BEFORE HEARING COMMISSIONERS
WESTERN BAY OF PLENTY DISTRICT COUNCIL

UNDER	the Resource Management Act 1991 (**RMA**)
IN THE MATTER	of an application for resource consent to authorise four unauthorised activities within the Te Puna Business Park structure plan area
BETWEEN	**TINEX GROUP LIMITED**
	Applicant
A N D	**WESTERN BAY OF PLENTY DISTRICT COUNCIL**
	Consent Authority

SUBMISSIONS OF COUNSEL FOR THE WESTERN BAY OF PLENTY DISTRICT COUNCIL IN RELATION TO MATTERS RAISED IN APPLICANT'S REPRESENTATIONS

Dated: 11 October 2023

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INTRODUCTION

1. These submissions are made on behalf of Western Bay of Plenty District Council (**Council**) as part of the s42A Report to respond to matters raised in the 'Representations' made on behalf of the Applicant.

2. As the Commissioners are aware, the background to this matter is lengthy, and has its genesis in a private plan change sought by Mr and Mrs Daniel and two neighbouring landowners back in 2002. That private plan change sought to collectively rezone the properties from "Rural" to "Industrial". The plan change application stated:

> The intent of the Plan Change is to provide for a comprehensively developed Industrial Business Zone, with a strong focus on landscaping to enhance, rather than compromise, the existing rural landscape. Depending on submissions to the proposed Plan Change from Council and interested parties, formulation of a Structure Plan is recommended to further reinforce this comprehensive approach …

3. The private plan change was opposed by local residents and iwi, and eventually declined by the Council. The applicants appealed the decision and the Environment Court approved the Plan Change in 2005[1], subject to a number of requirements being inserted in the Western Bay of Plenty District Plan (**District Plan**). Many of these requirements related to the provision of infrastructure prior to any industrial or business activity commencing at Te Puna Business Park properties (which included the site).

4. Mr and Mrs Daniel (who are the sole directors; and shareholders of Tinex Group Limited, along with GI Finlay Trustees Ltd) were a party to the original plan change application and the proceedings before the Environment Court in 2004 and 2005. They were involved in the Environment Court proceedings and the pre-commencement requirements they agreed to in the course of the proceeding were a fundamental factor in the Environment Court's decision to grant the plan change. Those requirements have been enshrined in the Plan since 2005 and they have been aware of them since then, having earlier agreed to implement them.

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[1] *Thompson & Flavell v Western Bay of Plenty District Council* A016/2005, Environment Court, 3 February 2005.

5. During the plan change process the applicants (including Barry Daniel and Beth Daniel) assured the Environment Court and the Council:

   (a) that the fragmented nature of the ownership of the Te Puna Business Park would not be an impediment to a cohesive development of the site,[2]

   (b) that the properties in Te Puna Business Park would be developed and managed in accordance with an integrated structure plan,[3] and

   (c) that the granting of the plan change would avoid ad hoc development in this area.[4]

6. However, in the ensuing 18 years, the properties in Te Puna Business Park have been developed in an ad hoc and fragmented way with little regard for the integrated structure plan. There has been no cohesive development of Te Puna Business Park. There has been limited compliance with the pre-commencement development standards imposed by the Court and enshrined in the District Plan.

7. Since 2019 the Property has been developed and used for industrial activity, notwithstanding that a number of the requirements of the District Plan relating to Te Puna Business Park remain unfulfilled. This is despite the fact that the Court relied on the appellants' assurances in 2005 that they would implement these requirements prior to commencing industrial activity at the site.

8. There has been no coordinated approach to development or compliance as between the owners of the three Te Puna Business Park properties. They have each commenced unlawful development and been abated by the Council for that. Unlawful industrial activity has occurred at two of the three Te Puna Business Park properties (including the Property) since 2019. In relation to this Property, abatement notices have been issued, and are the subject of proceedings currently before the Environment Court (decision pending).

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2 Ibid at para [27] of the Decision.
3 Ibid at [27]
4 Decision at para [122]-[123].

