14 February 2022

Te Puna Industrial Ltd
130 Crawford Road, RD1
Tauranga 3171

Dear Colin and Vincent,

Resource consent application RM22-0010 – Earthworks and the permanent stormwater discharge to land **– Request for further information**

Following review of your application by a consultant Engineer, and Contaminated Land Specialist the Bay of Plenty Regional Council requests further information (pursuant to section 92 of the Resource Management Act 1991 (RMA)) in order to gain a full understanding of the proposal and/or its potential environmental effects, as detailed below:

Site Extent

I would recommend including all 3 stages of the development for consideration under this application in order to fully understand the potential adverse effects of the entire proposed development. The works can be undertaken in stages, but the overall effects of the proposed development are best understood and managed as a whole. Therefore, please confirm the site extent to be included in this application.

Temporary Stormwater Discharge

Please detail whether the temporary stormwater discharge during earthworks will meet either of the permitted rules DW R20 or DW R22 of the Bay of Plenty Regional Natural Resources Plan. If this activity cannot meet the permitted criteria, a resource consent for the temporary discharge of sediment-contaminated stormwater will be required. Please note in our experience, that earthworks of this scale are unlikely to meet the permitted rules and therefore require a temporary stormwater discharge consent.

Are flocculants to be used during earthworks to manage temporary stormwater quality? If so, please detail the chemical to be utilised, or whether the applicant would like this as an option through condition of consent.

Dust Suppression

In accordance with BOPRC Erosion and Sediment Control Guidelines for Land Disturbing Activities (2010/01), it is recommended that a minimum amount of water required to control dust is 5 mm/day (50 m^3/ha/day) to exposed un-trafficked areas. Therefore, please demonstrate that the applicant has authorised access to 50 m^3/ha/day during earthworks for this purpose and how the water will be applied. NB: This may be satisfied by a variation to current resource consent 20311.

Will chemical dust suppressants be used in conjunction with water to manage dust during earthworks? If so, please detail the chemical dust suppressant to be used.

Earthworks Matters

Please provide a detailed cut/fill plan including volumes of the entire site to be included in the consent, along with any details on pre-loading of sites in preparation for development.

Please provide a detailed Erosion and Sediment Control Plan, prepared by a suitably qualified and experienced person in erosion and sediment control, demonstrating that the site can be managed appropriately during earthworks to mitigate the potential for offsite discharges of sediment and stormwater. This should, as a minimum requirement, follow the BOPRC Erosion and Sediment Control Guidelines for Land Disturbing Activities and as a minimum include the following:

- Map/plan detailing every erosion and sediment run-off mitigation measure;
- Calculations of any retention/treatment devices and contributing catchment area;
- Details on how the site will be managed into smaller parcels contributing to each decanting earth bund; and
- Details of any clean water and dirty water diversion channels to be built.

Would the applicant like the option each year (as a condition of consent to submit a Winter Earthworks Management Plan for certification), to undertake winter earthworks?

Permanent Stormwater Management

The proposed land use is located within a catchment that flows into an already flood prone area. The impacts on flood levels in the flood prone area from earthworks infilling the flood storage must be assessed and mitigated. Please provide an assessment of flood displacement and potential risk to neighbouring areas. The advice given to date has not considered the impact on, for example, immediately adjacent properties (e.g. 245, 260 and 264 Te Puna Station Road) from overflows of watercourses that would traverse the site during the flood events. A meeting to discuss how to assess this effects could be arranged.

Please provide a detailed stormwater management design that addresses the following matters:

- Calculations to demonstrate the stormwater system will be able to carry a 10 min 10% AEP rainfall event.

- The site is prone to ponding during frequent events and flooding during high-risk events. It appears from the application that some of the site areas will be made less permeable. The applicant shall assess the implications of a less permeable soil and how much the water run-off is increased consequently.

- The applicant shall assess the pre and post development peak discharge for a 1% AEP event, and ensure that 80% of the pre-development peak discharge will be achieved post-development. 100% of the peak discharge post-development shall be achieved for a secondary event (i.e. 10% AEP event).

- Because the site partially floods frequently, earthworks requiring infilling are likely to contribute to flooding of neighbouring properties during the more frequent and less severe events. The applicant shall assess the flooding risk within the site and to neighbouring properties for these events, which could be determine by the event which the primary stormwater system in the surrounding area is design for.

- The groundwater on site is very high according to the soil samples taken. Furthermore, the groundwater levels are likely to be tidal influenced, hence likely to increase due to sea level rising. Because of the groundwater levels being so high, it is not clear that a swale system will work on the site, and it may not be a future-proof system if SLR is taken into consideration. The applicant shall supply enough information regarding final swale levels taking into consideration current groundwater levels, and clearly show with appropriate calculations that the swale can be used as a drainage + water quality treatment. The Stormwater Management Guidelines for the Bay of Plenty region includes

swale design parameters, which will need to be satisfied, including velocities and vegetation heights among others.

