

IN THE MATTER
Management Act 1991

of the Resource

AND

IN THE MATTER

of Plan Change 93 (Te Puna Springs) to the Western Bay of Plenty District Plan

**STATEMENT OF EVIDENCE OF NEILL EMERSON RAYNOR
ON BEHALF OF TE PUNA SPRINGS ESTATE LIMITED
(SUBMITTER 04)
23 JUNE 2022**

1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My full name is Neill Emerson Raynor.
- 1.2 I am a Civil Engineer specialising in Land Development and Stormwater management employed by Aurecon New Zealand Ltd. My qualifications are NZCE (Civil) from Waitako Technical Institute and BE (Civil) from the University of Auckland (1989). I am a Chartered Professional Engineer (CPEng) and a Chartered Member of Engineering NZ (formerly IPENZ).
- 1.3 I have over 35 years engineering experience, more than 25 of which has been in the civil engineering aspects of land development and stormwater management in the Bay of Plenty, the Waikato and other major Centres around New Zealand, I have previously prepared and presented evidence at planning hearings and in the Environment Court.
- 1.4 I have been engaged by Te Puna Springs Estate Limited to prepare the technical 3 waters report for the plan change and to specifically assess the likely stormwater considerations for the commercial rezoning of the land
- 1.5 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Panel. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

2. SCOPE OF EVIDENCE

2.1 My evidence is set out as follows:

- (a) Background
- (b) Wastewater and Water Services
- (c) Stormwater management
- (d) Officers Report
- (e) Submissions
- (f) Conclusion

3. BACKGROUND

3.1 The Te Puna Springs Industrial Development is located on the northwest corner at the intersection of SH2 and Te Puna Road, behind the existing BP Service Station and Four Square (refer Figure 1 below) The site is further described in detail in the plan change itself

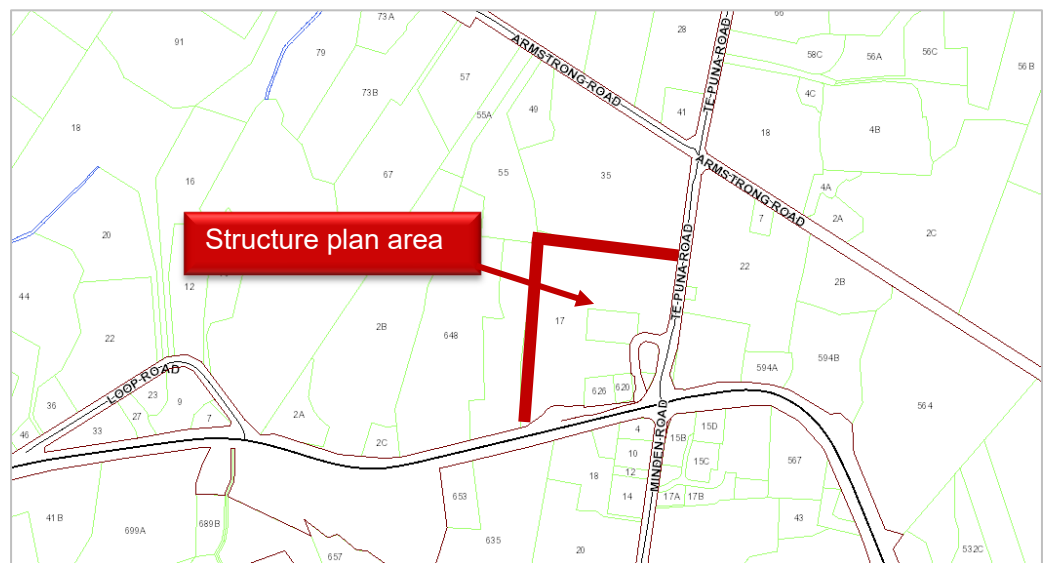


Figure 1– Locality Plan (WBOPDC Map)

3.2 The Te Puna Springs Industrial Development structure plan has been revised from the original application in response to submitters and is shown as Figure 2 below

