



APPLICATION FOR LAND-USE CONSENT ASSESSMENT OF ENVIRONMENTAL EFFECTS

Yard Based Industrial Activities
Te Puna Business Park



For Te Puna Industrial Ltd

January 2023

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Document Control

Version

Status: Version No. 2.

Version No.	Revision note	Date
Version 1	For lodgement	13/01/22
Version 2	Correct trip calculations – remove PCE-adjustment where not relevant	21/01/22
Version 3	Respond to WBOPDC and BOPRC s.92 RFIs	25/01/22

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Report Information

Title: Assessment of Environmental Effects – Yard Based Industrial Activities, Te Puna Business Park

MPAD Job Number: 20282



Status: Final

Version: 3

Date: January 2023

Quality Assurance

The assessment contained herein and this report has been completed by the following:

Prepared by:	Vincent Murphy Senior Planner, MPAD	
Reviewed and Approved by:	Richard Coles, MNZPI Director, MPAD	

Applicant and Property Details

The details of the applicant and the site are as follows:

Application made to:	Western Bay of Plenty District Council and Bay of Plenty Regional Council
Applicant's Name:	Te Puna Industrial Ltd
Site Address:	297 Te Puna Station Road, Te Puna, Tauranga 3176
Legal Description:	Part Lot 3 DP 22158 (11.1ha); Sections 2 and 3 SO 61751 (1.06ha)
Site Area:	Total Site Area = 12.16ha
WBOP District Plan Zoning:	Industrial (11.1ha); Rural (1.06ha)
WBOP District Plan Notations / Hazard Limitations:	Floodable Area Appendix 7 – Te Puna Business Park Structure Plan Tauranga Harbour Coastal Inundation Area Subject to Tauranga Harbour Coastal Inundation (WBOP ePlan information)

1.0 Introduction

This report supports applications for land-use consents to the Western Bay of Plenty District Council (WBOPDC) and the Bay of Plenty Regional Council (BOPRC) for the establishment and operation of yard-based industrial activities, with associated earthworks and discharge to water, within the site at 297 Te Puna Station Road.

The proposed development is to give effect to the Te Puna Business Park Structure Plan ('the Structure Plan') provisions that apply to the subject site under the WBOPDC District Plan ('the District Plan'). The site is proposed to be developed in accordance with these provisions as detailed in the project drawings **accompanying the s.92 response dated 25th January 2023, attached at Appendix 3.**

The anchor occupation will be ContainerCo (4.8ha). The remainder of usable/leasable land at the western half of the site is proposed to accommodate as-yet unknown, however permitted, industrial activities (totalling 3.92ha).

The collective activities constitute a **Non-Complying Activity** under the District Plan, and a **Discretionary Activity** under the BOPRC Regional Natural Resources Plan ('RNRP'), and as such resource (land-use) consent is required in respect of the proposed development.

This report, together with the attached appendices, forms an Assessment of Environmental Effects ('AEE') in respect of the proposal. The statutory requirements for resource consent applications as directed by section 88 and Schedule 4 of the Resource Management Act 1991 ('the RMA') are addressed in proportionate detail in this AEE as corresponds to the scale and significance of the effects of the proposal and related provisions of relevant planning documents.

The report is structured in the following manner:

- Section 2 addresses the existing site conditions and environment, including the surrounding receiving environment, and existing planning context.
- Section 3 describes the proposal in detail, including staging details, leases, earthworks, activities, infrastructure details, and specific mitigation measures.
- Section 4 details the relevant statutory planning framework, and provides analysis against the relevant rules of the District Plan and RNRP to establish the activity status and relevant assessment matters.
- Section 5 provides a summary of consultation and engagement undertaken to date.
- Section 6 provides an assessment of all relevant environmental effects of the separable Controlled and Restricted Discretionary activities under the WBOPDC District Plan;
- Section 7 provides an assessment of all relevant environmental effects of the linked enabling/permanent operation works which have an activity status overall of Non Complying.
- Section 8 addresses notification of the application pursuant to section 95 of the RMA.
- Section 9 assesses the proposal in terms of consistency with relevant objectives and policies of the District Plan and RNRP, and other relevant plans.
- Section 10 assesses the proposal against the substantive decision matters pursuant to Part 2 and sections 104, 104B and 104D of the RMA.
- Section 10 presents a conclusion of the aforementioned assessments.

Appendix 1 contains the relevant BOPRC Resource Consent Application Forms, with the same forms for WBOPDC completed in the WBOPDC online portal. **Appendix 2** contains the relevant Certificate

of Title. **Appendix 3** contains existing and proposed site plans (updated pursuant to the s.92 process).

A number of technical assessments relative to effects of the proposal have been prepared in respect of the application. The following appendices support the assessment and should be read in conjunction with this AEE when considering the relevant topic in question:

Topic	Report Details	Prepared By	Appendix No.
Geotechnical Suitability	Te Puna Container Co 297 Te Puna Station Road, Te Puna – Geotechnical Assessment Report. Reference: 2-9Z729.01 Date: 2 December 2022	WSP (replaces Tetra Tech Coffey reporting)	Appendix 4
Three Waters Infrastructure Servicing and Capacity, Flood and Earthworks Mitigation	Te Puna Industrial Ltd s92 Response Report Reference: 2-9Z729.01 Date: 25 January 2023	WSP (replaces Vitruvius reporting)	Appendix 5
Traffic	Industrial Container Yard, Te Puna Station Road – Transportation Assessment Report Date: December 2022 (updated pursuant to s.92 request)	Harrison Transportation	Appendix 6
Contamination	Detailed Site Investigation (DSI) – 297 Te Puna Station Road, Te Puna, Tauranga Date: xxx December 2022 Addresses s.92 request.	Pennan and Co	Appendix 11
Construction Noise and Vibration	297 Te Puna Station Road – Proposed Industrial Development, Te Puna, Tauranga – Construction Noise and Vibrations Management Plan Reference: J005252.OP Date: xxx December 2022 Addresses s.92 request.	Earcon Acoustics Ltd	Appendix 12

Operational Noise and Vibration	297 Te Puna Station Road – Proposed Industrial Development, Te Puna, Tauranga – Operational Noise and Vibration Assessment Reference: J005252.OP Date: xxx December 2022 Addresses s.92 request.	Earcon Acoustics Ltd	Appendix 13
Landscape and Visual Impact	Landscape and Visual Impact Assessment – 297 Te Puna Station Road Date: xxx December 2022 Addresses s.92 request.	Momentum Planning and Design Ltd (MPAD)	Appendix 14

Appendix 7 contains a compliance assessment against relevant permitted activity provisions of the District Plan. Appendix 8 contains evidence of consultation and engagement carried out with hapū and iwi authorities (updated information included to address BOPRC s.92 request on this matter). Appendix 9 contains evidence of engagement with WBOPDC, BOPRC, other infrastructure providers, and Heritage New Zealand Pouhere Taonga. Appendix 10 contains copies of relevant planning/consent history. Appendix 15 is a Landscape Plan, Planting Palette and Outline Wetland Establishment Plan. Appendix 16 is an outline Landscape Maintenance Plan in respect of all landscaping. Appendices 14-16 have been prepared by a suitably qualified Landscape Architect Tom Watts of MPAD.

Details of the site and surrounding context, and proposed development follow at sections 2 and 3 of this report.

Any levels specified or referred to within this report are in respect of Moturiki Vertical Datum 1953 unless specified otherwise.

2.0 The Site and Surrounds

2.1 Site Introduction

The total site area owned by Te Puna Industrial at 297 Te Puna Station Road is 12.16ha. A total of 11.96ha of the site is proposed to be utilised for industrial purposes, with associated mitigation, across the three planned stages. The site is of an irregular shape and is located to the south of Te Puna Station Road. The site has approximately 445m of frontage to the Te Puna Station Road, and is of a size common to industrial/depot and farming lots north and south of Te Puna Station Road and Teihana Road. The site is accessed from Te Puna Station Road via an established vehicle crossing.

Approximately 100m north of the north-eastern corner of the site is the East Coast Main Trunk Railway (check title).

The site is within the territorial authority of WBOPDC, the regional authority of BOPRC, and within the rohe of the hapū Pirirākau and Ngāti Taka, being constituent hapū of the iwi Ngāti Ranginui.

The site is largely comprised of pasture paddocks. The south-west corner of the site contains a dwelling surrounded by open space and overall is shrouded in trees, which reflects the semi-rural existing character of the wider area. East of the dwelling is a large three-bay work/implement shed and historically cleared areas used in conjunction with the shed.

The subject site and notable features are detailed within **Figure 1** below and in the drawings attached at **Appendix 3**.



Figure 1: Subject site and existing features. The application site is bounded red. The existing dwelling is circled dashed orange and shed and associated yard spaces bounded in dashed yellow. Access is via a driveway in from the southern side of Te Puna Station Road, with secondary access routes across the site stemming from this driveway.

2.2 Site History, Contamination and Heritage Features

A review of aerial photography, and property file information obtained from both WBOPDC and BOPRC indicates that the site has either been bush-covered or used for either horticultural or grazing/pastoral purposes from the 1940's through to the 1990's, at which point it appears that development of the dwelling and rural contractor uses that exist today occurred.

Relevant consent history pertaining to the site includes:

- Resource consent for groundwater take for irrigation at a rate of up to 200m³/day was granted in 1977 (BOPRC reference 20311);
- Building consent for the existing three-bay implement shed was granted in the late 1990's (WBOPDC reference BC 57883);
- Building consent for the existing dwelling at the site was granted in February 2000 (WBOPDC reference BC 62934). Specified within this building consent was an exemption to the relevant District Plan yards rules at the time, as the dwelling is site 5m from a property boundary;
- Resource consent to establish a rural contractors depot utilising the three-bay shed and surrounding areas was granted in February 2000 (WBOPDC reference RC 401306L, pertains to blue dashed area in **Figure 1** above);
- Environment Court decision RMA 608/03 approves Te Puna Business Park provisions and changes the zoning of the Te Puna Business Park to Industrial (February 2005);
- Resource consent 69251 was granted by BOPRC in March 2005 to carry out large-scale earthworks (depositing of cleanfill only) and discharge sediment-laden water to land where it may enter a drain to the Wairoa River. This consent was given effect to, as observed by a discernible rise in paddock level to the front paddocks of the site (as well as signage at the front of the site as required by conditions of the consent). This consent was surrendered in December 2013, preceding a stipulated expiry date of June 2014.

Copies of the abovementioned planning history are provided at **Appendix 10** or are otherwise available upon request. The majority been sourced from either WBOPDC or BOPRC.

The site is not recorded on the BOPRC map resource of Hazardous Activities and Industries List (HAIL) sites. Further historical information, and discussion of potential sources of contamination are detailed in the DSI prepared by Pennan and Co, attached at **Appendix 11**, which considers there to be the potential for contamination from three sources:

1. Pesticide use from the site's historical use as an orchard from the 1970's through to the 1990's.
2. Fill material that raised the northern portion of the site pursuant to BOPRC consent 62951.
3. Storage of fuel above ground.

On this latter point, two locations have been used for fuel storage. These are illustrated below.



Figure 2: Location of two above-ground fuel storage tanks within the site.

The DSI confirms the site is a 'piece of land' owing to HAIL uses having occurred on the site. However it is noted these components of land do not meet the definition of contaminated land under the RNRP or the definition of a 'piece of land' under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, as detailed in the DSI. The DSI does confirm that resource consent is not required pursuant to rule DW 25 of the BOPRC Regional Natural Resources Plan¹. This is owing to the nature of contamination detected at the site not posing any immediate or long-term hazard to human health or the environment².

¹ Section 9.3 of the DSI, see **Appendix 11**.

² Being required to meet the definition of contaminated land under the BOPRC RNRP.

The site does not contain any Identified Significant Historic Heritage Features, as detailed within Appendix 3 of the District Plan. The site does not contain any mapped archaeological sites.

2.3 Topography, Watercourses, Natural and Ecological Features

The topography of the **majority of the site (all except for south-western corner)** which is subject to this application is mildly undulating or close to flat across its breadth, whilst generally falling from west to east. The eastern boundary and adjacent low-lying areas are the low points of the site (below 1.5m RL), whilst the existing house site (south-west corner) is the high point of the site (over 14m RL) (see RPC Land Surveyors surveyed plans at **Appendix 3**). There are artificial farm drains at the edges of paddocks across the site, and to both sides of an east-west farm race through the site. There is also a road drain at the northern boundary between the subject site and Te Puna Station Road.

Beyond the site, to the north, east and south-east, the surrounding land is close to flat as proximity to the estuary at the Wairoa River mouth into the Tauranga harbour increases. For most of the southern-boundary through to the south-west corner of the property, the land rises towards properties at 110, 112, and 118-138 Te Puna Road.

Trees surround the dwelling at the site, are located at the western boundary, and line the northern side of a secondary vehicle access route running east-west across the site. There are no other features of prominent or terrestrial vegetation of ecological or natural-character value within the site. There are no wetlands within the site.

In terms of natural watercourses, the Hakao Stream lies just inside the south-eastern boundary of the site within the former paper road – a 20m segment of the stream passes at the very eastern edge of the land owned by Te Puna Industrial Ltd. The Wairoa River, a reasonably large river of local and cultural significance (to which the Hakao Stream runs to) is located some 1.3km east of the site.

The composition of the natural soil underlying the site is classified in terms of Land Use Capability as largely 3w1, being Mesic Organic soil.

2.4 Surrounding Environment

Immediately surrounding the site are mixed land-uses of varying proportions containing grazing/pastoral land and industrial/commercial uses.

Industrial uses alongside a dwelling within the same properties are established directly north of the site on the opposite side of Te Puna Station Road (at 250 Te Puna Station Road) and adjoining to the east (245 Te Puna Station Road). These are the two properties that along with the subject site make up the Te Puna Business Park and are zoned Industrial.

South of the site is grazing/pastoral land. South-west of the site is land in horticultural use (avocados and kiwifruit), being orchard properties accessed from Te Puna Road. Directly west of the site is a property (148-158 Te Puna Road) containing dwellings and native bush cover to a significant proportion of the site.

The site and locality generally can be characterised as semi-rural. Grazing/pastoral and horticultural activities and their open space characteristics are prevalent in the surrounding area. However Te Puna Station Road is subject to reasonable traffic volumes owing to it being a route between the main road of Te Puna (Te Puna Road) and State Highway 2 (SH2). This road serves, and the catchment contains, a number of smaller 'lifestyle' properties which result in a density of dwellings in the general area higher than that of a typical rural environment. The area is close to physical urban limit of Tauranga City and the commercial centre of Te Puna (intersection of Te Puna

Rd/Minden Rd and SH2). There are also a number of yard-based commercial and/or industrial uses near the site, and the East Coast Main Trunk Railway running east-west directly north of the site on the northern side of Te Puna Station Road.

2.5 Existing Utility Infrastructure

The site is serviced by the following utility infrastructure within Te Puna Station Road or otherwise within the vicinity of the site:

- 100mm water main (WBOPDC asset);
- 300mm wastewater main (WBOPDC asset);
- Overground power lines (Powerco asset); and
- Fibre communications infrastructure (Chorus asset).

The water supply and wastewater infrastructure are shown within **Figure 3** below. A lateral water connection to the potable water supply network is located at the north-western corner of the property.

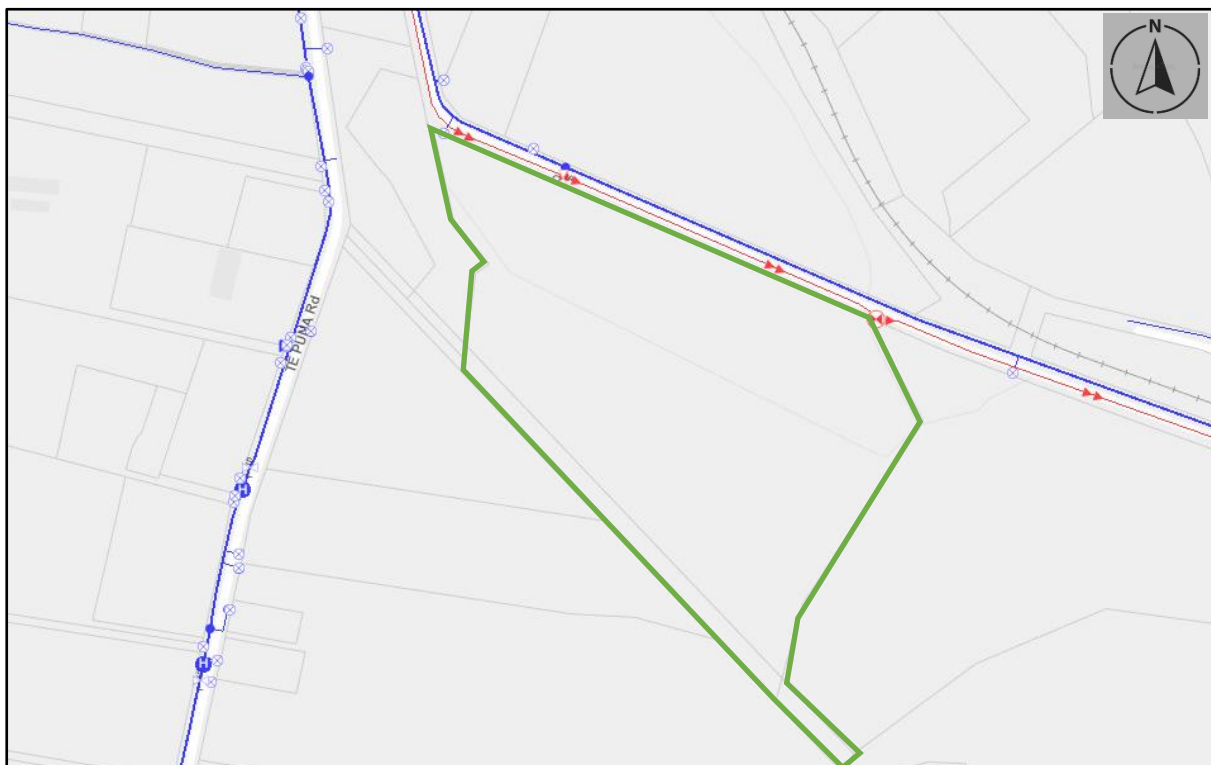


Figure 3: Existing water (blue) and wastewater (red) infrastructure lines servicing the site (bounded green).

2.6 District Plan Context

The site is largely zoned Industrial (11.1ha), with two narrow parcels at the southern boundary of the site (1.06ha in total) zoned Rural. The land that is zoned Industrial is also within the Te Puna Business Park Structure Plan area. The business park comprises approximately 23ha of land on the southern side of Te Puna Station Road, and 7.2ha of land on the northern side. Surrounding land beyond the business park is zoned Rural.

In terms of policy overlays, the site is partially (at the eastern end) subject to a Floodable Area hazard overlay. There are no other policy overlays (i.e. no Outstanding Landscape Feature, Significant Ecological Feature, listed heritage features) identifying distinctive values, risks or other factors or matters requiring specific management and consideration at the site.