9. The Applicant attempts to minimise this context, by referring to the interest in the application as being '-in some respects – surprising'[5] and by referring to the unauthorised activities as 'existing'. However, the activities have been unlawfully established (hence the need for an application to legitimise them) and are only "existing" in the sense that it has been occurring since an unknown date in 2019.

10. In terms of the Applicant's prior conduct, the Court has held that commencing an activity without consent, or other conduct by an applicant should not influence the judgment of a resource consent application in a punitive manner, although equally the applicant should not benefit by prior irregular conduct[6].

11. However, the application does raise serious issues around precedent and plan integrity, which will need to be considered carefully by the Hearing Commissioners. As such, it is essential for the Commissioners to understand the background to this matter, including the genesis of the structure plan provisions.

Structure of submissions

12. These submissions do not attempt to address every issue raised in the Representations for the Applicant[7]. Rather, they simply focus on the most salient legal issues or where particular legal issues require a response, as follows:

    (a) Suggestion that earthworks might have 'existing use rights';

    (b) Considerations under s104D, including the two gateway tests; and s104 RMA;

    (c) Plan integrity and precedent;

    (d) Positive effects.

Suggestion of existing use rights for earthworks

13. At paragraph [9] of the Representations, the Applicant appears to suggest that unauthorised earthworks at the Property might hold existing

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5 'Representations' on behalf of the Applicant, para [2]

6 *Hinsen v Queenstown Lakes District Council* [2004] NZRMA 115 (EC) and *Kemp v Rodney District Council* EnvC A087/09

7 Where matters are not specifically addressed in these legal submissions, Council's position is set out in the s42A Report.

use rights under s10 RMA. As noted in that paragraph, earthworks were undertaken originally pursuant to a regional consent, which was then surrendered. Further earthworks were undertaken in breach of the provisions of the District Plan.

14. Such assertions by the Applicant are surprising, given that this has not been raised previously and the onus of proof on establishing such an existing use falls on the party asserting its existence[8]. In addition, the Applicant currently has a separate resource consent application lodged with the Council seeking to retrospectively authorise the unauthorised earthworks. In any event, consent is not sought through this particular resource consent application, and it is submitted that the Commissioners do not need to consider this matter further.

Considerations under s104 RMA and s104D RMA

15. Section 104D RMA sets out the 'gateway' tests and provides that consent can only be granted where the Commissioners are satisfied that either:

    (a) The adverse effects of the activity on the environment will be minor; or

    (b) The application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

16. If either of the gateways are passed, then the Applicant still has to satisfy the consent authority that the application should be granted under s104 RMA. As described in *Foster v Rodney District Council* A123/09, s104D is a threshold or high level filter, but that doesn't mean an application passing the test should or will be granted consent under s104 RMA. Rather, the Commissioners retain their discretion to grant or refuse consent and need to go on to fully consider all matters required under s104 RMA.

17. In terms of the first part of the test, the Applicant has provided some authority on the meaning of 'minor' (which is generally accepted, although some Environment Court decisions appear to be incorrectly

[8] *Waitakere Forestry Park Ltd v Waitakere City Council* A077/94 (PT).

attributed to the High Court at para [21] of the Representations[9]), but several points should be noted by the Commissioners:

(a) 'Minor' is not defined by the RMA. As the Court has previously stated *"Ultimately an assessment of what is minor must involve conclusions as to facts and the degree of effect. There can be no absolute yardstick or measure"*[10]; and as stated by the High Court in *Queenstown Central "When the statutory provision contains a term like "minor", that is a standard, application of which requires resolution of a question of degree. There is no bright line distinction between "minor" and "not minor".*[11]

(b) It is not simply an application of a standard of 'minor'. It requires a positive satisfaction on the part of a consent authority that the adverse effects of the activity on the environment in the future will be "minor". [12]

(c) The purpose of s104D(1)(a) is to allow applications for non-complying activities which may or will be contrary to the objectives and policies of an operative district plan where the adverse effects is so "minor" that that is likely to not matter. In that context, it can be understood immediately that 'minor' here is very much at the lower end of adverse effect[13].

