Highlighted in Yellow are the parts I skipped over and are highlighted as requested

Drew Cowley's Speaking Notes for Hearing - **Te Puna Industrial Limited – Resource Consent Application Numbers RM22-0010 (BOPRC) and RC13360L (WBOPDC)**

I will be reading from my notes as this is a very stressful issue for me and my family which will become relevant as I read on.

In order to participate in this process, a massive amount of un-resourced time has been required, this has led to my wife not being able to take on full time work and has resulted in me losing my job. We need an end to developers trying to shoe horn their non-conforming activities in our community. I am very impressed in how the community has come together on this issue.

As a person/landowner who has been, will and is affected by the development of the Te Puna Rural Business Park I am astounded by some of the detail lacking from this application and comments made by our Councils in making their recommendations.

I will not simply repeat my submission though many of these still have not been addressed by additional information provided by the applicant and are taken as still issues to be considered particularly around bunding, moving drains, and noise mitigation.

I would like to say we, the community, do not have the resources that the applicant has, to be able to hire expert witnesses to support their position, we are part of the community, we live here, our families, our homes our safe places. This activity which is proposed to run 24/7 will infringe on our rights to the quiet and peaceful possession and enjoyment of the places we live.

The community has been battling this issue since the early 2000's, and were made promises through the courts in 2005. The community accepted these though they would have preferred it be turned down, however respected the court's ruling. Though not being part of that original group, we were comforted the ruling was to ensure any development on these properties was integrated and would ensure the protection of the Environment, Cultural History, Community, and properties affected.

When we did purchase in 2015, we did our due diligence and were given comfort by the fact there was a court ruling that clearly defined what was allowed, what was not and what protections needed to be in place prior to any commercial development and all adverse effects had to me mitigated. This was a contributing factor in our decision to buy, as this Rural Business Park would enhance and service the rural community.

Some keys points of that ruling were:

- Cultural Protection
- Roading Upgrades
- Stormwater Protection
- Noice Protection
- Visual Protection
- Plantings
- Bunds
- Setbacks from Water ways, pond, and boundaries.

All of these PRIOR to any commercial activity on the site as well as

- Reflectivity
- Types of Business
- Lighting Restrictions
- Operational restrictions

It was mentioned that one key reason for wanting to develop in this area was the price of the land, it was cheap, why? I think we have identified why; it is simply not suitable.

All which appear say this type of business should not happen.

So, image our concern, dismay, frustration, and stress that soon after we shifted in (2015) that the explosion of unconsent commercial activity started to occur in the business park. Complaints to both councils seemed to fall on deaf airs, with each council saying this was the other council's responsibility.

Ultimately this led to court action in 2023 (yes 8 years of battling) to get abatement notices enforced on one of the owner's reference Decision No. [2023] NZEnvC 254.

Meanwhile a second party continues unabated in this Business Park to operate Commercial Enterprise without the required integrated mitigating factors being in place.

You may at this point be asking why I am bringing this up, as these are not the sites of this hearing. I am bringing it up as all parties have acknowledge the original Environment Court Decision No. A 016/2005, however seem by lack of understanding of this ruling, deliberately or simply not made themselves fully familiar with the document as per the submission by BOPRC. This crucial point made by Judge Smith:

Point [27] Notwithstanding that the properties are in separate ownership, it is intended that they be developed and managed in accordance with an integrated structure plan (Annexure A). This plan includes external planting, bunds, limited specified road access points and a ponding and overland flow path bisecting the southern portion of the area.

This also goes to the applicant using the current noise environment in the area as a baseline, current activities should not exist so the baseline is wrong. The only consented business in the park is a pack house, which is not being used as a pack house, it is being used for commercial blasting/fabrication.

I do note that the applicant has indicated parts of the neighbouring property are to be developed as part of this application, however noted he does not have permission from this landowner, has not considered what is needed at 250 Te Puna Station Road (Northern Property that makes part of this Business Park).

