

25th January 2023

Heather Perring
Senior Consultant Planner, WBOPDC
Via email: heather@westernbay.govt.nz

Section 92 response information – Enabling development for industrial activities within Te Puna Business Park – 297 Te Puna Station Road

Dear Heather,

Following our correspondence on this matter throughout this year, please find attached the response to information requested pursuant to section 92 of the RMA in your letter dated 10th March 2022 on behalf of my client Te Puna Industrial Limited (TPIL). TPIL is the applicant in respect of enabling industrial development and use of the site at 297 Te Puna Station Road.

Introduction and Important Considerations

In accordance with the directions of the s.92 requests from both WBOPDC and BOPRC, development plans for the development of the entire site, and holistic consideration of effects and performance against the Te Puna Business Park Structure Plan ('the structure plan'), has been completed. This in-lieu of the previously-devised distinct staged approach to development of the site.

Development and use of the site for industrial purposes is governed by the following requirements:

1. Establishment of the site in accordance with the requirements of the Te Puna Business Park Structure Plan. In particular, the spatial, landscape, stormwater management, wetland establishment, and acoustic outcomes specified at Appendix 7, Section 7 of the District Plan – Te Puna Business Park.
2. Restriction of the intensity of the use of the site so as to ensure the collective Te Puna Business Park does not generate more than 2600 vehicle movements per day until the completion of the Takitimu North Link motorway project (currently under construction);
3. Post completion of Takitimu North Link, operation whilst maintaining the required physical elements of the structure plan, and compliance with performance activity standards applying to the Te Puna Business Park on an on-going basis.

The historic Environment Court decision on the plan change and appended Agreed Statement of Facts are relevant to the framework and context of the Structure Plan.

The plans and information provided with this s.92 response therefore focus on demonstrating how the above requirements are met.

In light of the direction of holistic site-wide consideration, the original Assessment of Environment Effects (AEE) dated January 2022 has been updated to address the scope change and any additional effects not previously assessed. Updated text in the AEE has been highlighted yellow for ease of discernability of updates.

The below represents an over-arching s.92 response to the s.92 requests issued by WBOPDC, and should be read in conjunction with the following documents supplied with this letter:

- Revised AEE document, dated January 2023;
- Revised Appendix 7 – District Plan Compliance;
- Te Puna Industrial Limited Civil Engineering s.92 Response Report, prepared by WSP dated 25 January 2023 ('the civil engineering report');
- Te Puna Container Co – 297 Te Puna Station Road – Geotechnical Assessment Report, prepared by WSP dated 2 December 2022 ('the geotechnical report');
- Landscape and Visual Impact Assessment ('the LVIA'), prepared by Momentum Planning and Design dated 23 January 2023.
- Landscape Plan, Planting Palette and Outline Wetland Establishment Plan, prepared by Momentum Planning and Design dated December 2022.
- Outline Landscape Maintenance Plan, prepared by Momentum Planning and Design dated December 2022.
- Operational Noise and Vibration Assessment ('ONVA'), prepared by Earcon Acoustics Limited, reference J005252.OP dated 24 January 2023;
- Construction Noise and Vibration Management Plan ('CNVMP'), prepared by Earcon Acoustics Limited, reference J005252.OP dated 7 December 2022;
- Transportation Assessment Report ('TAR'), prepared by Harrison Transportation, reference 461 TA V2, dated December 2022.
- Interim Written Approval – Waka Kotahi dated 30th November 2022.
- WBOPDC Reserves Correspondence dated 17th November 2022.
- WSP drawings for project 2-9Z729.01 as follows:
 - C200 – Existing Contour Plan;
 - C201 – Finished Contour Plan;
 - C202 – Cut Fill Contour Plan;
 - C300 – Site Layout Plan;
 - C301 – Intersection Layout and Vehicle Turning Paths Plan;
 - C302 – Intersection Layout Plan;
 - C302 – Longsection Road 01 and Typical Sections;
 - C400 – Stormwater Layout Plan;
 - C600 – Water Supply Layout Plan.
- MPAD drawings as follows:

- Landscape Plan (Dwg 001)
- Proposed Site Plan (Dwg 002)
- Workshop Plan (Dwg 003)

Below I respond below to all items within the request, using the same numbers as per the items within the request. Where required, I refer to the relevant parts of the technical expert reports above.

Traffic Generation:

1. Development of the entire site is now proposed as directed by the s.92 requests from both Councils. The only distinction in staging is now prior to, and post, completion of Takitimu North Link (TNL) and the corresponding cessation of the limit of 2600 vehicles per day from the business park applying. This has been adopted as a date of 2027¹.

Traffic counts and surveys have been carried out at the most comparable ContainerCo site, being their Jellicoe Road site in Panmure, Auckland. This data has been incorporated into the traffic generation calculations within the revised Transportation Assessment Report (TAR).

Forecast maximum demand, based on these figures, in respect of the ContainerCo use of the site, and closest-available information in respect of the remainder of the site to be in other industrial use through to 2027, has been completed. The conservative estimate of trips to be generated by industrial activities at the site is 774 movements per day². When considered cumulatively with expected movements from the other two industrial sites making up the business park, total movements are calculated to be 1931 movements/day. This is less than the 2600 vehicles per day permitted to be generated from the Te Puna Business Park in accordance with Rule 12.4.16.2.f(i) of the District Plan.

