

General

- (1) THAT the industrial use activities at Lot 2 DP 22158 (RT SA22C/188) be undertaken in accordance with the resource consent application and assessment of environmental effects prepared by Stratum Consultants Ltd and entitled *Resource Consent for Industrial Activities within the Te Puna Business Park Structure Plan Area, Tinex Group Limited, 245 Te Puna Station Road, Te Puna*, filed as A514379 and dated 8 February 2023, and further information responses, including the following:
- a) Existing Site Plan, Lot 2 DP22158, 245 Te Puna Station Road, Drawing No. 423022-T-P-D001, Sheet 01, Issue A, prepared by Stratum Consultants, dated 23 November 2022.
 - b) Activity Area Plan, 245 Te Puna Station Road, Tinex Group Ltd, Drawing No. 423022-PLN-D001, Sheet. 11, Issue B, prepared by Stratum Consultants, dated 10 May 2023.
 - c) Assessment of Noise Effects, Te Puna Industrial Zone Activities, 245 Te Puna Station Road, prepared by Styles Group, dated 27 April 2023.
 - d) Noise Management Plan, 245 Te Puna Station Road, prepared by Styles Group, dated 22 September 2023
 - e) Landscape Effects Assessment, Te Puna Station Road, prepared by Boffa Miskell, dated 12 May 2023.
 - f) Landscape Management Plan (Revision B), prepared by Boffa Miskell, dated 1 June 2023.
 - g) Tinex Group Existing Activities, Te Puna Station Road, Te Puna, Transportation Assessment Report, prepared by Harrison Transportation, dated November 2022.
 - h) Industrial Development, Lot 2 DP22158, Vehicle Tracking Layout, Drawing No. 423022-CIV-D001, Sheet No. 1, Issue A, prepared by Stratum Consultants, dated 11 May 2023.
 - i) Industrial Development, Lot 2 DP22158, Diagram E Access and Earthworks Volumes, Drawing No. 423022-CIV-D001, Sheet No. 2, Issue A, prepared by Stratum Consultants, dated 16 October 2023.
 - j) Existing Site Usage Memorandum – Stormwater Queries, Tinex Group Ltd, 245 Te Puna Station Road, Prepared by Stratum Consultants, dated 16 October 2023.

Activities and notice to tenants

(2) THAT the activities authorised by this consent shall be limited to the following activities operating at the same or similar character, intensity, and scale as at the date of the consent being approved:

- A & J Demolition (House and Construction Material Storage and renovations)
- Compass Pools Storage (Swimming Pool Shell Storage)
- Total Relocation House Transporters (House Storage)
- Earthmover Tyre Services (Heavy Machinery Tyre Storage)

(3) THAT a copy of this consent be provided by the owner of the site to each of its tenants undertaking the above activities.

Note: as a land use consent, this consent attaches to and runs with the land and its terms must be met by both the owner and occupiers (i.e., tenants) of the site.

Transportation

(4) THAT the maximum number of vehicles a day shall be limited to 25 vehicles per day.

(5) That within 40 working days of the commencement of the consent, the paint markings at the Te Puna Road / Te Puna Station Road intersection shall, subject to Council's General Managers Transportation certification, be modified in accordance with the detail shown on the following plan: Industrial Development, Lot 2 DP22158, Vehicle Tracking Layout, Drawing No. 423022-CIV-D001, Sheet No. 1, Issue A, prepared by Stratum Consultants, dated 11 May 2023. The works shall be subject to a Works Access Approval (WAP) to be submitted to the Council. Confirmation of completion shall be provided to Council's General Manager Transportation within 10 working days of completion.

(6) That within 6 months of the commencement of this consent, the consent holder shall complete the accessway upgrade to the Waka Kotahi Planning Policy Manual Diagram E Standard.

(7) THAT prior to the commencement of works to fulfill Condition 6, within 40 working days of the commencement of the consent, the consent holder shall submit to Council's General Manager Roading for certification the design geotechnical investigations and recommendations, drain hydraulic capacity assessment, drawings, specifications, calculations, any retaining wall design, and project cost estimate for the roading works. Written evidence of consideration of Kiwi Rail's maintenance accessway shall be provided as part of this certification. Construction shall not commence until written certification of the plans and specification has been provided by the Council.

- (8) To prevent debris tracking from within the site onto Te Puna Station Road, within 6 months of the commencement of consent, sealing shall be extended within the site private way for a minimum distance of 30m from the property boundary to a minimum width of 5m and shall include all trafficable areas within 30m of the boundary.

Construction and Earthworks

- (9) THAT earthworks to upgrade the site access including the Te Puna Station Road widening and culvert within the road-side drain shall not exceed 500m³ of cut and 500m³ of fill.
- (10) THAT prior to commencing works to upgrade the accessway (including culvert replacement), an erosion and sediment control plan demonstrating how the construction work will be managed in accordance with the Bay of Plenty Regional Council "Erosion and Sediment Control Guidelines for Land Disturbing Activities 2010/01, shall be submitted to the Council's Development Engineering Manager – (Resource Consents) for certification. Works shall not commence until the Council confirms in writing that the plan is satisfactory.