Highlighting on the point of stormwater, if the applicant was to be able to make these upgrades including on the neighbouring property at 245, how does the water get out given the required new drain at the front of 245 is not in place, the bund at 245 was built not according to the court ruling and is in the wrong place. The moving of this drain for both properties 297 and 245 is as per the Statement of agreed fact in the court ruling of 2005 and to be carried out prior to any commercial development.

In their latest submission document Appendix 5 - Flooding Memorandum BOPRC s92 to say the catchment/floodable plan does not affect them is beyond belief. They are part of the flood plan like many of the properties in the valley and recent floods have shown them as much underwater if not

more than other properties. So, to say all the water goes down the Hakao stream/watercourse is nonsense, saying the water from this site can go back up the valley along the paper road and into the Hakao Stream is unbelievable.

Refer Western Bay of Plenty District Councils own MAPI Natural Hazards website, this property is clearly shown as being both in the Floodable area and Small /Rural Settlement Floodable areas, in fact they overlap. In one statement to say our property is higher than this proposed development property whilst insisting they are not in the flood plain and we are goes against all logic.

This stream/watercourse that they are relying on to take the all the water from this 600 Ha+ catchment, is blocked and filled with silt (due to past illegal activity at the Business Park), there is no way it could deal with water from even recent events, which are not even considered 100 yr ARI critical duration events, hence the flood plain that includes the Business Park.

Any plan must be an integrated plan and deal with the reinstatement/repair/restorations to the Hakao Stream/Watercourse, which has been damaged due to the already illegal activity and causes much of the flooding. This waterway is currently sitting 1.2 to 1.4 metres higher than it should due to blockages, slowing the water, flooding of land causing topsoil to be eroded thus silt build up for hundreds of metres upstream. This is damage caused by the owners of the Business Park and should be fixed by them in any plan for stormwater. This watercourse is an important part of the ecology and habitat to several at risk/declining or threaten species.

As evident from the eDNA testing. Submitted as evidence by Alison Cowley for Priority Te Puna

Long Finned Eel (Anguilla Dieffenbachii) - at Risk/declining
Giant Bully (Gobiomorphus Gobioides) - at Risk/declining
Giant Kokopu (Galaxias Argenteus) - at Risk/declining
Fresh Water Mussel (Echyridella) - at Risk/declining
The Brown or Grey Teal bird living in and around the Hakao stream that is Threaten

Even if the integrated plan is developed, which it needs to be, it needs to include the restoration of the Hakao Stream/Watercourse, still the activity itself still does not fit with the intent when the Te Puna Rural Business Park was created by the Environment Court Ruling of 2005.

These comments/assumption/omissions by the applicant, that they are not in the floodable area astounds me, though I see as recently today they now show they are, so how reliable can this data be? There is no agreement to move the drain and bund at 245, and no plan for the restoration of Hakao waterway. This submission must be opposed as it is so incomplete.

For us the stormwater impact from the illegal operations and filling has caused flooding resulting in the loss of over 35 well established 5-6 metre low land trees (planted to mitigate the noise and visual impact of the illegal activities, trees we should not have had to plant as bunding and screening was supposed to happen by the developers prior to any activity), loss of grazing, loss of family time.

In their submission how can the road be widened as required if this drain and bund are not moved in front of the 245? With respect to this road widening, the applicants' advisors have stated the council plans to widen Te Puna Station Road. This is incorrect, the council is not going to widen this road, there is no mention even in the latest Long-Term Plan that is out for submission which indicates there are no plans for 10 years.

I see the applicants traffic expert implies there are few cyclists, where is the evidence of this, we see many many cyclists including myself and family who use both Te Puna Road and Te Puna Station Road as they form part of the cycle-ways out here connecting Omokora and Tauranga and soon further out.

