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10 March 2022

RC13360L – Te Puna Industrial Limited, 297 Te Puna Station Road – Request for Further Information

In order to continue processing the resource consent RC13360L for 297 Te Puna Station Road ('the Site'), Te Puna, the further information detailed below is required. This information is required to better understand the nature of the proposal, the effects the proposal will have on the environment, or the ways in which any adverse effects may be mitigated.

Pursuant to Section 92(1) and (3) of the Resource Management Act 1991 ("RMA") Western Bay of Plenty District Council (WBDC) requests the following information:

Preamble:
The application briefly describes a number of industrial businesses proposed to operate from the Site. In relation to these, we note that should any of these activities trigger the need for a resource consent, these could not be sought or issued until the Structure Plan enabling works have either been completed in accordance with the Structure Plan, or until departures from the Structure Plan requirements have been authorised by resource consent.

However, the nature of the proposed or likely activities on-site is relevant to assessment of the following structure plan 'enabling' and operational requirements that pertain to the Business Park or Site as a whole:

- Property Accessway(s) and internal roading – vehicle movements from and within the Site and whether the existing or proposed access and internal road are fit for purpose for the proposed volume and type of movements.
- Acoustic Bunding and Noise / Vibration – each landowner must consider cumulative noise from their Site as a whole.
- Landscape screening – whilst particular sections of landscape planting may mitigate effects on specific adjacent sites, the required Structure Plan planting also generates an overall landscape character.
- Stormwater – the landowner is ultimately responsible for any stormwater that is discharged from the Site into the drains and/or overland flowpath.
- Site Management and Maintenance – the landowner is ultimately responsible for ensuring that the Site will be managed and maintained to prevent effects on the adjacent and wider environment from dust, sediment tracking, odour, spray-drift,

lighting etc, and to adequately maintain the Site infrastructure and assets (including planting, bunding etc).

Section 1.0 of the AEE states that "*stages 2 and 3 are not subject to this application and will be developed at a later date and any relevant consents sought at that time*". However, 12.4.16.3 includes requirements that stormwater ponds, overland flowpath/wetland, planting and acoustic bunds shall all be established (and vested) prior to any industrial activity commencing on Site. Whilst 12.4.16 provides that "*stage 3 or 4 shall not commence until stages 1 and 2 are complete",* when considering 12.4.16.3, some works in stages 3 and 4 are clearly required up front.

In addition, for Council to assess the effects of any departures from the Structure Plan enabling requirements, such as less landscape planting, a lesser standard of access, a smaller area of wetland etc, the future development of stages 3 and 4 must be considered as part of this application. Regarding some aspects which the application submits the activity will be compliant with, a broader all of Site and forecasted assessment will be relevant to provide Council with an evidential basis for confirming that no other consents are triggered.

TRANSPORTATION

The application includes an assessment of transport effects and a supporting Transportation Assessment Report (TAR), which covers the Site accessway, and estimated traffic generation, amongst other aspects. However, the TAR has not paid adequate attention to road safety, and there are other aspects that have not been adequately assessed.

Traffic Generation

There are two other resource consent applications lodged with Council for Te Puna Business Park, with their own traffic generation estimates. Based on the information submitted, the application for 297 Te Puna Station Road estimates approximately 660 vehicles per day / 1,322 passenger car equivalents (pce). For 250-264 Te Puna Station Road, Council's estimate of traffic generation is at least 66 vpd or 330 pce, however we were not provided with information for the whole Site and have requested that the applicant provide their own corrected estimate by s92 request. We do not yet have any estimates for the other application at 245 Te Puna Station Road.

For now, the applicant's assessment of transport effects and accessway design should assume that the cumulative volume to be generated by the Business Park will significantly increase the amount of traffic on Te Puna Station Road and the surrounding road network, and factor this into assessments of safety.

1. The TER has estimated traffic generation based on yard-based industrial area of 3.354ha. This area appears to equate to leasable areas of Stage 1 of the proposed development only. The methodology used was based upon surveyed traffic

generation from typical industrial activity based on gross floor area of buildings. The TAR notes that there is no specific data available for the proposed yard based industrial activities. In regard to this:

a. Please confirm the likely timing of when Stage 1 would reach peak traffic generation as per the estimate provided.

b. Amend the assessment to estimate trip generation from the anchor tenant, Container Co. depot based on survey(s) of existing Container Co. depots elsewhere in New Zealand including the percentage of heavy vehicles.

c. Provide a forecast of traffic generation (including likely timing of increases) from Stages 3 and 4.

2. Please provide a more detailed assessment of the traffic distribution including during am and pm peaks for the existing demand, and for how this might change once the TNL State Highway is operational in 4-5 years' time. This should also outline the assumptions or basis for the reported 80/20 trip distribution.

3. Section 8.1 of the TAR refers to AM and PM peak hours. Please define when these 'peak hours' occur and if this is at the same time as the peak hours for the reported existing traffic volumes on Te Puna Station Road.

4. Please update the assessment against 12.4.16.2 f.i. to include traffic from the full structure plan area and adjusted in accordance with revised traffic generation estimates as per question 1 above.

Te Puna Station Road Safety

5. Provide an assessment of the safety of Te Puna Station Road as it relates to existing width and ability to safely accommodate heavy vehicles along with cyclists and pedestrians. Such assessment should have regard to the consistency of the application with the Road to Zero Strategy.

   Note: Should the above assessment determine that road widening is required, we note that the existing road-side drains could hinder the ability to do so, however that should not be a reason to accept an unsuitable standard. Council will report back to the Te Puna Business Park landowners in due course on how the issue with the location of the drains may be addressed.

6. Provide an assessment of the proposed location of the Site accessway in relation to existing accessways on Te Puna Station Road (accounting for Rule 12.4.16.2.d.i). Such assessment will need to factor in the activities proposed for the other two Business Park Sites (245 Te Puna Station Road - RC12979L; and 250-264 Te Puna Station Road - RC13338L) including a fully developed Business Park scenario.

