

**BEFORE HEARING COMMISSIONERS  
IN THE WESTERN BAY OF PLENTY DISTRICT**

**UNDER THE** **Resource Management Act 1991 (“Act”)**  
**IN THE MATTER OF** **RC13360L an application for resource consent to authorise development works departures and the operation of industrial activities within part of the Te Puna Business Park prior to all pre-requisite requirements being met.**

**BETWEEN** **TE PUNA INDUSTRIAL LIMITED**

**Applicant**

**AND WESTERN BAY OF BAY OF PLENTY DISTRICT COUNCIL**

**Consent Authority**

**Before a Hearing Panel: Rob van Voorthuysen (Chair), James Whetu (Commissioner), and Fraser Campbell (Commissioner).**

Further response to questions raised in Minute 5.

1. This statement provides further responses to questions raised by Commissioners during the hearing adjournment, specifically Minute 5, para [11].
2. A timeframe extension was granted to respond to this question with that response due on Friday 9<sup>th</sup> August 2024 in accordance with Minute 6.

**Para [11]: Within 10 working days of the date of this Direction we request that Councils provide documentation (narrative text, plans or aerial photographs) to ourselves and the Applicant outlining any unauthorised activities (earthworks and industrial activities) currently occurring within the Structure Plan area.**

3. It is acknowledged information on ‘currently’ unauthorised activities in the Plan area has been requested by the Hearing panel.
4. Taking into consideration 16 Abatement Notices remain in force for the Structure Plan area (not cancelled or appealed), Western Bay of Plenty District Council has provided information on all unauthorised activities to

ensure the Hearing Panel has the full picture of compliance matters within the Plan area.

5. Table 1 outlines unauthorised activities within the structure plan area. The includes 297 Te Puna Station Road, 245 Te Puna Station Road, 250–264 Te Puna Station Road (Refer Figure 1).

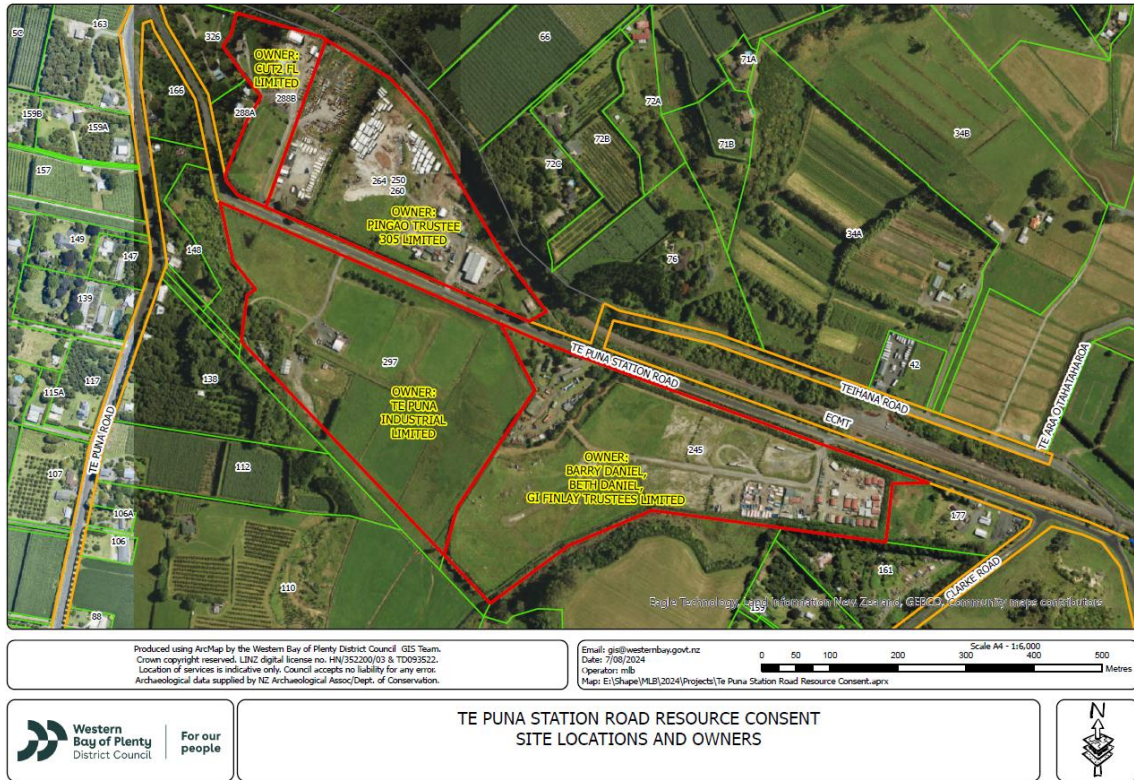


Figure 1: Properties within the Te Puna Business Park Structure Plan area.

