

My name is Mark Keller, of 161 Clarke Rd, Te Puna.

I am a member of Priority Te Puna.

I am speaking on behalf of my wife Dawn, my daughter Grace, and my son Sam and his family. We all oppose this resource consent application in its entirety and have all put in submissions to that effect.

We have read the opening legal submissions to this hearing dated 5th of July 2024. I wish to relate our response to issues as they have been presented in the document and that relate to our submissions.

With regard to 1.6 TPIL understands, with respect, that our opposition to this application is misplaced. With respect, our opposition is NOT misplaced. It is aligned to the vision of the site, as described by the Environment Court in its legally binding decision of 2005. The WBOPDC **diluted** the intent of the Environment Court by rolling the Te Puna Business Park into General Industrial in 2012 without consultation with stakeholders. Council have since agreed that this was a mistaken oversight.

A meeting to discuss the proposed development for an industrial development at 297 Te Puna Station Road was held on the 17th March 2021, prior to the purchase settlement of the property.

The minutes show that the meeting comprised representatives from both WBOPDC and the applicants. When asked by the applicants for confirmation of activity status for container storage, a representative of WBOPDC resource management said, and I quote, "I see a container yard as storage or a depot, which are both permitted activities within the zone."

This statement was made when the proposed application included 200 to 500 truck movements per day, 15,000 containers per hectare, and pre-fab buildings. WBOPDC were aware of this.

Mr Harris of Container Co, later refuted the 15,000 containers per hectare, and claimed it to be an error, but irrespective of changing numbers of containers and their use, it has been made clear by TPIL/Container Co. through their pre-purchase meeting minutes and through conversations with community members that their intentions remain to create an inland container port.

More recently, Margaret Harris, of Container Co, has told a community member directly, that "we will stack containers 7 high at Te Puna Station Road". I refer back to the pre-purchase meeting minutes, where the applicant mentioned that the 9 metre height restriction IS restrictive and they might want to go higher. Thankfully

WBOPDC told the applicant this might be an issue as the height has been agreed during the Environment Court hearings when the zone was established.

With regard to 1.7 They claim their project is essential to support the regions exporters. That would mean the regions exporters are NOT currently being supported. Where is the evidence that this is the case?

At 2.2 They state they own, refurbish, and process large volumes of container stock. How many of these are destined for Te Puna? And what are “large numbers”?

They say they will hold only a small number of containers on site. What number is small? Is it 10? 100? 1000? This is a company that handles, presumably, hundreds of thousands of containers a year, so what number is “small” in their eyes?

They state “**No air discharges**” Dust is a discharge. Dust from disturbed ground is a discharge. Council appears to have agreed that TPIL don’t need to seal the ground. Without a sealed surface leakages from a myriad of sources including spilt fuel, leaks from hydraulic equipment, container washouts etc, will work their way down through ground water, eventually to the water table. A lot of these contaminants will also be in the dust that is blown from the machine-disturbed ground. A common misconception is that trees will stop the drift of dust. The fact is trees don’t stop the drift of dust any more than they stop the drift of smoke.

They state “**No continuous loud noise**” This is cleverly worded as it conveniently bypasses non-continuous noise, e.g. loud sudden shock noise from steel-on-steel as containers are unloaded and stacked, roar of large engines when they accelerate for power, the piercing beep, beep, beep of reversing alarms, the activation of exhaust breaks on large trucks etc. These are invasive noises that do not blend into background noise. They are highly jarring and intrusive.

I would compare this with the noise of passing trains. The human brain CAN cope with the noise of trains passing because the listener hears the train at a very low level, it gets louder as it passes, and then fades away. This becomes acceptable to the point where people barely register their passing. Loud bangs, or beeps, tailgate crashing, steel-on-steel contact, trucks hitting ruts in the road. All these sounds are unannounced, and the human brain can never get used to them. The outcome for me is irritability and anger. And the anger grows, it doesn’t diminish.

The whole site is like an amphitheatre. Sound travels much further than is being postulated in this application. I can assure you, that whatever the experts claim

with their charts of higher ground and lower ground, the noise is of equal intensity where we live 30 metres away from a low bund wall bounding the Tinex Site, to our son's house 150 metres away, and 20 metres higher than us.

Lighting. Lighting comprises more than just flood lighting. There are flashing lights of yard vehicles while they are operating, vehicle headlights acting like search-lights. There is no factual description of how much site lighting there will be and when it will be operating.

