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Response to Submissions, Further Mitigation Development of 297 Te Puna Station Road – RC13360L (WBOPDC) / RM22-0010 (BOPRC)

Dear Marcia, Heather,

Further to engagement across 2024, I write to formally respond with further mitigation to submission points made during the submission period ending Friday 30th October 2023 in respect of the above resource consent applications. This followed voluntary public notification of the resource consent applications. Further to engagement had with WBOPDC, TPIL also responds with particular mitigation offered in respect of the Te Puna/Te Puna Station Road intersection.

A total of 273 submissions were received, 272 in opposition and one neutral. A total of 50 appear to be strict pro-forma submissions repeating the same submission.

The following breaks down submission points by topic, and details further mitigation offered and confirmed, or otherwise relevant information, responding to the concerns raised in the submissions. The following should be read in conjunction with proposed draft conditions of District and Regional Consents (**Appendix A**) and amended proposed plans (**Appendix B**).

Traffic:

The summary of submissions on traffic grounds raises the following concerns:

- Current Te Puna/Te Puna Station Road intersection inadequate;
- Width of Te Puna Station Road inadequate;
- Concerns for safety of cyclists and pedestrians including children travelling by such modes to Te Puna School;

- General concerns with increased traffic volumes and potential obstruction/delays to emergency vehicles;
- Proximity between business park intersections;
- Increased rate of repairs required;

Response

TPIL confirms/offers the following mitigation or information addressing these concerns. Mitigation can be ensured through conditions of consents, drafts for discussion purposes are attached:

- Permanent upgrade of the Te Puna Road/ Te Puna Station Road intersection to include a right-turn-bay into Te Puna Station Road. The design of which has been undertaken by Harrison Transportation, reviewed by Harries Transportation Engineers, with constructability feasibility confirmed by Harrison Grierson consultants. See relevant documents appended at **Appendix C**.
- Funding/delivery arrangements are being traversed with Council to ensure delivery of this permanent upgrade as soon as possible.
- Existing cycle/pedestrian path along western side of Te Puna Road is re-provided with upgraded intersection.
- All operational heavy vehicle traffic to be controlled to be right-in, left-out only, so no use of Te Puna Station Road past the entrance to the site, along the Wairoa River and Pukewhanake pa site, nor any use of Clarke Road by heavy vehicles. Also to be controlled to be left-only at Te Puna Road, so no heavy vehicles to pass Te Puna School¹.
- Northern boundary landscaping and drainage works have been designed into the site intersection and widening of Te Puna Station Road on approach into the site (complete with median and right-turn bay into the site), to accommodate a signalled (by WBOPDC) cycle/pedestrian path along the southern side of Te Puna Station Road.
- The distance between Structure Plan entrances (132m) has been previously assessed by Mr Harrison to be safe, exceeding stopping requirements, whilst enabling a far safer approach to the entrance to the TPIL site (with the entrance shifting further east away from the dropping curve into Te Puna Station Road from the west).
- Less than 1/3rd of the permitted 2600 vehicle movements emanating from the business park are conservatively estimated to result from the proposed use of the site.
- Considering the advice of Harrison Transportation and Harries Transportation Engineers Ltd, and the proposed upgrades to the Te Puna Road/Te Puna Station Road intersection and Te Puna Station Road on approach into the site in particular, the safety and number of movements are considered to be appropriately provided to service business park, local and emergency vehicle traffic.

¹ ContainerCo have an extremely strong ability to control truck movements to their sites due to penalties and implications to transport operators failing to adhere to company requirements.

- Ongoing rates payable upon completion of the development would contribute to future repairs, as would a share of the targeted roading financial contribution payable prior to industrial operations commencing.

Construction and Earthworks Traffic:

Numerous submissions discuss the potential for adverse effects of earthworks and construction movement traffic, and large amounts of fill to be imported to the site.

Response

TPIL confirms/offers the following mitigation or information addressing these concerns. Mitigation can be ensured through conditions of consents, drafts for discussion purposes are attached:

- Use of land below the house site as a borrow area (see revised plans attached). This has been previously investigated by WSP geotechnical engineers with no concerns raised to the suitability of the material. Given the concern regarding earthworks/construction transport movements, this is expressly noted on revised plans and reflected in recommended consent conditions to certainly reduce reliance on imported fill.
- 10m buffer to parallel boundary of borrow area is maintained and available to ensure Structure Plan landscaping in that location can be delivered.
- An over-arching Earthworks and Construction Traffic Management Plan, expansive in scope, is expressly offered and proposed to be in place governing all earthworks and construction traffic movements incidental to undertaking the development.
- Standard erosion and sediment control practices, to be implemented in accordance with expected conditions of regional consent, would ensure construction/earthworks debris does not track onto the road. Upon completion of the enabling development works, the proposed internal road would be completely sealed and would not present a safety risk to traffic in terms of tracking gravel or debris on to the road network.
- Specific Temporary Traffic Management Plan (TTMP) measures have been devised to be in-place at the intersection of Te Puna Road/Te Puna Station Road until the permanent upgrade is complete, should intervening TTMP measures be required. This has been prepared by expert roading constructors Fulton Hogan (see **Appendix C**).