6. For completeness Table 1 includes compliance information relating to 288B Te Puna Station Road. Although this site is not within the Structure Plan area, Jason Mather Construction Limited (JMC) (Occupier for 288B Te Puna Station Road) has been occupying and operating industrial activity within 250–264 Te Puna Station Road.

Table 1: Summary of the unauthorised activities within the Te Puna Business Park Structure Plan area.

Property	Landowner/Occupier	Unauthorised activities	Compliance Action by WBOPDC	Supporting documents
245 Te Puna Station Road	G I Finlay Trustees Ltd (Landowner) Barry Daniel (Landowner) Beth Mary Daniel (Landowner)	Earthworks activities & Industrial use	<ul style="list-style-type: none"> <li>Abatement notices issued 3 March 2020 (3) &amp; 18 May 2022 (3) to cease.</li> <li>Abatement notice dated 18 May 2022) appeal unsuccessful.</li> <li>Offending has ceased.</li> <li>Site clear as at 1 August 2024.</li> <li>Resource consent for development works being processed (s92 hold).</li> <li>Resource consent for industrial activity declined (2023).</li> </ul>	Refer Appendix 1 for copies of Abatement notices and 1 August 2024 photos.
245 Te Puna Station Road	AJ Demolition Ltd (Occupier) Andre John Pratt (Occupier) John David Campbell (Occupier) Barry Care Daniel (Landowner) Beth Mary Daniel (Landowner) GI Finlay Trustees Ltd (Landowner)	Industrial Activities (Concrete crushing)	<ul style="list-style-type: none"> <li>Abatement notices (6) issued 23 December 2020 to cease.</li> <li>Offending has ceased.</li> <li>Site clear as at 1 August 2024.</li> </ul>	Refer Appendix 1 for copies of Abatement Notices.
250-264 Te Puna Station Road	Grant Overton	Development & Industrial use	<ul style="list-style-type: none"> <li>Abatement notices (2) issued 11 May 2021 to cease.</li> <li>Offending on-going for the industrial use.</li> <li>Resource consent application being processed (s92 hold).</li> </ul>	Refer Appendix 2 for copies of Abatement Notices and photos taken 1 August 2024.
288B Te Puna Station Road	Cut 2 FL Limited (CFL) (Landowner) Jason Mather Construction Limited (JMC) (Occupier)	Operating storage & servicing facility outside the consented limits.	<ul style="list-style-type: none"> <li>Abatement notices (3) issued 12 April 2022 to cease non-compliance with Resource Consent RC30283.</li> <li>Offending on-going.</li> <li>Resource consent variation being processed to address the non-compliance at 288B Te Puna Station Road (s92 hold).</li> <li><b>Note this site is not within the Structure plan area however JMC is occupying part of the Overton site (250-264 Te Puna Station Road).</b></li> </ul>	Refer Appendix 3 for copies of Abatement Notices.
297 Te Puna Station Road	Colin Booth (Director Te Puna Industrial Park Ltd) Te Puna Industrial Limited	Earthworks activities	<ul style="list-style-type: none"> <li>Abatement Notices (2) issued 29 March 2022 to cease.</li> <li>Offending ceased.</li> <li>Resource consent being processed.</li> </ul>	Refer Appendix 4 for copy of Abatement Notice and photos.

7. The claim made by Grant Overton during the hearing of illegal filling having occurred at 297 Te Puna station road is still under investigation. We anticipate being able to report back on this matter by 23 August 2024.



Natasha Ryburn

**Environmental Consents Manager**

**On behalf of Western Bay of Plenty District Council.**

**09 August 2024**