The northern side of Te Puna Station Road is subject to Designation No. D208, being a designation for railway purposes with the New Zealand Railways Corporation as Requiring Authority. This designation corresponds to the railway line and ancillary areas running east-west north of Te Puna Station Road. There are no other designations in the vicinity of the site.

These zone and overlay features are demonstrated within **Figure 4** below.

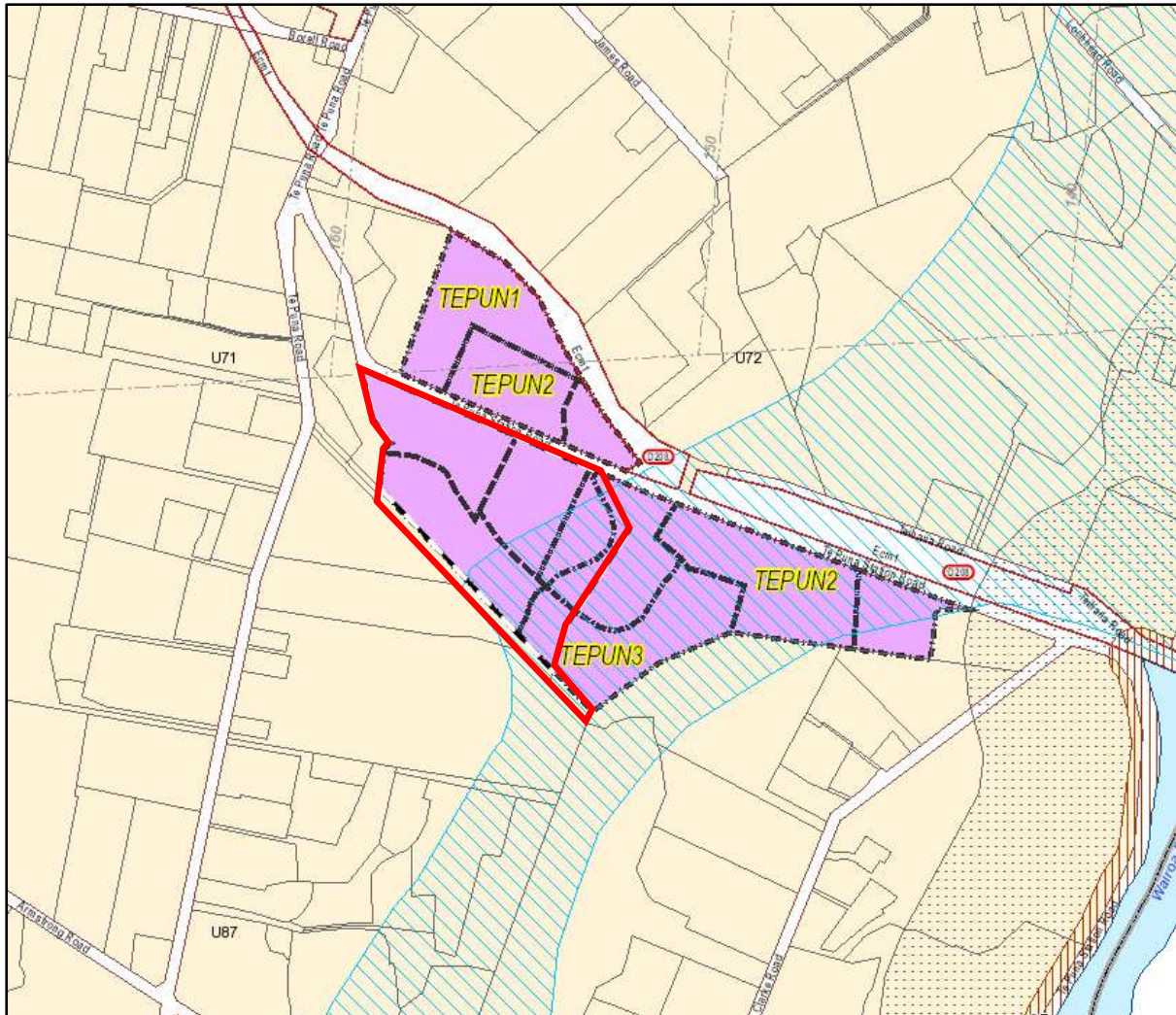


Figure 4: District Plan zoning and policy overlays. The site of staged industrial development (bounded red) is zoned Industrial (purple) save for a former paper road at the southern boundary which is zoned Rural. The blue dashed line is the Floodable Area hazard overlay.

2.6.1 Te Puna Business Park Structure Plan

The Structure Plan is detailed within Appendix 7 of the District Plan, and divides development within the park into four stages. The Structure Plan requires development to progress in the nominated sequence of stages, with specific landscaping, stormwater and roading mitigation requirements in advance of any industrial development to be met, secured by corresponding rules of the District Plan.

There are five specified road infrastructure upgrade requirements to be met prior to development of any stage commencing (these requirements are built into Rule 12.4.16.2 of the District Plan). In short these are:

- Upgrade the Te Puna Road/ SH2 intersection to a roundabout (completed);

- Upgraded and widened left-turn provision from Te Puna Station Road on to SH2 (not completed);
- Upgrade to the intersection of Te Puna Road/Te Puna Station Road intersection (completed³);
- Installation of traffic calming measures at the northern end of Clarke Road on approach to the Te Puna Station Road intersection (completed); and
- Provision of specified intersection design to new internal roads of the business park (proposed).

Regarding traffic operation, the structure plan also prescribes a separation distance of at least 200m between entrances into the business park, and that a through loop road is created between the entrances to 245 and 297 Te Puna Station Road.

The structure plan also requires the delivery of a prescribed landscaping and stormwater management strategy and integrated acoustic mitigation measures. This includes periphery and roadscape planting, and overland flow path (OLFP) protection within the business park. The Te Puna Business Park structure plan staging and prescribed landscaping, acoustic and stormwater measures are shown within **Figure 5** below.

³ A position has been advised by Council in December 2022 through Environment Court mediation concerning abatement notices and structure plan compliance at 245 Te Puna Station Road, that this has not been met. This position is contrary to the Memorandum of Agreement signed by all landowners and Council dated 21st July 2020, and contrary to text within RFI point 9 of the s.92 RFI issued by WBOPDC dated 10th March 2022.

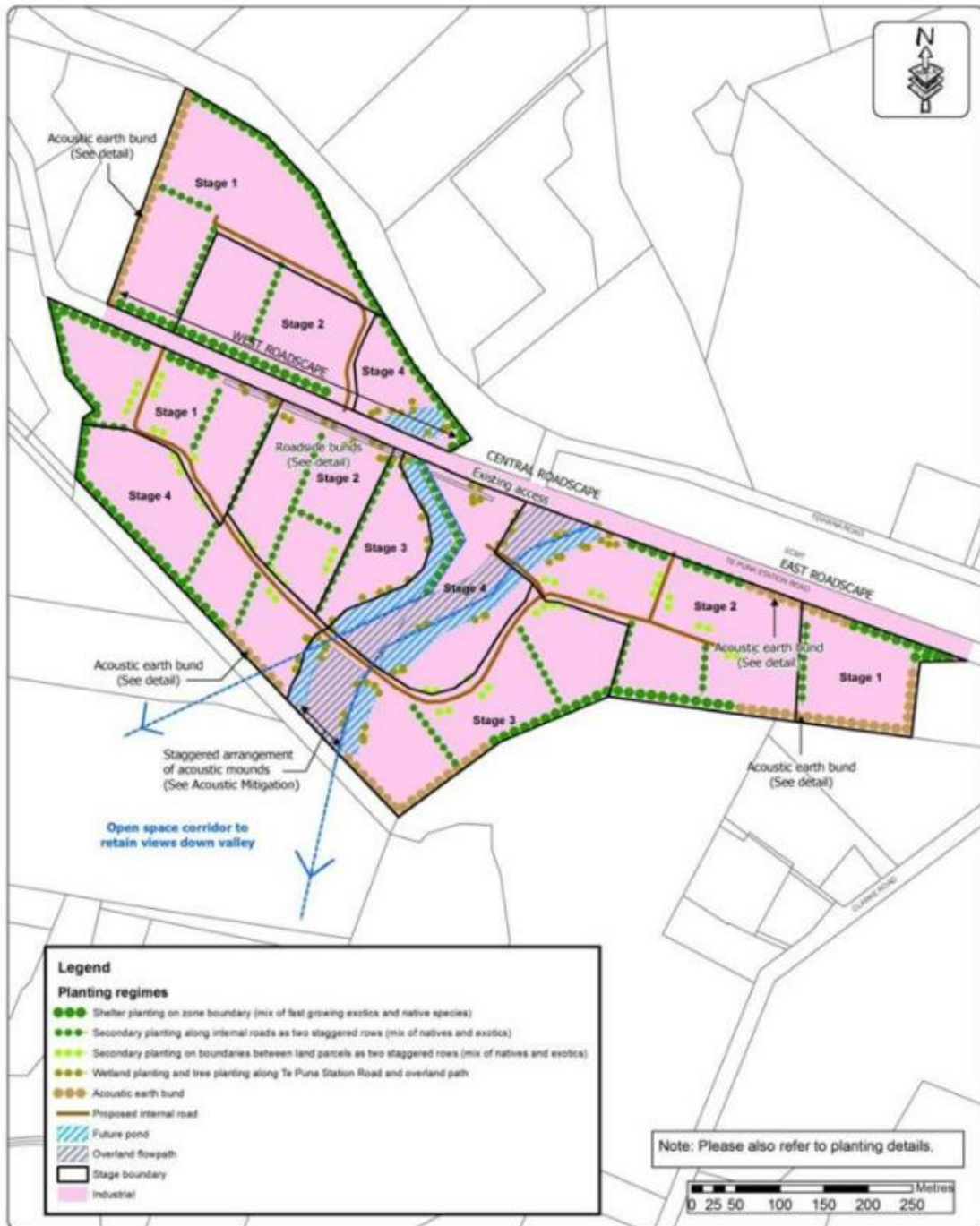


Figure 5: Te Puna Business Park Structure Plan, excerpt from the WBOPDC District Plan.

2.7 Regional Natural Resources Plan Context

The RNRP defines specific environments where specific rules apply. Examples of these include Erosion Hazard Zones, Riparian Areas, Aquifer, Artificial Watercourses.

Of note to this application and site context, the drains within the site and external to the site either side of Te Puna Station Road meet the definition of artificial watercourses. The site does not contain any areas of RNRP-defined Riparian Management Zones, Riparian Area or Margin, Coastal Margin, Erosion Hazard Zone, Ephemeral Flowpath, or any other RNRP-defined zone or area.

The site contains no indication of ecological significance based on the Bay Explorer BOPRC Map resource. The nearby Hakao Stream is classified as a Regional Base Line stream, whilst the Wairoa River further afield is an Aquatic Ecosystem.

3.0 Proposed Development

3.1 Introduction and Staging

The proposed development is to give effect to the Te Puna Business Park Structure Plan provisions that apply to the subject site.

Pursuant to the s.92 requests from both WBOPDC and BOPRC, the scope of the original application has been amended from a distinct staged approach, to one of site-wide holistic consideration. The only staging restriction is managing the intensity of use (in conjunction with the other business park property owners) so as to not exceed 2600 vehicles per day which is the anticipated volume within the District Plan/Structure Plan. This is calculated by TPIL's traffic engineer at **Appendix 6** not to be exceeded.

The site has been split into two areas to accommodate industrial development. The areas are depicted on the Site Plan at **Appendix 3**. A total of 4.8ha is allocated to ContainerCo at the eastern end of the site, being the anchor tenant and occupier of the site. A total of 3.92ha is allocated to for other permitted-activity industrial uses. None of the other tenants are being secured until the resolution of the resource consenting process.

Incidental to the establishment of industrial uses are the following development activities:

- Earthworks, including the import of fill material for pre-loading, to achieve appropriate ground conditions and heights to accommodate the proposed industrial sites;
- Earthworks to establish necessary landscape screening planting and bunds (including acoustic bunds), drainage swales, two stormwater treatment ponds and a wetland within the overland flowpath in accordance with the Structure Plan (with public access provided);
- Earthworks and construction of an internal private road and new intersection with Te Puna Station Road; and
- Signage associated with the industrial activities.

The above activities are proposed in a manner largely consistent with the relevant provisions and expected outcomes of the Structure Plan. This has been of integral importance to TPIL so as to deliver on the structure plan that was agreed by appellant parties in the 2005 Environment Court decision, and to meet contemporary feedback received through engagement with a wide range of community stakeholders.

The particulars of the proposed development and industrial uses are explained further below.

3.2 ContainerCo – Activities and Workshop Building

ContainerCo intends to store, repair, and lease out/sell shipping containers within their 4.8ha area of the site, and would form the anchor tenant.

The containers would be stored a maximum of three-high, which is approximately 7.8m for standard height containers (2.6m height). For tall containers (2.9m) this height will increase to approximately 8.7m. This maximum height is consistent with the height of buildings anticipated in the Te Puna Business Park, which is 9m as a permitted activity.

Up to 100 containers will be kept on power, being empty refrigerated containers ('reefers') ready to lease to the market as demanded.

Repair works range from interior floor/surface improvements, to corner replacements, welding/grinding and exterior panel repairs. A container workshop area is proposed to be constructed to accommodate these activities. This structure has been determined to be a building by WBOPDC through the s.92 process. The workshop will be located in the general area indicated on the Landscape Plan so as to ensure compliance with noise levels at neighbouring industrial properties, which in turn also ensures compliance at neighbouring rural properties further afield. See **Appendix 3** for workshop design plan – the workshop consists of two stacked containers to the side and rear, and a canvass roof structure. The design of the workshop ensures the ability to comply with applicable building height limits. Suitably-coloured containers and canvass to the roof will be used so as to meet visual amenity - reflectivity requirements within Rule 21.4.1.d of the District Plan.

The proposed operating hours of the ContainerCo facility would be a maximum of 7.00am-6.30pm, Monday to Saturday. No lighting structures or operation in hours of darkness are proposed. Single and double truck-and-trailer vehicles would access the site in picking up and dropping off containers. Regular plant operating at the site would be container forklifts for loading/unloading vehicles and stacking, moving containers, in addition to truck manoeuvres for transporting containers. Typical smaller forklifts used by ContainerCo are 23 metric tonnes whilst larger forklifts are 45 metric tonnes. Electric trucks form part of the vehicle fleet to be based at the site and incidental to distribution of containers to and from the site, on-site charging for this fleet will be established.

3.3 Other Areas – Permitted Industrial

The remainder of the site (excluding eastern end where wetland and stormwater ponds are to be located) is intended to be marketed for permitted industrial uses as informed by the permitted activity rules applying to the Te Puna Business Park Industrial Zone. Precise uses are not known at this time, however permitted uses suited to operating in accordance with permitted activity conditions applicable to the Te Puna Business Park will be sought to establish at these sites.

3.4 Earthworks

Earthworks are necessary to improve ground conditions to accommodate industrial activities, to contour the land for robust stormwater conveyance, management and treatment, and to establish landscaping, a wetland, and appropriate intersection into the site, in accordance with the Structure Plan.

The earthworks methodology for suitable ground improvements relative to intended industrial use across the site is detailed within the WSP geotechnical report in support of this application, attached at **Appendix 4**.

The proposed development and earthworks process (subject to contractor appointment) is as follows:

- Within first 2-3 months:
 - Establish permitted extent of landscape bunds and planting in the proposed manner consistent with the Structure Plan, and permitted development rights in the Rural zone.
 - Re-locate and plant roadside drain, establish consented landscape bunds in Floodable Area; Form entranceway intersection;
 - Cutting and filling to form the 2x stormwater ponds and swale network (to be sediment retention ponds/diversion channels during earthworks and construction periods); features to be planted as approved and as suitable for reducing silt transport during earthworks and construction period.

- Then pre-load lease areas in accordance with geotechnical report recommendations (site-general requirements and workshop-specific requirements to be met).
- Maximum 12 months later, if not reduced based on geotechnical engineering advice:
 - Complete final formation and surfacing to lease areas (compacted metal). Construct internal road sealed and kerbed. Construct foundations for workshop. Construct incidental proprietary waste management system servicing workshop.
 - Re-purpose and form ponds for final permanent storage/treatment purposes, complete any outstanding wetland planting prior to industrial uses commencing.

The initial and pre-load earthworks would proceed as soon as all consents are in place. The geotechnical report at **Appendix 4** (Section 9.1) recommends a filling methodology with over-fill to act as the pre-load to induce settlement and compress the underlying soil.

The site will achieve final levels as depicted on the WSP engineering plans at **Appendix 3** (see Drawing C202 Rev B in particular). In summary this is a ground level of approximately RL 2.5m (Moturiki datum) with 1% crossfalls to the internal swale drainage network. This ties in reasonably closely to the existing level of the majority of the site, whilst creating flat usable areas suitable to ContainerCo and suitable for marketing for industrial uses. This level represents a balance being struck by TPIL between residual future flood risk to the site and minimising floodwater displacement effects elsewhere, whilst achieving necessary ground improvements and levels to accommodate industrial uses.

Staging, Erosion and Sediment Controls

The site would be earthworked in stages across the area shown on Drawing C202 Rev B at **Appendix 3**. A summary of the general methodology for erosion and sediment controls during earthworks to minimise possible erosion, dust and silt/sediment runoff effects is as follows. This is to be subject to a final detailed Erosion and Sediment Control Plan or Construction Management Plan, and is devised drawing upon the BOPRC Erosion and Sediment Control Guidelines for Land Disturbing Activities as advised by WSP:

1. Erecting a silt fence at the edge of areas being earthworked;
2. Establish drainage swales (corresponding to the permanent swales) to act as diversion channels, to sediment retention ponds and forebays (in locations of future operational stormwater treatment ponds).
3. Undertake earthworks as per earthworks process above, with extent of stages not to exceed 4ha so as to always have 50m³/ha/day available for dust suppression (to meet BOPRC Erosion and Sediment Control Guidelines – water supply for dust suppression available via existing authorised irrigation water take - up to 200m³/day authorised for this purpose);
4. Stabilise pre-load (temporary) with grass as soon as practicable;
5. Following pre-load period, import surface metal for industrial areas, compact at surface as per methodologies **Appendix 4**;
6. Seal internal road.
7. Finalise planting of stormwater swale and wetland within the OLFP; treatment in accordance with application plans.
8. Once site stabilised to the satisfaction of BOPRC, decommission sediment retention ponds and re-purpose to stormwater treatment ponds in accordance with application plans to enable site to be operational for industrial purpose

3.5 Access

Vehicular Access and Car Parking

The vehicular access to the site will be by way of a new 8m-wide cul-de-sac within a 20m wide road and services corridor within the site. This will access the site east of the current driveway, by way of an upgraded intersection which has been designed by WSP and endorsed by Harrison Transportation in respect of traffic engineering requirements applying to the site. This intersection design reflects that expected by the District Plan (Rule 12.4.16.2(d)(ii)), noting that Diagram D is today's Diagram E. This intersection will be constructed whilst accommodating the relocated roadside drain to the inside of the northern boundary, as well internal drainage swale network and landscape features of the Structure Plan. See **Appendices 5 and 6** for detailed drawing and explanation of the intersection design, and Landscape Plan at **Appendix 14** showing integration of structure plan landscaping requirements with the intersection requirements.

