

**Western Bay of Plenty District Council
DIRECTION OF THE COMMISSIONERS
Tinex Group Limited**

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Western Bay of Plenty District Council (WBOPDC) has delegated to Independent Commissioners Rob van Voorthuysen and James Whetu the function of hearing submissions and making decisions on an application (RC13924L) made by Tinex Group Limited (Applicant) for the operation of industrial activity at 245 Te Puna Station Road, Te Puna, prior to the pre-requisite Te Puna Business Park Structure Plan development works being authorised and completed.
- [2] As previously advised, the hearing for the application is scheduled to commence on **Monday 9 October 2023** in the Western Bay of Plenty District Council's chambers at 1484 Cameron Road, Greerton. Council's 42A Officers report is due on **Monday 18th September**, and the applicant's evidence is due on **25 September 2023**.

Additional consent/s required

- [3] The purpose of this additional direction is to advise hearing participants that additional consent/s are required from Western Bay of Plenty District Council for the operation of 245 Te Puna Station Road, Te Puna.
- [4] On 24 August 2023 the applicant advised Council that a resource consent would be sought to upgrade the accessway at 245 Te Puna Station Road specifically, to authorise earthworks in a floodable area associated with a proposed upgrade of the stormwater culvert within the site accessway.
- [5] The applicant has been directed to provide the necessary information and assessment of environmental effects prior to the hearing so the matter can be heard and decided by the Independent Commissioners at the same time as the application to authorise the industrial activity at 245 Te Puna Station Road, Te Puna.
- [6] Further to this matter the applicant has been directed to undertake soil sampling in the vicinity of the proposed earthworks site under the National Environmental Standard for Assessing and Managing contaminants in Soil to Protect Human Health (NESCS) and to provide these results prior to the hearing. This sampling is to be conducted by a qualified environmental scientist in accordance with NESCS guidelines, and the results are to be assessed against the NESCS regulations to confirm whether a resource consent for disturbance of contaminated soils will or will not be required; and whether any consent may also be required from the Bay of Plenty Regional Council related to contaminated soils.
- [7] Council is of the view that potential erosion and sedimentation effects of the proposed earthworks associated with the culvert can be managed with consent conditions requiring the submission of a Construction Methodology incorporating an Erosion and Sediment Control Plan for Council's certification, prior to commencement of any physical works.
- [8] The Bay of Plenty Regional Council have advised that the works have the potential to trigger the need for regional consents (temporary sediment discharge during earthworks, and possible contaminated land remediation). The applicant is directed to address this in their evidence. It is noted that should such consents be required, both Councils are of a view that this is a discreet matter that could be managed by way of a separate application, and appropriate consent conditions / advice notes on RC13924L. Notwithstanding, the Commissioner's reserve their right to issue an alternative direction during or prior to the hearing after receiving the applicant's evidence on this matter.

Website

[9] As previously advised, all information relevant to the hearing will be made available on the WBOPDC website:

<https://www.westernbay.govt.nz/property-rates-and-building/district-plan-and-resource-consents/resource-consents/current-applications/te-puna-business-park-industrial-activities-public-notification>.



Rob van Voorthuysen
Hearings Commissioner
11 September 2023