7. Provide a week-long speed survey of Te Puna Station Road in the vicinity of the proposed accessway, to identity the 85th percentile speed in each direction.

State Highway 2 / Te Puna Road Intersection

8. Provision 12.4.16.2(f) outlines traffic monitoring requirements, that are intended to determine under subclause ii whether:

"*the capacity of the intersection of State Highway 2 and Te Puna Station Road remains adequate, particularly in so far as the performance of the right turn bay into Te Puna Station Road and the left-hand turn from Te Puna Station Road are concerned*".

No such monitoring has been previously undertaken by any of the landowners within the Business Park. Please provide an assessment (including survey) of this intersection in accordance with all of the assessment matters listed in 12.4.16.2 (f) iii.

As the other two applicant's will be requested to do the same – we recommend that a combined assessment be commissioned and that this also assesses the cumulative effects on the performance and safety of this intersection from the combined proposed Te Puna Business Park activity. Such assessment should provide recommendations on methods to mitigate any identified adverse effects, and include assessment against 12.4.16.2 (f) v, which includes a consultation requirement with Council and Waka Kotahi.

Other Local Road Network Considerations

9. To gain a better understanding of the potential effects on the local transport network, please provide an assessment of the current performance of the following Te Puna Station Road intersections and whether these intersections may be adversely affected by the additional (adjusted) movements to be generated from the Business Park, particularly from heavy vehicles:
   - Teihana Road
   - Clarke Road
   - Te Puna Road

   This will assist Council in understanding where the roading financial contributions required by 12.4.16.2.e. should be best spent. As the other two applicant's will be requested to do the same – we recommend that a combined assessment be commissioned and that this also assesses the cumulative effects on the performance of these intersections from the combined proposed Te Puna Business Park activity.

   Note: Te Puna Road intersection should be assessed as though the upgrades described in 12.4.16.2.b. have already been completed.

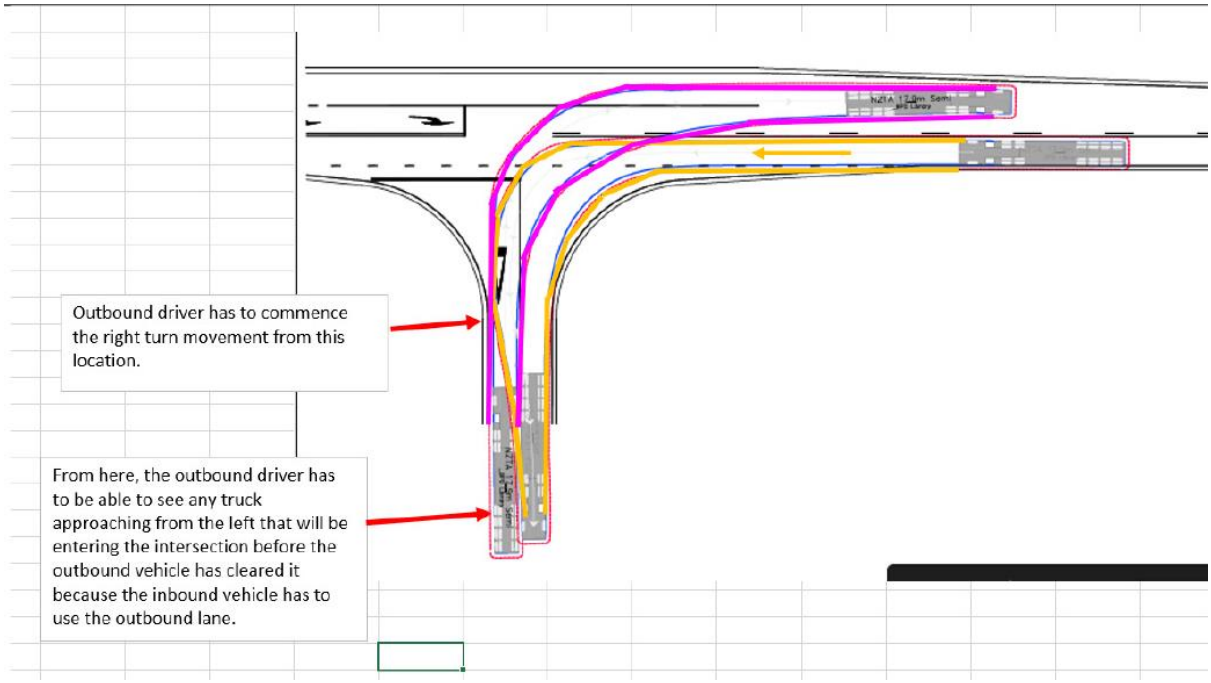
Vehicle Access

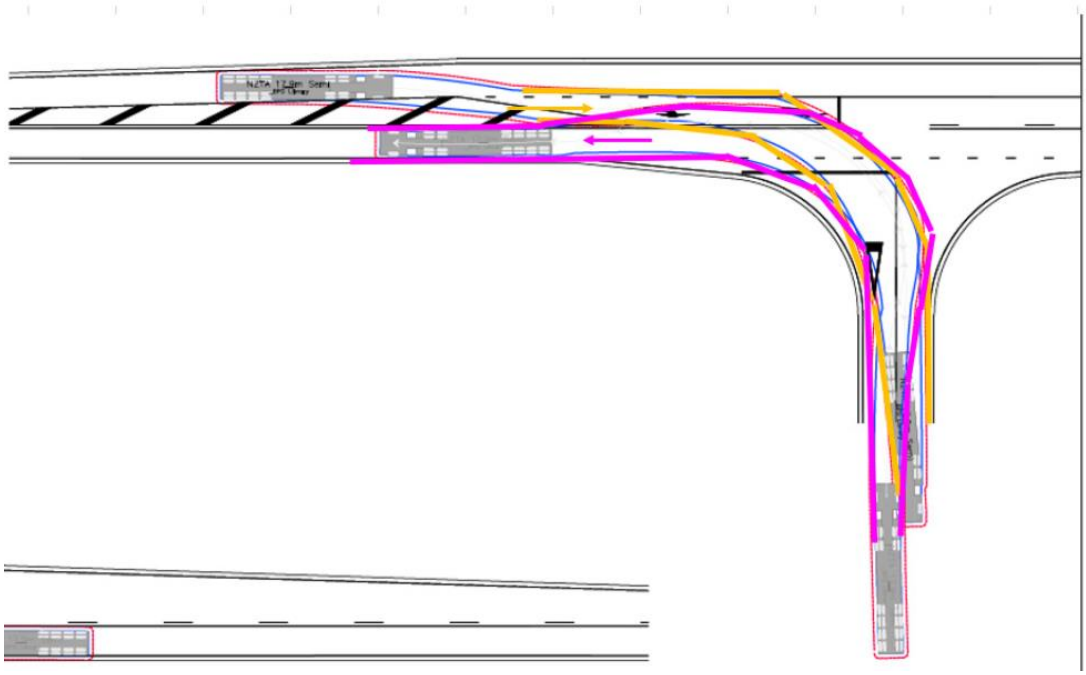
We have determined that the accessway standard required by Rule 12.4.16.2.d.ii, for a Diagram D "Moderate Use Access Standard" from the Transit Planning Policy Manual, in fact