They say there are no negative effects as associated with heavier industrial activity. This is totally distorted from the truth. A container park creates more noise and light impact than most of the other heavy industries at Mount Maunganui, except perhaps the loading and unloading of containers on and off ships. I base this claim on my 45 year career in the NZ Fire Service, based in Tauranga and Mt. Maunganui. In my role as a Senior Station Officer, in charge of emergency response to high risk sites, I had many visits and emergency calls to all the heavy industries, mostly located in Mt. Maunganui.

At 2.4(f) **Construction of an internal sealed and curbed cul-de-sac within the site itself.** Presumably this gives one the impression that they are committed to sealing the site after all. This could be construed as window-dressing.

At 2.5 They claim the activities are in fact permitted under the Structure Plan. However, we consider this ignores the intent of the Environment Court ruling.

At 3.2 For non-complying activities, they say the projects effects will be no more than minor. We disagree. The effects will be significantly adverse. They say the project is not contrary to the objectives and policies of the District plan. We disagree. The objectives are NOT in line with the Environment Court ruling.

At 3.4 It is pleasing to note, here, that TPIL agree that the land use consents have non-complying status.

At 3.5 We are told that when evaluating whether there will be "no more than minor" adverse effects, it requires a holistic assessment over the entire application,

and not **individual effects**. They have used the example of Visual Amenity, but let's use the example of an excessive amount of Noise. In this case the excessive Noise can be devalued by having an even less than minor Visual Amenity. Overall, the site would then be no more than minor.

This is a clever move by the authors of this legal submission, to distract us from the consistent referral in this whole document that **all** adverse effects will be no more than minor.

We can all obviously go home, rest assured that everything will be no more than minor.

At 4.41(b) We are told that Container Co. are being pressured to remove themselves from the Port. Have they shown proof of that? Surely if they are using this as an argument to move to a Te Puna location, then they need to show the Commissioners that this **really** is the case.

At 4.41(c) The applicants say that they have repeatedly stressed that the project is anticipated under the District Plan. Who, apart from Container Co and TPIL anticipates this plan? They infer that these activities may not be permitted or anticipated elsewhere.

Perhaps because they know that such an offensive intrusion into communities isn't wanted.

At 4.41(d) TPIL claims it does not own any alternative land. But we are led to believe that Container Co does, and that it owns land at Rangiuru Business Park.

They say they have to buy land on the open market, subject to price and availability.

I hate to break it to TPIL and Container Co, but **everyone** is faced with having to buy on the open market, subject to price and availability.

At 4.41(e) They state that the fact that some submitters are opposed to the Site's zoning under the District Plan is **irrelevant**.

We, the objectors to this whole proposal, just love being told that we are irrelevant.

This is a point where I would like to add a response to the statement made by Mr Harris of Container Co and TPIL, where he stated to Sun Live media, that “they are the solution, not the problem”. I would contend that he and his companies are the problem, and that he could find a solution quite easily by moving to Rangiuru Business Park, for example.

I had no intention of talking about all the roading issues, but after hearing the presentation on the dangers to cyclists on these local roads, I would like to share with you some of my experience as a Senior Station Officer in NZ Fire and Emergency, that most people don't realise. _____

In conclusion, why would our family trust any future land holder in the Te Puna Business Park to be up front and honest and compliant with conditions imposed, when our experience has been quite the opposite, wherein for 19 years, all the owners and all the tenants of the Te Puna Business Park, made NO ATTEMPTS to meet the requirements of the Environment Court's ruling.

We do not believe that Container Co and TPIL have any intention of being **less than minor** in the effects of their operations. They **know** the negative effects of residents will be major, but this doesn't fit their narrative.

We believe that Container Co and TPIL have plans to store containers in stacks of 7 or more high, not 3 containers as intimated. They are cleverly using the 9 metre maximum building height, which includes building WITH containers, to insinuate that that will be the maximum height of containers stored. It won't.

We also believe that if they are granted this consent to fill land, and then operate their businesses on it, that they will very quickly move to acquire the remaining land area of the Te Puna Business Park from the current owners, and nothing will stop them from expanding their operation over the entire Business Park.

Finally, I would like to hope that you got some sense of how bad it has been, personally, for us in reading the submissions from our family. I would suggest that having a non-consented demolition concrete crushing operation, located 30 metres from our house, with the associated vibration, noise, dust etc... gives us great insight into just how bad these negative effects are. I can assure you, they are far greater than “no more than minor”.

I cannot emphasise enough how distressing and depressing this 20 year saga has been.