As shown in engineering drawings attached to the WSP report at **Appendix 5**, the proposed road runs perpendicular to Te Puna Station Road for approximately 150m (more or less parallel with the existing driveway). The road then curves east (with a 40m turning radius given expected truck usage) to run parallel to Te Puna Station Road for a length of approximately 210m, culminating in a cul-de-sac head with a turning radius of 15m. This road is in the location generally prescribed by the Structure Plan, and is located so as to practically serve all proposed industrial areas whilst working with the topography of the site. The internal road is designed to a width and formation consistent with the anticipated traffic flows. It will be a sealed surface for its entire length.

The proposed industrial lease areas are designed and suitably sized to enable flexibility for manoeuvring for forward-exiting to the proposed intersection, as well as being able to provide ample car parking to meet expected demand as suits the needs of each tenant.

The proposed intersection design would require the removal of 1 of the existing power poles east of the proposed intersection on the southern side of Te Puna Station Road. This will be completed by the applicant or in negotiation with WBOPDC in their relocation of all power poles to facilitate their planned widening of Te Puna Station Road.

The largest vehicles expected (B-train truck and trailer units) have a height of 4.25m above the surface of the road, the height of the power lines exceeds 6.5m therefore access is not constrained by the power lines relative to the proposed intersection.

Pedestrian/Cycle Access

Through discussions with Council over the s.92 response period, Council have revealed their up-to-date intentions/preferences in respect to two matters relating to access:

1. To widen Te Puna Station Road and their sought preference to accommodate a separate path for pedestrians/cyclists along Te Puna Station Road.
2. Provision of public access from Te Puna Station Road through the planned wetland/stormwater pond areas of the Structure Plan to the Hakao Stream.

Neither features are required by the Structure Plan mitigation requirements, and were not the requirements of WBOPDC when TPIL first obtained development feasibility information from WBOPDC in March 2021.

TPIL has nonetheless agreed to accommodate Council's preferences on this matter. As such, a 3m-wide cycle/pedestrian path conforming to WBOPDC's plans for the road, alongside the northern boundary, is provided for. This is accommodated with a recessed alignment through the intersection

away from the road and wider part of the intersection, with no island on the internal road being considered necessary (see section 10.3 of revised Transportation Assessment Report at **Appendix 6**).

A walkway alongside the wetland will also be provided. Consultation with WBOPDC's reserves department has revealed that ideally a 5m wide easement, to accommodate a 3m-wide path and working area would be provided. These requirements have been accounted for in the proposed landscaping plan at **Appendix 3**. Exact easement details are proposed to be agreed at a later date once detailed design is advanced.

3.6 Infrastructure Servicing

The infrastructure proposed to service the development includes potable water, stormwater, power and communications. Wastewater servicing will be determined in accordance with future building design and subject to any future consents required. The proposed details of servicing the development are outlined below, and are described in further detail in the civil engineering report prepared by WSP attached at **Appendix 5**.

Potable and Firefighting Water

A 100mm Council water main exists under Te Puna Station Road. Two new 100mm connections will be made to this line – see Drawing C600 Rev A by WSP at **Appendix 3**. This will provide looped water supply service along the northern side of the internal road, with the southern side supplemented by a 63mm rider main.

WSP confirm firefighting and water supply requirements of the structure plan as per Rule 12.4.16.5 are able to be met (see section 2.5 of WSP report at **Appendix 5**).

Wastewater

The reticulated network adjacent to the site on Te Puna Station Road is understood to have no available capacity and therefore connections to the network cannot be made. None are proposed by this application.

The only building proposed as part of this application requiring resource consent is the workshop discussed above. The workshop floor surface would be finished with an impermeable surface (likely tar seal or concrete) to catch and treat any contaminants that may be washed off the containers as part of repair and cleaning work. This area is proposed to drain to a sump and separate holding tank (via fine-particle screening) for at-source treatment and filtration of clean water. Further details of this are contained in the Site Management Plan prepared by WSP at **Appendix 5**.

Stormwater

The proposed stormwater network is a series of internal swales (separated from roadside drains along the road boundary), all of which drain to two stormwater treatment ponds which would then discharge into the wetland/OLFP required by the Structure Plan. This wetland/OLFP flows from the subject site to the roadside drains on the southern side of Te Puna Station Road through the property at 245 Te Puna Station Road. The internal swales and ponds are shown on the WSP plans, with integration with the wetland/OLFP shown on the Landscape Plan, all contained at **Appendix 3**.

The swale network is sized to convey the 10 year ARI/10% AEP event, with stormwater ponds combined with the swale system attenuating 80% of the 1 in 100 year ARI/1% AEP event. See section 3.3 of the WSP civil engineering report at **Appendix 5**.

The proposed swale network inside the site, and re-aligned and cleared segments of roadside drains, would be planted with appropriate species to the micro-climate. This is to provide filtration of particulates and any airborne contaminants that inherently accompany industrial activities in addition to meeting landscaping expectations of the Structure Plan. An off-road three-metre wide maintenance strip for the roadside drain at the northern boundary is also proposed.

Power and Communications

Electrical infrastructure is currently provided on the southern side of Te Puna Station Road adjacent to the site, being a logical connection point. Engagement with energy infrastructure providers (Powerco as relevant lines company responsible for distribution, and approved contractor and supplier Northpower) to provide appropriate levels of power has commenced.

No lighting is proposed within the site, based on the lack of need for external lighting at present.

Ultra-Fast Broadband is available within the area to provide the development with communications infrastructure. This will also be provided within the internal road corridor.

3.8 Mitigation Landscaping

The Structure Plan has requirements for boundary landscaping and internal landscaping, alongside stormwater management measures and wetland/OLFP provision at the eastern end of the site. The purpose of the landscaping is to maintain the amenity values associated with the rural character of the area as determined at the time of the Environment Court decision.

The development of the site will include the required landscaping prescribed by the Structure Plan. A landscaped bund at the northern boundary planted with native plants is proposed to be established. Perimeter planting, being a mix of native and exotic taller-growing trees, is also proposed. Acoustic bunds along the southern boundary will be constructed. The edge of the wetland will be planted with appropriate trees to that micro-climate, and the wetland itself planted and established in accordance with best practice. The internal roadside would be landscaped with specimen trees. This will all be in exact and precise accordance with the requirements of the Structure Plan. Inter-lease boundary planting is included in mixes according to the Structure Plan. See **Appendices 14 and 15** for further information.

It is acknowledged that there is a discernible deviation from the visual depiction of the inter-lease/internal planting within the Structure Plan at Appendix 7 of the District. This is done for practical reasons relative to the proposed use of the site. The Structure Plan entertains as many as 26 lots across the business park, where greater opportunity for inter-lot boundary planting more closely reflecting the Structure Plan would be feasible. This is not however a requirement to develop the business park. As stated above and as supported by the expert assessment at **Appendices 14 and 15**, the landscaping requirements of the Structure Plan are assessed to be met.

3.10 Permitted Activities

The ContainerCo proposed use is permitted, meeting the definition of a depot and remains a permitted activity within the Te Puna Business Park industrial sites. Future activities will be similarly permitted or alternatively will need to obtain consent separately.

Considering the flexibility required when siting buildings relative to yards and access areas serving industrial activities, it is proposed that future lessees determine their building requirements and seek any required resource (and any other) consents accordingly at the time of that decision being made.

Fencing ancillary to permitted industrial activities can be erected within the site subject to height and yard requirements, and daylighting in respect of the southern boundary with Rural-zoned properties. Such requirements are not known at this point in time therefore no fencing as perimeter treatment is currently proposed.

Signage in accordance with permitted activity conditions (as explained at **Appendix 7**) would also be erected.

The formation of bunds and undertaking of required planting, outside of the Floodable Area within the Industrial Zone of the Te Puna Business Park, in the manner as proposed by this application, are activities strictly permitted under the Structure Plan (where prior to industrial use commencing, as is the case here). These works will therefore be progressed whilst consent requirements are addressed.

Planting incidental to the existing rural use of the southern boundary strip which is zoned Rural is considered a permitted activity. Planting will be carried out in this location in accordance with the Structure Plan.

4.0 Statutory Planning Framework

4.1 Relevant Planning Documents

The following statutory planning documents and regulations (produced and applicable under the RMA) which are relevant to the subject application are:

- National Policy Statement for Freshwater Management (2020) ('NPS-FM');
- National Policy Statement on Urban Development (2020) ('NPS-UD');
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) ('NESCS');
- National Environmental Standards for Freshwater (2020) ('NES-F');
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011)
- The Bay of Plenty Regional Policy Statement (2014) ('the RPS');
- The Bay of Plenty Regional Natural Resources Plan (2008) ('the RNRP');
- Western Bay of Plenty District Plan (2012) ('the District Plan').

Relevant other planning documents include:

- The Pirirākau Hapū Management Plan (2017) ('PHMP');
- The Te Puna Community Plan (2017) ('TCP');
- Tauranga Moana Iwi Management Plan 2016-2026.

These planning documents and instruments collectively establish the relevant visions, objectives and policies in respect of resource use and development at the site, as well as setting out resource management (and relevant environmental, social, cultural, and economic) issues to be addressed. The objectives and policies of these documents are assessed in appropriate detail at section 7 of this AEE below.

Environmental standards, and statutory plans, contain resource consent triggers so as to be able to assess activities against the relevant planning context. Requirements for resource consent, and the corresponding activity status under the RMA, is assessed below.

4.2 Activity Status – District Plan

The provisions of the District Plan have been considered in respect of the proposed development. A full assessment against relevant rules within the District Plan are detailed at **Appendix 7**.

In summary, resource consent is required for the following reasons:

1. **Rule 4A.5** – Earthworks in association with a Non-Complying Activity.
2. **Rule 8.3.3(c)** – Earthworks are proposed within the Floodable Area greater than 5m³ (Restricted Discretionary Activity).
3. **Rule 12.3.4.1** – Road construction and operation not meeting Rule 12.4.4.2 (see explanation below) (Restricted Discretionary Activity).
4. **Rule 12.4.9.4** and **Rule 21.3.12** – Development not complying with all requirements of a structure plan. Not all staging, infrastructure and landscape features are proposed to be completed, in particular:
 - a. Sequencing of development – parts of nominated Stage 3 in the Structure Plan (as per Appendix 7 – District Plan) may be completed prior to parts of nominated Stages 1 and 2 in other parts of the business park.

- b. Vesting of landscaping, including wetland and stormwater ponds, with Council is not proposed to be completed prior to industrial operations commencing. This may result in a disproportionate and unnecessary delay to commencing industrial use of the site, and there is a three-year maintenance requirement within Rule 12.4.16.3 that vesting is expected to be contingent on.
- c. Widening of left-hand turn from Te Puna Station Road into SH2 and changes to Te Puna Road/Te Puna Station Road intersection are not proposed to be completed;
- d. Landscaping, acoustic bunds and stormwater management devices are only proposed on land controlled by the applicant and on adjacent Council road reserve, as needed to mitigate effects of the proposed development. The mitigation specified on other private land in the business park and to mitigate effects are not proposed to be completed by the applicant.
- e. The separation between the intersections to the subject site and the Overseas Logistics and Packing (OLP Ltd) site at 250 Te Puna Station Road will be less than 200m apart (132m).
- f. The internal road is not proposed to be constructed as a through loop road as indicated on the Structure Plan, at this point in time (it is future proofed by way of standard of construction for a future connection as per the Structure Plan).
- g. The internal road would not meet all the requirements of Rule 12.4.4.2, as extra width for on-street parking either side of the carriageway is not proposed. The carriageway is therefore under-width at 8m wide as opposed to 13m.
- h. The internal road would be operate as a private road, and would be longer than 100m, contravening Rule 12.4.4.2.

Resource consent specified (Rule 21.3.12) in such instances as a Non-Complying Activity

- 5. **Rule 4B.3.2** – Parking will not be sealed (rather compacted metal) (Restricted Discretionary Activity).
- 6. **Rule 21.3.7** – Construction of a building (workshop enclosure) greater than 100m² (Controlled Activity).

Items 1-5 above are inextricably linked being the 'Enabling Works'. Following the bundling principle, the highest activity-status applies, being a **Non-Complying Activity**.

Items 6 (choice of surfacing in future lease areas) and 7 (proposed workshop building) can be clearly separated from the rest of the development and are not necessary to complete the enabling works. These activities have been assessed separately below with regard to the specified restricted matters of control and discretion as **Controlled** and **Restricted Discretionary** activities as stipulated by the District Plan.

4.3 Activity Status – Regional Natural Resources Plan

The provisions of the BOPRC RNRP have been considered against the proposed development. Resource consent under the regional plan is required for the following reasons:

- 1. **Rule DW R8** – Discharge of Stormwater to Surface Water. Once operational, WSP advise (see **Appendix 5**, section 3.3 page 18) that complete stormwater retention during the 10-minute 1 in 10 year storm event would be achieved. Therefore complying with permitted discharge volume requirements of permitted discharge Rule DW R20. Compliance with attenuation requirements of the BOPRC Stormwater Management Guidelines 2012 in the 1 in 100 year storm event is also achieved. However it is not guaranteed at this point in time that the

150mg/m³ maximum of suspended solids will be met at all times (page 19 regarding temporary discharge consent). All other conditions to a Restricted Discretionary Activity pursuant to Rule DW R21 can be met, however given not all are certain to be met across the construction/earthworks programme, **Discretionary** consent pursuant to Rule DW R8 is conservatively sought.

2. **Rule LM R4 – Earthworks.** The entire site will be earthworked in stages that exceed the 1ha maximum under LM R1. The size of earthworks necessary across the site exceeds controlled or restricted discretionary volumes, therefore **Discretionary** consent pursuant to Rule LM R4 is required.

It is noted that artificial watercourses (roadside and farm drains) are proposed to be altered as part of project landscaping. Chapter 9 (Beds of Water Bodies) does not apply to artificial watercourses.

The Hakao Stream will not be altered by this project.

4.4 Activity Status – National Environmental Standards for Freshwater (2020)

Regulation 57 of the NES-F applies to the reclamation of river beds. The definition of river however excludes artificial watercourses. Therefore this provision is not engaged insofar as alteration and realignment the roadside and farm drains is concerned. No wetlands exist at the application site nor are within 100m of the application site as observed from site visits and (historical and current) aerial photography. Therefore the application of the NES-F is not triggered by the application.

It should be noted that the proposed stormwater treatment wetland is to be constructed for the purpose of treating and cleansing stormwater at the logical position of the site (low point). This would be an artificial wetland, being human-made in its entirety. As such, considering the relevant definition within the National Policy Statement for Freshwater Management 2020, the provisions of the NES-F concerning ‘natural wetlands’ would not apply in respect of this artificial wetland once constructed.

4.5 Activity Status – National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011)

The NESCS prescribes national regulations in respect of certain activities when occurring on a ‘piece of land’ as defined by those regulations. A piece of land is defined at Regulation 5(7) as a piece of land where an activity or industry described in the HAIL is, has been, or more likely than not is or has been, undertaken on the land. The DSI contained at **Appendix 11 demonstrates that the site does meet the definition of a ‘piece of land’ owing to certainty of historical HAIL use.** Resource consent is therefore required as a **Controlled Activity** pursuant to Regulation 9(1) of the NESCS.

Fuel storage is listed in the HAIL at A.17. As per the historical use of the land summarised at section 2.2 of this report, no other HAIL activities are occurring now or have historically occurred at the site (with due regard to the likelihood test based on the historical review of the use of the site).

The NESCS prescribes at Regulation 8(1) that removing or replacing a fuel storage system is an activity subject to its provisions. The tanks are proposed to be removed from site as part of this development.

‘Fuel storage system’ is further defined within the NESCS, and requires either (in full or partially) the tank or its ancillary equipment to be underground. The two storage tanks at the site do not meet this definition, with the tanks and their ancillary parts being wholly above ground – see photos at section 2.2 demonstrating this. Therefore, the activity of removing the fuel storage tanks is not governed by the NESCS, and no resource consent under the NESCS is required.

As the land to be disturbed does not meet the definition of contaminated land under the BOPRC RNRP, regional resource consent pursuant to Rule DW R25 is not required. This is confirmed in the DSI.

4.6 Plan Changes

Proposed plan changes in respect of the District Plan and RNRP have been reviewed to ensure due consideration of any notified plan changes affecting the site or activity are proposed.

The only current proposed plan change to the WBOP District Plan is Plan Change 92 concerning Medium Density Residential Development in Te Puke and Ōmokoroa. This does not affect the subject site.

There are no notified plan changes to the RNRP that would affect the site or activity proposed.

4.7 Conclusion – Resource Consents Sought – WBOPDC and BOPRC

The following resource consents/approvals for the various stages/components of planned development are sought (categorised as either Enabling Works, Permanent Operation, or Building/Parking Surfaces, relative to the effects assessments at sections 6 and 7 below):

1. BOPRC – Site-wide earthworks and temporary discharge of water during the earthworks and construction periods of the project (Enabling Works) (Discretionary);
2. WBOPDC – Disturbance of a piece of land (Enabling Works) (Controlled);
3. WBOPDC – Workshop building over 100m² (Building/Parking Surfaces) (Controlled);
4. WBOPDC – Parking areas not sealed (Building/Parking Surfaces) (Controlled);
5. WBOPDC – Various non-compliances with District Plan including Structure Plan rules described above (Permanent Operation);

5.0 Consultation and Engagement

Consultation and engagement has been carried out with hapū and iwi with a registered interest in the area, in addition to infrastructure providers, consenting authorities, and Heritage New Zealand Pouhere Taonga at pre-application stage. The particulars of this consultation and engagement are explained further below.

Hapū and iwi

Advice was sought from both consenting authorities as to their records of hapū and iwi with recorded interest at the location of the site. Through responses to this request, it was established that the following hapū and iwi are recorded by consent authorities as having an interest in the site:

Hapū:

- Pirirākau
- Ngāti Taka
- Ngāti Hinerangi

Iwi:

- Ngāti Ranginui
- Ngāi Te Rangi
- Ngāti Pūkenga

Engagement was accordingly initiated with these hapū and iwi via email on 3rd November 2021. Responses were received from Pirirākau, Ngāti Taka, Ngāti Ranginui, Ngāi Te Rangi, and Ngāti Pūkenga. The engagement that has occurred with the hapū and iwi groups is summarised further below. Records of the consultation and engagement carried out with hapū and iwi is attached at **Appendix 8** (updated to show all correspondence to all hapu and iwi as requested by BOPRC).

