarised by SLR.

The water quality technical aspects requiring a response are quoted, italicised and presented below. Our response is provided immediately afterwards.

2. WATER QUALITY

A). *“Clarify the likely contribution of farm drains and Bell Road Drain to overall flows and contaminant loads.”*

Response:

At present unbuffered farm drains characterised by very poor instream physical habitat conditions, with high amounts of fine sediment, a large degree of channel alteration, and a lack of riparian shade or filtering contribute significantly to overall flows and contaminant loads. Farm drains will be removed as part of the proposed development and therefore their contribution to nutrient contaminant loads across the entire development catchment will cease. Future contribution would be:

- 1) For the North Block the portion of the Bell Rd Drain at the southern boundary will be re-aligned and receive only treated stormwater from the North Block. Nutrient loads from the North Block sub-catchment will therefore be markedly reduced.
- 2) At the development’s western boundary, the existing poor quality Bell Road Drain will be re-routed southwards. Flows will be directed to the South Block stormwater management area. Nutrient loads from the South Block sub-catchment will therefore also be markedly reduced.

The main cause of the contaminant load reduction is the removal of the source, i.e., a change in land use from agricultural (Dairy) to residential.

We consider that quantification of the nutrient contaminant load reductions is unnecessary. The change in landuse alone is sufficient to indicate that there will be a marked reduction in contaminant loads from the proposed development catchment.

Although, the South Block wetland system is not designed to achieve a specific treatment of the upstream contaminants (i.e., those contributed upstream of the proposed development) within the diverted Bell Road Drain, they will by default act to reduce contaminant loads sourced outside the development footprint.

- B). *“Determine whether current water quality in the Bell Road Drain and Kopuaroa Canal is similar to that assessed by BOPRC from 2015 to 2017 and, therefore, still applicable.”*

Response:

Whilst the water quality data is not recent, the available data is sufficient for assessing the effects of the proposed development on receiving water quality. The existing data indicates that the water quality is “best described as poor, having very high nutrient levels, high turbidity and extreme levels of dissolved oxygen..... calculated catchment loads from the monitored drains were generally very high for parameters such as ammonia, despite the relatively small size of these drains. Such high catchment loads reflect the intimate contact of the drainage network to the surrounding agricultural land, and the high intensity of the land use (mostly dairy farming, but including kiwifruit orchards and urban/industrial areas)” (Suren and Carter 2018¹). Since the land use in the catchment has remained unchanged, there is nothing to suggest that water quality will have improved.

Importantly, there is no need for a detailed quantification of Farm Drain and Bell Road Drain nutrient contaminant loads within the proposed development catchment, since the former will be removed and the latter re-aligned and repurposed to receive only North Block treated stormwater. Hence, adopting a qualitative approach based on sound stormwater system design principles a marked nutrient contaminant loads reduction and a subsequent improvement in receiving water quality is expected.

- C). *“Include the upstream BOPRC state-of-the-environment monitoring site (Kaituna River at Te Mata) to better describe water quality in the Kaituna River and infer quality near the proposed points of discharge.”*

Response:

Data from the Te Temu site used to inform the application is sufficiently representative of the water quality of the lower Kaituna River and provides a conservative baseline suitable for qualitatively assessing the effects of stormwater discharges from the proposed development. The key water quality parameters of relevance to the lower Kaituna River, i.e., nutrients, will reduce as a result of the development i.e. water quality will improve.

- D). *“Clarify the potential for sediment deposition resulting from construction in each of the waterways (Bell Road Drain, Kopuaroa Canal, and Kaituna River).”*

Response:

Without suitable management, earthworks associated with constructing the proposed development has the potential to result in sediment-laden runoff entering the realigned Bell Road Drain, Kopuaroa Canal and the Kaituna River.

The potential for this risk will be managed through the staged approach (14 manageable stages) with measures set out in the Earthworks Management Plan (Appendix U of the

¹ Suren, A. and R, Carter. 2018. Ecological and water quality conditions of drains and land drainage canals in the Rangitaiki and Kaituna Plains. Bay of Plenty Regional Council Environmental Publication 2018/05.

