

## Wairakei South s46 RFI Response

**Client:** Bell Road Limited Partnership  
**Project:** BOP0749 - Wairakei South  
**Date:** 18/06/2026

RFI	Request	Response
Scope		
1	<p>Within the schedule 2 listing of the application, the project is described as: Develop rural land for residential, commercial, and industrial use, including up to approximately 2,000 to 3,000 residential allotments, approximately 60 to 80 hectares of new industrial land, stormwater corridors and management areas, and a State Highway Buffer Reserve.</p>	<p>The State Highway Buffer Reserve is not explicitly mentioned within the application. To assist us in assessing if the application relates solely to a listed project could you please clarify whether and how this element of the scope is met?</p>
		<p>Bell Road Limited Partnership (“the applicant”) original referral application for Wairakei South was approved and included in Schedule 2 as a listed project under the Fast-track Approvals Act 2024 (“FTAA”). On 29 January 2026 changes were sought to the description of the listed project under Section 117A of the FTAA. These changes related to the land titles included in the project and consequently, the project’s boundaries – while not altering the substantive nature of the project itself. The amendment to the referral as applied for included a revised masterplan (Annexure 2 of the application), a copy of which is included as <b>Attachment A</b> to this response.</p> <p>The Schedule 2 amendment applied for, was approved under the Fast-track Approvals (Wairakei South and Other Projects Amendment Order 2026) which came into force on 13 March 2026.</p> <p>As the amendment to the project description made changes to the land titles included in the project and the project’s masterplan, the original “State Highway Buffer Reserve” was no longer required (and is not shown) in the revised masterplan.</p> <p>Notwithstanding this, there is a State Highway reserve which continues to apply, this being the existing SH2 Road reserve. This area acts as a buffer to the north of the project area.</p> <p>The project also continues to include a 55dB LAeq(24h) road traffic noise contour along its northern boundary, which applies specific acoustic controls to development in this area. Those controls are detailed in the Assessment of Noise Effects included as Appendix Y to the application.</p> <p>Accordingly, the applicant’s position is that the substantive application clearly relates solely to a listed project, as required by section 46(2)(b) of the FTAA.</p>
Resource Consent		
2	<p>The following requests were raised as part of the mandatory consultation the EPA undertook with the Bay of Plenty Regional Council (“BOPRC”).</p>	<p>To assist us in assessing if the application complies with s46(2) of the FTAA (and in particular the information required for Sch 5, cl 5(5)(a)), please can you provide further information on:</p>
		<p>As an initial point, we note that BOPRC’s response does not relate to the application’s compliance with clause 5(5)(a) of Schedule 5 to the FTAA. That clause requires that for every aspect of a project identified as being a permitted activity, the applicant demonstrate how it complies with the requirements, conditions and permissions specified for it to be a permitted activity.</p>