(d) The consideration is whether the adverse effects, as proposed to be remedied and/or mitigated are more than minor, taken as a whole[14];

(e) It does not take into account wider beneficial effects or positive effects of the activity[15].

(f) The mere fact that a use is of a temporary nature is not sufficient justification to bypass the usual criteria to establish a use out of zone (non-complying activity). Short-term expediency should not

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9 FN 13 of the Representations refers to *R v Auckland City Council* ; but it appears that this should be *King v Auckland City Council* [2000] NZRMA 145 (HC). The *Saddle Views* decision cited at FN 15 of the Representations is Environment Court, but provides a helpful summary of the case law relating to 'minor' from paragraph [74] onwards of that decision ([2014] EnvC 243).

10 *Elderslie Park Limited v Timaru District Council* [1995] NZRMA 433

11 *Queenstown Central Limited v Queenstown Lakes District Council* [2013] NZRMA 239 (HC) at [95]

12 *Ibid* at [98]

13 Ibid at [101]-[102]

14 *Stokes v Christchurch City Council* [1999] NZRMA 409 (EC)

15 *Crater Lakes Park Ltd v Rotorua District Council* A126/09; *Director-General of Conservation (Nelson-Marlborough Conservancy) v Marlborough District Council* [2010] NZ EnvC 403

prevail over upholding the provision of a plan which has been through the statutory process[16].

(g) Matters of plan integrity and precedent fall for consideration under s104 RMA, rather than as 'effects' on the environment.

18. I understand that in the original s42A Report, the Reporting Officer was unable to draw a conclusion on the effects, due to missing information. I understand that Ms Perring will update her conclusions as part of the presentation of her report, and that her conclusion is that considered as whole, the effects on the environment are more than minor and therefore the first gateway is not passed. I do not propose to traverse all the effects on the environment as the evidence of Council's experts is set out in the s42A Report, but consider that the legal position in relation to traffic effects may require some clarification for the Commissioners benefit.

Traffic

19. At paragraph [41(a)] of the Representations, the Applicant's Project Manager states that the applicant's position is that the upgrade to Te Puna / Te Puna Station Road was undertaken to the Council's requirements already.

20. With respect, the Applicant's position is misguided. As a matter of fact, no provision has been made for a right-hand turn movement from Te Puna Road to Te Puna Station Road, and the Applicant accepts that fact.

21. Mr Harrison has previously confirmed that an upgrade is required at the Te Puna Road / Te Puna Station Road intersection[17]:

Q Is it your evidence to the Court that there is no upgrade required at Te Puna Road, Te Puna Station Road intersection?

A No. No, I haven't said that.

Q So your view is that that upgrade is required?

A Yes, an upgrade is required for the existing traffic volumes yes.

Q And you accept that that right-hand turning bay from Te Puna Road has not been done?

A Yes.

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[16] *Tippett Properties v Auckland City Council* (1984) 10 NZTPA 141
[17] Notes of evidence from the recent Environment Court hearing, p128 lines 4-11

22. The Applicant appears to be attempting to argue that the wording in the District Plan requirements might somehow be unclear. In *Powell v Dunedin City Council*[18] the Court held that while the plain meaning of a rule in a plan should be taken from the words themselves, it is not appropriate to undertake that exercise in a vacuum. Rather, regard should be had to the objectives, policies and methods of the plan, and where ambiguity arises, other sections of the plan as well.

23. In my submission there is no ambiguity in the wording, and it is surprising that the Applicant should now be attempting to back down from previous commitments it (and the surrounding landowners) made to the community, Council and the Court in order to get the Te Puna Business Park structure plan put in place. The Applicant is well aware of what the provision means, given that they (and the adjoining landowners) provided the wording for the provision in the first instance.