There is even signage that directs cyclist down Te Puna Station Road. However, with the illegal activity taking place and the traffic generated you take your life in your hands using these roads during the week. It is better in weekends as these current illegal activities do not operate during weekends or if so rarely. This applicant proposes to operate every day of the week. From the application I would like to know if they propose to use the area for cross docking, as it hints towards this, bring in full reefers have them plugged in and then unload them there to customers. If this is the case this is just more traffic.

I see in the applicants filing also highlighted by the WBOPDC RC13360L District Council Planning Officer s42A that traffic from this Container Development will be 288, how many of these are trucks, as Trucks have higher impact on our roads. A standard truck equals 6 passenger cars and a truck and trailer equals 10, so what is this number in PCE's as the number in the Court Ruling was about PCE's?

When the Te Puna Rural Business Park was created and the number of 2600 Passenger car equivalent was put in place, Omokora population was around 2,000, now that population is estimated by the Council at over 5300 a 165% increase. As we know this has added huge stress to our roads particularly SH2. With the new High School now being put on hold all secondary school children still require transport to Tauranga Schools thus there is no foreseeable easing in this traffic at all.

In the Lizard News June 2023, Regional Manager Rob Campbell from Waka Kotahi NZ Transport Agency is quoted saying "The main cause of the current congestion appears to be the sheer volume of traffic. There has been an increase of 6000 vehicles per day in the last ten years" Only over the last 10 years! This number of 2600 was calculated 20 years ago and according to this our roads are already over their safe capacity.

Gary Allis the Council's, Deputy Chief Executive / General Manager – Infrastructure, is quoted in the BOP Times 30 May 2023 saying "The fundamental issue is that the road is being used beyond its capacity.

Therefore, I argue that the limit referred to not useable or sustainable, and the 2600 PCE is out of date as this was set in 2004/5 and our roads cannot accept more traffic period. Therefore, it is not Minor and is in fact a Major impact on the community and surrounding communities.

Again, there is this indication monitoring will take place, who will monitor and enforce, the council does not have the resources?

My question is why are we, the community having to fight for what was promised, this has been going on for over 20 years.

My family and I have been impacted personally now for close to 9 years, the cost has been noise from the existing illegal activities all complaints recorded either by calling the council noise line or through the Antenno App. I note the applicants noise expert has said "The highest relative increases from current noise levels," again I say these activities are not supposed to here and are illegal. There should be no noise and that is the baseline. The staggered arrangement of acoustic mounds are still missing from any update in the overland flowpath, again highlighting this application is far from

complete. All points the council should have noted the application was short on and therefore should never be giving provisional approval to.

With respect to the noise, the applicant states "*Up to 100 containers will be kept on power, being refrigerated containers ('reefers') ready to lease to the market as demanded*." They also state in their submission that these make *61 dB of noise W/Tonal Correction – Included in modelling*, can you image what 100 of these will do? We can hear the people talking on 250 Te Puna Station road, another property in the Business Park which is actually further away then this property. These will be running 24/7! If you "simply google what happens to nosie as it moves up a valley this is what you get:

"*The sound waves will be 'funneled' and therefore concentrated and intensified when in a valley and will be deflected upwards when they encounter the valley slopes."*

And

Our valley is a great ampitheatre as noted we can here people talking on the property further away from us in the business park, these 100 refridgeration units will reverberate up the valley and are proposed to be on 24/7. This should not be allowed.

I understand that 100 reefers is an estimate in the modelling, if this prove too loud, they will reduce until they reach there incorrect assumptiions on noise allowed at the boudary. Meanwhile we and our neigbours have to have sleepless nights or disturb amenity while they trial less. What happens if they cannot meet the limit until they get to say 20 or none at all, how long are we expected to put up with this?

Yes, they proposed a line of containers to buffer noise, but to what height as they will likily stack the reefer units 3 high or 7.77 metres (standard container is 2.59 metres) due to 9 metre restriction in this area or does this not apply to containers? Either way this could mean the top units will be above this sound wall pushing the noise over the barrier up the valley 24/7. Will the noise container buffer be painted nutural rural tones and have their reflectivity checks? However you look at it, we could have containers stacked above this height retriction making the container wall ineffective.