2. Section 8.1 of the TAR confirms existing traffic generation and distribution from the business park (75% to/from east; 25% to/from west), and peak hours (8:00am-9:00am). Consideration of expected changes to this pattern is detailed at sections 8.2 and 8.4 of the TAR. The analyses in these sections of the TAR demonstrate a potential increase from 155 vehicles per day currently accessing the Business Park, to a maximum calculated potential of 1931 vehicles per day. This is less than the permitted baseline of 2600 vehicles per day prior to the completion of TNL, and therefore the effects of this increase are expressly anticipated by the District Plan upon commencement of operation of the Te Puna Business Park.

It should be noted that all ContainerCo heavy vehicles will be controlled so as to be right-in, left-out, so as to only be accessing the site from the west. This commitment derived from engagement with mana whenua Pirirākau and recognising the importance of the Pukewhanake Pa site and avoiding heavy vehicles passing that site and affecting its integrity. This commitment is achievable given all trucks travelling to and from the ContainerCo operation are strictly controlled.

¹ Based on published information by Waka Kotahi on the expected completion of the project.

² Table 7, TAR

3. The AM and PM peak hours are the same across existing and proposed scenarios, being 8:00am-9:00am as defined at section 8.1 of the TAR.
4. Please see section 7.6 of the revised AEE addressing Rule 12.4.16.2(f)(i) considering revised site-specific and cumulative traffic generation volumes.

Te Puna Station Road Safety:

5. Deficiencies in the quality of Te Puna Station Road were known at the time of the Plan Change being determined by the Environment Court in 2005. This is evidenced at paragraph 7(d) of the ASOF, which stipulated collection of a financial contribution at the time of development to address numerous deficiencies. The proceedings did not stipulate widening of Te Puna Station Road was exactly required, as it did in other locations (intersections).

This is supported by contemporary investigations. Table 2 of the TAR confirms there are currently Average Daily Traffic (ADT) volumes of over 3000 vehicles per day using Te Puna Station Road through the business park sites. As previously explained, only 155 of these are attributable to the current use of the business park properties. Section 9.1 of the TAR then details that roads with an ADT exceeding 3000 vehicles per day should have 3.5m-wide traffic lanes with 1.5m wide sealed shoulders for a total width of 10m. The existing road is only 7.1m wide. Therefore, the applicant agrees with the notion posited by Council that the road needs to be widened. However this is not as mitigation of the development of the business park – this was a known issue requiring addressing in 2005.

The TAR provides full detail at section 9.1, however Council's preferred width of 8.5m wide can be supported on traffic engineering grounds on the basis of a 3m separated pedestrian/cycle path being constructed, in lieu of a 10m total width. The applicant has worked with this design advice from WBOPDC in designing the intersection and front-boundary landscaping.

6. The lack of compliance with the 200m separation distance requirement between entrances into the business park at 297 Te Puna Station Road (TPIL site) and 250/264 Te Puna Station Road (OLP site) is assessed within the TAR at section 10.1. The non-compliance does not occur between the TPIL site and the site at 245 Te Puna Station Road (Daniels' site). The conclusion of TPIL's traffic engineering expert is that the distances between the TPIL and OLP site entrances remains appropriate owing to visibility and slowing/stopping space available. Therefore less than minor and adverse effects in respect of this non-compliance are considered to result. See section 7.6 of the AEE and the TAR for further information..
7. Week long surveys as requested have been completed between 29th March and 6th April, and again between 27th June and 4th June 2022, as detailed in section 5.1 of the TAR. This confirms the 85th percentile speed is 95km/h westbound and 91km/h eastbound.

Te Puna Station Road/SH2 Intersection:

8. Please see Table 12 and section 9.2 of the TAR for evidence of completion of these monitoring requirements and discussion of the implications of the data gathered. This confirms the

intersection is operating adequately as informed by the performance requirements at Rule 12.4.16.2.f.ii of the District Plan – specifically, the storage capacity of right-turning vehicles from SH2 into Te Puna Station Road, and therefore an upgrade is not required. Both limbs of the performance requirements of the intersection under Rule 12.4.16.2.f.ii must be exceeded for an upgrade to be necessary as informed by this rule of the District Plan. This is supported by Waka Kotahi as the infrastructure operator and asset owner of SH2. Please see attached interim written approval confirming this position by Waka Kotahi (addition to **Appendix 9** of the AEE).

Evidence of acceptance by WBOPDC of this interpretation of when an upgrade to the Te Puna Station Road/SH2 intersection would ever be required is detailed within a Memorandum of Agreement between WBOPDC and Te Puna Business Park landowners in the Background at (C) and Attachment 1. This memorandum was dated 21st July 2020.

Other Local Road Network Considerations:

9. The requested assessment of the performance of these local road intersections is provided at sections 9.3-9.5 of the TAR. The intersections are not assessed to be affected in terms of their operation capacities and safety.