means the equivalent of today's Diagram E standard. The Diagram D standard drawing that was included in the District Plan when it became Operative in June 2012 is the same drawing as today's Diagram E.

Due to the nature of the activities and, in particular, the frequent use by heavy vehicles, the accessways need to be designed to safely cater for heavy vehicles. People using Te Puna Station Road (in both light and heavy vehicles) need to be given sufficient sight distance to avoid collisions with the rear of decelerating trucks, and with turning trucks and cyclists should have space.

The proposed upgrade to the site access is severely deficient for truck movements and associated safe stopping sight distances. The design is fundamentally flawed and is designed to encourage head-on crashes on Te Puna Station Road, within the Road Reserve portion of the intersection and on the private road. It requires difficult manoeuvring and abnormal hold points. The tracking curves for the expected vehicles show full intrusion into oncoming lanes. This means that there is an inbuilt requirement for outbound vehicles to be checking for potential left turn inbound trucks well before reaching the limit line, and similarly, the inbound left turn trucks may end up having to stop mid turn to avoid an outbound vehicle. The following drawings show the outbound track in pink and the inbound track in orange.





10. Please provide revised drawings to address the fundamental flaws. Council does not accept the proposed design. We recommend that the intersection be re-designed to accommodate the tracking curves in accordance with industry best practise. Truck and trailer units must be able to stop where a limit line would normally be and then commence their turn from that point. Inbound and outbound trucks must be able to stay within their lane whilst turning. Due to the width that will be required across the throat, a splitter island (with flag lighting) is recommended to control speeds and angles.

11. Provide updated sight distances assessment, as appropriate to cater for heavy vehicles and adjusted to the surveyed speed if necessary (Safe intersection sight distance, Austroads).

12. As noted above, the Structure Plan provisions require a Planning Policy Manual Diagram D standard, which, at the time the District Plan became operative, was the equivalent of today's Diagram E. If a departure from the required standard is pursued, please provide an assessment of why this is appropriate against the existing and foreseeable future traffic environment (also considering cumulative effects from a fully developed Business Park, and the Road to Zero Strategy).

Access upgrades:

13. For any accessway upgrades, please provide a geotechnical investigation to confirm ground conditions in this area (including the drain) and confirmation the design will not be at risk of subsidence, slumping, slipping or failure as a result of seismic (including liquefaction), flooding, erosion or surcharge activity.

14. For any accessway upgrades, please provide a preliminary engineering design prepared by a suitably qualified civil engineer, and which factors in any

geotechnical and hydrological findings and recommendations. Ahead of submitting any preliminary design as part of this s92 request, the proposed solution must be provided to Council's transportation department for comment, given that the assets would be within the Council Road reserve. Contact Calum McLean: Calum.Mclean@westernbay.govt.nz

15. Please describe the proposed construction of accessway/roading upgrades and assess construction effects.

Internal Roadway, manoeuvring and parking:

16. The Structure Plan for Te Puna Business Park specifies an internal road however it is not clear whether this road is required to be a privateway or to be transferred to Council. We suggest that this road should be designed and constructed in accordance with Standard 12.4.4.2 for Industrial Zone local road and Council's Development Code, so that transfer to Council in the future is not precluded.

17. The application seeks a dispensation from the requirement (21.4.1.g) to seal the internal parking, road access and manoeuvring areas, but provides no justification or assessment of the effect of this non-compliance. Please provide, having regard to potential dust effects in particular.

18. It is not clear whether the intention is for the road to be a through-road to connect with 245 Te Puna Station Road (at a later stage as suggested in the TAR), or whether it would permanently remain as a cul-de-sac. Please confirm. If a through road is not proposed, please assess the effects of this non-compliance with the Structure Plan.

Technical Note:

The ITA refers to RTS 6 'guidelines for visibility at driveways'. This was first published in 1993 and reprinted in 1998 and 2001. The District Plan and Development Code design requirements were based off RTS 6. However, that there has been evolution in the Road Safety guidelines since RTS 6 was written and whilst the fundamentals included in RTS 6 are relevant today, this document should be read in conjunction with the design manuals and Safe System practises that have been published in the 20+ years since RTS 6, and the District Plan was written. Particular attention should be given to current best practise and current development levels in WBOPDC.

Note that the District Plan hierarchy was decided decades ago and has not been revised as the District and Tauranga City has grown and changed. Under the One Network Road Classification, Te Puna Station Road is classified as a Primary Collector between SH 2 and Clarke Road, and an Arterial between Clarke Road and Te Puna Road. The classifications reflect the nature of this road now and acknowledges both the volume and mix of traffic using, and forecast to use, this road.