AEE), and Infrastructure Report (Appendix F of the AEE), both prepared by Maven. These measures are intended to minimise sediment generation and prevent the discharge of sediment-laden runoff to receiving waterways during construction and in line with the BOPRC Erosion and Sediment Control Guidelines for Land Disturbing Activities.

- E). *“Clarify the overall level of effect from sedimentation for each waterway, ensuring that the magnitudes and overall levels of effects align with those presented in Table 2 of the EclA.”*

Response:

Activity	Ecological Feature	Effect	Ecological Value	Magnitude of Effect	Level of Effect (Pre-effects management)	Effects Management Measures	Overall Level of Effect (Post - effects Management)
Earthwork	Kopuaroa Canal	Sedimentation	Low	Moderate	Low	Implementation of Bay of Plenty Regional Council sediment and erosion control standards prior to commencing earthworks	Low
	Bell Road Drain		Low	Moderate	Low		Low
	Kaituna River		High	Low	Low		Low
	The immediate receiving environments (ie. Kopuaroa and Bell Rd drains) are very low gradient with limited flow and as such, a large amount of sediment is unlikely to reach the Kaituna River.						

- F). *“Conduct a quantitative or semi-quantitative assessment of changes in contaminant concentrations in Bell Road Drain, Kopuaroa Canal, and the Kaituna River resulting from operational stormwater discharges.”*

Response:

It is considered that a qualitative assessment of stormwater borne contaminants from the proposed site is sufficient to assess the effects on receiving water quality. Reference to contaminant concentrations ‘predicted by modelling’ in the draft consent condition 16(c) has been replaced with ‘predicted based on design principles’.

- G). *“Include an assessment of the effects of the proposed pump stations on water quality in the Kaituna River.”*

Response:

Activity	Ecological Feature	Effect	Ecological Value	Magnitude of Effect	Level of Effect (Pre-effects management)	Effects Management Measures	Overall Level of Effect (Post - effects Management)
Pump-stations	Kaituna River	Sedimentation	High	Low	Low	Implementation of Bay of Plenty Regional Council sediment and erosion control standards prior to commencing earthworks	Low

The immediate receiving environment for new pump station (ie. Kopuaroa Canal) is very low gradient with limited flow and as such a large amount of sediment is unlikely to reach the Kaituna River. The existing pump station to be upgraded is not expected to have any additional effect beyond the existing condition.

- H). *“Identify practicable contingency measures that could be implemented if monitoring identifies inadequate performance.”*

Response:

The performance of stormwater treatment devices shall be monitored and recorded in accordance with the Stormwater Management Plan. Where monitoring, inspection or operational records identify that a treatment device is not performing as intended, the event shall be recorded, including the nature and extent of the non-performance, the likely cause, the duration of the event and any actual or potential effect on the receiving environment.

Where non-performance is identified, the Consent Holder shall undertake an appropriate assessment and, where necessary, implement corrective actions through routine maintenance, repair, operational adjustments or other measures available within the approved stormwater treatment system.

The effectiveness of any corrective action shall be verified through subsequent inspection, monitoring or other appropriate means. Records shall be maintained of the non-performance event, assessment, corrective action and verification outcome.

Where monitoring identifies recurring or material non-performance, the Consent Holder shall review the relevant treatment system and its operation to determine whether further operational or maintenance measures are required to achieve the applicable performance requirements.

The adaptive management approach is intended to provide for the identification, recording and correction of treatment performance issues and does not require the automatic provision of additional treatment devices in response to an individual non-performance event.

- I). *“Include monitoring upstream and downstream in the Kaituna River for at least the first three years for each operational stormwater system. After three years, the frequency and/or locations could be reviewed.”*

Response:

This monitoring would be ineffective in quantifying effects of the development due to the multiple uncontrolled discharge points within the discharge zone of the Kaituna River, and the inability to attribute detectable changes to the development in that context. This is best monitored at the locations identified within the SWMP. Paired upstream and downstream monitoring of the Kopuaroa canal and Bell Rd Drain.

- J). *“Derive trigger values for key contaminants in the receiving environment that define the maximum acceptable change between upstream and downstream sites.”*

Response:

Receiving water trigger values for key contaminants will be based on current ANZG and NPS-FM guidelines.