Site Management

- (11) THAT within 20 working days of the commencement of the consent, a Site Management Plan (SMP) shall be submitted to Council's Resource Consents Manager for certification. The SMP shall outline:
- (a) Responsibilities and roles for implementation of this resource consent, including for tenants.
 - (b) That all activities operating under this consent shall ensure that their delivery staff and contractors shall not use Clarke Road for any heavy vehicle access to and from the site.
 - (c) That all site traffic shall travel to the site via Te Puna Road, and shall not use the Wairoa Bridge underpass to travel to or from the site..
 - (d) The operating hours of the site.
 - (e) That any lighting installed shall adhere to the District Plan permitted activity requirements.
 - (f) That there shall be no welding, vehicle re-fueling, or storage of hazardous substances unless these activities are undertaken in accordance with the permitted activity standards of the Operative District Plan, and in accordance with any relevant methods within the Water Quality Management Plan referenced at condition 30 for protecting freshwater quality.
 - (g) Methods for dust suppression during dry weather periods, and for regular replenishment of gravel within the private way and yards to minimise mud.
 - (h) Methods for managing solid waste storage on site, including

screening from adjacent sites. No dumping or rubbish or material, and no stockpiling of potentially contaminated soils.

- (i) That all activities shall be carried out in accordance with the certified Noise Management Plan.
- (j) Methods for preventing spills, asbestos release, or other potential contaminants from entering the road-side drains, air, and or from contaminating soil.
- (k) Maintenance requirements, schedule, and responsibilities for any on-site infrastructure, including any sealing.
- (l) Management measures for portaloo's including maintenance requirements for preventing offensive odour beyond the site boundaries.
- (m) Fixing measures for portaloos to ensure that these remain in place during windy or flood conditions.
- (n) The potential consequences of not operating the site in accordance with the management plan, i.e., likely enforcement action from Council.

Landscaping and Screening

- (12) Within 40 working days of the commencement of consent that a detailed landscape implementation plan (LIP), following the recommendations contained within the Landscape Effects Assessment (LEA) and the Landscape Management Plan (LMP) prepared by Boffa Miskell Ltd (Dated 1 June 2023) be prepared for the site and submitted to Council for certification. The LIP shall include the following:
 - (a) Identification of all existing planting/areas of planting within the site.
 - (b) The location of any new planting or enrichment planting required to achieve the level of mitigation identified in the LMP.
 - (c) An additional four rows of planting shall be undertaken along the southern perimeter of the Compass Pools and Earthmover Tyre Service yards. A schedule of species to be used including botanical name, common name, size at time of planting, spacing, height at maturity and quantity.
 - (d) The type and location of plant protection (to prevent damage to the planting from activities within the site).
- (13) All supplementary planting shall be implemented within 6 months of the date of commencement of consent, or the next practical planting season (whichever is sooner) and maintained for the duration of the consented activities in accordance with the recommendations contained within the LMP.

(14) Protection shall be provided to all mitigation planting to ensure accidental damage (including root damage and soil compaction) from activities within the site does not occur. Materials and/or products that have the potential to compact soils shall not be stockpiled, within 1m of any internal boundary planting and/or internal roadscape planting or beneath their driplines (whichever is the greater). Vehicles shall not be driven within 1m of internal boundary planting and/or internal roadscape planting or beneath its dripline (whichever is the greater). A six-monthly survey of planting shall be undertaken by a suitably qualified landscape contractor for the duration of the consent and any dead or diseased plants shall be replaced.

Commented [HP1]: Disagreement - Council's revised position is 1m for shrubs, 3m for trees

(15) Within 20 working days of the consent commencing, a 4.5m high black 70% block-out horticultural shade cloth fence be erected around the western and southern perimeter of the site occupied by Compass Pools. This fence shall be maintained by the consent holder for the duration of the consent such that it does not have any holes, gaps, or tears, and must achieve a minimum height of 4.5 m at all times.

Commented [HP2]: Disagreement on the height

Commented [SC3R2]: Councils preference remains 6m

Setbacks

(16) THAT no buildings (relocatable dwellings) or pool shells will be stored within the following boundary setbacks:

- (a) From the southern and eastern site boundary – 10m.
- (b) From the northern (roadside) boundary – 20m.

Tyre Storage

(17) All tyre storage (Earthmover Tyre Services) shall comply with the requirements of the National Environmental Standard for Storing Tyres Outdoors (NES-STO) including:

- (a) No greater than 100m³ of tyres stored at any one time.
- (b) Maximum height of stacks/ piles – 3m high.
- (c) Setback at least 20m from the northern (true left) bank of the Hakao Stream.

Water Supply

(18) THAT reticulated water shall be maintained to each of the four tenancy areas via the existing 20mm piped connection from Te Puna Station Road.

