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

JOINT MEMORANDUM OF COUNSEL FOR THE APPLICANT AND THE BAY OF PLENTY REGIONAL COUNCIL IN RESPONSE TO MINUTE 6 OF THE PANEL CONVENER

DATED 30 OCTOBER 2026

THE ENVIRONMENTAL LAWYERS

Helen Andrews
Director
Phone: 021 929 334
Email: helen@telawyers.co.nz
Postal: The B:Hive
72 Taharoto Road
Takapuna 0622

MAY IT PLEASE THE CONVENER:

Introduction

1. This joint memorandum responds to the Panel Convener's ("Convener") Minute 6, dated 1 October 2026 ("Minute 6"). Specifically, it responds to the following directions at paragraphs [11] and [12] of Minute 6:

    (a) 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:

        (i) Joint Witness Statements ("JWS") for all conferencing topics;

        (ii) A joint memorandum (as between Bell Road Limited Partnership ("BRLP") and the Bay of Plenty Regional Council ("BOPRC")):

            1. Confirming matters unresolved following expert conferencing;

            2. Confirming further work being undertaken on the two principal workstreams and any other matters discussed at conferencing, including any updates to be made by BRLP to AEE documentation following conferencing; and

            3. Outlining a timetable for the provision of any further information to complete the two principal workstreams.

    (b) The joint memorandum should be filed with the EPA by 5pm on Friday 30 October 2026.

Update regarding conferencing sessions held and resulting JWS ([11(a)] of Minute 6)

Stormwater/flood modelling and water quality

2. Expert conferencing has been held on the following topics:

    (a) Stormwater/flood modelling on 19 October 2026; and

    (b) Water quality on 20 October 2026.

3. The JWS from both conferencing sessions are **attached** as **Annexures A** and **B** respectively.

Wetland delineation/ecology

4. BOPRC's external ecological consultant (Nicola Pyper from SLR) undertook a site visit to the application site on Friday 16 October 2026. Following that visit, BOPRC advised BRLP it considered any outstanding wetland delineation matters could be addressed via BOPRC's comments on the application and were not matters that SLR considered are likely to benefit from conferencing before the Panel is stood up. Thus, it was not necessary for a separate expert conferencing session to be held on wetland delineation or ecological matters.

Matters unresolved following expert conferencing ([11(b)(i)] of Minute 6)

5. The following matters remain unresolved following expert conferencing and have been referred to counsel for BOPRC and the Applicant:

(a) Stormwater/flood modelling:

(i) Confirmation by BOPRC of the Kaituna River stopbank breach sub-scenarios required and their justification under the relevant policy framework (JWS [3.4.2]);

(ii) Confirmation by BOPRC why a pump failure scenario is required, and the justification under the relevant policy framework (JWS [3.4.3]); and

(iii) Clarification from BOPRC as to the basis for the Papamoa Hills sub-catchment inflows adopted in the BOPRC Model (JWS [3.2]).

(b) Stormwater pumping infrastructure:

(i) BOPRC has provided BRLP with a list of the types of costs that should be considered when preparing the CAPEX and OPEX costs associated with stormwater pumping infrastructure and asked BRLP to prepare an estimation of such costs. BRLP is continuing to work with BOPRC to try and address these information requirements as soon as possible. To date, that work has included the following:

1. 23 September-2 October 2026: BOPRC provided a list of cost categories on 23 September 2026, in lieu of pump asset data. In response, BRLP queried BOPRC's own benchmarks (on 28 September 2026) and requested CAPEX/OPEX data for the Kaituna scheme pump stations (on 2 October 2026).

2. 14 October 2026: BOPRC referred BRLP to its Asset Management Plan, which gives only aggregate pump station values, with no station-level OPEX or lifecycle cost breakdown.

(ii) As noted in the joint memorandum for BRLP and BOPRC dated 29 September 2026, it is also accepted that in the circumstances and given the timeframes/staging involved for the proposal, this issue may inevitably need to be at least partly resolved via consent conditions.

(iii) In the meantime, BRLP confirms that, if necessary and subject to resolving technical and legal arrangements, it is prepared to provide a solution by which the stormwater pumping infrastructure can remain privately owned, without being vested. While BRLP will continue to actively seek to progress this issue, it accordingly does not consider that it needs to be fully resolved for a Panel to be stood up.