24. As annexed to the s42A Report, the plan proponents (including the Applicant) traffic consultant, Mr Ian Carlisle, identified issues relating to Te Puna Road / Te Puna Station Road intersection and the works required to mitigate the impacts. That included (see para [32]):

> *The following upgrade works are proposed to mitigate the impact of the proposed development on this intersection:*
>
> • *Installation of right turn bay from Te Puna Road. This feature will mitigate the impact of additional right turning traffic at this intersection and less than desirable sight distance to the south.*
>
> • *Installation of left turn bay from Te Puna Road.*
>
> • *Widening of intersection to accommodate the turning path of heavy vehicles.*
>
> • *Re-grading of Te Puna Road profile (for left turn out of Te Puna Station Road)*

25. Mr Carlisle then suggested (at paragraph 45(b)) the very provisions which now form part of the District Plan.

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18 [2004] 3 NZLR 721

26. To the extent that the Applicant might be suggesting that Council somehow 'authorised' departures from the District Plan requirements, those matters have previously been raised at the recent Environment Court hearing. The Council's position is that it does not accept that it endorsed the industrial activities that are the subject of the abatement notice. The nature of the short term and limited uses Mr Daniels sought and was given permission for, were set out in full in the affidavit of Mr Watt in those proceedings, and in my submission are not matters that the Commissioners need to consider for this application.

27. But in any event, the Court has held in *Cash for Scrap Limited v Manukau City Council* that s 84 of the RMA does not allow a council any discretion to waive compliance with the plan provisions:[19]

> The only argument Mr Banbrook could advance against the breaches of performance standards was that the Council appeared to have condoned or waived them by taking no action for many years. Whether that is a fair criticism of the Council is beside the point; s 84 RMA states that, unless authorised by that Act, "no waiver or sufferance or departure from a policy statement or plan, whether written or otherwise", shall have effect if it is contrary to the obligation on a Council to enforce its district plan. We agree with Ms Dickey that s 84 is a complete answer to the waiver point.

Second threshold test – 'not contrary to' the objectives

28. The Applicant has provided some analysis of the case law around the second threshold from paragraph [52]. It is agreed that when undertaking this assessment, the correct approach is for the Commissioners to consider a fair appraisal of the objectives and policies 'as a whole'[20].

29. There are a number of cases which discuss the meaning of 'contrary to', and some principles are outlined below:

    (a) 'Contrary' is not to be given a restrictive definition. It contemplates being opposed to in nature, different, opposite to[21];

    (b) It is not necessary for a proposal to actually cut across or contradict objectives or policies before it can be said to be 'contrary to' such objectives and policies[22];

[19] *Cash for Scrap Ltd v Manukau City Council* A198/05 at [101].
[20] See for example, *Clearwater Mussels Ltd v Marlborough District Council* [2016] NZEnvC 21
[21] *NZ Rail Ltd v Marlborough District Council* [1994] NZRMA 70 (HC)

(c) A 'real and sensible' interpretation is required – mere non-compliance with the strict terms of a plan is not envisaged, but a non-complying activity which is actually 'opposed in nature' to the objectives and policies of the plan could be 'contrary to'[23];

(d) An absence of direct support does not equate to being 'contrary to'[24].

30. I understand that the Panel has raised a question as to whether Part 2 considerations come into the s104D assessment. I have not been able to locate any cases which state that you cannot consider it under s104D but the usual approach appears to be to consider the s104D gateway tests, and then the matter falls for full consideration under s104 RMA and Part 2.

Section 104 considerations

31. The case law states that even if one of the thresholds tests are met, the Panel is entitled to have regard to the flow-on effects of granting a consent[25]. The Panel still retains a discretion to refuse to grant consent, even if one of the gateway tests is met. The Court has previously held that where a use is 'marginal' in a zone, councils should err on the side of caution[26].

Public Confidence in Consistent Administration of the Plan - Plan Integrity and Precedent

32. Integrity of the plan and public confidence in its consistent administration are matters which require consideration under s104. The Applicant appears to argue that plan integrity is not an issue in this case because they assert that the 'non-compliances' are minor or less, that the scale of non-compliances are small and the consent term is limited to two years (although that is in anticipation that wider long-term consents will be granted).