If the wall is permanent surely the height restriction applies, but again will this apply to the inventory containers? Containers are considered buildings from a displacement perspective eg for stormwater etc, so the height restricting should apply to them, or are we going to see containers (of mulitply not muted rural colours) stacked 7 high or 18+ metres with minor variations in the future? Where does the horticultural fence fit into this as well. We see a number of gaps in the application.

I do see in the WBOPDC s42A Report and Attachments that containers are not to be stacked higher than 9 metres, however there are noise levels based on Distric Plan Noise limits. So one based on the Court Ruling another on the Ditrict Plan, the court ruling is the defining document and these nosie levels must be the ones applied, you cannot cherry pick what best suits your application.

As an example, I see the SLR Consulting Ltd Techincal Memorandum they state the the noise within the Industrial Business Zone, measured at or within the boundary of any other site in the Industrial Business Zone, shall not exceed the following limits of 65 dBA.

Niether the Councils or the consultants numbers match the Court Ruling correctly which states:

Appendix C (Court Decision No. A 0 6/2005)

3. Policy

Add the following policy

7.2.2 "5. Subdivision, activities and development within the Te Puna Industrial Business Zone shall be subject to stricter mitigation measures than the standard Industrial Zone, to achieve a lower level of impact and ensure adverse environmental effects are avoided, remedied or mitigated."

"6.3 Special Provisions

(VI) Noise Levels

(b) Noise from activities on any site within the Industrial Business Zone, measured at or within the boundary of any other site in the Industrial Business Zone, shall not exceed the following limits:

Monday to Saturday 7.00am to 10.00pm *Sunday 7.00am to 6.00pm*	*55 dBA (CIO)*
At all other times and on Public Holidays	*45 dBA (1-10) and 70 dBA (I-max)*

Noise from all activities shall comply at all times with the above noise limits, whichever is stricter"

Not one of the activities they have noted in their application meet these standards for noise within the boundaries of the Industrial Zone.

Truck	*Truck – 25 Tonne Idling*	*58*
Truck	*Loading Container on Chassis*	*70**
Forklift	*Idling*	*68*
Forklift	*Operating (10km/hr movement)***	*78*
Stacking	*Stacking containers****	*75**
Jet Washing	*10kW @ 50MPa*	*80**
Refurbishment	*Cutting / Grinding / Drilling*	*85**
Refrigeration	*Powered-on Refrigerated container (per container)*	*61**

Even if you take off the tonal correction of 5 db only one of these is under the limit, whilst all others are over the limit. And the one that will run 24/7 the reefers will exceed the all-other times limit by 11 db with Tonal adjustment take off but and is over by 16 for ONE not 100! Reefers I believe are considered low frequency and Traditional 'absorption' silencers provide good mid- and high-frequency mitigation, but have very little impact on low frequency noise so how will they fix this?

All the digital modelling in the world cannot truly reflect what we/I have had to live with from the existing illegal activity. Again I state this is as per the courts ruling to be an integrate plan this includes nosie , so they msut allow for other businesses on other parts of the busienss park at 245 and 260.

The noise specialist said the internal road must be kept smooth, so as not make the trucks rattle, is the loading zone for these trucks sealed and smooth also, is the yard going to be smooth so the swing loader does not rattle?

Again complaints will have to be made, councils will come out and measure, the operator will operate less to ensure noise does not exceed, we will compain again as the noise ramps up again they will measure and so. How do I know this, as when we have complained about nosie in the past, it takes the councils hours to respond and then they say they visited and there was no noise at that time so can't do anything. Meanwhile we are impacted.

This again is why I oppose this applcantion as there are no guarantees they will stay within the Courts limits or can without constant complaints and more complaints.