RFI	Request	Response
<p>BOPRC considered these details were missing from the application:</p> <p>“While Appendix-AC lists the permitted activity rules, it does not demonstrate how the conditions of these rules will be met. The BOPRC agrees with the Applicant’s identified rule triggers, other than:</p> <p>The permanent discharge of stormwater from the developed landform: The Applicant has assessed that resource consent is required under Rules DW R21 and DW R23 – Restricted Discretionary Activity.</p> <p>It is it not clear whether the discharge can meet the conditions of the Restricted Discretionary Activity rules, in particular “The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.</p> <p>We consider that consent may be required under Rule DW R8.</p> <p>The discharge from the site would be consented as a comprehensive catchment discharge consent, as such all of the stormwater discharged from the site requires consent as one activity (rather than components of the discharge being permitted).</p> <p>The construction, use and maintenance of bridges and culverts has been applied for under Controlled Activity rules. The structure(s) will be in an area that will become an urban area, therefore resource consent is required under BW R36 as a Discretionary Activity for these activities. We expect there will be no material difference in the assessment or conditions for the bridges and culverts whether they are assessed as controlled or discretionary activities, as the matters of control are also the matters which we would use to assess the effects of these activities. Overall, the application is a Discretionary Activity under the RNRP.”</p>		<p>Correctly, BOPRC’s response relates to clause 5(3)(a) of Schedule 5 to the FTAA. As relevant to BOPRC’s response, that clause requires the applicant to assess the proposed activity against the relevant rules of an applicable regional plan. And the applicant has provided that assessment in Appendix AC to the application. So there can be no question that the application complies with that clause, for the purposes of EPA’s initial completeness check under section 46 of the FTAA. Whether the Panel and/or BOPRC agree with that assessment is a substantive matter, to appropriately be addressed during processing of the application (not for the purposes of the initial completeness check).</p> <p>Further, the applicant has appropriately applied for all necessary consents, approvals and other authorisation required under the Resource Management Act 1991 (“RMA”) to enable the comprehensive, staged development of the Wairakei South site (see page 105, section 4.4 of the assessment of environmental effects (“AEE”) provided in support of the application). The application has assessed the proposal as overall requiring consent as a non-complying activity, due to the fact that the application site is zoned rural under the relevant District Plans (and accepting that all the consents required under the RMA are sufficiently interrelated that they should be bundled). Thus, whatever consent triggers apply under Chapter 6 (or any other chapter) of the Regional Natural Resources Plan (“RNRP”), those are covered by and included in the application.</p> <p>That said, the applicant’s response to BOPRC’s specific queries is as set out below.</p>
	<p>In relation to the comments identified by BOPRC, how the conditions of the rules will be met.</p>	<p>The application outlines how the conditions of rules DW R21 and DW R23 will be met (which it is presumed are the only rules relevant to BOPRC’s response). The conditions of the rules will be met by the applicant’s proposed treatment train approach to managing stormwater quality. This is set out in Appendix AI (Stormwater Monitoring) and Appendix G (Stormwater Management Plan) to the application.</p>
	<p>Whether discharge can meet the conditions of the Restricted Discretionary Activity rules (rules DW R21 and DW R23). In particular “The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.”</p>	<p>Based on the applicant’s proposed treatment train approach, the discharge of stormwater to surface water, to land where the discharge enters surface water, or to land soakage, where the rate of discharge is greater than 125 litres per second for a 10-minute duration 10% AEP storm event (10-year return period storm) can meet the following conditions (as applicable) from rules DW21 and DWR23 of the RNRP:</p> <ul style="list-style-type: none"> <li>(a) The suspended solids concentration of the discharge shall not be greater than 150g/m<sup>3</sup>, except where a 10-minute duration 10% AEP storm event (10-year return period storm) is exceeded.</li> <li>(b) The discharge shall be substantially free of grease, oil, scums and foam.</li> </ul>

RFI	Request	Response
		<p>(c) The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored.</p> <p>(d) The discharge shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:</p> <ul style="list-style-type: none"> <li>(i) Instability of land or the banks of the surface water body.</li> <li>(ii) Scour to the bed of the surface water body.</li> <li>(iii) Damage to the margins or banks of the surface water body.</li> </ul> <p>(e) The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.</p> <p>(f) The discharge shall not contain hazardous substances, or substances that are toxic to aquatic ecosystems (as measured relative to the ANZECC Guidelines for Fresh and Marine Water Quality, 2000).</p> <p>(g) The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process.</p> <p>(h) The discharge shall not cause a conspicuous change in the colour of the receiving waters.</p> <p>(i) Where the discharge is to a part of a receiving water body that is classified as Water Supply, the discharge shall not contain any substance that renders the water unsuitable for treatment (equivalent to coagulation, filtration, disinfection and micro-filtration) for human consumption.</p> <p>In relation to the above matters, the applicant has adopted water sensitive design (including treatment through wetland swales and stormwater management wetlands) prior to stormwater being discharged.</p> <p>With respect to BOPRC’s specific query regarding flooding or ponding, the applicant is satisfied based on the results contained in the Stormwater flood modelling report (and Peer review) included as Appendix H of the application that the discharge will not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.</p> <p>Notwithstanding the above, as noted, the applicant has applied for all necessary consents, approvals and other authorisation required to authorise the project under the RMA. The applicant has also assessed the proposal as overall requiring consent as a non-complying activity, on the basis that all required Regional and District consents should appropriately be bundled. So, if consent is required under any other rules, the applicant has already applied for it.</p>