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[22] *Shell Oil NZ Ltd v Wellington City Council* (1992) 2 NZRMA 80 (PT); *Hundale Pty Ltd v Christchurch City Council* A065/95 (PT)
[23] *Elderslie Park Ltd v Timaru District Council* [1995] NZRMA 433 (HC)
[24] *Wilson v Whangarei District Council* W020/07
[25] *Hopper Nominees Ltd v Rodney District Council* C085/93
[26] *Plastic & Leather Goods Co Ltd v Horowhenua District Council* W026/94 (PT)

33. However, the Court has said that it is not necessary for a proposal to be truly unique before plan integrity ceases to be an important factor[27].

Precedent

34. When discussing precedent, the Representations for the Applicant suggest that the focus should be on the statutory tests under s104D, rather than 'overlays'. However, the Courts have held that:

    (a) The precedent effect resulting from granting a resource consent application (in the sense of like cases being treated alike) is a relevant factor to take into account when considering an application[28].

    (b) The need for like cases to be treated alike is a central imperative of justice, including environmental justice. Inconsistency can threaten not only the integrity of a district plan, but also the integrity of consent authorities themselves[29].

    (c) A uniqueness to a site, or 'true exception' might mean that the integrity of the plan is not threatened.

    (d) In the *Gray v Dunedin City Council* decision cited by the Applicant, the Court had already found that the proposal was not contrary to the 'avoid' policy. The Court stated *"Accordingly, and based upon the court's findings, questions of plan integrity and precedent do not arise if consent is granted to this proposal. If any precedent is set by a grant of this consent, it is not an undesirable precedent in our opinion."*[30]

Integrity of the Plan

35. Again, this is a matter that can (and in this case, should) fall for consideration under s104 RMA. The weight to be given to any effect on the integrity of the Plan is a matter of judgment for the Commissioners[31].

36. The Courts have previously held that:

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[27] *Blueskin Bay Forest Heights Ltd v Dunedin City Council* [2010] NZ EnvC 177
[28] *Dye v Auckland Regional Council* [2002] 1 NZLR 337
[29] *Auckland Regional Council v Waitakere City Council* A169/05.
[30] *Grey v Dunedin City Council* [2023] NZEnvC 45 at [219].
[31] *Batchelor v Tauranga District Council (No 2)* [1993] 2 NZLR 84 (HC)

(a) An application will only be declined on the basis of plan integrity where the proposal clearly clashes with important provisions of a district plan and it is likely that further applications will follow, which are both materially indistinguishable and equally incompatible with the plan[32]. In *Blueskin Bay* there was no harm to the integrity of the plan as the Court was satisfied that no other comparable piece of land existed, and if it did, it was unlikely that it would have similar characteristics and history to the land subject to the application.

(b) Where a proposal is contrary to a clear policy intent, granting would impact on the integrity of the plan and have the potential to create expectations that similarly formed proposals would gain consent[33]. In *Barbican Securities* consent for a three lot subdivision was declined on plan integrity and precedent grounds.

(c) Where development has already occurred within a zone, the 'horse has bolted' and adverse effects on the integrity of the Plan could be rejected[34].

37. In this case, there are serious issues for the Commissioners to consider around precedent, plan integrity and public confidence in the Plan for the following reasons:

(a) The Te Puna Business Park provisions and associated Structure Plan occurred as a result of a private plan change application by the three land owners, including Mr and Mrs Daniel;

(b) That plan change application was originally rejected by Council primarily in relation to infrastructure requirements, but was granted by the Environment Court on appeal;

(c) There were a number of commitments made by the landowners, which formed the current District Plan provisions, which were predicated on a 'pre-commencement' basis. It is those very provisions which the Applicant now seeks consent to depart from

[32] *Blueskin Bay Forest Heights Ltd v Dunedin City Council* [2010] NZ EnvC 177 citing *Rodney District Council v Gould* [2006] NZRMA 217 (HC)
[33] *Barbican Securities v Auckland Council* [2023] NZEnvC 174
[34] *JARA Family Trust v Hastings District Council* [2015] NZEnvC 208

(and has already departed from, as the activities are currently unauthorised);

(d) During the plan change process the applicants (including Barry Daniel and Beth Daniel) assured the Environment Court, the Council and the community:

(i) that the fragmented nature of the ownership of the Te Puna Business Park would not be an impediment to a cohesive development of the site,[35]

(ii) that the properties in Te Puna Business Park would be developed and managed in accordance with an integrated structure plan,[36] and

(iii) that the granting of the plan change would avoid ad hoc development in this area.[37] However, that is precisely what is now being applied for.