Pirirākau

Pirirākau hold mana whenua status of the area in which the site is located⁴. Pirirākau responded to the request for engagement which led to an on-site meeting on the 8th of November 2021. At the meeting, the general purpose and parameters of the development were explained to Gabrielle Rolleston and Noleen Tuhakaraina representing Pirirākau.

It was discussed that given the proximity to the harbour the site may have been used for urupā purposes. The use of no-dig covenants as a result a nearby subdivision (Teihana Road) was discussed. The applicant made clear the intention is to only disturb the upper layers of soil which, **across a significant proportion of the site**, comprise historically placed cleanfill (consent issued by BOPRC – see **Appendix 10**). Environmental and water management implications of the development were discussed, as matters of particular importance to Pirirākau, whilst undertaking a walkover of the site.

This meeting was followed up by a further explanation letter of the project, and package of plans for consideration, on the 12th of November 2021. A follow up to this was requested in respect of any feedback on 24th November 2021.

⁴ Page 22, Pirirākau Hapu Management Plan

At the site meeting, the applicant explained that they are property investors and local to the community, as opposed to developers who have short term ownership and sell the land once developed. The applicant is strongly committed to environmental enhancement in particular with respect to water resources as they interact with the proposed site as altered, and will honour that intent as expressed to Pirirākau at the site meeting.

A response was received from Ms Rolleston of Pirirākau advising that their final position was one of opposition to industrial development, based on disagreement with industrial development at the location in principle. This issue concerns the zoning rather than the particulars of the application.

In October 2022 following monthly engagement efforts by TPIL across 2022, a renewed engagement response from the new chair of Pirirākau hapū, Julie Shepherd, was received. A meeting has occurred with Ms Shepherd and fellow Pirirākau representative Carlton Bidois in November 2022 outlining environmental (related to liquefaction, health of the Hakao Stream in particular) and cultural concerns and interests held by Pirirākau. TPIL have since initiated a partnership agreement with the Pirirākau hapū to deliver meaningful partnership and cultural benefits in developing and operating from the site. This partnership agreement provides for cultural value recognition, environmental enhancement, as well as training and employment opportunities. It is acknowledged that this partnership agreement is not yet formalised and completed but is an ongoing and presently continuing development with hui being planned as a result.

Ngāti Taka

Ngāti Taka representative Bob Leef responded to the request for engagement by way of a phone call to discuss the project. Concerns similar to those raised by Pirirākau were raised by and discussed with Mr Leef. As requested, a further explanation letter of the project, and package of plans for consideration, was provided to Mr Leef on the 12th of November 2021. A further update was provided to Mr Leef upon request on 1st December 2021.

An on-site meeting was held with Bob Leef on 17 December 2021.

It is reiterated that the applicant is strongly committed to environmental enhancement in particular with respect to water resources as they interact with the proposed site as altered, being a matter of importance discussed with Mr Leef. The development has also been subject to considerable scrutiny to ensure the safe occupation and operation of the intended development with respect to the surrounding traffic and land stability context.

Ngāti Hinerangi

No response from Ngāti Hinerangi representatives were received.

Ngāti Ranginui, Ngāi Te Rangī, and Ngāti Pūkenga

These three iwi authorities have shared kaitiaki responsibility over the harbour Te Awanui – Tauranga Moana and adjacent lands.

Ngāti Ranginui are the iwi authority of which Pirirākau and Ngāti Taka are constituent hapū. A request for engagement was issued to representative Des Heke, with no response received.

Ngāi Te Rangī representative Pia Bennet responded deferring engagement to Pirirākau as hau kainga.

Ngāti Pūkenga representative Buddy Mikaere responded confirming consideration of the project in terms of interest by Ngāti Pūkenga. Mr Mikaere advised that while Ngāti Pūkenga have an historical

traditional link to the area there is no known cultural association with this site. They would leave any earthworks monitoring to the mana whenua. Their main concern relates to the potential for sediment from the earthworks entering the harbour for which they have a shared kaitiaki responsibility with the two other Tauranga iwi. This is proposed to be addressed by way of erosion, dust and sediment controls to be employed and closely monitored during earthworks at the site.

External Infrastructure Providers

Consultation has been undertaken with Powerco (electricity distributor) and Northpower (approved electrical contractor) regarding power supply to the site.

Capacity within the ultra-fast broadband network in the area is advertised by Chorus hence no direct consultation has been undertaken with this infrastructure provider.

Western Bay of Plenty District Council

A pre-application meeting was held with Heather Perring, Senior Consultant Planner, in September 2021. This meeting confirmed the scope of works that would be subject to consent requirements. A follow up conversation with Ms Perring in December 2021 confirmed the proportionate approach proposed by this application in terms of fulfilling structure plan requirements (i.e., those within the site and immediately adjacent) is accepted by WBOPDC.

Advice has also been received from Tony Clow, Senior Policy Analyst, confirming flood levels (from extreme rainfall and coastal storm-surge inundation) at the site from recent modelling (including adjustments for climate change), which is likely to inform future plan changes.

Verbal consultation has also been had with Peter Edwards, Team Leader – Three Waters at WBOPDC (2nd December 2021), who affirmed the likelihood of good-high pressure of water within the existing main at Te Puna Station Road is available.

In November 2022 consultation has been had with Peter Watson and Bryan Norton on behalf of Council's Reserves department, concerning the necessary widths of physical paths and easements for providing public right of way along the path within the wetland. This being an additional benefit volunteered by the applicant, as well as responding to requirements of the s.92 request.

Information was also provided to Council to Council's Senior Transportation Engineer Calum McLean as directed by the s.92 request.

Bay of Plenty Regional Council

A pre-application meeting was held with Daina-Jane Cunningham, Consents Planner at BOPRC in May 2021. This meeting confirmed relevant rules, and commentary on drainage and flood, ecological and cultural matters to consider as relevant to the provisions of the RNRP.

Heritage New Zealand Pouhere Taonga

Pre-application engagement was initiated with Rachel Darmody, Regional Archaeologist – Lower Northern Region, Heritage New Zealand Pouhere Taonga in respect of archaeological authority requirements and previous investigations. No recorded investigations were known to Heritage New Zealand Pouhere Taonga. Further consultation was then had with consulting archaeologist Ken Phillips of Archaeology BOP Heritage Consultants, who confirmed no recorded archaeological sites are located at the site. Further consultation with Heritage New Zealand Pouhere Taonga has advised

that an archaeological authority is recommended to be obtained, which will occur prior to earthworks commencing.

6.0 Assessment of Environmental Effects – WBOPDC – Building/Parking Surfaces

Building over 100m² in Footprint

Rule 21.3.7 stipulates buildings over 100m² in footprint require consent as a Controlled Activity, meaning consent must be granted, with assessment restricted to the following matters of control to inform any conditions of consent:

- a. Building design.
- b. Landscaping (including securing the maintenance thereof), in addition to that required by Permitted Activity standards.
- c. Traffic generation and monitoring.
- d. The Te Puna Rural Business Park Structure Plan.

These are assessed below.

The workshop enclosure, made up of stacked containers at the sides connected by a canvass roof, is classified as a building by WBOPDC as per the s.92 request.

The building is designed to be visually consistent in appearance with the permitted use and character of the site (depot activity). The building will be coloured to meet visual amenity reflectivity requirements, and restricted in height so as to be within permitted height limits. The proposed landscaping across the site (at boundaries and within) is tailored for appropriate plants and height where needed, and is assessed as sufficient to appropriately reduce any adverse visual or landscape effects of the development as a whole as well as specifically emanating from the proposed building (see page 54 at **Appendix 14**). This assessment has considered a wide range of visual receptors with outlook to the site. Therefore any adverse character, streetscape, and visual and landscape effects of the building are considered to be less than minor, extremely comparable to permitted development, and acceptable.

No additional traffic will be generated by the establishment of the proposed building, as the containers repaired are those already at site and identified as needing repair.

The building is proposed within landscaping consistent with the intent of the Te Puna Business Park Structure Plan.

For these reasons, any adverse effects within the scope of the reserved matters of control are considered to be less than minor, extremely comparable to permitted development, and acceptable.

Non-Sealed Surface to Future Carparking and Manoeuvring Areas

Rule 4B.3.2 renders a non-sealed surface in an Industrial Area to carparking and manoeuvring areas a Restricted Discretionary Activity. Discretion is restricted as follows, as relevant to this site and activity:

- a. The degree of non-compliance with the specific rule.
- b. The mitigation of actual or potential adverse effects of the non-compliance on, or beyond the boundary of, the site.
- c. The recommendations and findings of any Integrated Transportation Assessment (where relevant).

- e. The potential adverse effects on pedestrian safety, such as vehicles crossing the footpath to access on-site carparks.

These are assessed below.

Whilst there is a technical non-compliance with this rule, the surface of the industrial areas will be engineer-supervised compacted metal appropriate to industrial traffic and use (as per the geotechnical report at **Appendix 4**). It is therefore considered to be a strongly binding material resistant to dust generation and debris scattering on the road network that can accompany loose gravel metal installations. No material dust effects are considered to arise from such surfacing within the site or beyond the site. Similarly, loose debris would not be readily tracked to the road creating a safety hazard, noting that the proposed road is to be sealed and kerbed to industrial/urban specifications.

The investigation of the ITA does not determine it necessary for safe traffic operation that the industrial areas be sealed.

Given the industrial use and private nature of the road, pedestrian use alongside the internal road is not provided. Therefore there would be no adverse effects to pedestrians, given also the aforementioned compacted nature of the surface.

For these reasons, any adverse effects within the scope of the matters of discretion are considered to be less than minor, extremely comparable to permitted development, and acceptable.

7.0 Assessment of Environmental Effects – Enabling Works and Permanent Operation

All discernible potential effects of the enabling works and follow-on permanent operation of the site have been explored and considered in assessing this proposal. In completing this assessment, the effects have been grouped into the following categories:

- Infrastructure servicing and capacity effects (addressing stormwater, water supply, wastewater, and energy and communications);
- Flood risk effects;
- Geotechnical stability effects;
- Ecological and hydrological effects
- Rural character and amenity effects (including noise and vibration, landscape and visual effects);
- Traffic effects;
- Contamination exposure effects;
- Reverse sensitivity effects;
- Temporary earthworks and construction-related effects;
- Effects on other Te Puna Business Park operators; and
- Archaeological, heritage and cultural effects.

These are assessed in detail below.

The assessment of effects has been undertaken upon the receiving environment as it exists and as it may be modified by the exercise of permitted activity rights or by implementing live resource consents. It is noted that minor dwellings, in addition to primary dwellings, are a Controlled Activity at neighbouring Rural-zoned sites (meaning consent must be granted), where within 20m of the

primary dwelling at the same site and sharing the same access. These are therefore not strictly permitted activities, however it is noted that such developments would be screened visually to the same extent as the established dwellings at neighbouring sites by the proposed landscaping.

It is further my opinion existing environment upon which to assess stormwater runoff and flooding effects excludes any unlawful fill placed in the Structure Plan overland flowpath within the neighbouring property at 245 Te Puna Station Road, or in any other location which is required to be devoid of fill/obstructions for the flowpath to function.

7.1 Infrastructure Servicing and Capacity Effects

The proposed development requires servicing in terms of stormwater, water supply (potable water and for firefighting purposes), and power and communication proportionate to the intended use. Such demand increase needs to be considered in terms of the operation and capacity of the relevant infrastructure networks, and any impacts to their sustainable use.

The review was undertaken in general accordance with the requirements of WBOPDC's Development Code 2009 ('Development Code'), NZS 4404:2012, relevant NZ Standards and standard engineering practice.

The relevant findings and conclusions of the technical assessment are incorporated into the assessment below.

Stormwater

There is no reticulated stormwater network within the vicinity of the site that can be practicably connected to in order to service the development. Roadside drains are provided to either side of Te Puna Station Road and form the public stormwater network serving the road.

The proposed development includes deliberate contouring and a series of swales to convey stormwater runoff from **the entire site to two stormwater treatment ponds**. This is in-lieu of a reticulated/piped network, given the lack of any such public network to connect to. The swale network is located within the internal road-reserve space, or otherwise inside of the landscaped bund along the northern boundary, for ease of maintenance. The swales are designed to convey expected stormwater flows in the 1:10 year ARI stormwater event as required by the Development Code.

The two stormwater treatment ponds are located in the low-points at the north and south-eastern corners. These in turn drain to the proposed wetland within the Structure Plan OLFP at the eastern boundary which continues through the site at 245 Te Puna Station Road. The location of this artificial wetland partially overlaps to the anticipated location of stormwater ponds by the Structure Plan.

The WSP s.92 (Appendix 5) report demonstrates that BOPRC stormwater management guidelines can be met. Specifically, permanent discharge volumes in the 1 in 10 year event will be met as prescribed by the RNRP. In the 1 in 100 year event, 80% of pre-development stormwater peak discharge during the 1% AEP event will be achieved, so as to be consistent with the BOPRC stormwater management guidelines. This equates to 461 litres/second, as opposed to 576l/s currently calculated to runoff from the site (page 20, WSP civil engineering report, Appendix 5). This discharge is into the planned OLFP and planted wetland which drains the business park, as required

by the Structure Plan⁵. Given the above, stormwater discharge effects upon any person or property are considered to be less than minor and acceptable.

The existing roadside drain will be relocated inside the property as required by the structure plan. The roadside drain to the north of the intersection will also be realigned to accommodate the intersection. The function and capacity of these drains will be retained in altering the drains⁶.

For the reasons discussed above, the capacity and operation of the receiving stormwater network would not be routinely affected subject to the proposed stormwater management features being created in conjunction with the development. The precise design of these features can be further secured by conditions of consent if considered necessary by either consent authorities. However any adverse effects (including cumulative effects) upon the operation and capacity of the existing stormwater network in the area are considered to be less than minor and acceptable.

Water Supply

A 100mm water main is located within Te Puna Station Road. A new looped connection to this main is proposed, positioned within the internal road-reserve space. This connection is sized so as to service the expected demand of use of the entire site. This includes a 100mm new main and 63mm rider main as shown on WSP Drawing 600 Rev A at **Appendix 3**.

WSP (see **Appendix 4**) have advised that this solution is feasible to meet potable and firefighting requirements of the District Plan/Structure Plan as per Rule 12.4.16.5.a⁷. Sufficient space is available for such infrastructure, and delivery of the infrastructure at the appropriate time can be secured by way of conditions.

Therefore any adverse effects (including cumulative effects) upon the operation and capacity of the existing water supply network in the area are considered to be less than minor and acceptable.

Wastewater

The proposed development will not increase discharge to any wastewater network owing to the lack of one in the area. Independent servicing via the existing septic tank system servicing the property, combined with flexibility for further portable disposal, is available to meet the needs of future tenants.

There would therefore be no effects upon any public wastewater infrastructure.

Power and Communication Infrastructure

Existing powerlines are located at the northern boundary of the site (southern edge of Te Puna Station Road), with suitable space in the 20m-wide road and servicing corridor to accommodate connections. It is anticipated that the power requirements initially will be very low. This is due to the low number of lessees known at this time, combined with the low-demand at the set-up phase of the ContainerCo operation.

Powerco, as the distributor of electricity and manager of the lines network in the area, have been contacted and provided with an outline of the proposal to make comment on power supply to the proposed development (being development anticipated by the Industrial zoning). Evidence of this is provided at **Appendix 9**. An indication that sufficient power will be available for the site has been

⁵ See existing environment comments at start of effects assessment.

⁶ See WSP plans at **Appendix 3**, and section 3.1 of WSP civil engineering report at **Appendix 5**.

⁷ See section 2.5 of WSP civil engineering report at **Appendix 5**.

verbally received subject to the formal and detailed investigation as to whether or not a transformer will be required. The process for determining this has commenced with Powerco. **The single power pole to be re-located will be done in accordance with the Powerco-approved contractor methodology.**

In terms of communications infrastructure, Ultra-Fast Broadband is available within the area to provide the development with communications infrastructure. This will also be provided within the internal road corridor. The anticipated demand for such infrastructure is not likely to be materially different, and likely less intense, than the surrounding rural-residential catchment the existing network serves.

Considering the above, there is no reason to suspect that inadequate power or communications infrastructure exists to service the development. Any adverse effect (including cumulative effects) upon the operation of these networks are therefore considered to be less than minor and acceptable.

7.2 Flood Risk Effects and Other Hazards

Land at the eastern end of the application site is identified on WBOPDC's operative planning maps as being within the Floodable Hazard overlay area.

Further flood modelling in respect of extreme rainfall events, and coastal storm surge, has been commissioned and completed by WBOPDC across 2019-2021. This modelling reveals that the majority of the application site would be subject to flooding from the 1:100 year flood event (adjusted for climate change – increased rainfall and sea level rise – through to 2130), pursuant to the 'Rural Areas and Small Settlements Floodable Area' overlay within the Western Bay of Plenty ePlan online resource. The flood level in this event would be 3.64m RL.

This modelling has revealed the majority of the site would be subject to flooding from Tauranga Harbour Coastal Inundation in storm-surge events. This flooding is based on storm surge events during the 1:100 storm event (adjusted for climate change – sea level rise – through to 2130) within Tauranga Harbour. The flood level in this storm surge event is 3.8m RL.

The extent of this flooding is shown in **Figures 7 and 8** below. Note that both overlap and supercede the extent of the Floodable Hazard area. An important assumption built into the models is sea level rise of 1.25m at 2130 attributable to climate change.

It is noted that this information does not yet form part of a proposed plan change to the District Plan. However prudent consideration has been given to this data given the potential for the future events depicted to affect the proposed use of the site as well as neighbouring properties.



Figure 7: Extreme rainfall modelled flooding, 1:100 year climate-change adjusted event. Flood level is 3.67m RL.



Figure 8: Coastal inundation/storm surge modelled flooding, 1:100 year climate-change adjusted event. Flood level is 3.8m RL.

The risk of flooding affecting future lessees, and neighbouring properties, is considered further below.

Flood risk to future lessees

The established yard around the existing shed is at a level of at least 3.7m RL. These levels would not materially change upon completion of earthworks, with the only alteration at the surface being to ensure the contour runs to the proposed drainage network. As such, the worst-case future flood event (storm surge/coastal flooding) as described above would result in up to 100mm deep flooding. Such a small depth is considered to be minimal, acceptable and manageable for industrial yard-based activities at the site.

The remainder of the lettable industrial yard space would have a finished ground level of approximately 2.5m RL. In addressing future flood risk to tenants, the Tauranga Harbour Inundation Modelling Report prepared by NIWA for BOPRC dated June 2019 (which informed the coastal inundation extent (worst-case flooding event) at **Figure 8** above) has been interrogated alongside engineering analysis by WSP stormwater engineer Sarah Millar. It has been determined that the current 1 in 50 year 2% AEP / 1 in 50 year storm reaches a level of 2.39m. For the 1% AEP / 1 in 100 year storm, the level is 2.72m⁸.