Stormwater Runoff and Floodwater Management:

Numerous submissions raise concerns about appropriate stormwater infrastructure being in-place prior to works (including construction works) commencing, and floodwater displacement.

Response

Harrison Grierson consultants have been engaged to continue stormwater and general civil engineering assessments in respect of the proposal in place of WSP since mid-2023. Golovin flooding consultants have also been engaged to provide specific flood risk engineering assistance to the project. Collectively these pieces of work across 2023-2024 seek to respond to the key themes of submissions highlighted above, as well as address outstanding Council concerns.

In summary, in response to flooding concerns, the following mitigation is confirmed and offered to be in place, prior to the commencement of industrial activities:

- Constructing a 45m-wide overland flow path and wetland through the site and Tinex land (on an *Augier* basis, as removal of earth is acknowledged as required from third-party land), exceeding the 30m-average width of the Structure Plan OLFP whilst generally conforming to the location of the required OLFP;
- Installation of a third 1600mm stormwater culvert under Teihana Road (as required by historic agreement with WBOPDC);
- Restricting the area of the site to be immediately subject to filling (to accommodate future leaseable/usable industrial land) to 5.24ha in accordance with Golovin investigation findings. This land is to be in places cut down in height, mostly however subject to filling, with finished contour not exceeding RL 3m MVD / RL 2.78m NZVD16; this height being modelled as just above the 100-year floodplain. For comparison, existing ground levels in the same area range from RL2.8-3.0m MVD / RL2.58-2.78m at the western end, to RL1.4-1.6m (MVD / RL1.28-1.48m NZVD16 at the eastern end;
- Proposed internal swale, culvert and pond network/treatment devices; and
- Proprietary treatment device of washdown runoff from within the workshop repair area.

The above measures have been modelled by Golovin in a recent report dated May 2024 (see **Appendix D**). This modelling confirms that in the above scenario, flooding effects to neighbouring land in the 10, 50 and 100-year climate-adjusted storms are reduced (vertical flood depth/duration of flooding reduced) by orders of 23-178mm in comparison to a baseline flooding event that could be reasonably expected to occur at present. The baseline events being the same interval storms, and corresponding flooding effects of the current and consented landform in the business park (unconsented fill at the Tinex property removed), as serviced by the two existing culverts at Teihana Road.

A further 2ha of developable land to the south-east of the site is marked as a Future Development Area, the final formation of which is proposed to be developed pursuant to conditions of regional consent demonstrating that the baseline levels modelled by Golovin are not exceeded.

On-site stormwater management proposed to be immediately implemented has been devised around the flooding patterns, and alleviation requirements, the site is subject to. To confirm, all secured through proposed conditions of consents:

- A large pond to treat runoff from the 5.24ha of the site discussed above, in addition to up to 2.26ha already elevated out of the floodplain hazard area (total of 7.5ha able to be serviced immediately) is included towards the eastern margins of the site.
- The sizing of this pond to reflect correct climate change adjustments has been reviewed by Harrison Grierson, and the possible location of a second pond to the south has been removed given its potential to interfere with floodwater alleviation through the overland flowpath, as raised in concerns by Council flood engineering advisors (see Harrison Grierson memorandum at **Appendix D**).
- This pond, and the internal stormwater network, otherwise retains the design features of the WSP design. The 10-year flood event as it falls on the site will be fully retained by the network of internal swales and main pond. Stormwater flows would be conveyed through swale channels, and the pond throttled to ensure discharge in the 100-year event is no greater than 80% of pre-development flows², in accordance with BOPRC Stormwater Management Guidelines³ and separate Hydrological and Hydraulic Guidelines⁴.

The Golovin modelling report also concludes that proposed development has no meaningful potential to affect or change coastal flooding risks to neighbouring properties, owing to the height of modelled coastal flooding hazard in the area (RL 3.8m MVD / RL3.58m NZVD16, using the climate-adjusted 100-year storm as advised by WBOPDC)⁵.