Vehicle Access:

10. The entrance intersection design has been revised to exceed compliance with Planning Policy Manual Diagram E (by way of inclusion of right-turn bay), and complies with the Austroads “Guide to Road Design” series which is referred to in the WBOPDC development code. See section 10.3 of the TAR for further explanation by the project traffic engineer. WSP drawing C301 attached to the revised AEE (**Appendix 3**) demonstrates that all required turns including for truck and trailer units can be completed without crossing the centreline of the proposed internal road or Te Puna Station Road (when turning left). Therefore opposing movements occurring at the same time by truck and trailer units would not obstruct each other and therefore would not prolong manoeuvring time on Te Puna Station Road. The operation of the intersection would occur in a manner that exceeds the requirement of the District Plan and the Structure Plan.

The revised design is considered appropriate to ensure the intersection would operate in accordance with the expectations of the District Plan for this planned industrial park.

11. Sight distances have been assessed at section 10.4 of the TAR accounting for measured speeds in the speed survey.
12. The geometric requirements of Diagram E of the Planning Policy Manual can be accommodated within the legal road reserve at the proposed intersection, and are reflected in the proposed plans.

Access Upgrades:

13. The geotechnical conditions for the entire site have been further investigated and considered in the geotechnical report attached as **Appendix 4** to the revised AEE. This reporting considers a

wide range of geotechnical hazards at section 8. A pavement methodology for the accessway and new road has been devised by the geotechnical engineers suitable to the ground and hydrogeological conditions of the site (section 9.3 of the geotechnical report). This is considered to appropriately address this RFI item in terms of geotechnical risks at the proposed accessway, and construction as proposed would not be at risk of subsidence, slumping, slipping or failure due to seismicity (including liquefaction), nor flooding, erosion or any surcharge activity.

14. On 17-21 November 2022, the preliminary designs as prepared by qualified civil engineers WSP, with further commentary from traffic engineer Bruce Harrison, along with geotechnical and hydrological information was provided to Mr McLean as requested. No feedback has been received as at the date of this s.92 response.
15. Please see items 53 and 54 below further addressing this issue.

Internal Roadway, Manoeuvring and Parking:

16. The proposed internal road is intended to be a private road. We note the suggestion that the road should be constructed in accordance with Standard 12.4.4.2. This would require the carriageway to be 11m wide inclusive of on-street parking, and the road reserve to be 20m wide. The latter component is met whilst the carriageway is proposed to be only 8m wide with no on-street parking. This is considered appropriate given the industrial use of the land and ample space for providing expected parking requirements within lease areas. This in turn ensures the road functions safely whilst serving industrial-park traffic without on-street parking creating any obstruction to traffic.

The internal road would be kerbed and completely sealed in accordance with Rule 12.4.4.4.e.iv.

Such a design of a road is 'fit for purpose' for the planned industrial use across the entire site, and is not considered to preclude vesting as a public road in the future should this be sought by Council. It is noted that proposed roads servicing industrial-zoned sites have been approved at widths reduced from those strictly required by Rule 12.4.4.2 based on their PCE volumes (e.g. Ōmokoroa industrial, Washer Road industrial).

17. As stated above, the entire internal road is proposed to be sealed and therefore no dust nuisance or effect has the potential to be generated by this design feature. The on-lease future parking and access areas are planned to be compacted metal. The justification for this is the material is appropriate surface to provide flexibility to potential yard-based industrial activities, being a surface which can be appropriately engineered and compacted to minimise dust generation from regular traffic. Subject to compaction as supervised by the project engineers (which can be secured by conditions of consent) any potential dust nuisance and effects upon the receiving environment, including neighbouring property occupants, is considered to be mitigated so as to be less than minor and acceptable.
18. Please see section 7.6 'Through Road' of the revised AEE addressing this RFI point. Any adverse effects upon traffic times through the business park are considered to be negligible given the private developments occurring on both properties.

Structure Plan Requirements:

Structure Plan – General

19. The design of the site completely complies with the provisions of the Structure Plan rules of the District Plan as they apply within the site. The only non-compliances concern off-site or vesting requirements.

The following non-compliances with Structure Plan rules under Rule 12.4.16 of the District Plan are as follows:

- a. Only completing landscaping requirements on land within the control of TPIL (i.e. not at other Business Park sites). **Justification:** Inability to exercise control over someone else’s land.
- b. Not proposing to vest any part of the site prior to operation of industrial activity (12.4.16.3(a)). **Justification:** Disproportionate and unnecessary delay to commencing industrial use. The environmental/infrastructure requirements that have the potential to vest will be established and operational to Council requirements prior to operation, however vesting is a larger discussion that does not need to impact the timing of industrial use of the site as zoned. Especially considering TPIL were advised by WBOPDC in 2021 that WBOPDC had no interest in having any component of the business park’s environmental features or infrastructure vest and transferred to WBOPDC’s control/ownership. Furthermore, the s.92 under this item makes clear that vestment is not viable unless all works are completed/established and maintained to WBOPDC’s satisfaction, with a three year period referred to in Rule 12.4.16.3. This is understandable however it is TPIL’s view that legal vesting with Council and the process that goes with it does not have to affect commencement of industrial use, so long as the relevant assets are appropriately established prior to commencement of industrial use.
- c. SH2/Te Puna Station Road intersection upgrade not proposed. **Justification:** Not required based on traffic engineering evidence cognisant of advice from Waka Kotahi as SH2 road asset manager.
- d. 200m distance not achieved to OLP site entrance as per Rule 12.4.16.2d. **Justification:** Impractical when considering existing entrance at OLP site which is understood to be used as the end site entrance. Proposed intersection into site is located further east (closer to OLP site) to ensure optimal safety at the entrance is delivered – with right turn bay and improved sightlines to the west. Remaining sight and slowing distances acceptable to traffic engineer.
- e. Through road not proposed to be completed at this time. **Justification:** Security concerns and implications to the quality of the planned wetland within the Structure Plan.