(c) Water quality:

(i) For BOPRC, Pete Wilson (SLR) considers more recent water quality data of the Bell Road Drain (within the last 1-2 years) needs to be obtained, to confirm that water quality conditions remain similar to the historical (and particularly 2017-2018) data that is available.

Further work being undertaken and any updates to the application documents ([11(b)(ii)] of Minute 6)

6. The further work being undertaken in respect of the matters arising from expert conferencing is as follows.

(a) Stormwater/flood modelling:

(i) Model update: BRLP is carrying out further modelling to adopt the items listed in [3.2.1] of the Stormwater/flood modelling JWS, as they are included in the BOPRC Model, or explain why different parameters are more appropriate, including where more up to date and accurate information is available. The purpose of this is to demonstrate that the BRLP Model appropriately represents the flood behaviour in the more frequent, 5-year event.

(ii) BRLP will then report on the results of the updated BRLP Model with comparison to the BOPRC Model outputs for the future climate 5-year, 100-year and 500-year events, having regard to depth, discharges, volume, level and flood duration (JWS [3.3.1–3.3.2]). Awa Environmental will undertake progressive reviews as this work proceeds (JWS [3.5.1]). The report is intended to enable the experts to conclude whether the BRLP Model provides a reliable basis for assessing the proposal's actual and potential stormwater and flooding effects (JWS [3.3.2]).

(iii) Following completion and provision of the report referred to in [6(a)(ii)] above, Mr Noell will then be able to undertake an assessment of the proposal's actual and potential stormwater and flooding effects for BOPRC.

(iv) Notably, in response to the expert conferencing agenda item 4 (validation, calibration and/or verification), as detailed in [3.3.1-3.3.2] of the JWS, the modelling experts agreed to the comparison of the BRLP Model results to the BOPRC Model results. The purpose of these processes is to provide a level of validation of the BRLP Model sufficient for the experts to conclude that it is a reliable tool for assessing the actual and potential stormwater and flooding effects of the proposed development. This approach is being adopted in place of a full calibration, validation, and verification process.

(b) Stormwater pumping infrastructure:

(i) As noted, BRLP is continuing to work with BOPRC to address the required CAPEX/OPEX information for the stormwater pumping infrastructure, with a view to resolving this issue as soon as possible. However, there is an alternative available (and which can be implemented, subject to resolving technical and legal matters) by BRLP alone, should that be necessary.

(c) Water quality:

(i) On 29 October 2026, BRLP provided Mr Wilson with more recent (up to 2020) water quality results for the Bell Road drains (which were initially provided to BRLP via the BOPRC Environmental Data Analyst), together with an explanation regarding why it does not consider it is necessary to obtain any further, more recent data, in order to sufficiently assess the proposal's actual and potential water quality effects.

(ii) Mr Wilson is now reviewing this data and will advise BRLP (vial legal counsel for BOPRC) whether this data and explanation now resolve his concerns in this regard.

(iii) BRLP and BOPRC's water quality experts have agreed that additional work is required to establish appropriate discharge limits for stormwater contaminants, via consent conditions. These conditions should include amendments to discharge limits and monitoring for key stormwater contaminants, including triggers and adaptive management responses.

7. BRLP generally does not consider any updates will be required to its application documents because of any of the identified workstreams. Rather, these workstreams will result in additional reports or assessments which can appropriately be included in those application documents, before the proposal is passed to the Panel and invitations to comment on the application are issued. The only exception to this is Maven's flood modelling report, which is to be revised and reissued to reflect the updated modelling work outlined above.

Timetable for completion of the principal workstreams ([11(b)(iii)] of Minute 6)

8. Except for the outstanding stormwater pumping infrastructure information identified at [5(b)] and [6(b)] above, BRLP and BOPRC have exchanged all information that is currently necessary to progress the workstreams outlined in [6] above. They will continue to liaise (via legal counsel as appropriate) to ensure that the further information required to complete those workstreams is exchanged in a timely manner, as and when required.