(e) There has been unlawful development at the two other properties within Te Puna Business Park, and unlawful industrial use of one of the other properties. This has led to the Council issuing a number of abatement notices for 250 Te Puna Station Road and 297 Te Puna Station Road.

(f) There has been growing community concern about the incremental and continuing development and industrial use of the properties within Te Puna Business Park despite the requirements in the District Plan for the industrial zone having not been implemented. The Council has received a number of complaints about this, many of which relate to the site that is the subject of this Application. There has also been a complaint to the Ombudsman about Council's compliance response at the Business Park. It is fair to say that public confidence in Council's consistent administration of the Te Puna Structure Plan is already an issue.

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35 Para [27] of the Environment Court Decision
36 Environment Court Decision at [27]
37 Decision at para [122]-[123].

(g) In addition to two resource consent applications lodged by the Applicant for wider development of this Property, the Council is also processing resource consent applications lodged in December 2021 and January 2022 by the other property owners of Te Puna Business Park seeking to develop and use the Te Puna Business Park properties for industrial purposes, without complying with all of the requirements of the District Plan for Te Puna Business Park.

(h) None of those consents have yet been determined, so this is not a case where the 'horse has bolted'. The Commissioners should carefully consider the precedent and plan integrity issues as part of this application.

(i) There is a real risk that a precedent will be set, not just for the Te Puna Business Park, but for other industrial or other zones within Western Bay which have pre-development structure plan requirements. This includes Rangiruru Business Park, where Council has also issued abatement notices against a landowner for industrial activity 'out of step' with the Business Park staged zoning.

(j) There is a real risk that if this consent is granted (even for a limited term) that other applications by other landowners within the Business Park seeking to authorise their current non-compliances (without complying with the structure plan requirements) will also be forthcoming. As noted above, Council already has multiple resource consent applications before it for the wider redevelopment of the site, without complying with the Structure Plan requirements.

Positive effects

38. Finally, I note that the Applicant seeks to have the benefits to the Applicant and its tenants recognised as part of the 'positive effects' of the application, however some of those statements appear to be worded in the reverse (i.e. if consent is declined, income from existing tenants will not accrue and wider structure plan requirements might be delayed).

39. I simply note that the Commissioners will need to separate out these matters, as the general principle is that a party should not be able to benefit financially from its own non-compliance. The Applicant has been obtaining a substantive income from its own non-compliances, and the 2005 Environment Court decision granting the plan change application for the industrial zoning of Te Puna Business Park was predicated on a number of important steps relating to infrastructure, amenity, stormwater management and traffic management being taken ***prior*** to the commencement of industrial activities at any of the sites within Te Puna Business Park.

40. Those requirements have been in the Plan since 2005 and the Applicant is well aware of them; and as such the Commissioners should not be drawn into any suggestions that Structure Plan requirements should be departed from in order for them to be funded. To do so would cut directly across the intent of the Plan provisions granted by the Environment Court.

Chronology

41. I understand that Ms Perring's s42A Report contained a table of statutory events since the first abatement notice was issued, as Attachment 7 to her report. In order to assist the Commissioners with understanding the background to this matter, I have attached a chronology which was provided to the Environment Court in the recent abatement notice appeal proceedings, which provides a summary of the 'pre 2019' dates as well.