Therefore, to summarise, the proposed development complies with the provisions of the Structure Plan as follows:

- a. Planting and bunding where required of land within and around the site boundary (see MPAD Landscape Plan, Planting Palette and Outline Wetland Establishment

Plan attached). See section 10 of attached LVIA – all landscape and visual amenity rules of the Structure Plan and wider District Plan are considered to be complied with by the proposal.

- b. Construction of stormwater ponds and overland flowpath/wetland (sized in general accordance with that indicated on the structure plan, with additional extent to the north of the OLFP) with a public access path provided (which is not a district plan requirement, but was requested by council and has been included by TPIL);
- c. Provision of three-year outline maintenance plan of above infrastructure and landscaping features;
- d. Earth bunds as required by the structure plan;
- e. Landscaped amenity screening of the 1x building proposed (workshop enclosure, see item 20 below), in accordance with a plan prepared by a qualified landscape architect, again with three-year maintenance provided for.
- f. Ensuring less than 1/3rd of the 2600 vehicle movements per day permitted from the business park are not consumed by the applicant. Therefore traffic generation is proportionate with respect to other landowners and within expressly permitted volumes applying to the business park (prior to completion of TNL).

Buildings

20. The only ‘building’ proposed as part of this application is the workshop enclosure. Screening of the building is considered adequate as per the LVIA assessment (section 10). This ‘building’ is proposed to be located generally as shown on the landscape plan. This will ensure compliance with relevant noise limits at neighbouring industrial sites, as well as at neighbouring Rural-zoned properties.

Staging

21. This RFI item concerns the staging and ‘roll out’ of development, and consistency with the structure plan/District Plan in this regard. There is no strict staging of development proposed, save for ensuring compliance with the 774 vehicle movements/day.

The longest-possible development staging, drawing upon the recommendations of the geotechnical and civil engineering reports, within the scope of this application is as follows:

- Within first 2-3 months:
 - Re-locate roadside drain, establish landscape bunds and all planting as per structure plan and site landscape plan; Form entranceway intersection;
 - Form the 2x stormwater ponds and swale network (to be sediment retention ponds/diversion channels during earthworks and construction periods);
 - Pre-load lease areas in accordance with geotechnical report recommendations (site-general requirements and workshop-specific requirements to be met).
- Maximum 12 months later (as per recommendations of geotechnical report):
 - 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 ponds for permanent storage/treatment purposes.
- Complete any outstanding swale and wetland planting prior to industrial uses commencing.
- These latter five tasks are expected to take up to three months to then enable industrial use to commence.

The initial and pre-load earthworks would proceed as soon as all consents are in place.

Pre-loading may be substituted for a quicker or in-situ stabilisation method subject to engineering advice and detailed-design stage engineering and costings exercises. Should the methodology change from that within the resource-consent geotechnical report, confidence in the integrity of the end landform could be secured by a condition of resource consent regarding the final methodology to be approved by Council, having due regard to the current resource-consent geotechnical report, which has been prepared by a Council-approved Accredited Geo-Professional.

The hectare split between ContainerCo uses and other industrial uses as per the MPAD site plan (attached to AEE, **Appendix 3** Dwg 002) has been the basis of conservative traffic calculations which ensures that the site would contribute a maximum of 774 vehicle movements of the 2600 per day permitted by the District Plan in respect of the Te Puna Business Park.

The other industrial uses will commence as soon as lettable following the completion of the enabling development described above. Priority development would be ContainerCo use as a hire and sales yard, being a yard for the storage, letting and selling and repairing of containers. The site would also be a base for the electric truck fleet that transport containers to and from the site. Pertinently, between the time of commencement of operations, and the completion of TNL, TPIL will control traffic generation to ensure the calculated vehicle movements per day are not exceeded. This can be ensured by conditions of consent requiring monitoring.

The rationale of the staging provisions of the structure plan is not clear, however is presumed to ensure all landscaping outcomes are met as stages come online, and that no one landowner obtains a disproportionate share of the 2600 vehicle movements permitted to be generated each day. The technical departure from this staging requirement of the structure plan would occur whilst the intent of these measures remain satisfied. The proposed staging is therefore considered to be appropriate.

District Plan Rules/Resource Consents:

22. **Subdivision and development:** This RFI item concerns compliance with Rule 12.4.4.2 and 12.4.10. Rule 12.4.4.2 (regarding the provision of an internal road as opposed to a private way) has been assessed in response item 16 above.