- K). *“Update the Stormwater Monitoring Plan to include sediment quality monitoring locations, parameters, frequencies, assessment criteria, and management responses, as required by proposed condition 16(b) and (c).”*

Response:

SWMP to include sediment monitoring locations. Parameters as per ANZG sediment default value guidelines.

ANNEXURE C

MEMORANDUM FROM COLLIER CONSULTANTS ON TMK ISSUES

TO:	Elva Conroy Kaiārahi (Strategic Advisor) Te Maru o Kaituna River Authority Cc: Nathan York (Bell Road Limited Partnership)
FROM:	Aaron Collier
DATE	19 August 2026
SUBJECT:	Wairākei South (FTAA-2605-1227): Te Maru o Kaituna Response to Minute 2 of the Panel Convener

Kia ora Elva,

Thank you for the engagement with Bell Road Limited Partnership (BRLP) to date, and the acknowledgements in your response to Minute 2.

We think it might be of use to provide a summary of the technical analysis, which is set out in BRLPs Fast track application. This includes a number of the applications technical appendices which address the matters raised in Te Maru o Kaituna's response. We have also provided where relevant specific page cross references of the substantive application for you.

Our comments on each of the key matters raised in Te Maru o Kaituna responses to Minute 2 is set out below:

- There is no integrated assessment against the Kaituna River Document and relevant RPS provisions. This is needed to show whether the proposal will contribute to, or undermine, the statutory vision and outcomes established for the Kaituna River.*

Responses

As set out in the Assessment of Environmental Effects (AEE), the masterplan acknowledges Te Maru o Kaituna and the vision for river health, co-governance, and community engagement. Water-sensitive design principles are applied across the project to protect and enhance the river environment, including riparian restoration, stormwater treatment, monitoring, and public access to natural features. We have further assessed the objectives of Te Maru o Kaituna in the table below:

Te Maru O Kaituna

	Objective	Assessment/Comment	Reference in AEE
1	The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are provided for, recognised and protected.	The applicant acknowledges the traditional and contemporary relationships that iwi and hapū have with the Kaituna River and this is reinforced through the consultation and engagement which has been carried out as part	Please refer to section 3.1.6 and section 2.4.2, and 6.1-6.3 of the AEE.

	Objective	Assessment/Comment	Reference in AEE
		of the preparation of the fast-track application by BRLP and in the applicant's design.	
2	Iwi-led projects which restore, protect and/or enhance the Kaituna River are actively encouraged, promoted and supported by Te Maru o Kaituna through its Action Plan.	The applicant proposes to actively work with Mana Whenua in relation to ecological restoration and planting as part of the project as reflected in the current CIA received and other future CIAs.	Please refer to section 3.1.4, 3.1.7, 4.1.2.4, 6.1-6.3 of the AEE.
3	Water quality and the mauri of the water in the Kaituna River are restored to a healthy state and meet agreed standards.	Although the site does not border or adjoin the Kaituna River, the proposal will result in water quality improvements as a result of stormwater treatment and the change in land use from intensive dairy grazing/pastoral use. Water quality standards have been proposed which are included as suggested consent conditions. The applicants approach includes extensive wetland and stormwater management corridors (circa 140ha) designed to filter and improve water quality before stormwater reaches the Kaituna River system.	Please refer to 4.3.6, 6.8.1 and 6.9.5 of the AEE.
4	There is sufficient water quantity in the Kaituna River to: Support the mauri of rivers and streams. Protect tangata whenua values. Protect ecological values. Protect recreational values.	The development is not proposing any reduction in current water quantity into the Kaituna River, therefore: Supporting the Mauri of the river. Protecting Tangata Whenua values. Protecting (and enhancing) ecological values. Protecting (and enhancing) recreational values.	See section 2.7, 3.13.6 of the AEE.
5	Water from the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities, now and for future generations.	There is no water extraction from the Kaituna River proposed as part of BRLP's application.	