(19) THAT within 60 working days of the commencement of the consent approval, confirmation shall be provided to Council's Resource Consents Manager that the site is adequately serviced with water for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supply Code of Practice or an alternative means of firefighting capability as determined as suitable by Fire & Emergency New Zealand.

Hours of operation

- (20) THAT hours of operation for the existing on-site activities are to be between 6AM-6PM, Monday-Friday and 7AM – 1PM Saturday, provided that house relocation to and from the Total Relocation and A & J Demolition yards may occur outside these hours.

Noise

- (21) The earth bunds existing at the time consent is granted must be maintained along the northern, eastern, and southern site boundaries at all times.
- (22) Cumulative noise generated by all activities on the site shall not exceed the following limits, as per the Western Bay of Plenty District Plan:

Receiver	Time Period	LAeq, dB	LAFmax, dB
At any point within the boundary of any other property within an Industrial Zone	Daytime 7:00 am – 10:00 pm	65	n/a
	Night-time 10:00 pm – 7:00 am	65	85
At any point within the notional boundary of any dwelling in a Rural Zone or Rural Residential Zone; or At any point within the boundary of any property within a Residential or Future Urban Zone	Monday to Saturday 6:00 am – 10:00 pm	55	n/a
	Sunday and Public Holidays 9:00 am – 6:00 pm		
	At all other times	45	70

Sound levels should be measured in accordance with the requirements of NZS 6801:2008 Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:2008 Assessment of Environmental Sound.

- (23) THAT the consent holder and all activities shall ensure that the Noise Mitigation measures as identified within Section 7.0 of the Noise Management Plan prepared by Styles Group, dated 22 September 2023 are adhered to on an ongoing basis.
- (24) THE consent holder shall ensure that all tenants are provided with a copy of the Noise Management Plan prepared by Styles Group, dated 22 September 2023.

Financial contributions

- (25) THAT upon receipt of an invoice from Council, the consent holder shall within 40

working days of the commencement of this consent make payment of FINCO's on a pro-rata basis for roading as follows:

Transportation – 1.56ha x \$50,043.47 = \$78,067.80 + GST

Commented [SC4]: Council disagrees on the deletion of the water contribution as per final response to Commissioners questions, dated 13th Oct.

Duration

- (26) THAT the duration of this resource consent shall be for two years from the commencement of consent.

Cultural

- (27) No less than five working days prior to undertaking the access upgrade works the consent holder shall invite a representative of Pirirākau hapu on site to undertake cultural monitoring and karakia/blessing. Evidence of this invitation shall be kept and provided to the Western Bay of Plenty District Council within 48 hours of a request.
- (28) On discovery of any unrecorded sites of archaeological importance on site, work shall cease immediately, and the consent holder shall notify a Pirirākau hapū representative and the Western Bay of Plenty District Council as soon as possible.
- (29) If tuna (eels) are discovered on site during earthworks work in that area is to cease and a Pirirākau representative is to be contacted for the purposes of seeking their advice on the safe removal and transfer of the tuna off the site into a safer habitat.

Water Quality

- (30) Within 40 working days of the commencement of consent, a detailed water quality management plan (WQMP) prepared by a suitably qualified water quality professional shall be prepared for the site and submitted to Council for certification. The WQMP shall include the following:
- (a) A Description of stormwater pathways from the site to the roadside drains and Hakao Stream.
 - (b) Water quality standards required to be achieved.
 - (c) Measures for proposed water quality improvement for water discharged from the site.
 - (d) Water quality monitoring procedures including frequency, sampling location(s) and methodology.
 - (e) Measures for managing and mitigating any exceedances of water quality standards.

Advice Notes

1. *The applicant has undertaken to work with Pirirākau, WBOPDC and other agencies to facilitate cultural interpretation mediums in relation to the Hakao restoration cultural offset mitigation.*
2. *The applicant has also undertaken to record Pirirākau recommended names of any newly created roads in accordance with the WBOPDC road naming*

policy.

3. *In relation to condition 28 above, Heritage New Zealand shall also be contacted within 24 hours of any discovery. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials. Work affecting archaeological sites is subject to a consenting process under Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.*
4. *The site is identified as a 'HAIL' site by the BOPRC as part of the property has been used for concrete crushing use in the past. Any soil disturbance, subdivision or change in land use that has not already been assessed as part of the application RC13294L may be subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).*
5. *The consent holder is advised that an approved "Corridor Access Request" is required to construct a vehicle crossing. The application can be made through Council's Roading Service Providers, Westlink, via their online service submitica.*
6. *You may object to this decision, including any conditions of consent, by notifying Council within 15 working days of receipt of this decision. However, you are advised that you may not commence the activity as authorised by this consent until your Appeal is resolved as prescribed by section 116 of the Resource Management Act 1991.*
7. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by a Council representative and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring, Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or additional monitoring fees.*