RFI		Request	Response
		Whether consent is or may be required under rule DW R8.	Consent has been sought under Rule DW R8. Please refer to Page 46 of Appendix AC to the application.
		Whether consent is or may be required under rule BW R36 as a discretionary activity.	Rule BW R36 controls activities in, on, under or over the beds of rivers, streams and lakes. The rules do not control activities in artificial watercourses (including farm drains and roadside drains) or other waterways. Consent has been sought under this rule as a discretionary activity (Refer Pages 44 & 45 of Appendix AC of the application (Consenting Tables) and section 4.4 of the AEE.
3	<p>BOPRC also noted that there was information missing in relation to Schedule 5, Clause 6 of the FTAA. We invite further comments from you in relation to this issue. In particular:</p> <p>(1)(c)(ii) identifying any possible alternative methods or receiving environments for discharges, particularly in the instance of the permanent discharge of stormwater from the developed landform.</p> <p>In this respect, BOPRC noted:</p> <p>The Applicant's proposed method of discharge for permanent stormwater relies on continuous pumping of stormwater from the area. We have not been able to find any assessment within the Application relating to alternative methods.</p> <p>There is also a lack of information relating to stormwater treatment alternatives.</p>	We have not located any discussion of alternative methods in relation to these matters. If you wish them to be considered, then they should be provided in response to this letter.	<p>The applicant again notes that this is a substantive technical issue regarding the project, rather than a procedural/compliance one that can appropriately be raised as part of the completeness check under section 46 of the FTAA.</p> <p>More importantly, we also note that clause 6(1)(c) of Schedule 5 to the FTAA:</p> <ul style="list-style-type: none"> <li>• Only applies if the proposal includes the discharge of any contaminant. And BOPRC has not identified or confirmed that the project's stormwater discharge comes within the definition of "contaminant" as per section 2 of the RMA; and</li> <li>• Does not require or oblige an applicant to undertake an alternatives assessment. It only requires applicants to provide a description of any <i>possible</i> alternative methods of discharge, if they are available.</li> </ul> <p>Nevertheless, the information can be found in the relevant application documentation and our response to satisfy this query is outlined below:</p> <p>Various stormwater conveyance and treatment options were considered through the master planning process, with the presented conveyance and treatment solution determined to be the most cohesive for the development proposal. Please refer to the addendum to the infrastructure report for further detail, a copy of which is included as <b>Attachment B</b> to this response.</p>
4	<p>Tauranga City Council identified the following areas that it considered were not adequately addressed in the application:</p> <ol style="list-style-type: none"> <li>1. An assessment of downstream and cross-boundary effects, including impacts beyond the site and implications on TCC's consented discharge to the Kaituna River from the Wairakei Stream.</li> <li>2. An assessment of any other stormwater interactions across the TCC/WBOPDC boundary – including effects on discharges from the Wairakei urban growth area directly into the Bell Road catchment.</li> <li>3. Assessment of pump and system performance under failure scenarios.</li> <li>4. Evaluation of alternative stormwater management approaches sufficient to demonstrate the chosen approach is appropriate.</li> </ol>	To assist us in assessing if the application complies with s 46(2) of the Act, please provide any further information on the above matters identified by TCC.	<p>1. An assessment of downstream and cross-boundary effects <u>has</u> been undertaken during the master planning and substantive design phase of the application, including potential impacts on the Kaituna River downstream.</p> <p>Relevant information to appropriately explain the stormwater conveyance strategy is supplied within the application. Please refer to the following documents for further information:</p> <ul style="list-style-type: none"> <li>• Infrastructure Report (Appendix F of the application)</li> <li>• Stormwater Management Plan (Appendix G of the application)</li> <li>• Flood Modelling Plan (Appendix H of the application)</li> </ul> <p>To summarise; the proposed pump station infrastructure has been designed to provide a maximum combined additional pumping capacity of 18.8 m<sup>3</sup>/s. Downstream effects have been assessed using the calibrated hydraulic model,</p>