With the council not implementing the Court Ruling into the District Plan correctly it is their issue to deal with and should not be left to the community to raise every time an applicant wants to do something in this area, especially when it is an activity that is not appropriate for this area as set out by the courts in creating this area.

The Environment Court Ruled this is a special zone and thus different criteria, no matter how the council wishes to call it, most industrial zones have zone specifc criteria and this zone is no different with conditions set out via a Environment Court Ruling outlining those criteria/conditions. The Rangiuru Business Park is classifed industrial but it too has specific requirements for it operation which are different from other industrial zones.

The community was promised protections in the Environment Court, and the court ruling is binding, and the duty of the Council to implement which they have not done. Even so this does not take away from the fact the ruling was made and again I state is binding.

During contruction preparation the noise levels are expected to even exceed these limits by more, and in some instances greatly. This phase is expected to continue for multiple years. I understand that Waka Kotahi NZ Transport Agency who are building the TNL paid for Double Glazing for houses effected by the construction, and that was because the disturbance was going to be months not years for those residents affected.

This is my home my sanctury like many others, are we not entitled to be able to live without disturbance? Even if they offer double glazing, I am not convinced this will mitigate the noise and it will certainly mean whislt outside we will be assaulted and unprotected from this noise.

Again, our home is our sanctuary and the rural amenity will be destroyed by this. There appears to no concern or mention of the mental health impacts or stress this will cause those of us directly impact.

Lighting is another issue of great concern, the reason for living rurally is to move away from light polution. Though they have stated hours of operations, the reefers will be running 24/7, there will likely be security lighting. We are the one of lowest properties in relation to the site southwards, and we get light polution already from the site at 250 Te Puna Station Road. When we challegned this we were told at a mediation hearing in November of 2022 by the owner it was legal. Interensting enough a few months later this light was adjusted and no longer spewed as much up the valley.

As noted we are one of the lowest properties to the south, however many surrounding this site are of higher altitude so will be even more adversely affected by this. It will be years before plantings (a planting plan has still not be provided in full as it is missing the drains to be shifted off the road side reserve and inside the boundaries of this property the 245 as required in this special zone) before any of this will even be slightly mitigated or at all.

Lighting will be essential to safety on site as they propose to operate to 10pm most days so there will be very little repreve from the noise and light pollution.

How as promised by the ruling of 2005 is our amenity going to be protected from this, our homes will no longer be the safe quiet spaces they were when we bought into this community. Though the activity that is currently taking place is illegal they at least do not operate on the weekends or rarely, and close around 5 pm each day.In winter as it get dark earlier we suffer light polution from vehicles

and site lights at this time. Our nights will no longer be ours, they will be intruded on by light and nose from reefers, trucks, and hoists, even if the hoists or trucks are electric there will still be the banging noise of loading onto trucks or stacking of containers 70 and 75 db as per their submission.

The costs already to us, my family and I, has been significant already, these have been environmental (land damage, noise pollution, loss of vegetation due to flooding) financial (tree loss, grazing loss, court costs, my job) and to our mental health (lost family time and relationships with our kids, stress about what next and ultimately my job due to the stress).

We are but one of number of properties that will be directly affected by all the things the court ruling said must be mitigated against, Environmental Damage, Cultural, Nosie, Lighting, Visual, and Amenity. Yet, never have we been contacted by this developer or any other to come and to see firsthand what we have had to put up with. To say my property is higher than theirs, my paddocks are basically the same level, my house yes is higher thus the view of this park. We will flood if they fill and displace volumetric space without all mitigating factors on all sites that make up the Business Park and repair the damage already done to the Hakao Stream/Watercourse.

The applicants land scape and visual person has shown View Shaft towards out property, these are useless for assessing impact as any View Shaft should be from the properties affected; to say they could not visit each property speaks to their commitment to their potential future neighbours. Also pretending the only View Shaft that matters is from the residence in a rural area is criminal, you buy a rural property for the property and the amenity it offers.