	Objective	Assessment/Comment	Reference in AEE
6	The environmental well-being of the Kaituna River is enhanced through improved land management practices.	The change in land management practices associated with the site are considered to result in significant improvements to the well-being of the Kaituna river with BRLP's project having the potential so contribute positively to the health of the awa. In particular through water quality improvements, wetland creation and recreational opportunities.	See section 2.7, 3.1.7, 3.9.7, 4.1.2.3, 4.3.3, 4.3.6, 6.1, 6.1.2, 6.5.5, of the AEE.
7	Ecosystem health, habitats that support indigenous vegetation and species, and wetlands within the Kaituna River are restored, protected and enhanced.	The proposal incorporates significant habitat and ecological restoration including large wetlands within the Kaituna River catchment consistent with the restoration and enhancement objective. The site is currently pasture interspersed with farm drains. The proposal will result in the restoration of approximately 140ha of integrated stormwater swales, reserves and treatment wetlands, creating significant habitats and supporting indigenous vegetation.	See section 1.2.2, 2.8.2, 4.3.4, 4.5.2, 6.1-6.3 6.5.2-6.5.6 of the AEE.
8	Te Maru o Kaituna in collaboration with Iwi and the wider community, enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.	BRLP is aligned with Iwi's wider community, environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.	See sections 4.3.3, 4.3.6, 4.4.3, 6.1-6.3, 6.1.2, 6.5.5, 6.14 of the AEE.

2. *The application does not provide a clear overall account of the effects of changing the site from pastoral to urban land use. TMOk needs to understand whether the proposal will improve, maintain or place further pressure on the health of the Kaituna River and Te Awa o Ngātoroirangi/Maketū Estuary (receiving environment).*

Responses

The effects of changing the site from pastoral farming to urban include those positive effects as set out in the AEE, associated with the provision of housing, business land, and open space/wetlands. The specific effects include:

1. Positive Housing & Urban Development Effects

- **High-Density and Scaled Supply:** Wairakei South adds 2,729 new homes to the Wairakei/Papamoa East urban areas, 50ha of industrial / employment land, 4ha of commercial centres and approximately 140ha of integrated stormwater swales, reserves and treatment wetlands over the next 15–20 years.
- **Alleviates Shortages:** Helps counter chronic regional housing deficits and affordability pressures.
- **Community Integration:** Connects smoothly with adjacent growth areas like 'The Sands' town centre and Te Tumu structure plan and utilises existing infrastructure including the TEL.

2. Reduced Rural runoff & Nutrient Loading

- Changing the land use from pastoral farming to urban will result in significant improvement to the health of the awa. Currently all intensive dairy farm runoff occurs directly to farm drains with no treatment.
- Rural runoff and nutrient loading (like nitrogen and phosphorus from intensive dairy or stock grazing) discharged directly into farm drains, results in contaminants discharging directly to the adjacent Kopuaroa Canal, and ultimately the Kaituna River and Te Awa o Ngātoroirangi/Maketū Estuary. This existing environmental problem is exacerbated by flooding particularly during winter and spring where untreated runoff results in degraded water quality throughout the catchment entering the Kaituna river via the farm drainage network.
- The proposal incorporates managed stormwater networks, constructed wetlands, and treatment corridors that filter out contaminants better than raw pastoral land use and uses improved and natural wetland treatments which we understand are preferred by Mana Whenua. BRLP cannot be responsible for existing farming operations, but we can influence our development and its stormwater treatment.
- For a good example of how natural wetlands are a success storey, please see the attached link which shows the transformation expected, which outlines the landscape benefits *“Improves water quality downstream, with on-site sourced total nitrogen reduced by an estimated 10%, total phosphorus by 19%, total suspended solids by 8%, and fecal coliforms by 8% per year”*. <https://www.landscapeperformance.org/case-study-briefs/te-whariki>

3. Positive Water Quality Effects on the Kaituna River system and Te Awa o Ngātoroirangi/Maketū Estuary

- **Lower Stock Runoff:** Removing livestock stops direct animal access to waterways, cutting down *E. coli* and faecal bacteria levels.
- **Nutrient Capping:** Replaces high-leaching agricultural land uses (such as dairy grazing or seasonal maize cropping) with managed surfaces.
- **Advanced Stormwater Treatment:** Implements engineered stormwater management areas and swales designed to trap sediment and remove heavy metals before discharge.
- **Controlled Drainage:** Upgrades local drainage networks (such as the Bell Road Drain and Kopuaroa Canal) to handle peak flows without de-stabilising riverbanks.
- **Ecosystem Buffering:** Creates riparian planting strips and dedicated buffer zones that filter overland flow before it reaches the Kopuaroa Canal and ultimately the Kaituna River and Te Awa o Ngātoroirangi/Maketū Estuary.