DATE 11 October 2023

R Zame
Counsel for Western Bay of Plenty District Council

Appendix A: Chronology for the Commissioners information

Date	Event
2001	Private plan change proponents (Thompson and Flavell, Barry and Beth Daniel, Harvey and Cain Trustees Limited) lodge an application for private plan change for Te Puna Rural Industrial Zone.
2002	Council rejects private plan change to rezone rural land for industrial use, predominantly over concerns about the provision of infrastructure.
3 February 2005	Environment Court grants private plan change. Statement of Agreed Facts provided as part of decision (Annexure B) records agreement between appellants and Council relating to infrastructural requirements. Parties directed to prepare a re-draft of the zone statement and structure plan (*Thompson v Western Bay of Plenty District Council* A16/2005)
9 June 2005	Court issues final decision (A91/05) directing council to make changes to the plan accordingly.
2008-2009	District Plan Review, including submission period. 41 submissions in opposition to Te Puna Business Park provisions.
16 June 2012	District Plan becomes operative including provisions relating to Te Puna Business Park, e.g. section 12.4.16 and Appendix 7.
2019	Complaints received by Council from neighbouring landowners regarding development of the site for industrial use.
31 October 2019	Council inspection of property records that development of the property had occurred. Soil and grass stripped and sections of the property levelled. Gravel installed. Dirt drains excavated and property divided into 12 separate fenced sections. Signs erected advertising 'industrial fenced yards for lease'.
3 March 2020	Abatement notices issued to Barry Daniel and Beth Daniel to cease development of the property for industrial or business activities.

2020	Council continues to receive complaints about development at the property, LGOIMA requests made to Council about what enforcement action it is taking to enforce provisions of District Plan in relation to Te Puna Business Park.
Late 2020	Stratum engaged to assist with preparation of land use consent to carry out non-complying activities at the site.
December 2020	Council issues abatement notices to the appellant, Barry Daniel and Beth Daniel, and AJ Demolition Limited requiring them to cease carrying out concrete crushing at the property.
9 June 2021	Resource consent application RC12979L lodged by Tinex Group Limited for property seeking consent to vary specified requirements of Structure Plan to allow development to proceed as a non-complying activity (**First Resource Consent Application**).
24 June 2021	Resource consent application placed on hold pending submission of retrospective resource consent application for unlawful earthworks in a floodable zone at the property and confirmation of whether regional consents required.
14 September 2021	Ombudsman releases decision on complaint by local residents determining that at that time Council has not acted unreasonably in enforcing Te Puna Business Park rules.
December 2021	OLP lodges resource consent application for 250-264 Te Puna Station Road
January 2022	Te Puna Industrial Limited lodges resource consent application for 297 Te Puna Station Road
31 March 2022	Further inspection of property by Council enforcement officers notes establishment of a number of businesses on site, including relocatable homes, earthmoving tyres, swimming pools and demolition equipment and skip bins.
7 April 2022	Tinex lodges a retrospective resource consent application for earthworks in a floodable zone at the property (RC13474L) (**Second Resource Consent Application**)
18 May 2022	Abatement notices issued to the appellant and Barry Daniel and Beth Daniel.
9 June 2022	Expiry of 15 working day appeal period for abatement notices.
10 June 2022	Section 92 request issued by Council for First Resource

	Consent Application and Second Resource Consent Application
6 September 2022	Council writes to owners about outstanding infrastructure requirements from statement of agreed facts
7 October 2022	Request received from Project Manager, James Gardner-Hopkins, to vary abatement notice under s 325A(4) RMA.
18 October 2022	Appeal documents are served on the Council.
25 October 2022	Council issues decision to James Gardner-Hopkins declining to change abatement notice under s 325A(4) RMA.
7 November 2022	Replacement notice of appeal lodged by Appellant under s 325A RMA.
February 2023	Tinex lodges resource consent application for non-complying consent to enable continuation of current industrial activities for period of two years (**Third Resource Consent Application**).
29 March 2023	Council issues s92 request for Third Resource Consent Application.
6 April 2023	Applicant requests public notification.
18 April 2023	Applicant agrees to provide some s 92 information.
9 June 2023	Applicant provides agreed s 92 information.
20 June 2023	Council issues 13 working day s37A extension to timeframe based on special circumstances.
23 June 2023	Section 92 response deemed complete (for the parts the applicant agreed to provide). Public notification occurs.