Development in this proposed manner at 2.5m translates to the lettable areas being above the 2% AEP / 1 in 50 year storm level, and only subject to 220mm of flooding in the 1% AEP / 1 in 100 year storm. This degree of flood risk is considered manageable for yard-based tenants that would be readily provided for by the development proposed, with an inherent expectation that the materials/items stored outside may be exposed to water from rainfall. It is considered manageable and acceptable for potential permitted industrial activities generally which would locate at the site.

WSP have also considered the potential for empty containers floating away and causing damage/obstruction elsewhere in a flood event. This analysis⁹ demonstrates neither the 2% AEP / 1 in 50 year storm level, or the 1% AEP / 1 in 100 year storm, would generate enough water to cause any containers to lift off the ground and float away.

Over-arching this context is the knowledge available to future lessees that the site is zoned for industrial purposes, however is invariably flood prone in the modelled extreme events.

Considering the mitigating factors and measures explained above, any adverse effects of flood risk to future lessees at the site are considered to be able to be suitably minimised so as to be less than minor and acceptable.

Flood risk to neighbouring property and occupants

The WSP civil engineering report details that filling the existing artificially-raised land (as per historic resource consents) and other low-lying areas within the proposed lettable space of the site would displace 8654m³ of floodwater storage space.

The floodable extent of the site and surrounding area in a flood event at 2.5m RL or less (i.e. where floodwater would be directly displaced to) is at minimum 398,501m² (close to 40ha). This translates to a 22mm increase in floodwater height. There is a much more vast area that floodwater spread connects to at this same level or lower north of the road and railway line, and east towards and

⁸ See page 44, WSP civil engineering report at **Appendix 5**.

⁹ Ditto

adjacent to the Wairoa River (see Figure 3-14, WSP Civil Engineering Report at **Appendix 5**). This area is over double the directly contiguous area. Spread over this area the floodwater displaced would be extremely small at less than 11mm if actually measurable.

Considering this advice from suitably qualified persons, the risk of flooding affecting other persons and properties as a result of the proposed development is not considered to be materially altered or exacerbated. Therefore any adverse effects (including cumulative effects) in this regard are considered to be less than minor and acceptable.

Other Hazards

The site is not considered to be at undue or elevated risk of impact from other natural hazards. Ground stability is considered further below. Any risks of natural hazard impacts to future lessees are considered to be of a usual or typical profile (save for flooding which is addressed above), and any associated effects are considered less than minor and acceptable.

7.3 Geotechnical Stability Effects

The development requires earthworks and ground improvements to accommodate the expected loading surcharging to ground by the proposed industrial activities. Such improvements need to be considered and designed so as to ensure stability once the activities are operational at both the subject site and at neighbouring land, and with regard to impact of hazards.

The site at-large has been assessed in the geotechnical report prepared by WSP at **Appendix 4**. A series of geotechnical tests and investigations have been undertaken to further determine soil property information across the entire site. Implications for addressing geotechnical risks concerning static settlement, seismicity and liquefaction, slope stability and flooding have been determined. From this a construction methodology in respect of landscaping, preload, and final surfacing requirements has been recommended to suit the geotechnical properties and risks at the site (section 9). This includes the potential for use of wick drains. The report at **Appendix 4** is based on current best-practice and has been prepared/reviewed by suitably qualified persons including chartered professional engineers.

Subject to following the recommendations of these reports, land stability at the subject site and at neighbouring sites would be suitably ensured. The risk of instability adversely affecting future lessees or neighbours is therefore considered to be lowered to as low as reasonably practicable, being less than minor and acceptable.

7.4 Ecological and Hydrological Effects

The proposed development has the potential to generate adverse ecological and hydrological effects. These include, in theory:

- Transport of contaminants to aquatic ecosystems;
- Effects to terrestrial ecosystems as a result of earthworks and land form changes;
- Changes to groundwater flow and quality as a result of permanent drainage changes.

These effects have been closely considered given their importance to tangata whenua, as well as the desire to give effect to the intent of the Structure Plan by the applicant and deliver and environmentally-sensitive industrial park product as envisioned by the District Plan.

The effects are assessed in turn below.

Aquatic ecosystems

The entirety of the proposed internal swale network will be planted for treatment of runoff received from industrial areas. This is in order to dilute and remove total suspended solid loads (which contain contaminants) as close to the source as possible. Shallow gradients to elongate exposure of water to filtrating plants and overall removal of contaminants is included in the design of the swale network.

This proposed wetland in the overland flow path facilitates further settlement, adsorption and filtration of sediment and contaminants remaining within the stormwater. The collective system can be designed to ensure that the resulting discharge to the receiving, external marine environment (roadside drain) does not exceed 150g/m³ as required by the RNRP, and gross removal of at least 75% of sediment as per Auckland Council TP10 methods as required by WBOPDC (Rule 12.4.10.5). The end result will be water that is thoroughly filtered and as clean as practicably possible at the point of discharge to the existing marine environment. This discharge occurs on the overland flow path at the eastern end of the site, in general accordance with the provisions of the Structure Plan.

The existing roadside drains (to both sides of Te Puna Station Road adjacent to the proposed works) are discernibly discoloured and containing debris. The drain to the southern side, water passage is obstructed to the east by fill placement, and rocks at the passage underneath the existing driveway into the site. The drains have been observed to be affected by tides, with eels at minimum observed within the bed of the Hakao Stream nearby to the east. The roadside drains adjacent to the proposed works (northern landscaped bund and widened intersection) would be cleared of debris and planted in the same manner as the internal swale network. This will in-principle improve the quality of surface water draining to these drains and flowing to the Hakao Stream to the east.

The collective treatment of stormwater as proposed by this development ensures the quality of stormwater discharged to the existing aquatic environment is as clean as practicably possible, being cleaner than observed conditions within the roadside drains. Specific intervention is proposed for the known high-risk hazardous substance use within the ContainerCo operation for primary treatment at-source. External drains beyond the site will also be improved in terms of receiving water quality. This has a net benefit to downstream ecosystems in the Hakao Stream and Wairoa River in terms of removal of contaminants. For these reasons, any adverse aquatic ecological effects are considered to be negligible and acceptable.

Terrestrial ecosystems and soil resource

The northern extent of the site has been heavily modified through historic consented cleanfill-deposits. These deposits have been confirmed as clean (see DSI at **Appendix 11**). The area around and leading up to the existing shed has also been modified in accordance with historic rural contractor consents and operations at the site. It is therefore observed that the site is substantially modified and largely devoid of terrestrial habitat features such as trees, shrubs etc.

There is a small quantum of trees and shrubs to be removed (parallel to Te Puna Station Road) however this is far less than those proposed to be planted. A sparse row of trees and shrubs over an area of 1400m² (east of existing driveway, parallel to Te Puna Station Road 25m in from the northern boundary) would be removed. In turn, the landscaped bund tree and shrub planting to the northern boundary (4000m²) and southern boundary perimeter planting (620m² expected canopy cover). This is in addition to trees alongside the internal road and at the interface with the wetland, and various shrubs and plants within/around the wetland and stormwater treatment ponds. The ponds and wetland planting extends across an area of 2.2ha at the eastern margin of the site, materially

increasing habitat and terrestrial biodiversity value to the site. Overall this provides a considerable net-gain of higher-value and quantum of terrestrial habitat to the site and wider environment.

Consultation with Pirirākau revealed that heron birds have been observed at the site. The proposed wetland area would provide improved habitat for heron at-rest and in terms of food sources (insects at the wetland, and proximity to mudflats and seafood at the mouth of the Wairoa River).

The **WSP report (Appendix 5) at section 3.2.1** details that works within the driplines of roadside trees (north of Te Puna Station Road) can be avoided whilst constructing the required intersection into the site. This could be secured by way of condition of consent.

For these reasons, any adverse terrestrial ecological effects are considered to be negligible and acceptable.

Local hydrology

The effects on at-grade stormwater systems has been considered at sections 8.1 and 8.2 above respectively. Any interception of the groundwater table would be with cleanfill imported to the site. Therefore, sedimentation of groundwater where it may flow beyond the site as a permanent effect of the site development would not result.

For these reasons, any adverse effects upon local hydrology (including cumulative effects) are considered to be negligible and acceptable.

7.5 Rural Character and Amenity Effects

The site is zoned Industrial. Such development and use is expressly enabled by the District Plan and therefore can be reasonably expected by surrounding neighbours and the community generally to be developed and used for industrial purposes. The grazing use at the site at present is an interim use.

Any amenity effects upon existing dwellings within the business park (i.e. are zoned Industrial, not Rural) are considered to be within reasonable expectations in giving effect to the development potential provided for in the business park, and therefore less than minor and acceptable.

It is considered that the potential for adverse character and amenity effects is extremely limited as a general starting point, owing to the degree of compliance with Structure Plan-specific and general Industrial rules of the District Plan. This includes proportionate provision of landscaping and screening requirements around the site, compliance with bulk and location controls applying to the zone, and a lack of buildings within the landscape.

Regard has been had to adjacent and nearby rurally-zoned properties surrounding the site in establishing existing amenity baselines, in particular (based on observed lines of sight or otherwise close proximity to the site):

- 139, 145, 159 and 161 Clarke Road (directly east);
- 85, 97B, 109 Clarke Road (south-east);
- 4B Armstrong Road; 56A-56E, 66A Te Puna Road (south);
- 110, 112, 118, 138, 148 and 158 Te Puna Road (south-west/west); and
- 166 Te Puna Road (north-west).

Considering this context, prominent current amenity factors and levels at surrounding rurally-zoned properties include:

- A high ratio of open (natural and artificially altered) space, with significant areas in horticultural use and to a lesser extent grazing activities;
- Interaction with a working rural (horticultural-dominated) environment as well as experience of reasonably daytime high traffic levels and noise on rural roads, owing to interspersed industrial/contractor activities and comparatively high (for a rural context) dwelling densities;
- Noise and odours associated with production and grazing activities;
- High levels of privacy;
- Expansive views, owing to dropping elevation towards the Tauranga harbour;
- Limited visibility of neighbours owing to prevalence of shelterbelts to boundaries of horticultural activities (particularly in terms of illuminance in hours of darkness).

Considering the prominent amenity factors described above, effects have been assessed in terms of noise and vibration, landscape and visual outlook effects, and other factors such as privacy, odour and light intrusion.

Adverse effects in relation to the surrounding rural character and amenity at rurally-zoned sites beyond the business park are considered accordingly below. A common and important theme however is that the sites of proposed industrial activities are zoned for that activity, thereby being an over-arching factor when comparing existing and proposed amenity.

Noise and Vibration Effects

Industrial activities inherently generate noise of a different nature to the surrounding rural environment. The District Plan noise standards applying to the site recognise and provide for higher noise emissions. Noise standards in the surrounding receiving environment relate to the notional boundary for dwellings in the Rural zone. The location of dwellings within the Rural zone are very well distanced from the site, which further helps mitigate noise effects from the site.

Against this context, the source of the most conspicuous noise to be generated by the proposal is the ContainerCo operation. This is attributable to large forklift movements of containers, the stopping and starting of large trucks transporting containers, and repair work (welding, water blasting, sanding/grinding etc.) to containers. Such activities are not out of place within an industrial context as anticipated at the site.

The ContainerCo site is proposed to operate from the hours of 7.00am-6.30pm (maximum operating hours), Monday to Saturday. The operation of ContainerCo is predicted to comply with the noise limits applicable to the industrial land and at notional boundaries of dwellings in the neighbouring Rural zone. As such, the levels of noise generated would not be unreasonable in either context.

This is evidenced by the expert assessment of operational noise effects by Earcon Acoustics Ltd, attached at **Appendix 12**. This assessment confirms that, subject to locating the workshop in the general location shown on the proposed Landscape Plan, and the employment of noise management plans in respect of details of individual lease/tenant operations, compliance with noise limits at neighbouring Industrial and Rural properties (notional boundaries) would be achieved. This includes a restriction on the number of refrigerated containers and shielding of the powered sites and workshop enclosure by stacked containers, which is agreed to be implemented by TPIL.

Using the same noise management plan approach to future incoming industrial uses, having due regard to the reporting and investigations to date, compliance with noise limits is further predicted by Earcon Acoustics to be able to be achieved.

Considering access and floodable area constraints to surrounding Rural-zoned land, and based on a review of some property files and rateable information, any consented residential activities not yet implemented within the receiving environment are unlikely to be located so as to experience non-complying levels of noise.

For the reasons discussed above, and considering the site is zoned for Industrial purposes as proposed, any adverse noise and vibration effects upon rural amenity at any nearby property or the rural character generally is considered to be less than minor and acceptable.

Landscape and Visual Effects

Landscape effects can be described as effects of physical changes to the composition and associated values and character of a particular landscape. Visual effects can be described as the effects of physical changes upon the outlook and visual amenity available to occupants of private dwellings. The two effects are separate, however often linked and interrelated particularly in rural contexts.

The site is low-lying, encapsulated by hills and low ridges to the east and south-west, with the Hakao Stream valley floor directly east and south-east of the site. The visibility catchment of the landscape is from aforementioned properties on Clarke, Armstrong, and Te Puna Roads, as well as passing public traffic along Te Puna Station Road. Considering the generally north orientation of properties within the landscape catchment, the dominant landscape features are vegetated hillsides, grazing land to flat areas, and the Tauranga Harbour as a widespread backdrop from certain properties. **This visual catchment and viewpoints from dwellings within it has been intensely considered in the Landscape and Visual Impact Assessment (LVIA) attached at Appendix 14.**

The site is not considered to be sensitive to composition change in principle, given the low-lying location, ubiquitous nature of grazing land in low-lying areas, and most importantly the fact that the site is zoned for change from the current rural use, to Industrial uses which in principle sets an expectation of visual change. **It is noted the LVIA assesses the physical change to be moderate-high, however this change is entirely anticipated by the District Plan.**

The site will be planted (northern and southern boundaries) and prominently banded (northern boundary) to conform to the landscaping requirements of the Structure Plan. See Landscape Plan, Planting Palette details at **Appendix 15** for further detail. This will ensure that the semi-rural character of the area is enhanced in the roadscape of the site along Te Puna Station Road (being the public viewpoints of the landscape context of the site). The landscape character and roadscape would be improved beyond the current ad-hoc nature of buildings and range of uses along Te Puna Station Road, in line with the roadscape provisions of the Structure Plan. **The boundary screening, internal roadside planting, and inter-lease planting, all of which is proposed in precise accordance with the provisions of the Structure Plan, ensures that in terms of landscape composition and overall presentation, the business park is suitably softened (as expected by the Structure Plan) in views and outlook from private dwellings within the visual catchment of subject site.**

The landscape screening components at boundaries are completely in accordance with the Structure Plan which in turn reflect the direction of the Environment Court decision which led to the zoning being established in the District Plan. **A wide range of precise viewpoints and the at-large physical impacts in terms of landscape and visual amenity has been considered in detail in the LVIA at Appendix 14.** This expert assessment concludes that, subject to proposed mitigation in the Landscape Plan, any stand-alone visual effects would be low-negligible upon any person.

Considering the complete degree of compliance with required landscaping measures of the Structure Plan, any adverse visual or landscape effects would be comparable to the permitted baseline.

In conjunction with the assessments made above, it is reiterated that the site can be reasonably expected to be development for industrial purposes based on the District Plan provisions. This informs reasonable changes to rurally-zoned amenity levels at nearby properties with a line of sight to the subject site. For these reasons, any adverse landscape effects, and visual amenity/outlook effects upon occupants of nearby properties are comparable to permitted baseline development, and are therefore considered less than minor and acceptable in this context.

It is finally noted that vesting of landscape features is not proposed to occur prior to industrial uses commencing. This does not preclude vesting in the future as Council sees fit, however the District Plan anticipates a three-year period of maintenance before vesting may be viable to Council. The qualitative landscaping outcomes can be secured by conditions of consent with vesting being a formality in the future when Council is satisfied the landscaping has been adequately established and maintained to as to be suitable to be transferred to Council ownership. As such, non-compliance with this rule does not translate to any potential landscape quality effects upon the local environment.

Other Rural Character and Amenity Effects

The industrial activities proposed by this application would be restricted to daytime working hours. As such, light spill and glare effects during hours of darkness (the lack of which being a notable amenity factor in rural areas) would not arise in this situation.

Given the expected compliance with noise and vibration requirements, aural privacy at rural properties would be retained and any noise emissions would not be incongruous to the character and amenity of the area, especially considering activities are to operate in daylight hours only. The proposal would not generate any material overlooking intruding upon the high levels of visual privacy afforded rural dwellers, given the low elevation of the site and compliance with bulk and location controls.

The general experiential values of the rural environment – experience of working properties – is not considered to materially change at any property, and in any case would be reasonably expected given the plan-enabled change in land use.

For the reasons discussed above, any adverse effects upon rural character and amenity attributable to the proposal (including amenity of any person at any property) are considered to be less than minor and acceptable.

7.6 Traffic Effects

Harrison Transportation has considered the traffic effects resulting from the proposed development cumulatively with other developments planned within the Te Puna Business Park, as detailed in the Transportation Assessment Report (TAR) attached as **Appendix 6** which should be read in conjunction with this assessment. The findings of this technical analysis are incorporated into the assessment below.

Te Puna Station Road is classified as a Local Road, with a 7.1m wide carriageway and 80km/h speed limit adjacent to the site. It is proposed to create a new entrance to the site nearby to the east of the existing entrance (existing entrance to be stopped and no longer used for access from Te Puna

Station Road). The new entrance would be formed to the standard of an intersection as opposed to a standard vehicle entrance to a private property, given the function within the business park this private road would serve. The design of the intersection is detailed in drawings appended to the report at **Appendix 6, and in the WSP drawings at Appendix 3**. The design exceeds the requirements of Diagram E 'Moderate Use Access Standard' as prescribed by Rule 12.4.16.2(d)(ii) (Diagram D became what is now Diagram E) and is otherwise consistent with the requirements of the WBOPDC Development Code which in turn relies on Austroads.

Trip generation from the operation of the site based on the split of ContainerCo and other industrial yards has been calculated by Harrison Transportation. This has been informed by surveys of other ContainerCo yards, and extrapolating from trip generation data from numerous sources, as directed by the s.92 request from WBOPDC. The conservative expert estimate is that the use of the site would generate up to 774 vehicle movements (in and out) of the site per day. Cumulatively with known development information of the other two Business Park sites, this number would be 1931 movements per day. This number being less than the 2600 permitted by Rule 12.4.16.2(f)(i).

Implications of this traffic generation relative to the structure plan as well as resulting effects more broadly are considered below.

Structure plan requirements

Intersection upgrades

The structure plan requires five roading-related upgrades to occur prior to the commencement of any industrial activities within the Te Puna Business Park. As detailed at section 2.6.1 of this report, four out of five of these have already been completed. Effects in relation to the completed upgrades are not considered further as the appropriate mitigation of business-park traffic has been implemented.

The upgrade requirement which has not been completed, and as not proposed to be completed as part of this application, is widening for left-turning traffic from Te Puna Station Road on to SH2.