STRUCTURE PLAN REQUIREMENTS:

Te Puna Business Park Structure Plan provision 12.4.16.3 requires that:

a. *The area of the planted land around the Business Park boundary, the area of land subject to the Te Puna Station Road roadscape planting, and the stormwater ponds and overland flow path/wetland as shown in the Te Puna Business Park Structure Plan shall all be established and vested in Council prior to commencement of any industrial or business activity within the Business Park. The plantings and the stormwater ponds and the overland flow path/wetland shall be maintained for a period of three years with maintenance secured by way of an appropriate legal mechanism to Council's satisfaction.*
b. *Secondary planting shall be provided on boundaries between land parcels in accordance with the Structure Plan. Landscape plans for the Business Park boundary, Te Puna road roadscape, and stormwater ponds and overland flowpath/wetland shall be prepared by a qualified landscape designer and approved by Council. The plan for the overland flowpath/wetland shall be prepared in consultation with Pirirakau.*
c. *Earth bunds or earth bunds with fences shall be constructed along the north-western, southern and north-eastern peripheral Business Park boundaries of the site as illustrated on the Te Puna Business Park Structure Plan prior to any industrial or business activity commencing on the land within the Business Park.*
d. *Except to the extent already provided, additional amenity screen planting shall be provided to the satisfaction of Council for each new building over 100m² gross floor area. To that end, a landscape plan by a qualified landscape designer shall be submitted with the application. The landscape plan shall specifically identify the plant species. The landscape plan shall also include a landscape maintenance programme for three years.*

19. Please clearly outline (both in text and on the plans) what specific departures from these requirements are sought. For example, what internal planting / screening exists and is proposed, or not proposed? Is a wetland proposed, and if so, what size?

    Note: vestment of assets/features is not possible where subdivision is not proposed, other than by Council taking them through the Public Works Act. However, Council will not consider that as a viable option unless or until all of the works are completed / established and maintained to their satisfaction.

20. Please confirm if any buildings will be more than 100m², and if so, include for internal screening as per 12.4.16.3 d, and provide the required landscape maintenance programme.

    Note: the proposed container refurbishment facility, constructed out of stacked shipping containers and with roof added, is classed as a building pursuant to the Building Act.

21. The Site plan submitted show 3 stages to the development of the Site. This is different to the staging shown on the Structure Plan. Please provide more details of the staging (timeframes, why the staging differs, how the development has been / will be rolled out etc).

District Plan Rules/Resource Consents:

The application has not provided a complete assessment against the District Plan. Please provide assessment of the following, and update the Assessment of Environmental Effects accordingly:

22. Chapter 12 Subdivision and Development:
- 12.4.4.2 Proposed Roads – the Structure Plan requires internal **roads**. The application has assessed compliance against the requirements for privateways. Please provide assessment against the required industrial road standards, and update the roading design if necessary.
- 12.4.10 – Structure Plans - Stormwater (as it relates to non-reticulated sites). Please assess whether these requirements have been met.

23. Chapter 11 Financial Contributions for Recreation and Leisure, Ecological, and Stormwater (discharging to a roadside drain). Please also check whether Financial Contributions need to be recalculated if the net developable area changes as a result of responses to these questions. The net developable area will need to be demonstrated on the Site Plan.

24. Chapter 4
- 4A.5 Earthworks (in association with a non-complying activity). We understand that an earthworks consent is also sought from Regional Council, and that a further information request has been issued in that regard. Whilst the landuse application acknowledges the need for an earthworks consent, no details have been provided of the volumes and depths, and timeframes. Please provide, along with any other relevant information prepared in response to Regional Council.
- 4B.4.3 - Access to Rural Roads – the application did provide a brief assessment of this rule, however this will need to be updated following revision of the proposed access intersection.

25. Chapter 4C
- 4C.5 – Screening – please provide a full assessment against the requirements, including any variation in the required overland flowpath/wetland.

26. Chapter 21 – Industrial Activity – resource consent has been sought under rule 21.3.8 High risk facilities for the Container.co facility. A consent granted for this activity would make sense to be issued as a separate consent to the broader Structure Plan

enabling works consent, given that the consent conditions would be more specialised for the specific activity. As such, please provide a more specific activity description and assessment of effects.

This should include details of the proposed treatment required for the paint stripping and spray-painting activity to prevent contaminants entering water and land, and including preliminary engineering plans.

Please also demonstrate on a plan that the proposed container refurbishment building will comply with the maximum height limit of 9m.

27. To ensure ongoing amenity, we recommend that a Site Management Plan be prepared by a qualified environmental professional which outlines methods to manage dust, sediment tracking, lighting, storage of solid waste, any processing of cleanfill material etc, odour, aerosols, and spray drift from industrial activities. This should also cover noise management, and any methods required to maintain stormwater quality. Whilst this can be conditioned, we recommend that a draft SMP is provided as further information, to demonstrate how industrial tenancies will be managed by the landlord to ensure effects on local amenity remain within the scope of permitted and consented effects.

NOISE:

The application asserts that noise will comply with the relevant noise rules. We direct you to the following District Plan provision 4C.1.3.4:

Explanatory note:

Council may require any Discretionary or Non-Complying resource consent application in any zone to provide as part of the resource consent documentation evidence from an appropriately qualified independent person that the proposal shall comply with the District Plan noise levels for the site. Council shall consider the noise insulation methods associated with the use of generators, fans, blowers, refrigeration equipment, forklifts, outdoor loading operations, and any activity that operates between 7.00pm and 7.00am.

The District Plan noise rules pertaining to the Te Puna Business Park do not recognise the noise output from the individually leased areas. The overriding requirement is for noise limits from "**the site**" to comply with the District Plan noise limits. There are three sites in the Business Park with numerous activities operating from each site.

The cumulative noise emissions from each Site will need to be managed. One way of looking at the situation is by thinking of a noise "bucket" where each site has a bucket of noise they are allowed to generate from their site. If they choose to lease their site to multiple activities, this does not mean individual noise buckets are allocated. The District Plan requires cumulative noise levels from each site to be managed such that compliance is achieved.