3. *Water-quality effects are not assessed across the full development lifecycle. A comparison is needed between existing rural losses, construction discharges, untreated urban loads and expected loads after stormwater and wetland treatment, so the overall implications for the Kaituna River and Te Awa o Ngātoroirangi/Maketū Estuary can be understood. The assessment should also demonstrate alignment with the National Policy Statement for Freshwater Management and the freshwater outcomes sought for Te Awa o Ngātoroirangi/Maketū Estuary.*

Responses

Lifecycle Water Quality Focus

There are two key phases to the projects lifecycle as follows:

1. **Construction Phase:** Standard evaluation criteria target immediate risks such as sediment runoff, earthworks near waterways, and accidental contaminant or chemical discharges managed via erosion controls. No runoff or construction discharges are to be untreated. Both a stormwater management plan and an erosion and sediment control plan are proposed as part of the application along with suggested consent conditions to manage and control the earthworks phase of the project. The site is also broken down into a number of earthworks phases with bulk earthworks planned across 18 sequential earthworks stages (which have been sized to be manageable), moving generally from east to west starting from the Pāpāmoa East Interchange edge. These Individual earthworks and construction stages are designed to be completed independently over an estimated 10 to 20 years. The application is supported by technical assessments including the Earthworks and Stormwater Management Plans. Proposed consent conditions have also been adopted taking into account the Bay of Plenty Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities.
2. **Operational Phase:** Long-term effects focus on the design performance of the extensive integrated stormwater corridors, stormwater management reserves/wetland, and increased runoff volumes from newly sealed residential and industrial surfaces. The application proposes the use of inert materials (i.e. roofing) to promote the creation of clean water (which does not require treatment).

The operational/permanent treatment proposed includes:

- **Treatment Devices:** Wetland swales and retention/treatment wetlands based on required storage and residence times.
- **Design Standards:** Formulated to meet the BOPRC Stormwater Management Guidelines.
- **Drainage Diversion:** Diverting the existing Bell Road drain from the western boundary to route flows toward the Kopuaroa Canal at the southern boundary.
- **Conveyance Network:** Incorporating up to 35m-wide swales for internal site flows and wider greenway corridors (up to 50m) for storage and upstream flow management.

Based on the technical engineering and water quality assessments included in the application we consider that the water quality effects have been assessed over the full lifecycle of the project. The positive ecological effects of the proposals stormwater management are included in detail in Section 9.5 of the Ecological Assessment (Appendix L of the application) and in section 5 of the applicants Stormwater Management Plan (Appendix G of the application) which sets out the stormwater management principles for the project.

Please also refer to the consent conditions in Appendix AD of the application and the specific Stormwater Monitoring Plan included in Appendix AI of the application which addresses sampling locations, timing and duration.

The applicant has proposed a number of monitoring and reporting conditions in the set of draft consent conditions included with the application which we would be happy to discuss further.

4. *The long-term sediment risks from the proposed earthworks are not yet clear. The scale of earthworks, approximately 9.1 million cubic metres of material and a 15–20 year staging period, create potential risks to downstream water quality, particularly during extreme rainfall and transitions between stages.*

Responses

BRLP proposes an extensive suite of civil and environmental engineering measures aligned with regional standards to manage earthworks, erosion, and sediment from the earthworks proposed. These include the following:

1. **Design Standards & site-specific engineering:** All temporary stormwater discharges, dust controls, and erosion/sediment mitigation are designed to comply with the BOPRC's Regional guidelines for land-disturbing activities and are supported by an earthworks and erosion and sediment control measures which forms part of the application. The Technical civil design and management plans (prepared by Maven) include dedicated [Sediment Control Plans](#) and [Erosion Sediment Control details](#) mapping out catchment boundaries, bund locations, and decant volumes.
2. **Contaminated Land Protocols:** Because parts of the flat rural land contain historical near-surface contaminants (such as heavy metals or agricultural residues), a specific [Contaminated Site Management Plan](#) by ENGEO works in tandem with sediment controls to ensure contaminated soil and legacy fill are safely segregated, capped, or managed during earthworks.