To see that the BOPRC has provisionally recommend granting the resource consent application when the author admits "I am not intimately familiar with these documents" referring to the Environment Court Decision is shocking. Given that the BOPRC is our Environment arm of council, whose role is to ensure the protection of the environment for the community is not familiar with an Environment Court Ruling, which holds the key requirements for the zone being created is beyond belief. They have with statement not used this ruling, a key document in the creation of the zone to determine their decision, is irresponsible to say the least. Then to add this in t he same statement "*that would still be in keeping with the intent of the Structure Plan and Environment Court Decision, and potentially resulting in a better environmental outcome than envisaged in 2005."*

For the BOPRC to give provisional consent when they also state:

"*Conditions of consent and the formation and implementation of management plans, will allow for the adverse effects of the proposed activities to be monitored, maintained, and mitigated over the duration of the consents. A suite of conditions has been provided to the Decision Makers (as a starting point) to assist them in developing appropriate conditions for the activities proposed. It is likely that as a result of the Applicants' evidence and submissions, that these conditions will require amendments*." **Amendment????**

Followed by

"*I provisionally recommend granting the resource consent application, subject to further details clarifying the questions raised in regard to flood modelling and permanent stormwater management being resolved, and effects on cultural values being adequately avoided, remedied or mitigated.*"

So, the council is giving the go ahead based on unknowns, they indicate the flood modelling as a key point which is key to protecting the environment, cultural sites, and the community, yet they want to give consent is unbelievable.

The applicant has had plenty of time to properly prepare their application, if they cannot submit a satisfactory application then there is no reason consent should be given provisionally or at all.

Maybe the issue is that there is no solution that can meet the requirements of the 2005 Court Ruling given climate change and other already developments in the great area (Omokora, Tahana). Even their own modeller states the possible sea level rises will effectively turn this area back into the swamp it was in the past.

There is just too much missing from this application for it to be approved including some incorrect assumptions around road widening, noise levels, planting as mentioned earlier to be approved.

Reading this paragraph again from BOPRC also states

"*Conditions of consent and the formation and implementation of management plans, will allow for the adverse effects of the proposed activities to be monitored, maintained, and mitigated over the duration of the consents*."

To this, I asked how do they propose to do this when they have not been able to monitor the consents or lack thereof on other properties in the Business Park. Case in point a fill consent surrendered in 2011 on the property next door, however the owner continued to place illegal fill on the property unnoticed and in the proposed overland flow path, yet no action by the council despite complaints from the community highlighted this? Finally, action was taken this year 13 years after the fact. As this point the BOPRC has said remedies need to take water levels and flooding back to 2012, which again is incorrect and goes to the fact our Environment arm of the council is not aware the base line is 2005 as per the court ruling.

With respect to the WBOPDC it took until last year to finally stop illegal activity on one site which had been occurring for 8 years in the Business Park (whilst it continues at another), the court notes in this ruling Decision No. [2023] NZEnvC

"*[31] As outlined previously, the site has a long history of non-compliance with the requirements of the District Plan. Despite the plan providing for a significant list of infrastructure prerequisites to be attended to prior to industrial activity commencing on the site, it is accepted by all parties that industrial activity has occurred on the site since 2015 without those prerequisites being adhered to and without any resource consent permitting that non-compliance.*"

As well as

"*[32] Given the long history of compliance issues at the site it was not clear, from the evidence presented to the Court, what prompted the Council to take action again in May 2022. Many, if not all, of the activities being undertaken at that time had been in existence at previous times when the Council had visited. Other than the concrete crushing which had commenced, and (subject to an abatement notice issued in December 2020) then ceased, the site appears to have stayed much the same throughout the past five or six years, perhaps with varying levels of activity at some stages."*

It took three long years and a lot of hard work to get the WBOPDC to understand and acknowledge that activities operating since 2015 were non complying activities and unconsented – Illegal.