In relation to this:

28. Please provide an acoustic report prepared by a suitably qualified noise expert, which covers the following:

    - details of the days and hours of operation for the activities occurring on site (individually and collectively).
    - representative (current) background noise readings at the notional boundary for adjacent rural zoned dwellings and consideration of the existing noise environment.
    - details of the daytime noise readings and modelling of the noise levels received from the existing and proposed activities (including noise from traffic associated with the Site, and from the container refurbishment facility) at the notional boundary of adjacent dwelling sites.
    - Any necessary noise mitigation/management measures which will be implemented to ensure compliance with the relevant noise performance standards.

29. Please provide an outline of methods proposed to manage construction noise from any physical works required as part of this application.

LANDSCAPE:

A preliminary review of the application documentation has found that it contains insufficient information to allow the effects associated with the proposed change to the landscaping to be either fully understood, or independently verified through the review process.

While the AEE identified any amenity effects on existing as being "less than minor and acceptable", the analysis is not supported by an independent assessment of landscape and visual effects. The assessment (contained within the AEE) is not identified as following a recognised methodological approach meaning that it can not be easily independently verified through the peer-review process.

A review of the relevant Environment Court decisions relating to the Te Puna Structure Plan suggests that the Court examined the issue of amenity closely and concluded that industrial development could occur within the structure plan area subject to the mitigation provided by the screen planting and wetland/overland flow path planting identified in the structure plan. The purpose of the structure plan is identified as protecting the amenity of the surrounding Rural Zone and seeks to achieve this by requiring screening around the perimeter of the zone and on either side of Te Puna Station Road (except where an open space/wetland corridor is to be retained down the valley). This requirement is embedded

in the various relevant provision of the District Plan, meaning that careful analysis is required if a proposed alternative is to be promoted and accepted.

It is noted that the landscape plan does not contain the same extent of internal (secondary) planting as identified as being required by 4C.5.3.2(f)(iii) of the Operative District Plan. It is unclear how the removal of these features will affect the mitigation potential of the Structure Plan. Consequently, it is unclear how proposed container stacks will affect visual amenity (within the context of the provisions of the district plan and structure plan), and the duration of any effect that might occur (temporary/permanent).

30. Please provide a focused assessment of landscape and visual effects report that addresses the following issues:

    a. The existing landscape and visual characteristics of the site and its surroundings.
    b. The identification of existing landscape and visual amenity values, including an analysis of the existing environment and the permitted baseline.
    c. The effect of the existing activities within the site on the surrounding landscape and visual amenity, focussing on surrounding locations within the Rural Zone and road corridor.
    d. A more detailed analysis of the difference in the effectiveness of the mitigation achieved through the implementation of the Te Puna Structure Plan contrasted against that contained in the proposed landscape plan. This should include an analysis of the difference in the visibility of the site from neighbouring dwellings and properties within the adjacent Rural Zone. This section of the report should also address the amenity provided by the overland flowpath /wetland, and stormwater retention pond at the eastern end of the site, focusing the appropriateness of the design and location and any effects of the proposed container stacks on landscape and visual amenity that may result from their increased visibility.
       Note: as the containers are not classified as buildings, the maximum height limits will not apply. However, effects on landscape and visual amenity must be considered if the activity cannot be adequately screened from adjacent sites (as required by the structure plan).
    e. A detailed analysis of why the internal (secondary) planting identified in the Structure plan is not proposed. If it is identified that the internal planting does not result in any additional screening/mitigation of the site, this should be supported by empirical analysis such as view shed analysis or line of sight cross sections from the road and the neighbouring properties identified in the AEE.
    f. Photographs of the site from identified representative view location points.

    The assessment should be prepared by an experienced landscape architect and should be consistent with the recommendations contained within the *Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines.*

31. It is unclear if the proposed landscape works associated with the future stages (yet to be applied for) will be consistent with the requirements of the Structure Plan or

have a mitigating effect on the Stage 1 development. It is noted that the proposed staging approach is not consistent with the requirements of 4C.5.3.2(f)(ii).

The cross section (Section AA) indicates that the planting along the bund will consist of staggered trees and appropriate shrubs. It is unclear if planting as proposed will achieve the level of screening required by the Structure Plan and the provisions of 4C.5.

Please update the Earthworks & Landscape Plan to show the proposed Stage 2 and Stage 3 landscape works. Please also include a list of proposed species and spacings. This is required to gain an understanding of the extent of compliance with the Structure Plan and determine the effectiveness of the proposal in terms of screening.

32. The Engineering drawings of the proposed stormwater pond indicate that its shape/location is indicative only. The drawings show that the pond/wetland will be contained by an engineered bund. The landscape plans show the stormwater pond/wetland in a slightly different location (further south) and suggest that either 9 or 10 trees (depending on which plan is referenced) will established around the pond (possible on the containment bund). The size, shape and area of the proposed stormwater pond differs from the future ponds shown on the structure plan.

The Environment Court examined the issue of the creation of a wetland and ponds through the centre of the site and the importance of such a feature in terms of landscape amenity, ecological services and culturally to Pirirakau. Wetlands and ponds have been separated within the decision indicating that both are required. In my professional opinion, the role of these features as an integral component of the overall structure plan (along with internal hedges and roads) that separates the three parts of the Structure Plan is clear. It is noted that the Environment Court at para 32 of the interim decision identified that within the 30.5ha Structure Plan area, 26.3ha would be utilised for industrial purposes and the balance used for reserve, wetland, overland flow, ponding and roading.

The Court concluded that the creation and planting of a wetland within the site (structure plan area) was beneficial and outlined several reasons. In paragraph 70 of the interim decision, the Court also states that the central overland flow area is now wetland.

The first part of Section 4C.5.3.2(f)(iv) of the District Plan requires that: Landscape plans for the zone boundary, Te Puna Road roadscape, and stormwater ponds and overland flowpath/wetland shall be prepared by a qualified landscape designer and approved by Council. The qualifications of the landscape designer are not identified in the application. The second part of the clause requires that that: …The

plan for the overland flowpath/wetland shall be prepared in consultation with Pirirakau. It is unknown if this has occurred.