Regarding Rule 12.4.10, please see expanded Appendix 7 of the original AEE (attached). No component of this rule is proposed to be contravened. It is noted Rule 12.4.10.8 requires vesting of the stormwater management features – this is not precluded and the applicant is open to this occurring in the future.

23. Council has sought commentary with respect to recreation and leisure, ecology, and stormwater financial contributions.

Financial contributions: Stormwater

Rule 11.6.4 states that development contributions for stormwater shall be charged on a ratio of 1 HEU for each 300m² of developable Industrial land.

There is no stormwater treatment or attenuation facilities or discharge structures available to discharge stormwater to. Rather, these features are planned stormwater infrastructure as per the Te Puna Business Park Structure Plan. The applicant will establish these facilities on site and then vest them in Council as Council assets in due course.

As such no stormwater financial contribution can be charged as the applicant will need to pay for the establishment, consenting and construction of all the stormwater infrastructure.

Financial contributions: Recreation and Leisure

Rule 11.6.5 states that recreation and leisure only applies to dwellings, minor dwellings and accommodation facilities. As none of these facilities are proposed to be established on site no financial contributions are chargeable for the resource consent proposal.

Financial contributions: Ecology

Rule 11.4.3 states that financial contributions for ecological protection shall only apply to dwellings or minor dwellings. As no new dwellings or minor dwellings are proposed to be established on site as part of this application, no financial contributions are chargeable.

24. **Earthworks:** Drawing from the WSP plan set and all engineering reports, the following earthworks volumes are estimated in the absence of completing detailed design which would not be progressed in advance of obtaining resource consents:
- a. Earthworks to level majority of site to +/- 2.5m – 8654m³ of fill.
 - b. 2x stormwater ponds – 3849m³ of cut.
 - c. Swales and localised cutting in forming 2.5m ground level to lease areas, and planned wetland/overland flow path – buffer of 5000m³.
 - d. Bunds as required by Structure Plan to road and southern boundaries – maximum of 2500m³.
 - e. Pre-loading – required to a minimum of 6.5ha of the site. Height to be determined by engineers, however minimum is 300mm of fill. Average anticipated settlement is 800mm³. Using this as a starting point, given the majoring if the 6.5ha needs filling

³ Table 2, WSP geotechnical report.

rather than cutting, a further 52,000m³ of soil may be required to be imported for pre-load purposes.

The above volumes are approximate estimates totally +/- 72000m³. Final volumes to be determined at detailed design phase with engineering advice regarding the re-usability of site-won soils. The effects of these earthworks activities in terms of erosion and sediment control, and stability, are addressed at sections 3.4 and 7.10 of the revised AEE.

25. **Screening:** Rule 4C.5 concerns screening of Discretionary or Non-Complying Activities in the Industrial zone where bordering Rural zones. Screening is provided at all boundaries with a mix of exotics and natives which have been specifically selected for their growth ability in this micro-climate. The selected plants will have a mature height well in excess of 2m so as to maximise screening to neighbouring Rural sites. Whilst the boundary planting may not be 3m laterally, the screening effect intended by this rule will be met. This is precisely in accordance with the expectations of the structure plan.
26. Further clarification provided by ContainerCo has revealed that no resource consent for High Risk Facilities is required. As such, this is not assessed further in the revised AEE.
27. A Site Management Plan is included in the WSP s.92 civil engineering response. Note this only applies to the ContainerCo activities as this is the only confirmed lease/tenant of the site.

Noise:

28. Please see Operational Noise and Vibration Assessment prepared by Earcon Acoustics Ltd addressing these matters.
29. Please see Construction Noise and Vibration Assessment prepared by Earcon Acoustics Ltd addressing these matters.

Landscape:

30. Please see Landscape and Visual Amenity Impact Assessment addressing the matters set out at paragraph 30 of your s92 request. The qualified landscape architect considers that the proposed landscaping complies with all landscape and visual amenity deliverables within the Structure Plan and wider District Plan.

It is noted that any second dwelling at the identified properties whose visual amenity has been assessed requires resource consent. As such, this assessment is considered to adequately consider the receiving environment beyond the site, having considered a comprehensive range of nearby receivers.

This assessment has been undertaken by Landscape Architect Tom Watts of MPAD in accordance with the Te Tangi a Te Manu – Aotearoa New Zealand Landscape Assessment Guidelines, with central regard to the intent of landscaping measures within the Structure Plan.

31. Landscaping measures for the entire site have now been devised as requested. These have been devised to be consistent with the requirements of the Structure Plan as explained in the Landscape Plan, Planting Palette, and Outline Wetland Establishment document attached at **Appendix 15** to the AEE. The requirements of 4C.5.3.2(f)(ii) will be complied with within the TPIL site/along the road boundary as required. Resource consent is sought for a technical departure from the Structure Plan for not completing planting to give effect to the entire Structure Plan on other persons property, as that land is not within the control of the applicant.

The development plans attached at **Appendix 3** to the revised AEE illustrate proposed earthworks across the majority of the site as requested.