9. On that basis, it is agreed as follows:

(a) The modelling of a future climate 5-year event (using BOPRC model inputs) and preparation of the reporting for the future climate 5-year, 100-year and 500-year events can be completed within 8 weeks from the date of the stormwater/flood modelling expert conferencing.

(b) Mr Wilson can review the more recent water quality data he has been provided and advise BRLP (vial legal counsel for BOPRC) whether he still considers more recent water quality data is required (and if so, why), within 2 weeks of the date of this memorandum.

(c) All other workstreams identified above can be adequately addressed via BOPRC's comments on the proposal, as necessary. However, BRLP and BOPRC will continue to progress those workstreams in the interim, with the intent of resolving (or at least narrowing) any matters which still need to be addressed via comments. Those workstreams include:

(i) Mr Noell undertaking an assessment of the proposal's actual and potential stormwater and flooding effects for BOPRC, once he is provided with BRLP's updated modelling report.

(ii) BRLP working with BOPRC to address the required CAPEX/OPEX information for the stormwater pumping infrastructure.

(iii) BRLP further developing the proposed consent conditions so they establish appropriate discharge limits and monitoring for key stormwater contaminants,

including triggers and adaptive management responses, in consultation with Mr Wilson and Te Maru o Kaituna.

(iv) BRLP continuing to work with Te Maru o Kaituna to address any other outstanding matters they have regarding the proposal's potential effects on the water quality of the Kaituna River.

(v) BRLP addressing any potential natural inland wetlands adjacent to the application site which Ms Pyper identifies may meet the relevant definition from the National Policy Statement for Freshwater Management 2020.

10. Both counsel and their respective clients are grateful for your attention to this matter and trust the above is of assistance.

DATED this 30th day of October 2026



Helen Andrews
Counsel for Bell Road Limited Partnership



Mary Hill
Counsel for the Bay of Plenty Regional Council

ANNEXURE A

STORMATER/FLOOD MODELLING JWS

IN THE MATTER of the Fast-track Approvals Act 2024

AND

IN THE MATTER of Bell Road Limited Partnership (Wairakei South)

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

Topic: Stormwater/Flood Modelling

Date 19 October 2026

Expert Conferencing Held on: 19 October 2026

Venue: Bay of Plenty Regional Council, Council Chambers

Independent Facilitator: Marlene Oliver

Admin Support: Mel Jones

1 Attendance:

The list of participants is included in the schedule at the end of this Statement.

1.1 Declarations – the participants expertise and roles are set out in the schedule. This JWS should be read having regard to those relationships.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

(a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
(b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
(c) They will make themselves available to appear before the Panel;

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 BRLP Model – Scenario: Future Climate 100-year event (3.68C, 1.59 MSL)

3.1.1 All experts agree that the BRLP Model is fit for purpose to assess the broad concept of the development and flooding effects can be managed through the proposed additional pump solutions. For the locations assessed, the two models (BRLP and BOPRC) are showing similar differences before and after the development in the flood level in the Bell Road flood plain.

3.1.2 BS and BN consider that further work is required by the Applicant to demonstrate that the BRLP Model is fit for purpose to apply to all required scenarios as identified by BOPRC. For example, BS and BN, identified there is a large difference (e.g. 0.5 – 0.7m) in absolute water levels between the models and this needs to be clarified and ideally resolved.

3.1.3 All experts agree that the further work set out in sections 3.2 and 3.3 below has been identified to address the concerns of BOPRC's experts set out in para 3.1.2 above.

3.2 Further Work – BRLP Model Amendments for the Scenario: Future Climate 5-year event (3.68C, 1.59 MSL)

3.2.1 The experts agree that the Applicant will carry out further modelling adopting the items (listed below) as they are included in the BOPRC Model, or explaining why different parameters are more appropriate, including where more up to date and accurate information is available. The amendments are being made to the BRLP Model and revised results will be presented to report on the future climate 5-year event differences between the two models.

<u>Geometry:</u>

- Break lines at farm races.
- Refine mesh in minor channels and key overland flowpaths.
- Channel representation.
- LiDAR surface – the Applicant's experts confirmed that they will be using the recent LiDAR and LINZ data which is different to the BOPRC Model surface. If the different surfaces are likely causing different results, then the experts for BOPRC propose that a sensitivity test for the future climate 5-year event using the BOPRC Model surface be carried out.