In relation to the above:

a. Please consider forming a more natural looking stormwater/wetland area and advise if marginal planting was considered around the pond.

b. Please advise what efforts will be made to better integrate the stormwater pond/wetland into the surrounding landform in order to enhance the overall landscape and amenity values of the site.

c. Please confirm if it is proposed to plant trees on the containment bund or around the outside of it.

d. Please confirm the extent of wetland planting to occur within or around the pond.

e. Please confirm the qualifications and experience of the landscape designer who prepared the landscape concept plan.

f. Please confirm what consultation has been undertaken with Pirirakau in relation to the overland flowpath / wetland.

33. It is unknown if the stage 1 road will be extended beyond the cul-de-sac in subsequent stages to create a through road as required by the Structure Plan (forming a connection to the proposed road layout within the property to the east). Because the location of the proposed road is different from that contained in the Structure Plan, the amenity outcomes associated with the secondary planting, wetland and tree planting within the overland flow path and the characteristics of the open space corridor identified on the Structure Plan are potentially affected.

Please confirm if the internal road is to be extended (or not) in future stages and, if so, how will it affect the proposed planting patterns and the planting and bunding indicted on the structure plan.

34. Please provide a landscape management plan prepared by a suitably qualified person. The management plan, at minimum, should include:

- A schedule of plant species selected with the climate and local environmental conditions in mind e.g. suited to soil, wind and other local conditions.
- A plan showing areas of planting, and different planting groups to achieve different purposes. For instance, the planting within the overland flowpath/wetland would be wetland suited species with a variety of heights, whereas secondary internal screening planting would be tall species with good screening density. It should also include for any specific swale and/or stormwater pond planting.

- For each planting group/area, include for plant specifications, e.g. planting density, variety, etc.
- Any specific measures required to ensure traffic sightlines remain clear on the internal road and Te Puna Station Road.
- Any more intensive care required during plant establishment phase,
- Ongoing timing/frequency of inspections,
- Include for replacement of dead or dying plants (and disposal), pruning, irrigation (if needed during summer), weed control, mulching, disease and pest control etc.
- Record keeping and Reporting (including any agreed outcomes of the required consultation with Pirirakau).

RESERVES

35. Please consult with the Reserves and Facilities Department to discuss the possibility of providing for an esplanade strip or access strip through the property for a public walkway.

36. Council can advise that they would be open to the overland flowpath/wetland corridor being vested as a stormwater reserve if it is well established. A subdivision to achieve this would be required at a later date. Please provide an overland flowpath/ wetland establishment and management plan that demonstrates how the feature can be designed, constructed and maintained (including planting) to achieve stormwater treatment, hydraulic, and ecological function, along with storage capacity to carry flood events (including spill over from Hakao Stream). We note this could be done in collaboration with the landowner of 245 Te Puna Station Road, given that the overland flowpath/wetland is to be partly on that property also.

NES FOR CONTAMINATED SOILS

We have received the following commentary from Bay of Plenty Regional Council:

"*A property not being recorded on BOPRC's Land Use Register does not mean that an activity and / or industry from the Ministry for the Environment's (MfE) Hazardous Activities and Industries List (HAIL) has not or is not being undertaken on a property. In this circumstance following a review of Section 2.2 and 4.5 of the AEE, and a review of historical aerials of the property via Retrolens, BOPRC disagrees with the conclusion that a HAIL has not taken place at the property (297 Te Puna Station Road) and recommends that the property is a piece of land as described by Regulation 5(7) of the NES:CS. Available historical aerials from 1981 show the property was formerly an orchard that may be covered by category A10 – Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds, in addition to the contractors yard and refuelling facilities that may be covered by category F8 – Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances.*

BOPRC recommends the applicant provides WBOPDC with an assessment of the permitted activity requirements as per Regulation 8(3) or a Detailed Site Investigation to determine the proposal's consent requirements relative to the NES:CS along with the relevant supporting documentation as required."

37. Please assess the activity against the NES-CS regulation. Provide a Detailed Site Investigation if necessary. We also note that the Geotechnical report has detected uncontrolled fill. Please investigate this for potential contaminants.

CULTURAL EFFECTS:

We have received a statement from Pirirakau Incorporated Society outlining the historic cultural context of the Te Puna Station Road area, and emphasising the cultural significance of the area generally, but also of particular local features. Note that Ngati Ranginui Iwi collaborated on the preparation of this statement and have deferred to Pirirakau to represent their interests. An excerpt from this statement is provided below.

"Pirirakau consider that the Te Puna Business Park is central and contiguous with an extremely significant cultural landscape, parts of which are of the upmost significance to not only to Pirirakau, but all Ngati Ranginui Hapu and Ngati Ranginui Iwi as a whole. This includes the adjacent Pukewhanake Pa site to the south.

The western flank of Pukewhanake Pa forms the backdrop to the eastern extend of the Business Park. The Pa Site continues east until it meets the Wairoa River, folks north to meet Station Rd where the true extent was quarried from across the railway line at the Pony Club back to the quarry face scar at what is now the Northern Point of the Pa Site.

The quarried material consisted of a large portion of fortified section of the Pa which was also a burial ground established post early colonization and used as such possibly up until the raupatu of the Land in the 1860s.

The quarry material was used to form the substrate of station Rd and the Wairoa River Bridge abutments. Korero tuturu (historical account) has been offered in many hearings, and no doubt the Environment Court Hearing for the Business Park Plan change, by local Historian and Rangatira, the late Peter Rolleston, and others, as to the event of our Kaumatua having to follow the trucks dumping the quarried material and collect the koiwi (human remains) scattered along the length of the road.

That event of desecration compounded by the cutting of the entire eastern flank of the Pa Site to form Station Rd instilled an intrinsic state of tapu to the road and caused intergenerational grievance to Pirirakau. Pukewhanake has a traditional Waahi tapu status, as the home of the founding eponymous ancestor of Ngati Ranginui, Ranginui himself….

Notwithstanding the Awa Tapu (Wairoa), the Hakao river is most important waterway to Pirirakau in the direct vicinity and integral to the Business Park Proposal.

