

## Vincent

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**From:** nautiluscontracting@gmail.com  
**Sent:** Thursday, 17 November 2022 2:42 pm  
**To:** Vincent  
**Cc:** Peter.Watson@westernbay.govt.nz; Gary.Allis@westernbay.govt.nz; scott.parker@westernbay.govt.nz; natasha.ryburn@westernbay.govt.nz; chris.watt@westernbay.govt.nz; 'Heather Perring'  
**Subject:** FW: Reserves consultation - access to planned wetlands/Hakao Stream, Te Puna Business Park  
**Attachments:** Landscape Mitigation Plan\_297 Te Puna Station Road Oct 22.pdf; FW: Reserves consultation - access to planned wetlands/Hakao Stream, Te Puna Business Park - 297 Te Puna Station Road

Good afternoon Vincent,

Yours below and attached refer:

This response to your communications has been reviewed by a number of key personnel at Western BOP District Council, per those copied-in above.

Firstly, thank you for your time with me on the phone on Friday 11 Nov. 2022. It was helpful during that conversation to clarify that there is a clear separation between your client's land and development proposals thereon, versus the presently lodged consent application on the immediately adjacent land owned by Barry Daniels / Tinex Group to the south-east.

At the outset of this feedback it is important to re-emphasise that, as a result of development in this locale, it is critical for Council to ensure there will be a right of public access from Te Puna Station Road to the Hakao Stream and from there to the large track of Council reserve land beyond. From our conversation I understand that you and your client (presumably Te Puna Industrial Ltd) also appreciate the socio-cultural relevance of this point. [As an aside, this matter also involves separate dialogue between Council and Tinex Group.]

In this context, I note:

- a) The attached 'Landscape Mitigation Plan' that you supplied illustrates an indicative route for a "gravel pedestrian pathway" running from Te Puna Station Road near the NE corner of the land to (and through) the stopped paper road to the SW, and with that indicated pathway being positioned between industrial-use land and the wetland and stormwater ponds.
- b) You confirmed that the long section of stopped paper road on the SW boundary is owned by your client, and I confirmed that this aligns with Council's records showing it is owned by Te Puna Industrial Ltd.
- c) You further stated that the short length of stopped paper road which extends to the Hakao Stream is also owned by the same party. However, Council's records show it is owned by Barry Daniel. Thank you for your follow-up email dated 14 Nov. (also attached above) which clarifies that your client is the current owner of both relevant sections of the stopped paper road including that shorter length.
- d) You advised that provision of the public accessway link to the Hakao Stream and the identified route is consistent with your client's proactive negotiations with and assurances to Pirirakau Hapu representatives.
- e) To assist in progressing site layout and design for the development proposal which will be lodged with Council in due course, you specifically requested some feedback from the Reserves & Facilities Dept. respecting an appropriate width for the public accessway, and the suitability of presentation for such a facility.

Respecting the proposed public access route alignment, the general design detail and other associated matters I advise as follows:

- i. Route – The indicative public access route alignment appears to be out of the way of industrial land-use interests whilst also satisfying the aesthetic, cultural, ecological and access linkage interests. So, from a

route alignment perspective we would not seek any changes. The matter of interface with road traffic is not a Reserves & Facilities Dept matter that I can comment on.

- ii. Width – The minimum bench-line width that would be required is three metres wide. However, if there are tight corners which make maintenance machinery access difficult, or if any slope batters reduced the useable carriageway width, or potential instability issues, then any such sites along the route would likely need to be widened to 5m. That said, the preliminary ‘Landscape Mitigation Plan’ that you supplied suggests that the directional changes are relatively gentle, but in due course we would expect to see some greater detail such as finished earthworks design cross-sections, which would show how the finished profiles would accommodate the pragmatic minimum accessway width requirements throughout the route.
- iii. Surface Finish – The ‘Landscape Mitigation Plan’ indicates the pedestrian pathway would have a gravel finish. In general terms, so long as the trail sub-base and finish has been prepared according to sound construction practices, a gravel-surfaced finish with a minimum two-pass vibrating roller compaction would be suitable.
- iv. Future Maintenance – We anticipate that Council’s Reserves & Facilities Dept. would take post-construction responsibility for all aftercare repairs and maintenance of the public accessway. This ongoing care relates back to ensuring the minimum width of the accessway corridor is functional and serviceable. The matter of post-construction accessway management and responsibility would be detailed in the legal instrument which creates the access rights.
- v. Legal Mechanism – You have suggested that the legal right of public access might be achieved by way of s.348 of the Local Government Act. That mechanism is likely agreeable to Council, but I suggest that you also give consideration to the use of s.237B & Schedule 10 of the RMA respecting an Access Strip instrument, with which the Reserves & Facilities Dept. is very familiar and can assist with that process.
- vi. Draft Consent Condition for Access Rights – Respecting provision of the accessway within the consenting process, the draft consent conditions would likely include words to the general effect that:
  - a. The public accessway shall generally be formed and provided by the applicant along the alignment and in accordance with the construction details supplied at the Engineering Plan Approval stage of development and agreed by the Reserves & Facilities Dept. of Council.
  - b. The public access carriageway shall be not less than 3m\* wide as detailed in the application, and the accessway easement may be up to 5m wide if deemed necessary in the engineer’s plans to this site development.