<u>Structures:</u>

- Culverts/Weirs.

<u>Model Parameters:</u>

- Mannings-N.

<u>Boundary Condition:</u>

- Spatial rain.
- Pond G inflow according to BOPRC Model.
- Using initial water levels for Pond G and Pond H as per the BOPRC Model.
- Particularly upstream of Te Puke Highway.

- Inflow from the Papamoa Hills Sub-Catchments as per the BOPRC Model – the Applicant's experts noted that the BOPRC Model has lower inflows than the Applicant's analysis. The Applicant's experts will seek clarification from BOPRC as to why the inputs to the BOPRC Model have been adopted.

3.3 Further Work – BRLP Model Validation

3.3.1 The experts agree that it will be appropriate to compare the results of the additional modelling set out in para 3.2 with the BOPRC Model results. Key factors to consider are depth, discharges, volume, level and flood duration.

3.3.2 The experts agree that the Applicant's experts will prepare a subsequent report comparing the results of the amended BRLP Model with the BOPRC Model for the future climate 5-year, 100-year and 500-year events. This report is required before the experts can conclude that the BRLP Model is a reliable basis for assessing the actual and potential stormwater and flooding effects of the proposed development.

3.4 Scenario Identification – Proposal's Effects

3.4.1 The experts agree that the scenarios identified in previous correspondence from BOPRC dated 29 January 2025 (copy attached), remain relevant, except that items 5 and 6 relating to 20-year events are not required.

3.4.2 In relation to the Kaituna River stopbank breach (f. on page 4), the Applicant's experts request confirmation from BOPRC of which sub-scenarios are required and justification in terms of the Policy framework. As the relevant people to address this matter were not in attendance at this expert conference, the experts suggest that legal counsel for BOPRC and the Applicant coordinate progressing this request.

3.4.3 In addition to the above scenarios, BN considers that a pump failure scenario is required. The Applicant's experts request confirmation from BOPRC on the scope of such a scenario and justification in terms of the Policy framework. The experts suggest that legal counsel for BOPRC and the Applicant coordinate progressing this request.

3.5 Timeframes for Further Work

3.5.1 The Applicant's experts estimate to complete the work outlined in JWS paras 3.2 and 3.3 and assuming Awa Environmental are available to undertake progressive reviews, to take 8 weeks. At this point in time, BS is unable to confirm the time required for Awa Environmental review(s), without knowing the extent of the differences between the amended BRLP Model and BOPRC Model and an additional one to two weeks may be required.

3.5.2 The Applicant's experts estimate to complete the work outlined in JWS para 3.4 (assuming BOPRC has clarified the Kaituna River stopbank breach and pump failure scenario information requests) to take an additional 3 weeks. This estimate does not include a review by BOPRC.

3.5.3 The experts note that the above timeline does not take in to account the RMA Christmas/New Year close down period (20 December to 10 January).

3.6 Cross Reference to Original Agenda

3.6.1 To assist the reader, the original stormwater/flood modelling agenda has been inserted into this JWS and the participants have added cross references to the paragraphs above to clarify where the agenda items have been addressed.

Stormwater / Flood Modelling

Objective of conference

*To determine whether the applicant's stormwater model will provide a reliable basis for an assess the actual and potential stormwater and flooding effects of the proposed development (**Proposal's Effects**).*

Key issues to be addressed

1) *Scenario identification: Identification of the particular scenario(s) required to be run by the model to enable an assessment of the Proposal's Effects (**Identified Scenarios**), such as a particular AEP event;* **[Refer to JWS para 3.4]**.

2) *Suitability: Confirmation of whether the current version of the applicant's model can run each of the Identified Scenario(s) with a sufficient degree of reliability to enable an assessment of the Proposal's Effects (where relevant by reference to industry accepted guidance or standards). Any limitations identified should be specified with reference to the relevant model assumptions and build parameters;* **[The current version will be superseded by the amendments to BRLP's Model and further work agreed to above – refer to JWS paras 3.2, 3.3 and 3.4. The suitability cannot be addressed until the amendments and the further work has been received and evaluated by BOPRC]**.