Stormwater Quality and Ecological Effects:

Numerous submissions raise concerns with downstream ecological/potential pollution effects of the proposal. This includes effects on downstream aquatic flora and fauna within the Hakao Stream/Wairoa River, and to terrestrial/avifauna species.

Ecological expert input has been sought from Henry Whyte of EcoResto, ecological restoration specialist. Mr Whyte's addressing of the above concerns will be addressed more fulsomely in evidence to the commissioner panel, however his findings to-date point to a clear net ecological benefit as a result of the proposal particularly returning the eastern part of the site to a functioning wetland (in addition to stormwater treatment devices).

² See pages 18-19, WSP engineering report.

³ Section 7.1.1

⁴ Section 4.9

⁵ See page 18, Golovin report.

TPIL confirms/offers the following mitigation or information addressing these concerns.

Mitigation is ensured through appended recommended conditions of consents:

- Ponds, wetlands and swales to be formed, graded and planted to maximise sediment removal, as traversed in the WSP engineering report and Outline Wetland Establishment Plan attached to the Landscape and Visual Impact report. This is expected to improve stormwater quality discharged from the site in comparison to the existing, owing to traversing multiple treatment mediums.
- Proprietary treatment device providing primary treatment to separate solids and treat water from the ContainerCo workshop (as per the WSP Site Management Plan applying to ContainerCo activities, appended to the WSP Engineering Report), prior to water from that facility entering the site-wide proposed management network.
- The above have been designed to ensure fit-for-purpose sediment and pollutant removal relative the planned industrial use of the site occurs, so as to deliver the expected improved quality of stormwater discharge off-site to the ecological benefit of the downstream Hakao Stream and Wairoa River.
- A substantial increase in trees and terrestrial vegetation would be delivered alongside the wetland ecosystem to improve terrestrial ecological habitat.

Geotechnical and Groundwater Effects:

Numerous concerns have been raised as to the impacts of compression of filling upon groundwater networks the site interacts with, and impacts to the geotechnical integrity of Te Puna Station Road and other parts of the surrounding landscape.

TPIL confirms/offers the following mitigation or information addressing these concerns.

Mitigation is ensured through appended recommended conditions of consents:

- All earthworks are to adhere to the professional recommendations concerning geotechnical risks as outlined in the WSP Geotechnical Assessment Report (GAR) dated December 2022;
- Following the WSP pre-loading methodology (9.1 of the GAR), a drainage layer typically 300mm in depth of sand is to be placed prior to any pre-loading commencing. This allows groundwater seeping up the soil profile, as compression occurs, to be able to drain as per existing groundwater flow patterns and avoids damming of groundwater.
- In anycase, CMW Geosciences who are providing geotechnical advice for the project have advised that consolidation of soil in this environment is not expected to significantly reduce soil permeability.
- A detailed methodology to construct the entrance and widening of Te Puna Station Road into the site is detailed at section 9.4 of the WSP GAR to provide for geotechnical integrity alongside amendments to the road, cognisant of surface drain constraints either side of Te Puna Station Road and the high groundwater table.

- TPIL has committed to managing all heaving vehicles to avoid a route passing the Wairoa River and the Pukewhanake pa site through previous engagement with Pirirākau to avoid the potential for affecting the geotechnical integrity of these sites of cultural significance.
- Sufficient space is considered available (over 15m) between the proposed pond eastern edge, and boundary drain, to achieve appropriate batter slopes (up to 1:5 for a 1.5m cut bund height), wetland path and functioning of the existing boundary drain. This can be secured by an engineered solution to the eastern pond edge/bund if necessary and determined at detailed design stage.

The above will be addressed in more fulsome detail in evidence to the commissioner panel by CMW Geosciences.

Noise Effects:

Numerous submissions raise concerns with noise to be generated. It is acknowledged that noise from the site will change, however this is assessed to be in a compliant matter with the relevant operative provisions of the District Plan governing noise emissions within the Te Puna Business Park industrial zone.

The only submission that appears to challenge the conclusions of the Earcon Acoustics assessments by way to alternative data to-date is from Alison Cowley, citing non-compliances already recorded from existing industrial use of the site at 250-264 Te Puna Station Road. Ms Cowley has been approached to provide further elaboration on the recorded non-compliances to investigate and corroborate, relate to findings as relevant, however no information has been provided to-date.