Some of the specific proposed control measures which are detailed in the application include:

3. **Runoff Separation:** Diverting clean upper-catchment runoff away from active, bare work zones while routing sediment-laden water into designated on-site containment and treatment devices prior to any discharge.
 4. **Progressive staging & Stabilisation:** minimising large areas of open site at any single time by staging construction phases across the 300+ hectare footprint and rapidly stabilizing exposed areas or stockpiles. As noted above the site has also been broken down into 18 manageable earthworks stages.
 5. **Perimeter Controls:** Installing silt fencing, earth bunds, and decant earth bunds around boundaries and internal flow paths to capture suspended silt before it can reach local drains or lowland receiving environments like the Bell Road Drain catchment.
5. *The source and suitability of imported fill require clarification. This is important because unsuitable or contaminated fill could affect groundwater, drainage systems and downstream receiving environments connected to the Kaituna River.*

Responses

The source of fill is anticipated to be predominantly local, natural mineral materials (i.e. pumice & sands) and may be sourced from a number of local suppliers. All material to be used will be defined as clean fill under the BOPRC's guidelines. Both imported fill and re-used site material must meet clean fill or managed fill criteria (where site material is re-used). To prevent groundwater contamination from harmful leachable elements are subject to strict controls and validation protocols managed by a suitably Qualified and Experienced Practitioner (SQEP) under the site's proposed environmental management framework to ensure compliance and prevent environmental or soil contamination risks. We are also looking to quarry pumice from Allport Road as a key long-term source of fill for the site. The material from this area has been extensively used in other Western-Bay sub-region sites for fill requirements.

6. *The long-term performance of the stormwater and wetland system is unclear. TmoK needs confidence that the system will continue to protect water quality, freshwater habitat and the health of the Kaituna River through clear arrangements for sequencing, ownership, funding, maintenance, monitoring and accountability.*

Responses

In terms of the stormwater and wetland system, the private land and internal development structures (such as stormwater corridors, management areas, and buffer strips) will initially be owned and developed by BRLP. Reserves designated for public use or vesting will ultimately be vested (like any other subdivision) in the Western Bay of Plenty District Council (WBOPDC) upon completion and sign-off of the subdivision works. In terms of funding, the capital costs, design, and initial construction for the development infrastructure, mitigation zones, and buffer reserves are funded privately by the developer before being vested.

The ongoing maintenance of private internal systems remains the responsibility of the developer. Vested public reserves and connecting infrastructure will transition to local authorities for long-term upkeep under standard Council levels of service.

In terms of monitoring under the Fast-track Approvals Act 2024 framework, the Local Territorial Authority (such as WBOPDC or BOPRC) is statutorily responsible for monitoring and enforcing the resource consent conditions and environmental rules as if the Council had issued the consent itself. Conditions relating to monitoring requirements have been included in the set of draft consent conditions.

7. *It is not yet clear how tuna passage and habitat will be protected throughout construction and operation. This includes risks associated with temporary and permanent pumps, culverts, flap gates and other control structures, and how safe passage and ecological connectivity will be maintained. This is important because tuna are a taonga species, and their safe movement, habitat and ecological connectivity are closely linked to the health of the Kaituna River.*

Responses

The ecological reports and supporting documentation for the application explicitly include assessments, potential impact evaluations, and management protocols covering fish passage and freshwater fish habitat. The application incorporates specialised freshwater and terrestrial evaluations (such as Appendix L- Ecological Impact Assessment) that identify local watercourses, species, and habitat connectivity. The assessment specifically

reviews how proposed earthworks, stormwater corridors, and stream alterations might provide for or impede the passage of native fish (including Tuna).