Please tell me how we can be assured either council will monitor any conditions imposed on the developer, and given some conditions are still not known due to both councils noting the applications needs more work/refining.

Even the court acknowledges this fact in the 2023 Environment Court TINX Abatement appeal:

"[67] *The Court accepts that public confidence in the Council's willingness and ability to uphold and enforce the provisions of the plan is a relevant matter for our consideration and that such confidence has been eroded by unlawful activities occurring on the site for more than 8 years now. We accept that public confidence in the plan would be further eroded by such activities being allowed to continue for a longer period."*

"[94] While the Court appreciates the Council's attempts to work pragmatically with landowners, in this instance the Council's pragmatism has enabled unlawful activity to occur on the site for just on 8 years."

If this is allowed to proceed, do we have to wait eight years each time to get things fixed when illegal activity or disastrous impacts on the environment and community occur? This is a risk that is not acceptable.

The BOPRC even assisted another of the owners in the business park with their air filters, air filters of a commercial activity that is illegal and should not be occurring, they actually aided and abated and illegal operation.

Also, in the BOPRC Submission point 7.43

7.43 The baseline scenario for the Floodplain Assessment[12] considered the landform as at 2012, which was legally existing (through consent), prior to illegal filling activities occurring on the neighbouring property of 245 Te Puna Station Road. This point in time is considered the 'legally existing environment'. The baseline scenario considered the following parameters:

This again is an incorrect assumption the plan change was approved in 2005 by Court Decision No. A 0 6/2005, thus any baseline must be 2005. Therefore, any flood modelling is incorrect and incomplete even more so than councils acknowledge previously. Fill from 2005 through 2011 was not accompanied by any stormwater infrastructure, care, and maintenance, this made the water table artificially high. Again, as this application is incomplete, I oppose it.

What confidence can we have in the Councils to uphold consents, again I note an incomplete consent at that?

The damage already caused in this area of the Business Park all needs to fixed. The original court ruling of 2005 stated, there needs to be an integrated plan for the whole Business Park and a piece meal approach may lead to further amplification of the issues already being faced unless these existing issues are addressed.

In the BOPRC s42A Report there is in a single statement by the writer of the report that starts with "*While I am not intimately familiar with these documents*" referring to the Environment Court Ruling of 2005 they and ends with "*would still be in keeping with the intent of the Structure Plan and Environment Court Decision, and potentially resulting in a better environmental outcome than envisaged in 2005".* How can this statement be true? Miss Christian comments are inconsistent, both parts cannot be true.

If everything on 297 is done, then yes this might and I stress might be better for that site and developer alone, but if it is not integrated with the rest of the business park it just shifts the problem and we are the victims. If you do not rehabilitate/ repair/restore the Hakao Stream/Watercourse,

any work including preloading will just make the issue worse for all the surrounding properties. To say raising the level of the site has no impact is in my view dreaming. How can this be true?

Again, this application as it is incomplete and I feel based on incorrect baselines that should be 2005 and is the reasoning I oppose it.

The storage of containers including reefers with many differing colours seems to breach the Court Ruling of 2005 visual amenity requirements of rural muted colours, in the past swimming pools have been considered unacceptable as they also do not comply with the rural muted colours or the below statement from the ruling

117 To that end we have concluded that the area would be more appropriately included as part of the Rural zone and included as a Te Puna Rural Business Park (or words to that effect). Looking at the matter in that context, we see the noise, visual and traffic outcomes as appropriate for the Rural zone. It is intended to limit the range of activities to ones which are generally in keeping with the rural area.

Container storage, refurbishment, spray painting, or running reefers 24/7 do not meet these criteria.