Mitigation offered includes a Master Noise Management Plan to cover the entire site, and tenant-specific Noise Management Plans ensuring compliance with the Master Noise Management Plan. As scoped by experts Earcon Acoustics, these are considered to be robust measures to ensure compliance with operative noise levels as estimated in their reporting to-date.

Construction noise and vibration is proposed to be mitigated through a Construction Noise and Vibration Management Plan responding to the specifics of the construction and earthworks methodology once a contractor is appointed.

It should be noted that the proposed operation of the site is recommended to be governed by a live Site Management Plan. This seeks to lock in all proposed mitigation features covering the operation of the business park as proffered in the application, and provides a complaints management and resolution process should any complaints in relations to operations be received.

Landscape and Visual Amenity:

Numerous submissions raise concerns with landscape and visual amenity factors of rural-residential amenity at surrounding properties. In summary, the concerns raised are:

- General effects on existing rural amenity and loss of rural character;
- Visual effects of stacking containers.

The change in landscape and visual amenity referred to in the submissions appears to be a function of permitted zoning and activities enabled at the site. The only known use at this time, the ContainerCo proposed use for storage, repair and leasing/selling of shipping containers, was provided for as a permitted activity under the Environment Court decision⁶, and remains provided for as a permitted activity under the operative District Plan⁷. As such, whilst the change in visual amenity is acknowledged, it is contended that this is an issue with the underlying zoning and not related to a non-compliance of the proposed development (noting landscaping pre-requisites are proposed to be met in-full).

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

It should further be noted that all pre-requisite landscape planting, wetland/OLFP establishment and stormwater management would be established precisely and appropriately as envisioned by the Structure Plan, prior to industrial operations commencing as required by the Structure Plan. This delivering appropriate landscape and visual amenity outcomes as informed and governed by the Structure Plan.

Other Specific Submissions/Matters:

The following comments are made with points made across other submissions received, over and above the responses concerning effects outlined above:

- Financial contributions can only be received from Council if a related development is consented (is governed by conditions of WBOPDC consent);
- Safety concerns raised by Te Puna School have been sought to be addressed with both the school and (in the absence of engagement), with the Ministry of Education.

⁶ Depots, storage and warehousing activities, alongside general industrial activities not requiring an air discharge consent (not applicable) were provided for as permitted activities by the Environment Court decision. Using the operative District Plan definition at that time, 'Depots' means transport, tradesperson or contractor depots and includes land and buildings which are used for the receipt, deliver and transit, and storage of goods and machinery. The ContainerCo operation is assessed to meet this definition.

⁷ The same definition applies to the operative District Plan today.

- The submission of the Katikati-Waihi Beach Ratepayers Association primarily addresses a personal conflict that submitter has had with a development partner, not the merits or effects of the application.
- Both other business park landowners have submitted, one in opposition (opposite site – 250-264 Te Puna Station Road), and one neutral (245 Te Puna Station Road adjoining to east). Both submissions are focused on stormwater/floodwater alleviation. It is noted that the design of the site deliberately provides for drainage from 245 Te Puna Station Road through the north-eastern boundary drain is protected and feasible alongside site development (as required by the Structure Plan), with at least 15m to be available for pond batter slopes. The proposed formation of the overland flowpath through 245 Te Puna Station Road reflects previous engagement agreements with that landowner.
- The occupants of 288B Te Puna Station Road, JMC Civil Construction Ltd, have submitted in opposition based on implications of delivering site entrance/Te Puna Station Road improvements, across their site access. The WSP design has been refined and taper shortened to minimise the potential for conflict. See specific revised plans at **Appendix E**). This has been designed following engagement with JMC representatives and further confirmation as to the status of this submission will be sought to be provided as soon as possible.
- Cultural effects submissions have been received from three parties representing Pirirākau. The applicant TPIL (led by ContainerCo – Ken and Margaret Harris) continue to engage with the chair of the Pirirakau Tribal Authority Incorporated concerning cultural effects and means to mitigate potential cultural effects.

Next steps:

We trust the information above and appended assists WBOPDC and BOPRC officers in closing out assessments and s.42A reporting in advance of the July hearing.

We look forward to further engagement upon review of this information by Officers to offer any assistance with positive resolution of the matters addressed above.

Yours sincerely



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Appendix A – Offered Proposed Conditions, District and Regional Consents

Appendix B – Revised Development Plans

Appendix C – Te Puna Road/Te Puna Station Road Intersection Upgrade Design Documents

Appendix D – Revised Flooding and Stormwater Management Reports (respond to Revised Development Plans)

Appendix E – Te Puna Station Road Widening and Entrance Plans