

## **RM22-0010 – Hearing 9<sup>th</sup> – 12<sup>th</sup> July**

Good afternoon my name is Marcia Christian. I am the section 42A reporting officer for the Bay of Plenty Regional Council. I also have Marlene Bosch, Consents Principal Advisor, and Ms Bronwyn Rhynd, Environmental Engineer from CKL who is available for any specific stormwater and flooding related effects.

I have read the statements of evidence provided since completing my s42A Report and have listened the evidence from the Applicant and Submitters, and would like to make the following comments before answering any questions you may have.

### **Amendments to s42A Report**

- 7.46 of my s42A report should reference the BOPRC Hydraulic and Hydrological Guidelines, rather than the Stormwater Guidelines – specifically section 4.9.

### **Report Clarification**

- Point 7.3 of my s42A report states that at the time of writing, I had only had sufficient time to consider the “intent” of the Applicants proposed conditions. Legal submission by Mr Pilkington stated that in my s42A report that I supported the conditions on cultural mitigation proposed by Mr Murphy. May I clarify please, that point 7.93 of my report also means that my support was with the “intent” of those conditions, should they be acceptable to Pirirākau, and that they may require finessing.

### **Structure Plan and 2005 Environment Court Decision**

- Ms Sarah Rice raised in her submission that I am not intimately familiar with the 2005 Environment Court Decision. I'd like to clarify that I have read the document. As it relates to zoning provisions within the Western Bay of Plenty District Plan, which are now specific Structure Plan provisions for the business park, it is not within the regulatory functions of the Bay of Plenty Regional Council to enforce, but rather sits with the District Council. It is recognised though however, that an Applicant in wanting to exercising activities under the Structure Plan may, as is the case in this instance, trigger resource consents under the Regional Plans also, at which time BOPRC are involved in the process. This has been a joint consent process with the Western Bay of Plenty District Council to ensure that any regional consent will be consistent with requirements under the Structure Plan.

### **Workshop Wash water and Mobile Wash Plant**

- In the statement of evidence from Dr Margaret Harris and her presentation on Tuesday, it was clarified that all wash down water from the workshop area and mobile wash plant are to be captured and removed from site as trade waste. This water will not be treated by a proprietary device and discharging into the stormwater treatment system, as I had previously

understood. I consider this should be reflected in conditions relating to the permanent stormwater discharge.

### **Borrow Area**

- The Applicant's evidence provided by Mr Robert Taylor recommends the final land slope for the borrow area at a slope of 1Vertical (V):2 Horizontal (H). Ms Kate Everett, Contract Engineer to BOPRC has reviewed this information and agrees with Mr Taylor's recommendations, which is more conservative than the WSP Geotech Report<sup>1</sup> of 1V:1.75H.
- I recommend including wording in the earthworks consent (LC.01) limiting the steepness of the slope to Mr Taylor's recommendation and all works in the borrow area should also be under geotechnical oversight.

### **Wetland Planting**

- I omitted that conditions 10.1 and 10.3 LC.01 consent, should be updated to include that the provided information (Wetland Planting Plan and producer statement) be certified by a BOPRC Ecologist.
- Mr Henry Whyte in his evidence on Tuesday, as does the Applicant's Legal Submission recommended updating the wording in the regional LC consent, conditions 10.1(a) and (c) from "construction" of the wetland to "planting" of the wetland. I am comfortable and agree with this proposed wording amendment.
- Mr Whyte detailed that 1.8ha of wetland was to be provided. I consider this should be included in the conditions as a minimum. Although I understand that the OLFP is also to be planted as a wetland if it does not alter stormwater conveyance and flood modelling. So, I recommend that should also be made clear in the consent conditions.
- I note in Mr Murphy's recommended conditions for the WBOPDC consent that the wetland may be vested with WBOPDC at some stage in the future. Given this, I recommend updating condition 7.3 on the permanent stormwater consent (DC.01) to detail that maintenance of the wetland for the duration of the consent, or until vested with WBOPDC.

### **Fill on TPIL Site**

- Mr Grant Overton has raised that unlawful filling has occurred on the Applicants property. In 2005, there was an earthworks consent (62951) authorising earthworks to be undertaken on the site. This was held by the previous landowners – Bax Contractors. In 2013 this consent was surrendered. Any subsequent filling on the site is assumed to have been undertaken in accordance with permitted earthworks rules. Regardless of this, the effects relating to land filling are the displacement of stormwater. The landform as it is on the TPIL site at present have been taken into account in the flood modelling as it was based off LiDAR data. So current

---

<sup>1</sup> Appendix 4 - WSP "Te Puna Container Co 297 Te Puna Station Road, Geotechnical Assessment Report". Prepared by Scott Higginson. Dated 2 December 2022.

landform of the site has been taken into account in the proposed earthworks and stormwater management and flood modelling.

### **Summarise**

- My s42A recommendation to grant consent was based on if the questions around stormwater management and flooding effects were resolved, and if cultural effects could be adequately mitigated. At this point there are still outstanding information that the Applicant has been asked to provide on the stormwater management design and based on the evidence provided by the representatives of Pirirākau at this hearing, further consultation with the governance body regarding appropriate consent conditions is required.