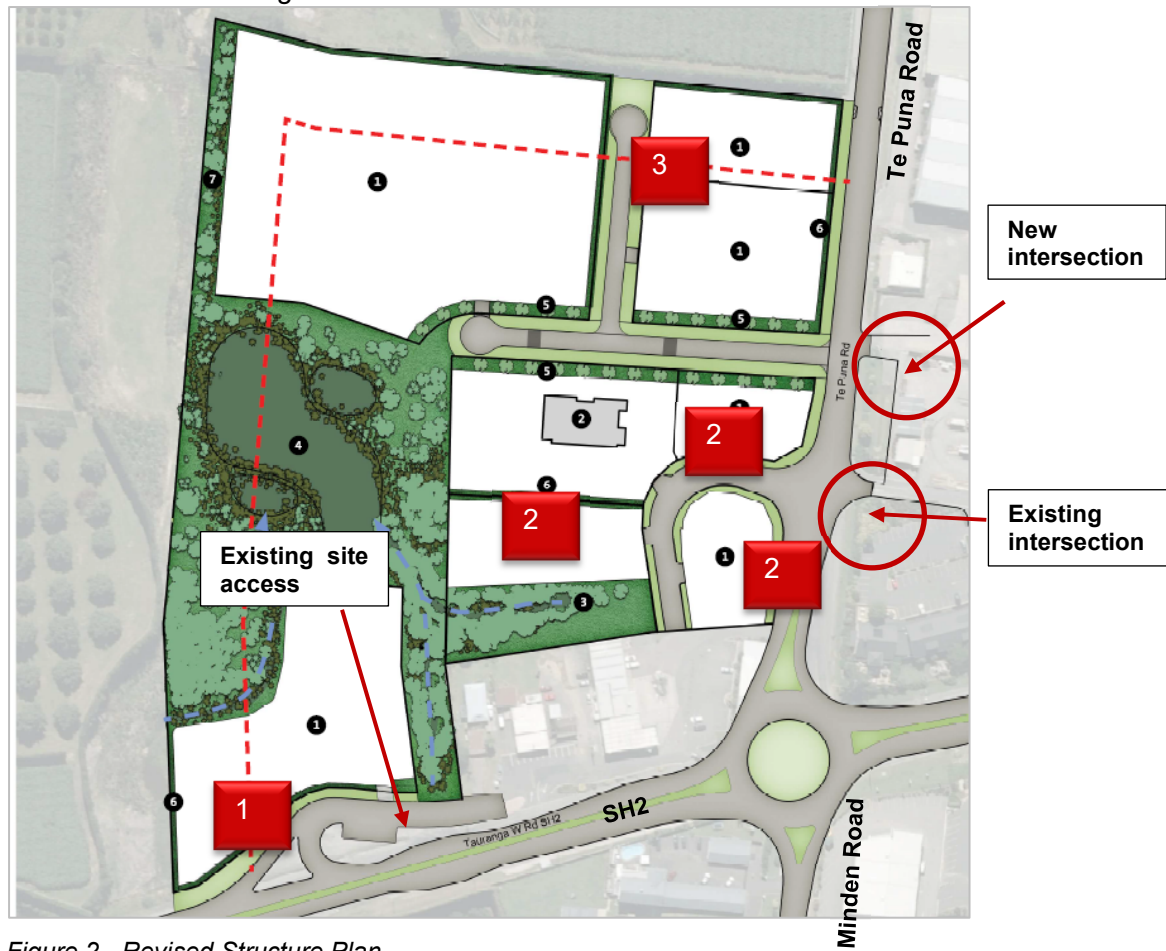


Figure 2 - Revised Structure Plan

4. WASTEWATER DISPOSAL

- 4.1 As described in the officer's report, the applicant has Council approval to connect to the Ōmokoroa Wastewater Transfer Pipeline.
- 4.2 This approval ensures that on-site Effluent Treatment and Disposal Systems will not be required.
- 4.3 The site will reticulate wastewater from each development area to a central pumpstation which will pump wastewater to the Omokoroa Transfer main some 1.8km away at the intersection of Te Puna Station Road and Te Puna Road.

- 4.4 Each lot may utilise private pumps or a low pressure system connected to a centralised pumpstation, including the south western lot that has existing open channel waterways on three sides.
- 4.5 I am satisfied that the plan change area can be reticulated within the site and then pumped to the Omokoroa Transfer Main using conventional engineering solutions.