The Landscape Plan, Planting Palette, and Outline Wetland Establishment document details all proposed planting across the entire site in detail appropriate to the resource consent stage. It is proposed that 451 trees will be used at the time of planting. This will ensure growth to above 2m within 2 years of planting, as required by 4C.5.3.1.a.ii.

The screening planting at boundaries can be managed and pruned/maintained to have 3m wide canopies and extent as required by 4C.5.3.1.a.ii. The screening effect will be delivered well above 2m in height (upon maturity), with a mix of exotics and natives at all boundaries save for natives-only as required at the front boundary (through Environment Court decision). This is further addressed in the LVIA attached (section 10 in particular), and the mitigation sought by the rules under 4C.5 is considered to be delivered.

32. The completion of the wetland and OLFP as envisioned by the Structure Plan inclusive of Environment Court history is of integral importance to TPIL given the long-term vision for use of the site and desire to deliver on the community and tangata whenua expectations concerning the operation of the Business Park.

More definitive locations of 2x stormwater treatment ponds, and a wetland, combined with details on screening as discussed in this RFI item, are contained in the updated application plans and in the Landscape Plan, Planting Palette, and Outline Wetland Establishment also attached at **Appendix 15**.

Points a-e of paragraph 32 of this RFI are now clearly addressed across the LVIA and Landscape Plan, Planting Palette, and Outline Wetland Establishment document. In brief:

- a. The wetland area has been deliberately naturalised in accordance with best practice. The stormwater ponds will be finessed to be more naturalised in shape, as well as through landscape cover and integration with the wetland, at detailed design stage. Marginal planting in the transition space from ponds to wetland is included.
- b. The wetland design has been established by working in with the landform, Structure Plan and OLFP requirements, to considerably enhance visibility of this feature from the surrounding visual catchment;
- c. Trees will be planted outside of bunded areas around stormwater ponds. Trees will not be planted on the stormwater pond bunds so as to avoid excess water dispersal within the bund to the detriment of its stability.
- d. Planting within and at the edge of the wetland and ponds is shown in the Outline Wetland Establishment document. The proposed wetland is approximately 1ha in size whilst the ponds add 0.58ha in stormwater (treatment) features. The interface between the

wetland/ponds and leasable area is shown red on the Landscape Plan (Dwg 001 attached as **Appendix 3** to the revised AEE).

e. The qualifications are confirmed at section 2.1 of the LVIA.

Regarding point f., consultation with Pirirākau on the detailing of the landscape plan has not yet occurred (higher level consultation towards a partnership agreement is occurring with Pirirākau at present). Through this Pirirākau will have input on the detailed design of wetland landscaping. It should be noted the Outline Wetland Establishment document is deliberately high-level/outline-level, as further expert and stakeholder engagement including that by Pirirākau is intended to be had in finalising a detailed wetland design that generally accords to the design presented.

33. Through-road connection of the proposed internal (private) road is not precluded by the design, however is not specifically proposed at present, for reasons discussed at item 18 above. However landscaping requirements along the internal roadway (tree planting) exceeds the amount visually depicted on the Structure Plan drawing at Appendix 7 of the District Plan. Therefore only positive additional screening and softening effects are considered to result in respect of the proposed road alignment.
34. An Outline Landscape Maintenance Plan has been prepared and is attached to the updated AEE at **Appendix 16**. This details management and maintenance requirements for the proposed landscaping inclusive of wetland area, addressing the points at paragraph 24 of your RFI. Considering the extent of landscaping proposed, and extensive consultation with other experts, stakeholders and nurseries etc still to follow, no further detailed Landscape or Maintenance Plans are considered proportionate or necessary at this resource-consent stage of the development process.

The Landscape Plan, Planting Palette, and Outline Wetland Establishment document details the expected and variations in heights of planting as requested.

Reserves:

35. Consultation has been carried out with Peter Watson and Bryan Norton of WBOPDC Reserves Department. Proof of consultation is attached as an addition to **Appendix 9** of the AEE. This consultation revealed that a 5m wide easement to accommodate a 3m-wide path would be preferred by WBOPDC. This has been provided for within the wetland/stormwater pond area at the eastern margin of the site, however final easement details and approvals are not proposed until detailed design stage is reached and precision of necessary easements, materials of paths etc. agreed by all parties.
36. Please see Landscape Plan, Planting Palette, and Outline Wetland Establishment document addressing this requirement.

NES for Contaminated Soils:

37. Please see attached DSI prepared by Pennan and Co and section 7.7 of the revised AEE. The DSI details that contaminants are not present at the site in concentrations that pose a risk to

human health, and confirms risks to environmental receptors is negligible. Therefore contamination exposure effects are considered to be less than minor and acceptable.

Cultural Effects:

38. An assessment of cultural effects was provided in the original application (dated January 2022) reflective of the engagement with and responses received from Pirirākau and Ngati Taka at that time. This was of imperative importance to achieve and undertake prior to lodging a resource consent application given the importance of mana whenua as kaitiaki. The roadside drains have been considered as tributaries of the Hakao Stream from the projects inception and as detailed in 7.11 of the AEE (was 6.12 of the original AEE).