The Hakao draws its origins from Rangituanehu (the Minden Range) flows down through the Hakao Valley crosses through the Business Park Estate where it has been heavily impacted through generations of farm drainage and re development of the site and the development of Station Rd.

The true Hakao thence meandered the plateau through to the western side of the Wairoa river mouth and through Tahataharoa the burial place of Tutereinga the son of Ranginui. Tahataharoa is the site of more than a decade of Pirirakau resistance to the development of the plateau due to the extreme Tapu nature of the entire area of Tahataharoa from the mouth of the Wairoa until it meets the foot of Pukewhanake.

What are referred to as drains sideling Station Rd, and the interior of the Business Park, are considered tributaries of the Hakao by nature and redevelopment. The Hakao carried the Mauri of Wai Maori (Fresh water) from mountains to the sea (Rangituanehu Ki Tahataharoa).The Hakao and its tributaries in parts are hugely spiritually sacred to Pirirakau."

We have also received commentary from Pirirakau Incorporated Society (Pirirakau), and from hapu group Te Uho O Ngati Taka Trust (Ngati Taka), that they do not consider that formal and meaningful consultation has occurred. Ngati Taka have also emphasised the cultural importance of the area, and is opposed to the Te Puna Business Park resource consent applications.

Both groups request that you engage in formal and meaningful consultation. A copy of Ngati Taka's written statement is attached for your information.

In regard to the above, please provide the following:

38. An assessment of cultural effects. This may take the form of a Cultural Impact Assessment – you should discuss this with mana whenua (Pirirakau).

39. An assessment of the proposal against the Pirirakau Hapu Management Plan 2017 and the Nga Taonga Tuku Iho Pirirakau Environment Plan 2004.

40. Confirmation of whether any earthworks will require an Archaeological Authority.

41. An updated assessment against Part 2 RMA as it relates to cultural effects.

NATURAL HAZARDS RISKS

42. Please update the geotechnical report to account for the container refurbishment facility being classified as a 'building'. Also consider any foundation requirements for any water tanks required for fire fighting supply.

43. The Geotechncial report states that static settlement due to storage of containers is expected on site, and also some settlement of the earth bunds is anticipated.

However, no details of the degree of settlement or rate has been provided. Please update the report to include this information.

44. Is any groundwater displacement associated with loading and filling anticipated? If so, what effect might this have on localised groundwater levels and water levels within the drains?

45. Please provide a plan showing the different areas for filling, compaction, pavement type, as per the recommendations of the geotechnical report.

46. Please provide an assessment of any risks from natural hazards (flooding, earthquake, liquefaction, tsunami etc) to the industrial activities, Site infrastructure and adjacent sites. For instance, what is the risk that a significant flood event could shift containers and other outdoor stored goods (including any hazardous goods and portaloos) into the overland flowpath swales/drains, and or across the road? Can any such risks be managed in the recommended Site Management Plan (as per question 28).

STORMWATER AND FLOODING MANAGEMENT

Preamble

The site is low-lying relative to surrounds, with ground elevation as low as 1.0mRL over some areas. For reference, Mean Sea Level in this location is around -0.1mRL, putting ground level at or about high tide level under present-day conditions. The advice from BoPRC was for an extreme sea level of 4.13mRL (MVD53) which corresponds to about 3.9mRL (NZVD2016). It is clear that much of the site faces coastal inundation to depths in excess of 2 metres or more in an extreme event in the future. It is also clear that, especially under high tide conditions, gravity drainage of the site is likely to be impeded by high backwater levels.

Groundwater level is referenced as being 0.3-0.5m below ground during the month of August, although seasonal and tidal variation in groundwater level has not been stated.

Drain/waterway alignment and conveyance capacity

47. Figure 5-1 in Vitruvius (2022) shows an existing waterway alignment that differs from the layout as shown in the WBoPDC drains survey. It seems that Vitruvius (2022) suggests that the flow direction from the proposed wetland will be northwards towards Te Puna Station Road, yet the WBoPDC drains survey indicates the opposite. Recognising that the drain that runs along the northern side of Te Puna Station Road also services other properties before it discharges to the Wairoa River, it is important to fully understand the effects of the proposed activity on the performance of this drain.

    Please confirm flow directions and drain capacities for the existing case and for what is proposed, and highlight any changes.

Overland Flows/ Flooding

Section 5.2.1 indicates that the loss of flood storage caused by the additional fill will have "…negligible increase in flood level to surrounding properties.". The justification for this is that the area is sufficiently large to disperse the lost flood volume. We agree that, with backwater-induced flooding (which produces the highest flood levels in this area), this would be a fair assessment. However, we have noted that the cut-fill plan shows the majority of fill being placed on the part of the site that is shown to have the greatest flood depths, and includes fill over parts of existing drains. The overland flow direction in this area is likely to cross the south-western boundary of the site and pass northwards to Te Puna Station Road. The proposed placement of fill may affect the distribution of overland flow.