RFI	Request	Response
		<p>with comparisons made between pre-development and post-development scenarios at locations upstream of the SH2 bridge.</p> <p>Under climate change (3.68°C) and sea level rise (1.59 m) scenarios the modelled results indicate the following changes in downstream water levels:</p> <ul style="list-style-type: none"> <li>• 5-year ARI event: no change</li> <li>• 10-year ARI event: no change</li> <li>• 50-year ARI event: no change</li> <li>• 100-year ARI event: 20mm increase</li> </ul> <p>The hydraulic modelling indicates that the proposed discharge results in a predicted increase in Kaituna River flood levels of approximately 20 mm during the 100-year future scenario. This increase is considered minor in the context of the Kaituna River flood regime and the available flood protection freeboard provided by the Kaituna River stopbank scheme and in similar order to the consented Wairakei Stream discharge.</p> <p>The predicted increase represents only a small proportion of the available stopbank freeboard and does not materially affect the performance of the wider flood protection network. Furthermore, the increase is not expected to result in any measurable change in flood hazard, flood extent, or flood risk to surrounding properties.</p> <p>Overall flood levels remain within channel capacity and do not adversely affect TCC's consented discharge to the Kaituna River via the Wairakei Stream. Accordingly, the assessment confirms that the proposed development will not result in any material adverse downstream or cross-boundary effects.</p> <p>2. We note that Maven's stormwater modelling workstream commenced with the review and incorporation of BOPRC's Bell Road flood model. All relevant boundary conditions and inflows, including runoff contributions from the Papamoa/Wairakei urban growth area, were incorporated into the HEC-RAS model to ensure that cross-boundary stormwater interactions were appropriately represented.</p> <p>The modelling results demonstrate that the proposed development does not result in any material adverse effects on the Bell Road catchment or neighbouring land.</p> <p>Comparison of pre-development and post-development scenarios confirms that the proposed development does not adversely affect stormwater performance across the TCC/WBOPDC boundary. Any changes in flood levels within the Bell Road catchment are negligible and remain within acceptable modelling tolerances for all assessed events, including current and future climate scenarios up to and including the 1% AEP year ARI event.</p>

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			<p>3. Assessment of pump and system performance under failure scenarios <u>has</u> been undertaken as part of the flood modelling assessment.</p> <p>A sensitivity assessment was undertaken assuming complete pump failure during the post-development 100-year ARI event with 3.68°C climate change and 1.59 m sea level rise allowances. This represents a highly conservative scenario used to test system resilience rather than a realistic operational outcome. Given the provision of backup generation, redundancy within the pump network, and adherence to current best-practice design standards, the residual risk associated with complete pump failure is considered low.</p> <p>Further details are provided in Appendix H – Flood Modelling Report Part 2 of 2 to the application (see Section 3: Pump Failure During the 100-Year ARI 3.68°C Event (Page 65)).</p> <p>4. Please refer to RFI 3 above.</p>
<b>Wildlife</b>			
5	In relation to Schedule 7, clause 2(1)(n) we have been unable to locate proof of iwi consultation in relation to wildlife and wildlife impacts within the AB Appendixes and the consultation section of the AEE.	To assist us in assessing if the application complies with s 46(2) of the Act, please confirm whether consultation with relevant hapū or iwi included the wildlife impacts of the application, and if so provide proof and details.	The Te Kapua o Waitaha Cultural Impact Assessment (Appendix V of the application) appropriately addresses this request.
<b>Other Matters</b>			
6	<p>The following request was raised as part of the mandatory consultation the EPA undertook with the Department of Conservation.</p> <p>DOC's assessment found that the Site falls within the area of interest under the following Treaty Settlements:</p> <ul style="list-style-type: none"> <li>• Ngāti Pūkenga Claims Settlement Act 2017</li> <li>• Tapuika Claims Settlement Act 2014</li> <li>• Waitaha Claims Settlement Act 2013</li> </ul>	To assist us in assessing if the application complies with s 46(2) of the Act, please provide any further information in relation to s 13(4)(l) and schedule 5, cl 5(1)(i) of the FTAA in relation to the information DOC has identified.	Please see the separate letter prepared by The Environmental Lawyers on this matter, which is attached to this response as <b>Attachment C</b> .