*[\*Note 1: the 3m width relates specifically to the bench-line, whereas a more standard 5m wide easement would allow for the 3m wide bench-line plus width for issues such as batters, slope contours, edge treatment and wide-machinery manoeuvring. So, the details accompanying the consent application and engineered plans will be relevant in determining the final agreed width.]*

*[Note 2: typically, an access or easement instrument will refer to a single width along the entire length so as to simplify survey matters.]*
  - c. The accessway shall be for the purpose of public pedestrian and cycle access and for vehicular access by Council and Council’s agents.

*[Note: typically, the plan submitted with the application would include an annotation detailing the location of the accessway and this stated purpose.]*
  - d. The public accessway shall be agreed and formalised by the applicant and Council in accordance with s.348 of the Local Government Act, or s.237B & Schedule 10 of the RMA, or some other mutually agreed legal means.
- vii. Financial
  - It is acknowledged that the applicant’s provision of the public accessway is linked to mitigation of on-site, off-site and socio-cultural impacts, whereby cultural and community benefits can accrue. As such, this will have a bearing upon what may be considered suitable mitigation to be offset against what may be considered a fair and reasonable financial contribution by the Council’s Reserves & Facilities Dept. to formation of the public accessway. Accordingly, the standard of the bridge (or culvert) – and the associated cost – that will be required to enable ongoing machinery access for repairs and maintenance will be a matter for future discussion and agreement.
  - Without prejudice, and in the context of mitigation measures it is unlikely that Council will consider any financial contribution for the land over which the proposed accessway will pass. However, it’s not possible to comment in greater detail on any financial contribution to the trail development until an application is received.

- We also briefly discussed the matter of subsequent land allocation by your client with any third party or parties in respect to distinctly separate activities on the site by way of leases or licences and the relevance of RMA Sec. 218(1)(a)(iii) & (iv). Again without prejudice, it appears that matter has relevance to the neighbouring site development and may or may not have bearing on your client's site as well. Whilst the RMA definition of 'subdivision' will not bear on agreements between Council and the applicant respecting treatment of roads and three-waters, Council cannot abrogate its obligations in respect to Part 2, Sec.6 of the Resource Management Act respecting important cultural and riparian access responsibilities along the Hakao Stream to and from existing points of public access. Coupled with mitigation requirements, that matter may also bear upon Council's level of financial consideration. Again, it's not possible to comment in greater detail on that matter until an application is received.

Nga mihi / Regards...Bryan Norton  
For,  
Peter Watson – Reserves & Facilities Manager  
Western Bay of Plenty District Council

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**From:** Peter Watson <Peter.Watson@westernbay.govt.nz>  
**Sent:** Friday, 11 November 2022 7:48 AM  
**To:** Bryan Norton ([nautiluscontracting@gmail.com](mailto:nautiluscontracting@gmail.com)) <[nautiluscontracting@gmail.com](mailto:nautiluscontracting@gmail.com)>  
**Subject:** Fwd: Reserves consultation - access to planned wetlands/Hakao Stream, Te Puna Business Park

Hi Bryan,  
Can you please have a look at this proposal and provide your comments.