3) *Workstreams: Identification of any updates or additions required to the model (**Updated Model**) to confirm its suitability for each of the Identified Scenarios.* **[Refer to JWS paras 3.2, 3.3 and 3.4]**.

4) *Validation: Identification of any further processes required to confirm the suitability of the Updated Model for each of the Identified Scenarios, such as validation, calibration and / or verification (with specific reference to any key methodologies, parameters, or comparators);* **[Refer to JWS paras 3.3 and 3.4 and to the response under agenda item 2 – Suitability]**.

5) *Success: Identification of specific factors which would confirm the suitability of the Updated Model for each of the identified Scenarios;* **[Refer to JWS para 3.3]**.

6) *Process: Identification of any procedural steps required to inform the parties and the Panel convener on the matters identified above, including any further information required, timeframes for each key step, and who is responsible for them.* **[The experts suggest that the legal counsel for the Applicant and BOPRC file a joint memorandum with the Panel based on the contents of this JWS]**.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

(a) They agree that the basis of their participation and the outcome(s) of the expert conferencing are as recorded in this Joint Witness Statement; and
(b) They agree to the introduction of the attached information – Refer to 3.4 above; and
(c) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
(d) The matters addressed in this statement are within their area of expertise; and
(e) In the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed: 19 October 2026

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Brad Scarfe (BS) Environmental Science and Flood Modelling	Awa Environmental for BOPRC	Yes.
Stoffel Bakkes (SB) Civil Engineer and Flood Modelling	Maven for the Applicant	Yes.
Aaron Holland (AH) Civil Engineer and Infrastructure	LDE for the Applicant	Yes.
Matthew Kerse (MK) Licensed Surveyor/Project Coordination	Maven for the Applicant	Yes.
Bill Noell (BN) Flooding Assessments and Civil Engineer	Pattle Delamore Partners for BOPRC	Yes.

29 January 2025

Bell Road Limited Partnership
By email: nathan@bhml.co.nz

Dear Nathan,

Wairakei South – Parameters for Stormwater and Flood Modelling

The purpose of this letter is to clarify Bay of Plenty Regional Council's position on the parameters that it considers should be used for stormwater and flood modelling being prepared to support resource consent applications to enable urban development of Wairakei South (Figure 1) and the rationale for these parameters (also refer to my email of 26 November 2024 and the attached memo dated 22 November 2024).

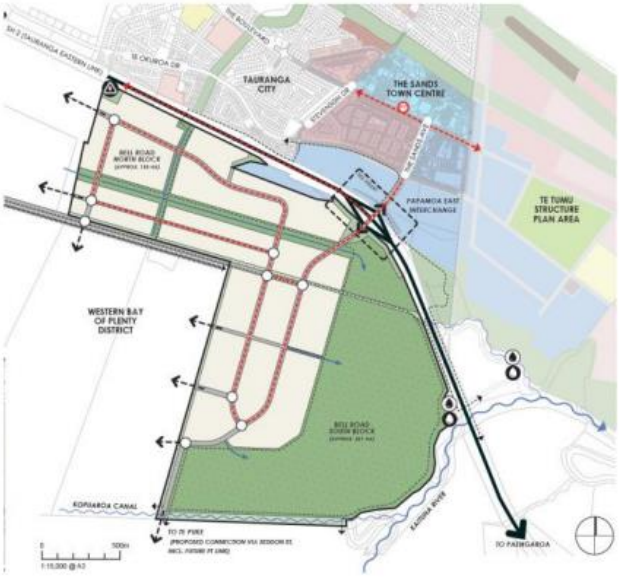


Figure 1: Site and general layout[1]

Table 1 sets out the parameters the Regional Council considers should be used and includes the rationale of each parameter. This advice has been provided by Council's engineering team. Scenarios 1 to 12 are all required to assess effects on the catchment (including the drainage scheme and TCC urban system (including culvert and/or pipe network capacity, overland flowpath, stormwater ponds, etc.)).