A partnership agreement is being progressed with mana whenua Pirirākau to secure a long-lasting partnership which reflects the applicants long-lasting intent to base ContainerCo operations at the site, to deliver mutual benefits to both parties. Through this process a revised Cultural Impact Assessment is anticipated to be provided relative to non-compliances and matters directed by the Structure Plan.

Whilst the applicant is in the process of progressing a partnership agreement, an expanded and amended general consideration of effects of cultural interest has been provided at section 7.11 of the AEE.

39. An expanded assessment against the Pirirākau Hapu Management Plan has been provided at section 9.4 of the revised AEE.
40. The requirement for an archaeological authority was addressed at section 6.12 of the original AEE (now section 7.11 of the updated AEE). The advice received by consulting archaeologist Ken Phillips was that the works would not affect any archaeological sites as defined by the Heritage Pouhere Taonga Act 2014 requiring an archaeological authority; notwithstanding that, based on engagement with Heritage New Zealand Pouhere Taonga, one will be sought given the latent potential to uncover archaeological material. This will be sought once detailed earthworks design is complete prior to earthworks commencing.
41. An updated assessment against part 2 of the RMA as it relates to cultural effects is contained in section 10.1 (Section 8 of Part 2 – Treaty of Waitangi) of the updated AEE.

Natural Hazard Risks:

42. The geotechnical report has been updated to account for the container workshop facility being a 'building.' See the geotechnical report prepared by WSP (attached as **Appendix 4** to the updated AEE), section 9.5, detailing necessary building foundations of the container workshop facility. The civil engineering report prepared by WSP confirms water supply via a reticulated network from the existing main within Te Puna Station Road can meet firefighting requirements, thus negating the need for further tanks within the development. This item (firefighting tanks) has therefore been removed from the scope of the application.
43. Static settlement is addressed at section 8.2 of the geotechnical report.

44. Groundwater displacement is not anticipated by WSP. As stated at section 3.1 of the civil engineering report, where altering existing drains, the high water table needs to, and can be, accommodated whilst ensuring appropriate functioning of altered drains.
45. Cutting and filling areas are shown on WSP earthworks plan C202 Rev B. The recommended construction methodology, including pre-loading, compaction and pavement types, specific to the revealed ground conditions, are detailed in sections 9.1-9.3 of the geotechnical report.
46. The specified hazards have been considered at section 8 of the geotechnical report. The risks have been addressed in terms of risks to the development and operation of the site for industrial purposes by way of the recommended construction and geotechnical improvement methodologies at section 9 of the report.

WSP have also considered the potential for empty containers floating away. This analysis (page 44) demonstrates that insufficient floodwater depth would be generated in the 2% AEP / 1 in 50 year storm level, or the 1% AEP / 1 in 100 year storm, to cause this to happen.

Stormwater and Flooding Management:

Drain/waterway alignment and conveyance capacity

47. It is acknowledged that the drain at the NE boundary of the site flows in the opposite direction to that originally thought. The correct drainage pattern of the site and roadside drains is reflected in WSP drawing C400 and the landscaping plan prepared by MPAD, attached at **Appendix 3** of the revised AEE. All water flows from west to east via a swale network to 2x stormwater treatment ponds to then discharge to the overland flow path/wetland to then flow through 245 Te Puna Station Road (in accordance with the Structure Plan). This is proposed to happen independent of the drain on that boundary, therefore capacity analysis of that drain has not been undertaken.

Capacities of existing drains to be retained will not be altered. Full containment of the 1 in 10 year event in the swale and pond network within the site is proposed (see WSP civil engineering report, page 18, **Appendix 5** of revised AEE).

Overland flows/flooding

48. WSP drawing C400 shows the site layout and stormwater layout plan, demonstrating how all water running off from the developed land will drain to the 2x stormwater treatment ponds at the north-eastern and southern site boundaries. The landscape plan then completes the picture showing connection into the planned wetland and flow of treated water through the OLFP on the site and then into the continued OLFP at 245 Te Puna Station Road.
49. Overland flow is directed to the swale network and stormwater treatment ponds prior to final discharge into the planned wetland within the OLFP of the Te Puna Business Park Structure Plan. This has been designed to service and attenuate floodwater and overland runoff up to the 1 in 100 year flood event (1% AEP) in accordance with BOPRC Stormwater Management Guidelines and the advice of BOPRC officers (restricted to 80% of pre-development peak

discharge). Overland flow as modified by proposed fill would be reduced in an extreme event (1 in 100 year event) owing to the attenuation provided in storage ponds and throttling to 80% of pre-development peak discharge. This would drain to the low point (OLFP within the Structure Plan) as expected and anticipated by the Structure Plan).

50. Fill (and cut) locations are shown on the WSP plans attached at **Appendix 3** to the revised AEE. The flooding effects of filling activities is incorporated into the answer at item 52 below.
51. Please see section 3.2.1 of the WSP civil engineering report addressing potential out-of-bank distribution of floodwater within the Hakao Stream. It is concluded that this would not occur owing to keeping fill out of, and clearly providing, a functioning OLFP as required by the Structure Plan.
52. Please see section 7.2 of the revised AEE and 3.2.1 - Areas Affected by Flooding Levels, of the WSP civil engineering report (**Appendix 5** of AEE) detailing distribution, nature and extent of floodwater/ponding displacement effects. A maximum of 22mm of possible additional floodwater would be generated in the existing floodable area as a result of displaced storage capacity by fill. When dispersed across contiguous floodable areas (over 80ha), this effect is greatly reduced owing to the extent of floodable areas north, east and south of the site.