Modelling of this intersection as required by Rule 12.4.16.2.f.ii has been completed in 2022 in accordance with the s.92 request from WBOPDC. This confirms that both thresholds for requiring further upgrade of this intersection have not been exceeded – both are needed to fail for an upgrade to be directed by the District Plan rules. Specifically, the right-hand turn storage queue within the SH2 right-turn bay and median is not exceeded. In light of this modelling, and the progress being made on Takitimu North Link, which will divert a substantial amount of traffic from this road which will cease to be a state highway, Waka Kotahi has signalled that upgrade of this intersection would not be required (see interim approval at **Appendix 9**).

This issue is considered comprehensively in the TAR at section 9.1 of **Appendix 6**. Considering the advice from Waka Kotahi, any the adverse effects of the proposal upon the operation and safety of the Te Puna Station Road/SH2 intersection are considered to be less than minor and acceptable. Waka Kotahi is not identified as an affected party as a result. For the same reasons, the departure from this requirement of the Structure Plan, and any associated effects, are considered to be acceptable.

Business Park intersections separation

The structure plan (Rule 12.4.16.2.d.i) requires a 200m degree of separation of between entrances into the business park. This is not achieved with respect to the entrance at 250/264 Te Puna Station Road, where the distance is 132m. The potential effects to traffic of this lack of compliance is

assessed within the TAR at section 10.1. The conclusion of TPIL's traffic engineering expert is that the distances between the TPIL and OLP Ltd site entrances remains appropriate owing to the visibility combined with slowing/stopping space remaining available.

Through Road

The intent of the looped road connection is not clear, however is presumed to be for the purposes of improved connectivity through the Business Park.

The internal road between 245 and 297 Te Puna Station Road is not proposed to be a through road as indicated on the structure plan at this point in time. The justification for this proposed departure is a combination of security concerns, and implications to the quality of the wetland.

There are security concerns with through-traffic on a public road being able to pass through the ContainerCo yard at the eastern end of the site. The cul-de-sac formation and private operation of the road reduces the risk of crime affecting future lessees.

When adhering as closely as possible to the usable-land elevation of approximately 2.5m, any bridge would be extremely low to the ground, functionally fragmenting the wetland and keeping it in substantial darkness underneath the span of a two-lane bridge. There are therefore significant positive ecological and landscape quality effects whilst avoiding a bridged option.

The above results of a bridged solution would generate significant adverse effects upon the quality of the wetland able to be delivered, which TPIL understands is of vital and elevated importance. This is being respected by TPIL who propose to deliver an area of wetland conforming to the structure plan locations, intensely designed and considered with respect to cultural and community feedback, whilst providing public access to the wetland as sought by Council outside of strict structure plan requirements.

This departure from the structure plan is not considered to negatively affect the integrity of the structure plan. The travel time savings to future vehicles accessing leases and having to come in and out the same entrance would be negligible, with the development as planned securing considerably greater benefits in terms of minimising flooding risks, erosion and silt runoff in the wetland, and avoiding fragmentation of the wetland. A connection is future proofed should this be viable to both parties in the future. This departure from the intent of the structure plan is therefore considered to be acceptable.

Operation and capacity effects

Upgrades for capacity reasons as per Structure Plan requirements have been considered above, and have either been met or the lack of complete compliance with the requirements is assessed to result in less than minor and acceptable effects upon the operation and capacity of the road transport network.

The intersection design includes appropriate road widening to enable safe through-passage of vehicles in both directions, exceeding the requirements of Planning Policy Diagram E by way of inclusion of the right-turn bay into the site¹⁰. The intersection design has been carefully reviewed and refined during the s.92 process to ensure that the largest expected vehicles traversing all directions through this intersection can safely and functionally do so without affecting other turns through the intersection.

¹⁰ See page 27 of TAR, **Appendix 6**.

Beyond the widening and alteration to Te Puna Station Road to accommodate the proposed intersection, no further widening is required by the structure plan to mitigate trip generation effects of the proposal. Rule 12.4.16(e)(i) requires an inflation-adjusted payment for local road network deficiencies at the time of the plan change, however the structure plan did not go so far so as to prescribe widening of Te Puna Station Road.

It is acknowledged that WBOPDC plans to widen the road along most of its length. The design of the road widening has been considered in the TAR and in turn the intersection amendments accommodate this planned road widening.

Section 9 of the TAR considers the performance of other intersections of local roads with Te Puna Station Road (Clarke and Teihana Roads). These intersections are expected to continue to operate efficiently with minimal delays, a high level of service and negligible queues¹¹. Therefore potential operation/congestion effects at these intersections are expected to be minimal and acceptable.

The proposed industrial areas have been amply sized to accommodate industrial activities and use, as well as reasonably-predictable circulation, loading and car parking requirements. Flexibility is deliberately sought in marketing the industrial spaces to be delivered. Reliance on either the internal road or the public road, which may generate congestion on those networks, would not result.

It is acknowledged the private internal road is longer than 100m, breaching Rule 12.4.4.2. However this is by the lessor (one entity), and has been appropriately sized for safe, practical and convenient use within the planned development. As such, this non-compliance is not considered to result in any material congestion or risk of mis-management affecting traffic along the internal road or at the intersection to it with Te Puna Station Road.

For these reasons, any adverse congestion effects upon operation and capacity of the receiving road networks are considered to be less than minor and acceptable.

Safety

The design of proposed intersection has been discussed above and exceeds District Plan requirements which positively deliver safety at the intersection, by way of inclusion of a right-turn bay and median into the site.

As above, it is acknowledged that this intersection is within 200m of the planned intersection at 250 Te Puna Station Road. The conclusion of TPIL's traffic engineering expert is that the distances between the TPIL and 245 Te Puna Station Road site entrances remains appropriate for safe operation.

Given the lack of implications to the operation of the intersections of Te Puna Station Road with Clarke Road and Teihana Road, no material adverse safety effects are considered to arise at those intersections.

The entire internal road would be sealed so that metal is not able to be readily tracked onto Te Puna Station Road. This suitably mitigates the potential for loose debris on the road to present a safety risk to through traffic. This also suitably mitigates the potential safety effects of the non-compliance with transportation rules in terms of sealing parking at Industrial-zoned land.

The WSP civil engineering report at Appendix 5 combined with drawings at Appendix 3 indicate the lateral and depth of space, and general construction requirements for the upgraded intersection can

¹¹ Sections 9.4 and 9.5 of TAR at Appendix 6.

be feasibly achieved and implemented within the existing road reserve. The long-term integrity of the road has therefore been considered and any constraints can be practicably met. This can occur without compromising drain function either side of the existing road, or trees at the boundary.

The industrial areas are ample in size to provide access for a 18m-long B-train truck and trailer to access sites from the internal road. These are expected to be the very largest vehicles to use the industrial park. A 15m radius for turning of such vehicles is required and available at the industrial areas and within the proposed internal road cul-de-sac head. This ensures all vehicles can manoeuvre and exit in a forward direction to the intersection with Te Puna Station Road

The ground level of industrial area will be screened from Te Puna Station Road and therefore any activities occurring at those locations (including welding, frequent movements of vehicles etc.) would not have any reasonable potential to distract drivers.

For these reasons, any adverse safety risks attributable to the proposal and associated effects are considered to be suitably lowered by the careful design of the development. Any effects on the safety of the transport network are therefore considered to be less than minor and acceptable.

7.7 Contamination Exposure Effects

As explained at section 2.2 of this report, known sources of HAIL activities include two above-ground fuel storage tanks. Removal of above-ground storage tanks does not require resource consent under the NESCS or the RNRP. The source of contamination potential is motor vehicle fuel i.e. an extremely common hazardous substance, which has been located on hard-standing areas. The areas will either remain in-situ or be replaced with cleanfill. Therefore no contamination exposure effects are considered to result from the removal of these systems.

The DSI details that contaminants are not present at the site in concentrations that pose a risk to human health. Only one sample contained contaminants which exceeded environmental/ecological guidelines, which is in a compacted location by the shed away from waterways. This area will remain compacted for industrial use, therefore the DSI confirms risk to environmental receptors is negligible.

Regulation 9(2) of the NESCS states that control by WBOPDC is reserved over the following, with commentary provided in *italics* on the matters of control:

- Adequacy of the site investigation – *has been undertaken by SQEPS with robust and widespread site sampling, and appropriate laboratory analysis and risk assessment;*
- How the activity must be managed – *all soil is appropriate to be re-used on-site given lack of potential effects to human and environmental receptors. Condition of consent can ensure if any soil is to be removed from site it is disposed of to a licenced facility to receive the material or an alternative deposit location approved by a SQEP;*
- Transport, disposal and tracking of soil and other material – *can be managed through erosion and sediment control measures to be implemented during earthworks/construction phases;*
- Timing and nature of review conditions – *not considered necessary;*
- Duration of resource consent – *up to 10 years sought given likely timeframe for developing entire site. Considered appropriate given lack of potential effects to human or environmental receptors.*

For the reasons discussed above, any adverse effects of disturbance of soil to human health or environmental receptors are considered to be negligible and acceptable.

7.8 Reverse Sensitivity Effects

Reverse sensitivity effects occur when a proposal gives rise to increase constraints upon operation of lawfully established activities near to the site of proposed development. A common example is proposed dwellings close to an established airport which can give rise to complaints against, and obligations for action to mitigate effects of, the lawfully-established airport.

No such effects are considered to occur in this instance. Industrial activities are not sensitive to rural production and working activities within the Rural Zone. As such, there is not considered to be any potential for adverse reverse sensitivity effects to arise in respect of any nearby lawfully-established uses.

7.9 Effects on Other Te Puna Business Park Operators

The discernible potential effect in this regard is the potential to unreasonably constrain development opportunities at other sites within the Te Puna Business Park. This could occur in respect of traffic generation. The maximum permitted by Rule 12.4.16.2(f)(i) is 2600 vehicle movements per day. The methodology employed for predicting vehicle movements is detailed in section 8 of the TAR at **Appendix 6**.

It is observed that the land north of Te Puna Station Road, and at the eastern end of Te Puna Business Park have established industrial activities operating from a considerable proportion of those sites. This is a stark contrast to the subject site.

Expected trip movements from the two other sites making up the Te Puna Business Park are detailed in Table 8 of the TAR. There are 669 vehicle movements remaining available to other landowners accommodating their existing and planned development whilst the subject site is used to the theoretical maximum of 774 vehicle movements per day. The 774 movements being less than the reasonably-expected 1/3rd share of the 2600 vehicle movements per day anticipated by the Structure Plan.

It is considered that reasonable flexibility and potential for further industrial development within the business park would remain upon giving effect to the subject application. No unreasonable constraint to the use of other sites would be generated given the conservative trip estimates combined with degree of established industrial uses elsewhere in the park. The cumulative adverse effects upon development potential for industrial purposes at other sites within the Te Puna Business park are therefore considered to be less than minor and acceptable. For the same reasons, the owners of other sites are not considered to be affected parties.

7.10 Temporary Earthworks Effects

The proposed earthworks have the potential to generate silt runoff and sedimentation of downstream environments, generate noise and dust emissions, and generate heavy-vehicle movements. Mitigation of these potential effects is discussed within the **WSP civil engineering** report at **Appendix 5**, and should be read in conjunction with the assessment below.

The earthworks will be undertaken in stages so as to ensure adequate water supply for dust suppression purposes is available. This being sourced from a consented bore at the property which has been varied to be used for dust suppression purposes, with 200m³ permitted to be extracted

daily. In accordance with BOPRC guidelines¹², 50m³/exposed hectare/day is typically required in Bay of Plenty conditions.

The staging allows for topsoil stripping and transfer to the landscaped bund at the northern end of the site (note any excess material would be utilised in bunds to the southern perimeter planting, providing further visual screening and landscape compatibility, as well as further floodwater containment within the site). This would then be followed by import and placement of pre-load material. The result of this is quick stabilisation of surfaces minimising the window for silt and sediment transport.

Two sediment retention ponds (to be re-purposed after earthworks to permanent treatment ponds) are proposed to service all earthworks at the site. Diversion channels (to form the basis of the swale drainage network once the site is operational) will be established to ensure all sediment-laden water is captured and drains to these ponds for sediment removal.

Silt fences, stabilised vehicle entrance, and wheel-washing facilities would generally complete the erosion and sediment controls for each stage of earthworks.

The methodology provided at section 3.4, and the effects assessment above, are based on the likely construction methodology. This is to be refined following detailed design and tendering for a contractor. As such, it is proposed that detailed Earthworks and Construction Management Plan be prepared following the completion of those tasks, which can be submitted to Council for approval for the greatest certainty of utilising best practice to minimise if not avoid any adverse off-site effects during the earthworks process. However based on the likely methodology and assessment of effects above, there is reasonable confidence that erosion, dust and sediment control effects during the earthworks and construction periods can be appropriately managed.

Noise from earthworks would be restricted to daytime, standard working hours, and commonplace earthworks/construction machinery, in accordance NZS 6803: 1999 Acoustics – Construction Noise as permitted by Rule 4C.1.3.1 of the District Plan. Other measures as identified in the Construction Noise and Vibration Management Plan prepared by Earcon Acoustics (see **Appendix 12**) which can be applied to the specific construction methodology to be employed as detailed in the future Earthworks and Construction Management Plan.

Traffic to and from the site during the construction period will also be controlled by temporary traffic management for the duration of construction activities. This is expected to be no more than 2-3 months either side of preloading.

These measures would be subject to a final Earthworks and Construction Management Plan to be prepared by the earthworks contractor. Considering their temporary nature, and subject to adherence to a certified detailed plan, any potential adverse environmental effects in respect of earthworks and temporary construction effects are considered to be less than minor and acceptable.

7.11 Archaeological, Heritage and Cultural Effects

The site does not contain any recorded archaeological sites or scheduled heritage sites within the District Plan.

¹² Dust Control Fact Sheet, and Erosion and Sediment Control Guidelines for Land Disturbing Activities.
<https://cdn.boprc.govt.nz/media/28993/Earthworks-090526-FactSheet2.pdf>
<https://www.boprc.govt.nz/media/29555/Guideline-100624-ErosionandSedimentControl.pdf>

Consultation has been undertaken with Heritage New Zealand Pouhere Taonga and consulting archaeologist Ken Phillips regarding the need for an archaeological authority. This consultation has confirmed the lack of recorded archaeological sites at the subject site. An archaeological authority will be sought in any case.

Based on the above, any adverse archaeological or heritage effects of the proposal are considered to be less than minor and acceptable.

Cultural effects encompass all environmental effects as they affect the relationship of hapū and iwi to land and taonga within their rohe. Engagement with hapū and iwi has revealed the following key concerns, with commentary as to how these matters are addressed by this application:

- The potential to affect archaeological sites or koiwi at the site;
 - This has been addressed in part by the investigations with Heritage New Zealand Pouhere Taonga in respect of archaeological authority requirements. Kaitiaki monitoring of earthworks by mana whenua as secured by anticipated monitoring and discovery conditions of consent would further mitigate any adverse effects in this regard.
- Adverse effects to water quality and the flow of water to all ecosystems is of high importance – being of integral importance to the health and mauri of water and associated ecosystems. Improvement within the Hakao Stream catchment is inherent to Environment Court decision;
 - This has been addressed by way of careful consideration of the management of stormwater runoff generated within the site, treatment of it through multiple mediums (swales, treatment ponds, and wetland) to ensure flow-on adverse ecological and water quality effects are avoided. Water quality is expected to improve within the catchment of the Hakao Stream by way of improvements to roadside drains combined with the proposed stormwater system, thereby delivering a net benefit in terms of ecological health and wellbeing of water and the aquatic ecosystems it is integral to.
 - The flow of water from the site would be precisely as anticipated by the structure plan. The water will flow through the overland flow path at 245 Te Puna Station Road to roadside tributaries of the Hakao Stream. The roadside tributary at the front of the site which drains east to the Hakao Stream will be improved where relocated as part of development of the subject site.
 - The east of the site is to be developed as a **two** stormwater ponds with planted buffers, and planted wetland within and beyond the overland flow path required of the Structure Plan. The access leg to the Hakao Stream is also left deliberately vacant of landscaping as this is **an opportunity area being explored with Pirirākau to positively contribute to the Hakao Stream restoration process.** These components of the development of the site will materially enhance the quality of water within the catchments of the Hakao Stream and the Wairoa River.
- Adverse effects to terrestrial ecology in the area:
 - This is addressed by the qualitatively and quantitatively enhanced trees to be provided in accordance with the Structure Plan, and a wetland as part of the stormwater management network within the site. This delivers a net benefit to terrestrial ecosystem constituent species that frequent the area.
- Safety of the development and operation of the site:

- This has been addressed by the geotechnical expertise that has informed proposed ground improvements to ensure stability of the land once industrial uses are operational.
- Similarly has been addressed by traffic engineering expertise in respect of safety to all modes of traffic, in the traffic environment as proposed to be altered by the proposal.

It is the genuine intent to establish industrial activities at the park, meeting the general requirements and expected landscaping outcomes of the Structure Plan whilst being respectful and sensitive to the considerations of hapū and iwi. High priority has therefore been given to the matters raised.

It is acknowledged that a position of opposition to the proposal has been **previously** advised by Pirirākau. This appears to be based on the nature of the development being industrial. This position is acknowledged however industrial use of the site is plan-enabled and long-established by a historic Environment Court decision concerning the change of zoning to Industrial. The application simply seeks to make use of this zoning accordingly.

The applicant has been providing regular updates to hapu and iwi across 2022 cognisant of Pirirākau's initial position of opposition to industrial development. Through renewed engagement with new Pirirākau chair Julie Shepherd in October/November 2022, a partnership agreement is being progressed with Pirirākau as mana whenua. It is acknowledged this is not yet complete, however does provide the basis for delivery of a wide range of meaningful, long-lasting benefits to both parties, addressing environmental improvements (including the Hakao Stream restoration project), employment opportunities, and investment opportunities. Once this partnership agreement is finalised, the design will be reviewed with respect to cultural impacts of resource consent requirements in partnership with Pirirākau. This is an ongoing exercise expected to be completed at the detailed design phase given the consistency of the site design with the provisions of the Structure Plan, with regular feedback to be provided to Council.

Given the range of mitigation efforts in respect of potential cultural impacts described above; that development is proposed in accordance with the Structure Plan and importantly exceeding requirements in terms of indigenous vegetation provision and wetland extent; will deliver net improvements in terms of terrestrial and aquatic ecology; with provision for further positive cultural effects in respect of the Hakao Stream restoration and signifying the importance of sites and features in the area, there is the potential for positive cultural effects. Confidence is considered to be demonstrated that cultural effects directed for consideration by the Structure Plan/District Plan Rules (pertaining to wetland), and in respect of any non-compliances, is being genuinely addressed through consultation and engagement efforts to date. On this basis, any adverse cultural effects are considered to be less than minor and acceptable, with notable positive effects able to accrue.