- Similarly to the swale design, given the groundwater conditions of the site, the applicant shall show that the wetland is able to meet basic design parameters now and in the future. The applicant has used the Stormwater Management Guidelines for the Bay of Plenty region by considering the future wetland area to be 2% of the contributing catchment. The applicant shall demonstrate (e.g. map with catchment area) that the contributing catchment is 95,000 m^2. From a quick GIS exercise, the current catchment area for the wetland location appears to be over 150,000 m^2 (see figure below).

- The applicant shall confirm that landform changes will not result in diversion of overland flow path and cause flooding or ponding on any land or property owned or occupied by another person, where that land would not naturally carry water during storm or flood events.

- The stormwater management design shall be future proof, and demonstrate feasibility and full compliance with each condition of Rule DW R21 of the Regional Natural Resources Plan.

After works, how will the different areas of the site be stabilised to manage/minimise sediment runoff long-term?

Please detail how ongoing maintenance management of the stormwater system will ensure the stormwater design will continue to meet the above described performance standards.

Will there be silt traps established for each lease lot? Who will be responsible for the maintenance of these, and what frequency is maintenance proposed to be undertaken on them.

Where a wetland is to be used to manage and treat stormwater, please provide a wetland-planting plan prepared by a suitably qualified ecologist or landscape architect.

The ultimate discharge of the permanent stormwater is within the Hakao Stream catchment, Wairoa River, and the Tauranga Harbour. Please detail how effects of the discharge to the receiving environment will be mitigated.

Please confirm if the permanent stormwater discharge from the Container Co. site is to be included in this application, or if management of contaminated stormwater runoff from individual businesses will be the responsibility of each site lessee and will be their responsibility to manage and apply for resource consent, where necessary. Where the stormwater from Container Co. is to be included in this application, please detail all the hazardous substances to be used on the site and how those discharges will be managed to ensure stormwater from the site can comply with Rule DW R21 or DW R23 of the Regional Natural Resources Plan.

Contaminated Land

Through due diligence and the use of readily available historical aerial images Regional Council has confirmed activities listed on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) have taken place at 297 Te Puna Station Road. This includes category A10. Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds, having identified that from 1970-1990s the property was formerly used as an orchard, and category I. Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment, relating to the placement of fill material to raise the ground level of the property. It is acknowledged the filling took place under Regional Council Resource Consent 62951; however on review of the conditions relating to the acceptance of material and the time between the granting of that consent and the current application it is recognised that there is the possibility that the material accepted onto the site could have contained contaminated soils, materials from contaminated sites or demolition relating activities that could have included materials that contained asbestos and/or heavy metals at concentrations that may need to be managed as part of any future disturbance. Therefore, it is requested a Detailed Site Investigation (DSI) is completed and provided to Regional Council informing the proposals consenting requirements for the disturbance of contaminated land under the Regional Natural Resources Plan. The DSI needs to be prepared in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines No. 1: Reporting on contaminated land in New Zealand and No 5: Site investigation and analysis of soils by a suitably qualified and experienced practitioner in site contamination.

Effects on Cultural Values

Section 5.0 of the application AEE states that the following hapū and iwi were engaged with:

- Pirirākau;
- Ngāti Taka;
- Ngāti Hinerangi;
- Ngāti Ranginui;
- Ngāi Te Rangi; and
- Ngāti Pūkenga.

Please provide all written records of consultation and engagement with these groups. Appendix 8 of the application only provided evidence of the information sent to Ngāti Taka, Pirirākau, and the corresponding reply from Pirirākau.

Please provide outcomes achieved with iwi and hapū that addresses the concerns raised during the consultation process with them.

The National Policy Statement for Freshwater Management 2020

As the stormwater discharge is to the Hakao Stream catchment and the Wairoa River before ultimately discharging to the Tauranga Harbour, the National Policy Statement for Freshwater Management 2020 (NPS-FM) is relevant to this proposal, as you have commented on in section 8.1.2 of the application document. Please provide a detailed assessment of the proposal against the Objective and each of the relevant policies of the NPS-FM.

Once we receive the information above, we will continue processing your application.

When and how should I respond?

You must respond to this request by **7 March 2022** (in accordance with section 92A(1) of the RMA). You may either:

- Provide the required information;
- Write to us stating that you will supply the required information but need more time; or
- Write to us stating that you refuse to provide the required information.

What happens if I do not respond or refuse to provide the information?

If you do not respond by 7 March 2022 or refuse to provide the requested information, then we must continue to process your application (under section 92B(2) of the RMA) but your application is likely to be notified, which will incur extra costs, and/or be declined.

Please feel free to contact me about this letter on 0800 884 881 extension 9841 or Marcia.Christian@boprc.govt.nz.

Yours faithfully

Marcia Christian
Consents Planner