The application is premised on the functioning of the planned overland flowpath within the Te Puna Business Park Structure Plan. This will be constructed by TPIL where within their control, and will improve floodwater relief from the current situation (assuming the property at 245 Te Puna Station Road similarly constructs the overland flowpath as required by the Structure Plan).

Based on the above, the risk of flooding affecting other persons and properties as a result of the proposed development is considered to be less than minor and acceptable based on the expert advice received.

Construction:

53. The WSP civil engineering report confirms the re-located/re-aligned roadside drain works can be completed whilst keeping the existing drainage functions operational (page 18), whilst occurring completely within road-reserve land. This recommendation being cognisant of best-practice erosion and sediment control requirements, and adhering to the BOPRC Erosion and Sediment Control Guidelines. On this basis, any adverse effects during the construction period are able to be suitably mitigated. A Construction Management Plan condition of consent would be appropriate to detail the precise methodology and mitigation of potential effects during the construction period.
54. WSP drawing C302 shows roadside drains of comparable size to the existing being accommodated. The exact method of accommodation of the existing drains whilst constructing the new drains is considered to be appropriate to detail through a condition of consent concerning construction/earthworks methodology. The management of existing culverts within the reach of either drain re-construction can be agreed with WBOPDC through expected engineering drawing approval requirements.

55. Please see section 3.2.1 of the WSP civil engineering report addressing this matter. In summary, the previous DEB approach has been replaced with 2x much larger Sediment Retention Ponds to be active during all earthworks and construction periods. Tailoring to possible smaller storm or weather events will not be needed given the large size of the ponds, which will eventually be re-purposed for permanent stormwater treatment at the end of the earthworks and construction phases.

Stormwater Treatment/Soakage:

56. As per section 3.3 of the WSP civil engineering report, soakage is not proposed.
57. Sections 3.3 of 3.4 of the WSP civil engineering report detail stormwater treatment during earthworks/construction periods and on a permanent/operational basis. The use of stormwater treatment ponds combined with constructed wetlands is considered to deliver the maximum practicable improvement to, and enhancement of, off-site water discharge as expected by the Structure Plan. The numerous mediums (swale network, pond and then wetland) for sediment removal provides a robust means of ensuring no deterioration, rather improvement, in the water quality. Therefore downstream ecological and recreational effects as potentially affected by water quality will be mitigated to as low as practicably possible, and therefore will be less than minor and acceptable.

Water Supply:

58. A more detailed assessment of water supply is provided in the WSP civil engineering report (section 2.5). This confirms a reticulated network meeting potable and firefighting requirements of the Structure Plan is feasible in the opinion of WSP engineers. This is reflected at revised sections 3.6 and 7.1 of the revised AEE.

Other Authorisations:

59. Waka Kotahi has been consulted as requested. Please see attached interim correspondence confirming their rationale regarding upgrades to the Te Puna Station Road/SH2 intersection. This position is subject to the required modelling of the District Plan as per Rule 12.4.16.2.f.ii being completed and the collective thresholds for an upgrade not being exceeded. This is confirmed in the TAR by Harrison Transportation.
60. We will keep WBOPDC updated as to progress on the application with BOPRC.
61. The only other authority to be obtained is an archaeological authority (as noted above). This would not be obtained until after the resource consent process has been completed when there is greater certainty about the development being able to proceed. No approvals under the Wildlife Act 1953 nor concessions under the Conservation Act 1987 are known to be required, nor any other approvals under any other legislation.

Engineering and management plan approvals pursuant to conditions of resource consent are expected. Building consent requirements will be addressed in due course in respect of the

workshop enclosure, again post- resource consent process being completed when there is greater certainty about the development being able to proceed.

Affected Parties/Notification

62. The Assessment of Environmental Effects has been revised, including the notification assessment (at section 8.0). I remain of the view that through the application of the statutory notification tests, the application does not meet the relevant thresholds for public or limited notification. Public/limited notification is not volunteered by the applicant.

Statutory Assessment:

63. A RMA assessment of the existing environment is included in the updated AEE at section 7 – introduction to effects assessment, and section 7.5 – noise and vibration effects assessment (as it may be altered by the exercise of permitted activities or unimplemented consents).
64. The assessment against the NPS-FM within the AEE has been revised. For completeness however, the proposal is considered to be entirely consistent with the outcomes expected for freshwater by the NPS-FM owing to the effort being made to genuinely deliver on the requirements of the structure plan as well as additional environmental benefits beyond what is strictly required.
65. The conclusions reached in respect of my assessment against the limbs of the gateway test at section 104D of the RMA have not changed in revising the application and responding to this s.92 request.

Next steps:

We respectfully consider that all s.92 points have now been proportionately and adequately responded to. Should there be any further clarification required, please do not hesitate to contact me at the earliest possible opportunity.

I look forward to WBOPDC assessment and processing resuming and progressing this consent to completion.

Yours sincerely



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