	Modelling Parameters/Scenarios:	**Rationale:**
1	5-year return period - current climate (0.13 m SLR) with and without development	The level of service is a 5yr event for the drainage scheme. Assessment and comparison required to understand the current level of service of the drains with and without development and the effects of the mitigation (including volume, level, extent, duration, etc.)
2	5-year return period - 3.68°C climate change (1.6 m SLR) with and without development	Assessment and comparison required to understand the current level of service of the drains with future climate, with and without development and the effects of the mitigation (including volume, level, extent, duration etc)
3	10-year return period - current climate (0.13 m SLR #) with and without development	Assessment and comparison required to understand the current level of service of the Bell Rd. stopbanks with future climate change, with and without development and the effects of the mitigation (including volume, level, extent, duration etc)
4	10-year return period - 3.68°C climate change (1.6 m SLR) with and without development	Assessment and comparison required to understand the current level of service of the Bell Rd. stopbanks with future climate, with and without development and the effects of the mitigation (including volume, level, extent, duration etc)
5	20-year return period - current climate (0.13 m SLR #) with and without development	As the long-term mitigation is unknown it cannot be determined whether the long-term mitigation will have an adverse effect under the present climate condition. Assessment of effects of the mitigation (including volume, level, extent, and duration etc) on private property and infrastructure in rural and urban area to show no increase of flooding due to the flows generated by the proposed development (determining if between a 10yr and a 50yr there may be adverse effects).
6	20-year return period - 3.68°C climate change (1.6 m SLR) with and without development	Assessment effects of the mitigation (including volume, level, extent, and duration etc) on private property and infrastructure in rural and urban area to show no increase of flooding due to the flows generated by the proposed development (determining if between a 10yr and a 50yr there may be adverse effects).
7	50-year return period - current climate (0.13 m SLR #) with and without development	As the long-term mitigation is unknown it cannot be determined whether the long-term mitigation has an adverse effect under the present climate condition. Assessment

		effects of the mitigation (including volume, level, extent, and duration etc) on private property and infrastructure in rural and urban area.
8	50-year return period - 3.68°C climate change (1.6 m SLR) with and without development	RPS risk assessment and effects of the mitigation (including volume, level, extent, and duration etc) on private property and infrastructure in rural and urban area.
9	100-year return period - current climate (0.13 m SLR) with and without development	The current Level of service requirement in the Tauranga City Plan for the urban stormwater system is the 100yr event. As the long-term mitigation is unknown it cannot be determined whether the long term mitigation has an adverse effect on the present climate condition. Assessment effects of the mitigation (including volume, level, extent, and duration etc) on private property and infrastructure in rural and urban area.
10	100-year return period - 3.68°C climate change (1.6 m SLR) with and without development	Level of service requirement of Tauranga City Plan urban stormwater system is 100yr, and also requirement of the RPS risk assessment. Assessment of effects of the mitigation (including volume, level, extent, and duration etc) on private property and infrastructure in rural and urban area.
11	500-year return period - current climate (0.13 m SLR) with and without development	As the long-term mitigation is unknown it cannot be determined whether the long term mitigation has an adverse effect on the present climate condition. Following the impact of cyclone Gabrielle Regional Council's across the country have been encouraged to assess the effects of over design events.
12	500-year return period - 3.68°C climate change (1.6 m SLR)[1] with and without development	RPS risk assessment requirement. Risk assessment and effects of the mitigation (including volume, level, extent, and duration etc) on private property and infrastructure in rural and urban area.

[1] Will need clarification from the Kaituna River model regarding stopbank overtopping.

In addition to the above scenarios, BOPRC requires the following:

a. Centrally located, nested heavy ended 72hr rainfall event is to be used for the analysis. For the TCC pipe network the critical duration rainfall event is to be used.

b. Bell Road pumpstations to be modelled with no gravity outflow due to high river levels.

c. Detailed shallow groundwater analysis and modelling will be required for current and future scenarios.

d. Modelling is to be carried out in accordance with BOPRC Hydraulic modelling guideline (2024) and, where applicable, TCC's modelling guideline.

e. Analysis of depth, velocity, hazard vulnerability (Depth x Velocity) and duration changes between the pre-development and post-development scenarios in the Bell Road catchment and any other connected catchments, including Tauranga.

f. Kaituna River stopbank breach scenario analysis is needed, seek advice from BOPRC Engineering Team regarding the model.