From Appendix C (Court Decision No. A 0 6/2005)

"2 OBJECTIVE

Add the following objective:

'7.2.1 To ensure development within the Te Puna Industrial Business Zone is compatible with the amenity values of the neighbouring rural environment. "

3 POLICY

Add the following policy:

7.2.2 "5. Subdivision, activities and development within the Te Puna Industrial Business Zone shall be subject to stricter mitigation measures than the standard Industrial Zone, to achieve a lower level of impact and ensure adverse environmental effects are avoided, remedied or mitigated."

Again, Container storage, refurbishment/spray painting, or running reefers 24/7 do not meet this objective or policy. It was never and I repeat never when this special zone was created ever envisaged, any component of any business here would be running 24/7 as it is in the middle of rural residential area.

Mr Harris has changed his story to the community many times, from this being his head office with over 100 staff, to maybe 50 and few containers, to many containers, to now reefers and 5 staff, what is next? Can we expect that in a couple of months or years an application for minor variations where we lose more and more of what was promised under the court ruling of 2005. If approval is given, how long before this activity will creep into other parts of the property, like has happened on other sites with no council action? I have heard him say this is a done deal, I have had others tell me he has said to then this is happening it is a done deal.

There are several variations that this applicant is asking for that just erode the protections we were afforded by the 2005 Court Ruling, these dilute and in some instances destroy the protections we were offered and these include:

- A building greater than 100 square metres in area within Te Puna Business Park.

- Proposed site access within 200 metres of an adjacent access.
- Development and use of the site not in accordance with the staged sequence.
- Commencement of industrial activity prior to landscape planting, bunding, vesting, and stormwater management being completed across Te Puna Business Park
- Provision of industrial parking and loading spaces without sealing
- Variation for the noise standards
- Variation for the sound mitigation in the Overlland Flow path on southern boundary
- Not being an integrate stormwater plan
- Not widening the road (by this I mean all the way especially the corner by 288 leading up to intersection, at present we see trucks having to cross the centre line to get around this blind corner)
- Not repairing the damage already cause to the Hakao Stream/Watercourse
- The list goes on…….

So, when does this end for the community and my family, it needs to be done right, it needs to integrated to cover and whole business park and as promised all adverse effects mitigate, those being environmental, cultural, noise, light, traffic, and amenity which this application does not as it is not complete as noted by both councils.

The applicant will argue that the District Plan should be the dominate document for your discission, however uses the 2005 Court Ruling when it suits. You cannot use the incorrect District Plan we know it is wrong as it does not contain all the binding 2005 Court Rulings Requirements even the council admits this. It is no different to your employer/bank/IRD overpays you as they use the wrong code loaded in their system, you cannot keep the money, you must pay it back as it was an error and does not follow the rules. A builder will not continue to build if there is an error on the measurements even though the building may look good it is not strong and built as required, an engineer if they find a mistake will stop and correct not just keep making it worse. So why should an error by Council in the implementation of Courts Binding Ruling be allowed.

Furthermore, “not complete” suggests the applicant could try again. This hearing is taking place already latter than normal due to extensions in time requested by the applicant. I submit that solutions for this activity on this site are not possible.

This activity does not meet the Objective or Policy as laid out in the Court ruling of 2005. This is the only way to offer any type of security to the people that live in this area. And to put it colloquially and I apologies ‘This has been a shit of a time for us over the last 9 years and has taken a serious toll just attempting to get what was promised and to get any action out of the councils and compliance from the owners, this looming threat is unbelievable”.

The outcome I would like to see for myself my family and the community from this hearing are threefold:

1. Both Resource Consents are Declined due to their incompleteness, unsuitability, and divergence from the 2005 Court Ruling Requirements
2. The 2005 Court Ruling requirements are imbedded into the District Plan as they should have been all along
3. Both Councils make themselves completely familiar with the 2005 Environment Court Ruling that formed this Rural Business Park

Items 2 & 3 above would allow everyone, the councils, the community, and potential developers to know their obligation s for any development in this area.

Thankyou Commissions for listening to my concerns, I know you likely heard the same from many.