7.12 Positive Effects

The commitment to delivering the Structure Plan in itself has inherent positive ecological effects. Downstream aquatic ecological/water quality effects are expected to be improved owing to the multiple treatment mediums that water runoff will be filtered and treated through prior to discharge into the planned overland flowpath/wetland. With the considerable increase in indigenous tree cover, and wetland, also providing improved terrestrial and avifauna habitat at the site.

It should be observed however that the applicant is proposing development within the site above and beyond the requirements of the Te Puna Business Park Structure Plan as they apply to the site. This is based on engagement with a number of stakeholders including Council, mana whenua and neighbours. Positive effects as a result of these commitments include:

- Safer intersection into the site than what is required;
- Enabling the delivery of a cycle path and road widening as sought by Council along the site frontage;
- Providing public access through/alongside the ponds and overland flowpath/wetland;
- Providing public seating area/ornamental trees/further public amenity space along public walkway;
- Maximising of provision for indigenous planting within the scope of the landscaping provisions of the Structure Plan.
- Advancing a partnership agreement with mana whenua which provides for the likes of:
 - Training and employment opportunities;
 - Investment opportunities;
 - Mitigation and enhancement opportunities to landscape design of planned wetland/overland flowpath, enhancement of mauri within this planned feature. Scope for commemorative/storytelling features to signify the importance to mana whenua.
 - Making land available meaningfully contribute to the Hakao Stream restoration project.
- Relocated roadside drains will be improved in quality from the existing, with appropriate planting providing appropriate filtration of pollutants.

Strategically, the establishment and use of the subject site for Industrial activities provides reasonably sized areas of Industrial land able to be used for a range of activities permitted in the Industrial zone. There is a demonstrated need for industrial land within Tauranga (see section 10.1.1 of this report below) and the development of this land will contribute to the supply.

Economically, there is a particularly acute predicted shortage of logistics land to service expected container movements demanded by the horticultural sector in the Western Bay of Plenty later within 2023. Enabling delivery of this industrial land will contribute to meeting this locally and regionally important demand. The proposal will therefore have positive social and economic effects arising from additional employment, and servicing of the horticultural industrial, within the Tauranga/Western Bay of Plenty area.

8.0 Notification

Consideration of Sections 95A to 95D of the RMA is required for the purpose of considering whether notification or limited notification of a resource consent application is necessary. Notification is primarily based on the level of adverse effects, however within both notification assessments is the concept of ‘special circumstances’. These are firstly discussed below, followed by considering of the requirements for public or limited notification.

Public Notification

Section 95A prescribes a set of steps to determine whether or not public notification is required. An assessment against the provisions of s.95A are provided in **Table 1** below.

Table 1 – s.95A Public Notification Assessment

Step	Requirements	Applicability
Step 1 – Mandatory public notification in certain circumstances	<ul style="list-style-type: none"> • Applicant has requested public notification 	Not applicable, passes to Step 2.

	<ul style="list-style-type: none"> • Refusal to provide information or agree to commissioning of report • Joint application to exchange recreation reserve land 	
Step 2 – Public notification precluded in certain circumstances	<ul style="list-style-type: none"> • NES precludes notification • Controlled activity or boundary activity 	Not applicable, passes to Step 3.
Step 3 – Public notification required in certain circumstances	<ul style="list-style-type: none"> • Rule requires public notification • Adverse effects on the environment are more than minor require public notification 	No rule triggered by the application requires public notification. The effects assessment at section 4 above concludes any adverse effects on the environment are, after mitigation , less than minor. Therefore, not applicable, passes to Step 4.
Step 4 – Special circumstances warranting public notification	<ul style="list-style-type: none"> • Special circumstances exist and warrant notification of the application 	Special circumstances do not exist . See further comments on Special Circumstances below.

The assessment above addresses the prescribed tests for public notification pursuant to s.95A, concluding that public notification of the application is not warranted.

Limited Notification

Section 95B of the Act is then required to be considered in terms of the potential for limited notification. Section 95B similarly prescribes a set of steps to determine whether or not limited notification is required. An assessment against the provisions of s.95B are provided in Table 4 below.

Table 4 – s.95B Limited Notification Assessment

Step	Requirements	Applicability
Step 1 – Certain affected groups and persons must be notified	<ul style="list-style-type: none"> • Customary rights groups or customary marine title groups to be assessed for notification. 	No groups meeting these definitions exist in relation to the subject site. Not applicable, passes to Step 2.
Step 2 – Limited notification precluded in certain circumstances	<ul style="list-style-type: none"> • NES precludes notification • Controlled activity 	Not applicable, passes to Step 3.
Step 3 – Limited notification required in certain circumstances	<ul style="list-style-type: none"> • Adverse effects on a person which are minor or more than minor require limited notification to those persons 	The effects assessment at section 4 above concludes any adverse effects on the environment including persons near to the site are, after mitigation , less than minor. Therefore, not applicable, passes to Step 4.
Step 4 – Special circumstances warranting limited notification	<ul style="list-style-type: none"> • Special circumstances exist and warrant notification of the application 	Special circumstances do not exist , see comments below.

The assessment above addresses the prescribed tests for limited notification pursuant to s.95B, concluding that limited notification of the application is not warranted or necessary.

Special Circumstances

The last step under both sections 95A (for public notification) and 95B (for limited notification) is to consider 'whether special circumstances exist in relation to the application that warrants notification of the application to any other persons not already determined to be eligible for limited notification.'¹³ If the answer is 'yes', then the council is directed to 'notify those persons'.

The RMA does not provide a definition of 'special circumstances'. However case law is relatively settled (in the Court of Appeal) on the application of the test, being 'exceptional, abnormal or unusual' circumstances. What amounts to 'special circumstances' is fact specific and differs on a case by case basis. In general, notification on the basis of special circumstances (as defined by case law) may be appropriate if it is required to provide council with additional information that is not otherwise available, to assist in determining the merits of the application.

This project is not considered to be exceptional, abnormal or unusual. The zoning of the site provides for the industrial activities proposed.

Development is proposed in accordance with the landscaping provisions of the structure plan, with the only deviations concerning traffic infrastructure outside of the site, sequencing of development (against the exact stages of the Structure Plan), and developing only the application site (other sites are not in the applicant's control). The deviations are largely for practical reasons.

There is also no need for the proposal to be notified under special circumstances to elicit further information that is not otherwise available. TPIL has, along with this updated AEE, provided a comprehensive and robust response to Council's s92 request for further information, and is more than willing to engage with Council on any outstanding issues if they arise. As detailed at section 5 of this report above, TPIL has engaged in meaningful and extensive consultation with hapū and a wide range of other stakeholders to ensure expectations on the Te Puna Business Park delivery are met. This consultation is ongoing.

Therefore, no special circumstances warranting notification are considered to exist in this instance.

Conclusion

Given the above it is considered:

- I. The environmental effects are considered to be less than minor.
- II. There are no persons affected by the proposal.
- III. There are no special circumstances that warrant the application being notified.

The resource consent can be therefore be processed without public notification or limited notification.

¹³ This excludes persons who have been excluded as not being an affected person under s95E because they have given written approval.

9.0 Policy Framework

The relevant planning context which informs the resource management policy framework applicable to the development has been identified at Section 4 above. The objectives and policies of these documents are assessed below.

9.1 Relevant National Policy Statements

The NPS-UD and NPS-FM are the relevant National Policy Statements, and are assessed below.

9.1.1 National Policy Statement on Urban Development (2020)

The NPS-UD sets out the objectives and policies for providing development capacity under the Resource Management Act 1991.

The Western Bay of Plenty District is a tier 1 growth area under the NPS-UD. Section 3.3 states

- (1) *Every tier 1, 2 and 3 authority must provide at least sufficient development capacity in its region or district to meet the expected demand for business land:*
 - (a) *From different business sectors; and*
 - (b) *In the short term, medium term and long term.*
- (2) *In order to be sufficient to meet expected demand for business land, the development capacity provided must be: plan-enabled (see clause 3.4(1)); and infrastructure-ready (see clause 3.4(3)); and suitable (as described in clause 3.29(2)) to meet the demands of different business sectors (as described in clause 3.28(3)); and for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22).*

Development is *plan-enabled* if the land is zoned in the district plan. The Te Puna Business Park – Industrial Zone is therefore pre-enabled by definition in the NPS-UD.

WBOPDC have completed industrial land supply studies to inform giving effect to the NPS-UD. These studies unsurprisingly reveal that the uptake of allocated industrial land in Te Puna has ceased to commence owing to infrastructure requirements¹⁴ – such requirements to enable industrial use of the site are proposed to be met by this application. The studies also detail that commercial property investor confidence in the Tauranga area is consistently high¹⁵. This is manifest by prospective tenant enquiries fielded to date by Te Puna Industrial Ltd.

Granting consent would enable the Te Puna Business Park to contribute to the NPS-UDS business land supply targets for this high growth and confidence area.

9.1.2 National Policy Statement for Freshwater Management (2020)

The NPS-FM came into effect on the 3 September 2020 and introduces new rules to prohibit the damage or destruction of natural wetlands. The subject site includes a mixture of highly modified land (filled) and pastoral farmland, with no wetlands present. As previously discussed, the subject site development area has no significant ecological features as mapped by BOPRC or WBODPC.

The NPS-FM has the objective of ensuring natural and physical resources are managed in a way that prioritises firstly the health and wellbeing of water bodies. This priority is shared with the project vision for development, in ensuring that stormwater runoff generated is appropriately and robustly

¹⁴ Industrial Land Survey 2012

¹⁵ Smartgrowth: Development Trends – Technical Report 2018

treated prior to discharge to receiving freshwater. This is overlain by the commitment to improvement in the existing catchment of the Hakao Stream to deliver a net-benefit to the quality and ecological value of receiving freshwater.

The second priority in the objective is meeting the health needs of people (such as drinking water). The Hakao Stream is not classified as appropriate for potable water use, however development of the site does contribute towards improved health of the water. This includes the provision of wetlands within the catchment of the stream, and further restoration opportunities along the embankments of the Hakao Stream within the applicant's property.

The third priority is the ability of people to provide for their social, economic and cultural wellbeing now and into the future. The development proposes providing public access to the wetland and stormwater ponds, providing for social amenity, health (connection to nature), and cultural wellbeing by providing access to restored taonga for tangata whenua.

Commentary on individual policies giving effect to the objective is provided below:

1. *Freshwater is managed in a way that gives effect to Te Mana o te Wai.* Te Mana o te Wai is the central principle of the NPS-FM, being a concept that refers to the fundamental importance of water, and protecting water protects the health and well-being of the wider environment. The quality of water discharged from the site is going to be improved and thus the proposal gives effect to this principle.
2. *Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.* This has been reflected in engagement efforts and shared goals regarding water quality improvement, wetland provision and contribution to restoration of the Hakao Stream.
3. *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.* The quality of freshwater has been considered relative to the proposed uses, with integration with wider landscaping and improving up-catchment conditions (by providing an overland flowpath to drain upstream areas) being achieved by the proposed design. There would be net positive effects upon the receiving environment in terms of quality of water.
4. *Freshwater is managed as part of New Zealand's integrated response to climate change.* Freshwater has been considered in an integrated manner as outline above, with a significant number of trees included in the wetland/stormwater pond design, being carbon sinks reducing greenhouse gas emissions and improving the local response to climate change.
5. *Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.* Water quality and the Hakao Stream will be improved by the landscape design, stormwater management features, and partnership with mana whenua regarding contributions to the Hakao Stream restoration.
6. *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.* There would be no loss of wetland, only delivery of a planned constructed wetland.
7. *The loss of river extent and values is avoided to the extent practicable.* There would be no adverse effects on river (includes stream – Hakao Stream) values. Rather, the values and characteristics of this stream would be improved, by way of the improvement of water

- flowing to the stream and provision of space adjacent to the stream for environmental improvements in partnership with mana whenua.
8. *The significant values of outstanding water bodies are protected.* No outstanding water bodies as defined in the NPS-FM will be affected by the proposal.
 9. *The habitats of indigenous freshwater species are protected.* There would be no adverse effects on indigenous freshwater species owing to improvements in water quality and the margins of the Hakao Stream.
 10. *The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.* For the same reasons discussed above regarding policy 9, this policy is not contravened.
 11. *Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.* No re-allocation of water is proposed.
 12. *The national target (as set out in Appendix 3) for water quality improvement is achieved.* The proposal only delivers improvements in water quality, therefore is positively contributing to meeting improvement targets.
 13. *The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.* The proposed development would reverse deterioration and the effects of historical modification, over time following the establishment of landscaping as proposed.
 14. *Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.* Responsibility lies with BOPRC.
 15. *Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.* The proposed development positively satisfies the objective and policies of the NPS-FM whilst enabling improvements in social and cultural wellbeing, by way of enhanced mauri of taonga and access to the landscape features to be delivered by the development. It provides for economic well-being by way of enabling use of the land for its intended purposes, with local employment opportunities delivered.

Relevant policies include giving effect to the fundamental concept at the centre of the NPS-FM (Te Mana o Te Wai) – the principles of this concept have been given effect to in preparing the proposed mitigation and undertaking consultation and engagement, and ensuring protection and enhancement of downstream fresh watercourse values.

For the reasons discussed above, the proposal is therefore assessed to be consistent with the NPS-FM.

9.2 Relevant Regional Policy Provisions

9.2.1 Bay of Plenty Regional Policy Statement

The Bay of Plenty Regional Policy Statement (RPS) promotes the sustainable management of the natural and physical resources of the Bay of Plenty Region.

The provisions of the RPS have been assessed in relation to this application. In particular, the following objectives and their associated policies:

- Objective 1, concerning air quality;
- Objectives 10 and 11, concerning integrated resource management;
- Objectives 13, 15, 17, 21 and 27 concerning recognition of kaitiakitanga, hapū and iwi involvement in resource management decisions, and mauri of resources;

- Objectives 23-25 concerning sustainable and efficient urban form and growth, safety and efficiency of transport networks, and complementing investment and planning by Council;
- Objective 26 concerning the rural land resource;
- Objectives 29 and 30 in terms of water quality and quantity;

For reasons as discussed elsewhere in this report, the proposal is considered to be consistent with these objectives and policies, and the overall strategic direction entrenched within these provisions.

9.2.2 Bay of Plenty Regional Natural Resources Plan

The RNRP contains the relevant rules, objectives and policies in relation to the functions of the regional authority being BOPRC.

The objectives and policies related to Kaitiakitanga, Integrated Management of Land and Water, Land Management, and Discharges to Water and Land of the RNRP are considered to be relevant to this application.

These are identified and assessed further below. It should be noted that policies that are clear expansions of already-summarised objectives are not repeatedly cited for the sake of brevity, only matters of distinction not obviously gleaned from the summary of objectives are cited. All relevant objectives and policies have been considered.

Kaitiakitanga

Relevant objectives:

No.	Substance of objective
KT 01	Principles of Te Tiriti o Waitangi are recognised and taken into account
KT 03	Undertake consultation recognising the range of practices, protocols etc. of hapū and iwi
KT 04	Land and water concerns of hapū and iwi taken into account, including differences between groups
KT 05	Regard to be had to hapū and iwi resource management documents
KT 06	Maintain and improve the mauri of resources
KT 07	Extent of value to tangata whenua is identified

Relevant policies:

No.	Substance of policy
KT P1	Distinct and elevated status of tangata whenua under the Treaty of Waitangi to be respected.
KT P5	Address concerns of tangata whenua
KT P7 – P9	The exercise of kaitiakitanga, the intricacies of kaitiakitanga to be considered
KT P14 – P20	Consultation across hapū and iwi groups, recognise range of approaches and different views of all groups, mitigation of effects of cultural importance.

Comment:

Engagement with hapū and iwi has been proactively undertaken in this instance in recognition of the elevated status of the interest of mana whenua and tangata whenua groups. This reflects the principles of partnership and equality of interests within the Treaty of Waitangi. The values and matters of concern have been identified, with effects of cultural concern robustly addressed to ensure appropriate mitigation. Engagement with iwi and the progressing of a partnership agreement

related to the development is considered to provide for the exercise of kaitiakitanga to some degree. The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies of the RNRP especially considering the functions and duties of BOPRC.

Integrated Management of Land and Water

Relevant objectives:

No.	Substance of objective
IM 01	Integrated management of land and water resources
IM 02	Stewardship of land and water and associated ecosystems
IM 03	Water quality not to deteriorate

Relevant policies:

No.	Substance of policy
IM P1(f), (j), (k)	Provide for heritage values, understand effects of change in land use and cover, and promote sustainable land management practices
IM P1A	Avoid loss of river extent or values
IM P8	Allow resource use and development where effects are beneficial socially, environmentally and culturally whilst adverse effects are avoided, remedied or mitigated

Comment:

The effects of the proposed development have been considered in an integrated manner, addressing land stability, stormwater flow and treatment. The proposed design includes specific measures to ensure adverse effects on land and water resources and ecosystems are avoided, remedied or mitigated to the maximum practicable extent. The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies.

Land Management

Relevant objectives:

No.	Substance of objective
LM 01	Land use and management practices appropriate to the site, avoid, remedy or mitigate adverse effects
LM 04	Intactness and health of regions soils is maintained

Relevant policies:

No.	Substance of policy
LM P1	Monitoring the effects of land use practices, take action in the case of adverse effects to water and groundwater quality.

Comment:

Robust and appropriate erosion, dust and sediment controls as discussed within this report and at **Appendix 5** would be in place during earthworks. These controls will ensure that any adverse effects during the earthworks period would be reduced as much as practicably possible, and given the flat nature of the site, are expected to be closely controlled to substantially avoid any adverse effects. Monitoring will be undertaken during works of the efficacy of erosion and sediment controls, as subject to an Earthworks and Construction Management Plan.

The original soil layer be kept in-situ whilst subject to pre-loading and consolidation. The quality of this soil would not be materially affected.

The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies.

Discharges to Water and Land

Relevant objectives:

No.	Substance of objective
DW 04	Discharges of water to water avoid, remedy or mitigate adverse effects as appropriate to the values, uses and existing environmental quality
DW 05	Cumulative effects of discharges are addressed

Relevant policies:

No.	Substance of policy
DW P4	Encourage land-based treatment and disposal where environmentally sustainable
DW P6	Regard to be had to life-supporting capacity of receiving environment as affected by discharges.

Comment:

The discharge to water would occur after treatment and runoff contaminant removal through the proposed swale and wetland system (i.e. land based, rather than direct to existing watercourses). This ensures filtering out of contaminants and total suspended solids as much as practicably possible. The proposal includes improvements to the receiving water network beyond the site which will deliver a net gain to the life-supporting capacity of water and health of ecosystems through which it flows. The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies.

Conclusion:

Regard has been had to the substance and direction of relevant objectives and policies of the RNRP. For the reasons discussed above, and elsewhere within this report, the proposal is considered to be consistent with the objectives and policies of the RNRP.

9.3 Relevant District Plan Objectives and Policies

The District Plan contains the relevant rules, objectives and policies in relation to the functions of the district authority being WBOPDC.