Please let me know if you have any queries or would like to discuss this advice further.

Yours sincerely,



Paula Golsby

Principal Advisor, Consents

ANNEXURE B

WATER QUALITY JWS

IN THE MATTER of the Fast-track Approvals Act 2024

AND

IN THE MATTER of Bell Road Limited Partnership (Wairakei South)

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

Topic: Water Quality

Date 20 October 2026

Expert Conferencing Held on: 20 October 2026

Venue: Bay of Plenty Regional Council, Council Chambers and Online

Independent Facilitator: Marlene Oliver

Admin Support: Mel Jones

1 Attendance:

The list of participants is included in the schedule at the end of this Statement.

1.1 Declarations – the participants expertise and roles are set out in the schedule. This JWS should be read having regard to those relationships.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

(a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
(b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
(c) They will make themselves available to appear before the Panel;

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 Relevant Baseline Water Quality Data to be used for surrounding drains and river

3.1.1 MF confirmed that some new data from the Bell Road Drain (2018/2019) was received on 8 October 2026. MF will make this data available to PW (and any other relevant parties), along with a supporting statement. The experts suggest that legal counsel for the Applicant coordinate circulating this information.

3.1.2 PW appreciates being advised that there is new information. However, PW's position is that more recent data, i.e. within the last 1-2 years, is appropriate to confirm that water quality conditions remain similar to the historical data.

3.1.3 MF has considered the range of concentrations of the key parameters from the existing data. As far as he knows, there has been no recent substantive change in land use or activities within the relevant catchment that would increase those concentrations to the extent that it has a material effect on the receiving environment. MF considers that there is sufficient data.

3.1.4 The experts for the Applicant noted that the stormwater monitoring plan included in the application (Appendix AI), includes two tiers of monitoring locations: at the downstream terminus of the treatment swales within the site; and compliance monitoring sites (outside of the application site). These experts consider that the stormwater management aspects of the proposal are the key to addressing water quality.

3.1.5 PW questioned whether the location of the LAWA monitoring location on the Kaituna River (the Te Tumu site, closer to the ocean) was the most representative for describing existing water quality near the site. PW still considers the upstream location at Te Matai is worth consideration for describing water quality near the site. PW acknowledges that the monitoring data for the Te Matai location is available on LAWA.

3.1.6 MF considers that the downstream Te Tumu location is the most conservative and therefore the most appropriate for the assessment of effects on the Kaituna River.

3.2 Suitability of Monitoring Locations within the Kaituna River

3.2.1 PW acknowledges the complexity of monitoring in the Kaituna River due to the number of other discharges in the catchment unrelated to the proposed development location. PW understands why locations on the Kaituna River have been omitted and generally agrees with this approach.

3.2.2 All experts agree that additional work is required to establish appropriate discharge limits. Consent conditions should include discharge limits for key stormwater contaminants and monitoring, including triggers and adaptive management responses.

3.2.3 PW considers that appropriate limits would avoid degradation with respect to NPS attribute bands or exceedance of toxicity thresholds (ANZG 2018).

3.3 Water Quality Concerns Outside of this Agenda

3.3.1 All experts acknowledge there are wider water quality matters to be considered than have been included in this agenda. In particular, focussing on the receiving environment, notably the Kaituna River. EC emphasised the importance of at the minimum maintaining, and ideally enhancing, the water quality of the Kaituna River. EC is comfortable to continue working with the Applicant and their experts to resolve any outstanding matters.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

(a) They agree that the basis of their participation and the outcome(s) of the expert conferencing are as recorded in this Joint Witness Statement; and
(b) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
(c) The matters addressed in this statement are within their area of expertise; and
(d) In the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed: 20 October 2026

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Pete Wilson (PW) Water Quality Scientist	SLR Consulting New Zealand Limited for BOPRC	Yes
Elva Conroy (EC) Planning Consultant and Technician	for Te Maru o Kaituna	Yes
Mike Fitzpatrick (MF) Water Quality Scientist and Toxicologist	EcoLogical Solutions for the Applicant	Yes
Matthew Kerse (MK) Licensed Surveyor/Project Coordinator	Maven for the Applicant	Yes