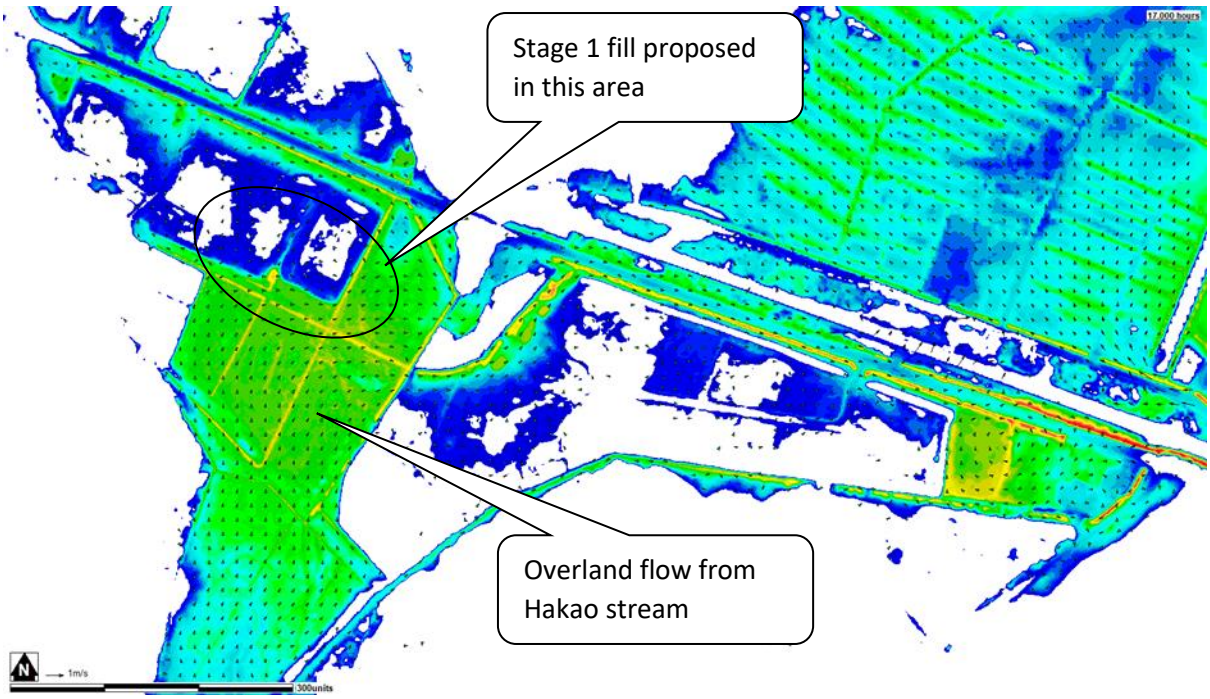
48. Please show how site drainage will be ensured after fill is placed that intercepts existing drainage on site.

49. Please show how the fill proposed for Stage 1 of the development will not affect overland flow in extreme events (when these occur without backwater effect) with the view to ensuring no adverse effect on off-site properties.

50. Please provide an outline of the distribution and effects of fill for future stages of the proposed development. Please note that effects of the fill may not be at their worst under peak flood level conditions. In the image below (question 47), the recession following a flood is shown where velocity vectors are shown to pass through the areas proposed for both fill and for the wetland.

51. WBoPDC flood modelling shows the Hakao Stream being unable to fully contain 100-yr flows, with spillage from the stream to the true left upstream of the subject site. Please indicate how the site development will change this out-of-bank flow distribution so that the effects can be assessed?

52. Please assess the potential for effects on adjacent sites, i.e. from filling induced worsening of flooding or ponding.



Construction

53. Drawing 202 in Vitruvius (2022) indicates relocation of the existing drain on the northern side of Te Puna Station Rd to make room for a right-turn bay for eastbound traffic. Please provide information on how this will be constructed while keeping the existing drain operational.

54. Can the applicant please confirm, using cross sections, that there is sufficient space to form the new drain while maintaining the existing, and provide details of drain dimensions? The WBoPDC drain survey indicates three culverts within this reach. Will these be replaced or moved? How will the drain be excavated? Will this require trees to be cut down for access from the northern side, or will drain construction need to be from the roadside?

55. A note on drawing 202 indicates that a decanting earth bund with 2% AEP storage will be established before every rain event. Please explain what is meant by "every rain event", and indicate how rain events will be predicted with sufficient time to establish such bunds?

Stormwater Treatment/Soakage

56. Please demonstrate that soakage rates on the site are the groundwater table depth are supportive of swales or other soakage devices (if proposed).

57. Please provide an assessment of the effects of the proposed landuse changes on the quality in the surface water receiving environment. This includes assessment of the

required stormwater quality enhancement to be provided by ponds, wetland and/or swales as proposed.

Water Supply:

The AEE and Engineering Services report both identify that the water network outside the property is a 100mm AC pipe and the development code requires a minimum of a 150mm diameter water main.

The property is outside of a fire zone and therefore the existing reticulation may not be designed to deliver fire-fighting requirements as per SNZ PAS 4509:2008.

The report does not confirm the capacity of the existing network, or, if it can deliver the potable water requirements. It states that individual lease holders are to confirm how they wish to provide water storage.

The existing reticulation may need to be upgraded to meet the water supply requirements for the development of the Site, depending on supply capacities.

58. Please provide more detail and assessment for water supply, to address the deficiencies in the application noted above, including how water (for both industrial use and firefighting) can feasibly be provided to each lease area.

Other Authorisations

59. Waka Kotahi NZTA have requested that you consult further with them once you have an updated ITA report ready. Please provide outcomes of this consultation.

60. Please keep us updated on the progress and any issues with the earthworks and stormwater discharge application being processed by the Bay of Plenty Regional Council.

61. Please confirm if any other authorisations are required from any other authority.

Affected parties / Notification

62. Please provide an updated assessment of potentially affected parties and notification steps taking account of any adjustments to the application (that stem from this further information request) and including consideration of the potential effects on the wider environment / community highlighted in this request for further information.

Statutory Assessment

63. Please provide an RMA assessment of the existing environment (which in accordance with relevant case law, may include any consented activities and permitted activities) as part of your AEE.

64. Please provide an updated assessment against the National Policy Statement for Freshwater Management, taking into account any relevant matters raised in this further information request, by Regional Council, or Iwi.

65. Review and revise the Gateway Test assessment if necessary as a result of the questions within this s92 letter.

Please Note:
This information is required to enable the Council to better understand the nature of the activity in respect of which the applications for a resource consent is made, the effect it will have on the environment, or ways which any adverse effects may be mitigated.

In accordance with S92A, within 15 working days of this letter please;
a) provide the information; or
b) confirm in writing to Council that the applicant agrees to provide the information; or
c) confirm in writing to Council that the applicant refuses to provide the information.

Pursuant to section 92A(1) Council must notify any application under section 95(c) where either the information has not been provided or where the applicant has not confirmed or refused to provide the information within 15 working days of this letter.

Council will defer processing of the application at this time, and resume processing when satisfied the requested information has been provided in full.

Heather Perring
Senior Planning Consultant