The objectives and policies related to Transportation, Amenity, Historic Heritage, Natural Hazards, Subdivision and Development, and Industrial sections of the District Plan are considered to be relevant to this application.

These are identified and assessed further below. Similar to the assessment of RNRP objectives and policies above, policies that are clear expansions of already-summarised objectives are not repeatedly cited for the sake of brevity, only matters of distinction not obviously gleaned from the summary of objectives are cited. All relevant objectives and policies have been considered.

Section 4B – Transportation

Relevant objectives:

No.	Substance of objective
1	Provision of integrated, efficient and safe sustainable transport network
2	Provide for more efficient land use in an integrated manner relative to road function

Relevant policies:

No.	Substance of policy
1	Provide for the existing transport network as appropriate
2	Avoid, remedy or mitigate adverse effects of development on the safety, efficiency, sustainability and capacity of the transportation network.
5-7	Consideration of network wide effects, promotion of efficient use of land across the network
10	Access, parking and loading effects upon transport network avoided, remedied or mitigated

Comment:

The traffic impacts of the proposal at key intersections within the receiving network, at the entrance to the site, and within the site, in terms of congestion and efficiency, and safety as directed by this suite of objectives and policies have been comprehensively considered. This is ensured by way of upgrading the entrance to the site to an appropriate intersection, specifically designed to the road speed and geometry for safety and efficiency. The development will have less than minor effects on the operation or safety/risk profile to users of the existing receiving traffic network. The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies.

Section 4C - Amenity

Relevant objectives:

No.	Substance of objective
4C.1	An environment free of unreasonable noise in accordance with the character and amenity of the zone within which the noise is generated and received
4C.3	An environment free of from the adverse effects of intrusive lighting and welding

Relevant policies:

No.	Substance of policy
4C.1	Activities not to generate noise inconsistent with zone expectations
4C.3	Ensure that floodlights, security lights and welding do not detract from the amenity values of other properties, or compromise traffic safety

Comment:

Noise levels are expected to comply with both at-site generation, and as receiving at-dwelling, District Plan levels, **as informed by expert assessment by Earcon Acoustics Ltd.** No lighting within the development is proposed. Activities would be screened from Te Puna Station Road and would therefore not present any material driver-distraction potential. The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies.

Section 7 – Historic Heritage

Relevant objective:

No.	Substance of objective
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3	The kaitiakitanga of tangata whenua in relation to sites and objects of cultural and natural heritage is respected.
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Relevant policy:

No.	Substance of policy
7	Tāngata whenua should be consulted regarding the identification, protection and management of sites and objects considered to be of cultural and natural heritage value.

Comment:

For the same reasons as discussed under 10.2.2 above in respect of the RNRP, and as discussed elsewhere in this report, the direction of this suite of objectives and policies has been met. Consultation has been undertaken with identified tangata whenua groups, with their concerns about the proposal sought to be robustly addressed (noting Industrial development is enabled by the District Plan at this location). The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies.

Section 8 – Natural Hazards

Relevant objectives:

No.	Substance of objective
1	Minimisation of the risk of natural hazards to human life and the natural and built environment

Relevant policies:

No.	Substance of policy
1	Adopt best practicable option in managing risk from natural hazards, aim for avoidance of hazards
2	Control/prevent establishment of activities that increase the extent to which natural hazards have or may have upon life, property and the environment.
4	Ensure that new subdivision, land use activities or other development is located and designed so as to avoid the need for further hazard protection works.
5	Ensure that where hazard protection works are necessary their form, location and design are such as to avoid or mitigate potential adverse environmental effects.

Comment:

The assessment of flood risk to neighbouring occupants above concludes that, as a result of deliberate design measures, contouring and landscaping, floodwater would not be materially displaced so as to additionally affect any other property. In terms of future lessees, the planned use of the site (yard-based industrial) combined with contouring and raising of the land ensures reasonably low risk to future lessees. Practical options for further reduction of flood risk (as suits the particular operations of future lessees) also exist. The flood risk to future lessees and occupants of the site is considered to be the same as that which would result from a compliant development i.e. flood risk is not exacerbated by any non-compliances with District Plan provisions. The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies.

Section 12 – Subdivision and Development

It is noted that subdivision is not proposed, only development to give effect to the Industrial zoning at the site.

Relevant objectives:

No.	Substance of objective
1	Development that provides for and reinforces local character
2	Development is planned in an integrated manner and provided with fit-for-purpose infrastructure
3-4	Infrastructure and services appropriately designed and constructed, with sufficient infrastructure capacity available to serve all land in the catchment
6	Development minimises the effects from stormwater runoff

Relevant policies:

No.	Substance of policy
1-2	Urban subdivision to have regard to guidelines within the Development Code, and design to be in accordance with structure plans
9	Adverse effects of traffic generation will be avoided, remedied or mitigated

Comment:

The development is proposed to be screened and landscaped in accordance with the expected outcomes of the Structure Plan to reinforce and complement the existing and anticipated character of the area. Fit-for-purpose infrastructure has been planned and will serve the development in a holistic, integrated and robust manner. Stormwater and waste-water networks will be self-sufficient. Water supply, electricity and communications infrastructure connections can be feasibly made and serviced by the adjacent/supplied networks in the area.

This application, together with the suite of appended technical reports, confirms the relevant parts of the Structure Plan (and thus development code – District Plan prevails) in respect of water supply, stormwater, and the new intersection into the site will be met. Only the proposed internal road does not meet District Plan/Development code provisions.

The proposal is therefore considered to satisfy and be consistent with the relevant objectives and policies.

Section 21 – Industrial

Relevant objectives:

No.	Objectives
1	The efficient and optimum use and development of industrial resources (including land and buildings/structures) in a manner which provides for the economic well being of the people living in the District
2	Industrial areas which maintain amenity values from key roads within the zones, from surrounding road networks, and at the interface with other areas
3	Industrial areas in which industrial activities can operate effectively and efficiently, without undue restraint from non-industrial uses which may require higher amenity values
5	The equitable provision, extension and/or upgrading of infrastructure with sufficient capacity to cater for future development within the Zone and in accordance with applicable structure plans to be funded by all development within the structure plan area

Relevant policies:

No.	Policies
1	Provide industrial areas within the District close to established urban centres that provide for a wide variety of industrial activities to establish.
2	Industrial activities should establish and operate so as to protect the environment in other zones from noise, odour, visual impact or traffic generation.
3	Require industry locating in close proximity to Residential and Rural Zones and reserves to incorporate buffering, screening and landscaping to minimise the adverse visual impact of the activity.
4	Require the provision of onsite landscaping and screening in industrial areas and to have design controls for buildings/structures fronting identified key roads to enhance street appearance.
5	Industries should be located in areas where they can be adequately serviced by existing infrastructure or provide new infrastructure so as to ensure adverse effects can be mitigated, remedied or avoided including through financial contributions

Comment:

The development proposes efficient and optimum development, being practicable and flexible industrial land developed to meet the expectations of the Te Puna Business Park Structure Plan. This occurring at a site zoned for industrial purposes, close to the existing centre of Te Puna and the periphery of Tauranga City, and a planned interchange with the Takitimu North Link motorway project which is now in the construction phase. The development of this site would give deliver industrial land to market as intended by the District Plan, in turn allowing the community to further provide for their economic well-being by bringing to life this expected activity. This occurring at a time of forecast shortage in container servicing ability to the regional horticultural sector based on their expected demands later in 2023.

This is proposed in a manner which is entirely respectful and consistent with neighbouring amenity and landscaping measures as set by the Structure Plan. Particular regard has been had to neighbouring amenity in the Rural Zone, with contextually-reasonable (as informed by the underlying Industrial zoning and provisions of the structure plan) amenity considered to result upon completion and operation of the development.

Reverse sensitivity has been considered in the effects assessment above. Industrial uses are not sensitive to the operations of grazing or horticultural activities prevalent at rural-zoned properties, therefore reverse sensitivity effects upon those existing uses are not considered to be generated.

New infrastructure will be constructed as required to service the industrial development, as discussed above in respect of section 12 of the District Plan.

In conclusion, the proposal is considered to satisfy and be entirely consistent with the relevant objectives and policies.

Conclusion:

Regard has been had to the substance and direction of relevant objectives and policies of the District Plan. For the reasons discussed above, and elsewhere within this report, the proposal is considered to be consistent with the objectives and policies of the District Plan.

9.4 Other Planning Documents and Matters

Other planning documents, produced outside of RMA processes however are relevant pursuant to s.104(1)(c), are considered to be as follows:

- The Pirirākau Hapū Management Plan (2017) ('PHMP');
- The Te Puna Community Plan (2017) ('TCP');
- Tauranga Moana Iwi Management Plan 2016-2026.

The proposal does not appear to be inconsistent with any of the provisions and outcomes sought by these documents, particularly the Te Puna Community Plan or the Tauranga Moana Iwi Management Plan.

The PHMP has been given particular attention. It is acknowledged the progressing partnership agreement is not yet formalised, and further engagement with Pirirākau is to occur. However to elaborate on the assessment against the PHMP:

- a. Page 24 speaks to valuing the natural landscape and prevention of urbanisation. The zoning allows for Industrial development, so this is not considered to be unanticipated deviation from the rural environment. The structure plan landscaping requirements, alongside water treatment and wetland provision, have been given utmost importance to reflect the delivering of natural and indigenous planting and landscape treatment to soften the expected change in land use to Industrial.
- b. Page 26 discusses cultural enrichment which comes from archaeological observations, recording, and utilising Pirirākau tikanga as part of undertaking archaeological investigations. As per the original AEE, an archaeological authority will be sought in due course and Pirirākau tikanga would be central to any archaeological investigations.
- c. Page 26 discusses wetland restoration. The Environment Court decision details that Pirirākau at the time appreciated the considerable cultural and ecological benefit to accrue from the delivery of a wetland in the catchment of the Hakao Stream and Wairoa River. The applicant is absolutely intent on delivering on this requirement of the Structure Plan, evidenced in the documents provided with this s.92 request. The applicant is intent on delivering an indigenous, native-flora based wetland to improve water quality and aquatic habitat in the catchments of the Hakao Stream and Wairoa River.
- d. Page 30 discusses the premium water quality and its mauri. This intent of the Pirirākau Hapu Management Plan has been respected and has been central to developing the drainage solution for the site. The development of the site for industrial purposes will have the following improvements to water quality within the Hakao Stream:
 - i. Re-constructed roadside drains and planted to maximise pollutant removal from Te Puna Station Road;
 - ii. All internal water traversing planted swales and a treatment pond in a robust and coordinated manner, prior to discharge into the planned wetland which drains through an overland flow path to roadside drains feeding the Hakao Stream. This delivering an improved solution compared to the existing situation.

The partnership agreement initiated and in progress with Pirirākau also contributes to the vision of Pirirākau to restore the Hakao Stream from its current modified and degraded condition.

The importance of Te wai o Pirirākau and the health of waterways in the Pirirākau rohe is shared by the applicant's vision for developing and operating the site for its planned industrial purpose.

Section 104(1)(c) allows for consideration of any other matter that the consent authority considers relevant and reasonably necessary to determine the application. No such matters are considered to present themselves in the instance of this resource consent application to give effect to industrial zoning provisions.

Financial contributions

It is acknowledged that financial contributions to WBOPDC will be payable. These will be determined in conjunction with WBOPDC staff in due course.

10.0 Substantive Decision Matters - RMA

10.1 Part 2 of the RMA

Part 2 of the RMA sets out the guiding purpose and principles of the Act. Part 2 is comprised of four sections (sections 5-8).

Section 5 - Purpose

Section 5 details the purpose of the RMA, which is the sustainable management of natural and physical resources. The interpretation of this is expanded within section 5.

The proposal would be managing the development and use of the land in a way that provides for social, economic and cultural welfare. Employment and leasing opportunities positively contribute to economic and social welfare, whilst ecological improvements contribute to cultural welfare. This would occur whilst ensuring sustaining the potential of resources and their life-supporting capacities, and avoiding, remedying or mitigating environmental effects as much as practicably possible. As such, the purpose of the RMA is considered to be met by the proposal.

Section 6 – Matters of National Importance

Section 6 specifies matters of national importance which shall be recognised and provided for in achieving the purpose of the RMA. Of these, the following are relevant:

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga: and

(h) the management of significant risks from natural hazards

These matters have been recognised, provided for, and suitably addressed as evidenced elsewhere in this application.

Section 7 – Other matters

This section specifies other matters to which particular regard shall be had in achieving the purpose of the RMA. Of relevance to this application are the following matters:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) maintenance and enhancement of the quality of the environment:

(f) the effects of climate change:

These matters have been recognised, provided for, and suitably addressed as evidenced elsewhere in this application.

Section 8 – Treaty of Waitangi

This section requires that in achieving the purpose and principles of the RMA, all persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi. The principles of partnership and equality of interests have been reflected in proactive engagement and addressing of concerns raised by hapū and iwi. **This has been furthered by progression towards a**

partnership agreement with mana whenua regarding shared, meaningful benefits to be maximised in the interests of mana whenua. As such, the proposal is considered to have appropriately taken the principles of the Treaty of Waitangi into account. It is noted that engagement and the relationship with hapū and iwi will continue during the consenting process and beyond.

10.2 Section 104 of the RMA

This section sets out the matters, subject to Part 2, to have regard to in making a decision on a resource consent application. These are summarised as follows:

- Section 104(1)(a) – Actual or potential effects (including mitigation proposed at (ab)). The effects have been considered at section 6 of this report, concluding that any adverse effects, subject to mitigation measures, would be less than minor.
- Section 104(1)(b) – Relevant provisions of planning instruments and regulations. These have been considered at section 8 of this report. The conclusion of this assessment is that the proposal is consistent with the relevant provisions of the planning policy framework at consideration.
- Section 104(1)(c) – Any other relevant matters. None are considered to exist beyond the matters considered in this report.

10.3 Section 104D of the RMA

Section 104D of the RMA applies to this application. This section is known as the ‘gateway test’, in that it establishes a further gateway to be passed in order to be able to gain resource consent in respect of Non-Complying Activities. The gateway test consists of two limbs, and the relevant consenting authorities (WBOPDC in this instance) can only grant consent if it is satisfied at least one of the limbs is met. These are as follows:

1. That adverse effects will be no more than minor. The effects assessment at sections 6 and 7 concludes that adverse effects will be less than minor.
2. The application would not be contrary to the objectives and policies of the relevant plan. The objectives and policies assessment at section 8 asserts that the proposed development would be consistent with relevant objectives and policies.

10.4 Sections 104A-104C of the RMA

This section provides for consent authorities, following consideration of the above matters, to grant or refuse consent, and imposing conditions if granted. In the case of the Controlled Activity for the building and s.104A of the RMA, consent must be granted. For the reasons as set out within this report, it is requested that WBOPDC and BOPRC grant the requested resource consents.

The applicant would request that copies of draft conditions are provided for consideration prior to any decision on resource consents being issued.

11.0 Conclusion

Te Puna Industrial Ltd seeks to develop the industrial-zoned property at 297 Te Puna Station Road, Te Puna. Earthworks to prepare and form usable industrial areas, as well as the delivery of supporting road and water infrastructure is proposed. This in conjunction with the wetland/overland flowpath and landscape mitigation planting, to enable the establishment and operation of industrial activities in a manner entirely consistent with the Te Puna Business Park Structure Plan as it applies to the site.

The activity proposed at present (ContainerCo use of the site) constitutes a depot activity as defined by the District Plan which is permitted in the Te Puna Business Park Industrial Zone. The development of the site for industrial purposes is precisely in accordance with the provisions of the Te Puna Business Park Structure Plan as it applies within the site, with the only non-compliances with Structure Plan/District Plan rules relating to traffic infrastructure off-site, and vesting/staging of development. This is collectively a **Non-Complying Activity** under the WBOPDC District Plan.

Separately, the erection of a workshop enclosure over 100m² in size, and choice of final finish outside of the road (compacted metal) are further consent requirements. These are **Controlled and Restricted Discretionary Activities** respectively under the WBOPDC District Plan.

Regional consents are also sought in respect of the size of earthworks and temporary discharge of stormwater during the construction period, being collectively a **Discretionary Activity** under the BOPRC RNRP.

Adverse effects related to the non-compliances are considered to be appropriately mitigated. In summary, for the following reasons:

- Safe sight lines and expected passage of traffic between the OLP Ltd and application site entrances, enhanced by over-and-above intersection design into the subject site;
- Modelling has confirmed an upgrade to the Te Puna Station Road/SH2 is not warranted based on existing volumes through the intersection and District Plan thresholds for an upgrade;
- Future traffic can be managed to avoid the right-turn from SH2 into Te Puna Station Road
- Importantly, the application site is expected to generate a conservative maximum total of 774 vehicles when fully developed and occupied. This is many years away in the future and in any case is less than a 1/3rd share of the 2600 vehicle movements expressly permitted to and from the business park (prior to completion of Takitimu North Link).
- There are negligible adverse traffic effects identified with not providing a through-road, and this is future proofed if viable to both landowners in the future.
- Floodwater displacement effects off-site would be negligible based on the area displaced to.
- Robust erosion and sediment controls would be in place to protect downstream ecosystems and water quality during construction. The compacted metal surface, and sealed surface to the road, ensures a suitably dust-proof finish to the industrial site, interspersed and bounded by significant landscaping efforts to reflect the intent of the Structure Plan.
- The proposed building will be visually compatible with the surrounding permitted industrial activities and appropriately screened by soft landscaping.

In summary, any adverse environmental effects of the proposal are assessed to be less than minor, with no affected parties identified nor notification being required. The effects of the proposal are considered to be acceptable in this context. The proposal is also assessed to be consistent with all

relevant objectives and policies of the aforementioned plans as well as other relevant and higher-order planning policy instruments.

The proposal will deliver significant positive effects beyond that which is strictly required by the Structure Plan, including provision for improved transport infrastructure, access and amenity spaces within the wetland, maximising of indigenous planting, and net improvements to local ecosystems.

As such, Momentum Planning and Design is of the view that, having assessed the proposal in respect of the applicable statutory framework for resource consents, that the resource consents as sought can be granted, subject to reasonable conditions.

Appendix 1: BOPRC Application forms

Appendix 2: Certificate of Title

Appendix 3: Existing and Proposed Development Plans

Appendix 4: Geotechnical Assessment Report

Appendix 5: Civil Engineering (Three Waters, Flooding, Land Development, Utilities) Report

Appendix 6: Transportation Assessment Report

Appendix 7: District Plan Compliance Assessment

Appendix 8: Hapū and iwi Engagement Records

Appendix 9: Other Stakeholder Engagement Records

Appendix 10: Relevant Planning History

Appendix 11: Detailed Site Investigation

Appendix 12: Operational Noise and Vibration Impact Report

Appendix 13: Construction Noise and Vibration Impact Report

Appendix 14: Landscape and Visual Impact Assessment Report

Appendix 15: Landscape Plan, Planting Palette and Outline Wetland Establishment Plan

Appendix 16: Outline Landscape Maintenance Plan