The [Ecological Management Plan \(Appendix AH\)](#) included in the application outlines protocols for handling native fish during site works and aligns management practices with regional and national standards, including reference to the [New Zealand Fish Passage Guidelines](#).

All culverts, structures and pumps are to be fish friendly and the pumps to be used for the pump stations are modern specialised Archimedes screw pumps, which have also been recently adopted by BOPRC with the new Ford pump station. Their slow rotational speed, wide open or enclosed chambers, and gentle water-lifting action allow fish like eels/tuna to pass through unharmed compared to traditional high-speed centrifugal or propeller pumps which are not fish friendly.

8. *The proposal lacks clear and measurable water-quality and ecosystem-health outcomes. Measurable standards, monitoring and responses to non-performance are needed to ensure that anticipated benefits for the Kaituna River are actually achieved and maintained.*

Responses

BRLPs application includes explicit water-quality standards, ecosystem assessments, and monitoring components as follows:

1. Water Quality and Ecosystem Standards

- **Stormwater Management Plans:** The proposal aligns its treatment methods with the BOPRC Stormwater Management Guidelines, targeting wetland swales and constructed wetlands for runoff control.
- **Baseline Water Metrics:** Assessments identified baseline concentrations (such as zinc and copper) in the Bell Road Drain relative to ANZG guidelines for freshwater aquatic life protection and propose conditions with specific water quality standards to be met at monitoring locations in accordance with the BOPRC Stormwater Management Guidelines.
- **Ecosystem and Biodiversity Context:** Technical reports account for the receiving environment, including downstream classifications near the lower Kaituna River, which is recognized as a Category B Indigenous Biological Diversity Area and propose water quality standards.

2. Monitoring

- BRLP's Stormwater Monitoring Plans outline a dedicated monitoring frameworks and ongoing testing parameters to track discharge quality and ensure the performance of passive treatment swales and retention reserves over time.
- BRLP's Ecological Management Plans include procedures for monitoring and handling aquatic life (such as native fish species and Tuna) during earthworks, diversions, and wetland construction phases.

9. *The proposed approach to cultural health and mauri monitoring is unclear. Further information is needed on what is intended by mauri monitoring, who would develop and undertake it, how mātauranga and tikanga would be protected, how results would inform decisions, and how the process would be secured through conditions or other implementation arrangements.*

Responses

The current cultural framework for BRLP is via the CIA and associated workstreams. Contained within the CIA provided by Te Kapu o Waitaha includes clear guidelines on whakapapa, history, cultural values, cultural effects, and cultural monitoring and reporting.

It is anticipated the CIA remains open to engagement and collaboration with other mana whenua to work alongside Waitaha.

10. It is unclear how relevant cultural impact assessment and iwi-engagement recommendations have shaped the proposal. This matters to TMoK because recommendations relating to the health and well-being of the Kaituna River need to be translated into clear design responses, management measures and enforceable conditions.

Responses

Te Kapu o Waitaha provided a CIA. Their recommendations support the development in principle, however shape the development by making that support directly dependent on an ongoing, collaborative relationship framework and adaptive management throughout the life of the project.

The application relies on agreed protocols for ongoing dialogue and collaboration between BRLP and Mana Whenua over the life of the project (rather than a one-off consultation) with a particular focus on:

- Identify and articulate cultural values, associations, and relationships with the Wairākei South area.
- Assess the actual and potential cultural effects of the proposed development activities.
- Ensure BRLP are fully informed of cultural risks.
- Recommend culturally appropriate measures, design responses, and conditions to avoid, remedy, or mitigate adverse effects.
- Enable positive cultural and environmental outcomes, including opportunities for restoration, enhancement, and the exercise of kaitiakitanga.
- Give effect to relevant statutory and policy obligations.
- Provide a cultural framework that works alongside the Wairakei South development.

BRLP representatives have continued demonstrated a willingness for ongoing engagement with Tangata Whenua and Mana Whenua. Other Iwi Management Plans directly associated with the development of the Wairakei-South will also be the source of ongoing engagement and collaboration for BRLP.

Nga Mihi



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