Thanks  
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**From:** Vincent <[vincent@mpad.co.nz](mailto:vincent@mpad.co.nz)>  
**Sent:** Thursday, November 10, 2022 2:21:29 PM  
**To:** Peter Watson <[Peter.Watson@westernbay.govt.nz](mailto:Peter.Watson@westernbay.govt.nz)>  
**Subject:** Reserves consultation - access to planned wetlands/Hakao Stream, Te Puna Business Park

Good afternoon Peter,

Trust this finds you well. We have been instructed by your planning team to consult with you regarding the possibility of providing an esplanade strip or access strip through the property at 297 Te Puna Station Road for the purpose of a public walkway. This being part of a s.92 RFI matter to address. My clients intend to develop the property in general accordance with the Te Puna Business Park structure plan for permitted industrial purposes (inclusive of providing restored wetland at eastern end of the site), have consents currently lodged with Council, and through meetings with Council to date have agreed to spatially provide for the requested walkway. This feature not being strictly required by the Structure Plan.

Please see a draft proposed landscape plan showing the location of a walkway. This plan is preliminary/still in draft form and should not be issued beyond yourself/your team of reserves officers/planners, and only considered for the purposes of this discussion please.

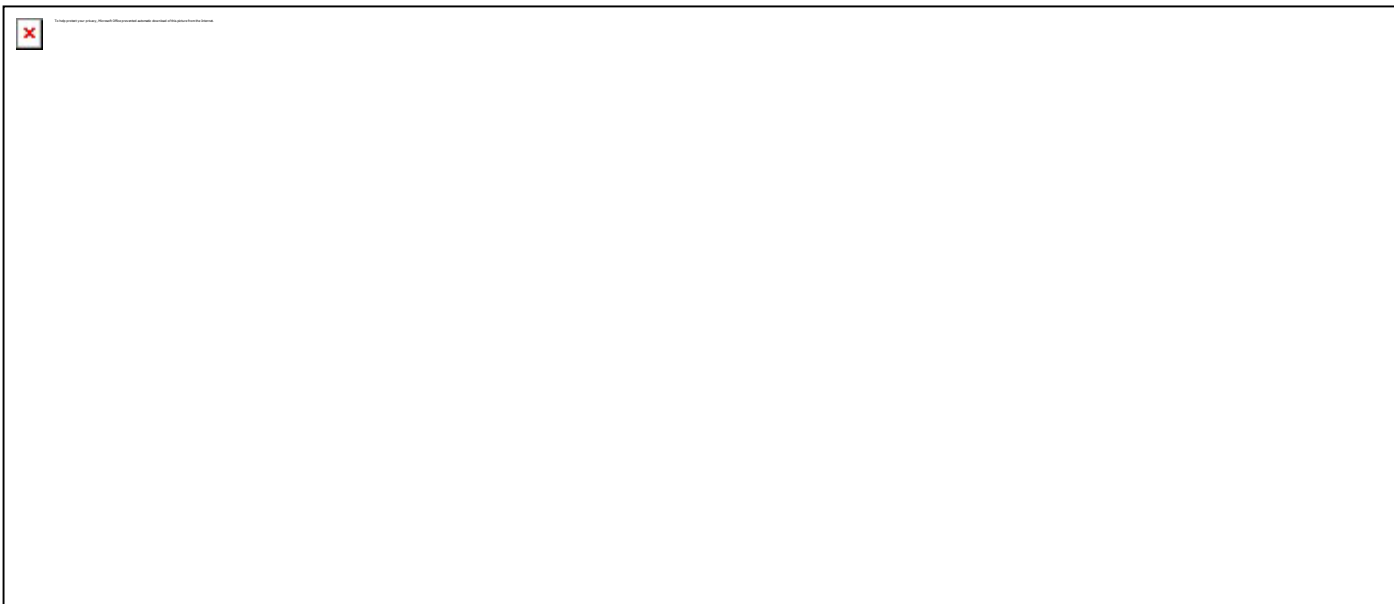
We have no issue providing a pedestrian right of way in-gross to WBOPDC over the walkway so that it functions as a public ROW from Te Puna Station Road. I would propose to do this by way of s.348 of the Local Government Act, as no subdivision is proposed by the landowners at this point in time. Can you please advise of the width of the right of way you would typically request/require, and any other considerations/feedback, on the matter of facilitating access

alongside the planned wetland east of the path and ongoing to the Hakao Stream. I trust this ROW provision would be sufficient for this resource-consent stage of development?

I look forward to hearing from you or one of your team at your earliest possible convenience.

Kind regards

Vincent Murphy  
Senior Planner  
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