5. WATER RETICULATION

- 5.1 A 200 mm dia water main fronts the site on Te Puna Road and a 150 mm dia water main fronts the site along SH2. Based on the WBOPDC Development Code a peak hourly flow rate of 1.5L/sec/ha is anticipated to be appropriate for the proposed development, therefore, an approximate supply demand of 12L/s is required.
- 5.2 The 150mm dia principal main serving the site is expected to be sufficient. This is supported by the empirical guidelines provided in NZS4404 Table 6.2 which specifies that a 150mm dia pipe is sufficient to supply 23ha of general industrial development.
- 5.3 A connection is also proposed to the existing 200mm dia pipe along Te Puna Road and if required a connection to the 150mm dia pipe along SH2 can provide a 2 ended system. This will provide more than sufficient capacity for firefighting in accordance with the Development Code and the NZ Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).
- 5.4 Internal lots would install appropriate connections at the time of development.
- 5.5 There are two fire hydrants within 110m of the lot with frontage onto the SH2 access bay and an additional two fire hydrants within the te puna road berm outside the plan change area. Additional hydrants can be installed within the plan change area as part of the future development of the land

In my opinion water demand expected from the plan change area can be supplied and reticulated internally and the requirements for firefighting can be met using conventional engineering solutions.

6. STORMWATER MANAGEMENT

6.1 The Te Puna Springs Estate site is located at the downstream end of a larger 42ha catchment approximately that includes all of the existing hardstand areas within the Te Puna Village area.

These upstream catchments are conveyed to the site in a mixture of piped reticulation and open channels that combine to discharge into an existing attenuation pond behind an embankment located within the site boundary. The catchment extents above the site is shown on Figure 3

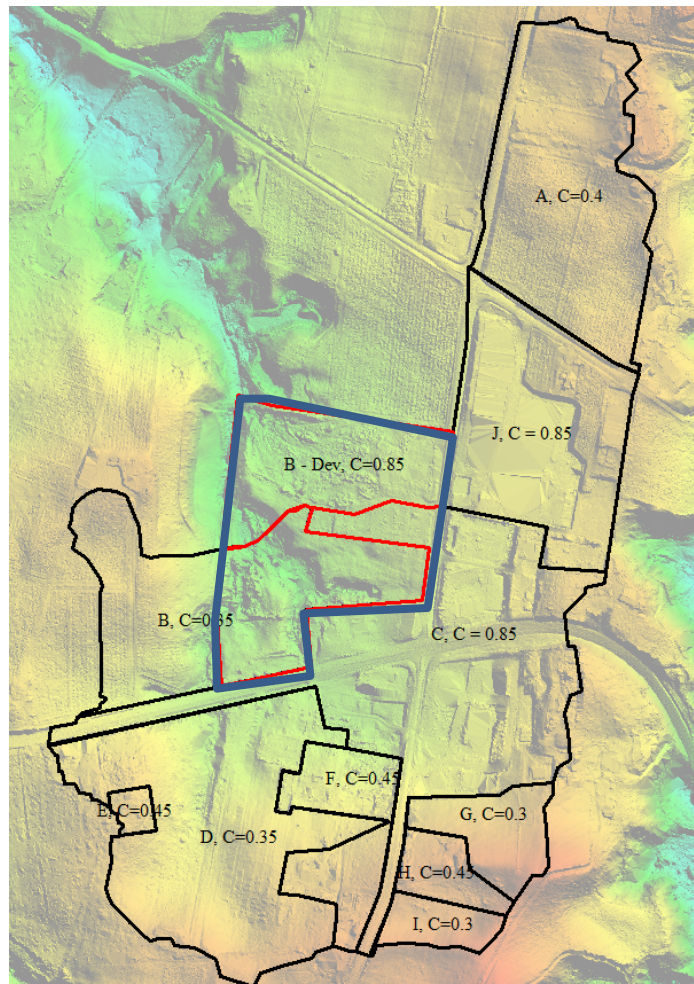


Figure 3 - Catchment above the Plan Change Area

- 6.2 The pond was originally constructed by DWS Progrowers Limited to attenuate flow from their site in 2007. A stormwater pipeline was constructed from the DMS site, running through the Te Puna Springs Estate site and discharging to the pond.
- 6.3 The stormwater management philosophy proposed for the plan change area is to collect and treat the stormwater using combined inline attenuation ponds and offline extended detention and treatment wetlands which will replace the existing pond.
- 6.4 Section 7.1.9 of the Regional Councils Stormwater Management Guidelines for the Bay of Plenty region, Guideline 2012/01 April 2012 (updated as at December 2015) recommends that the ponds is designed to attenuate to 80% of the 100-year ARI predevelopment flows and match the 10-year and 2-year ARI predevelopment flows to ensure there are no downstream impacts from increased runoff. This guideline is current Regional Council Policy
- 6.5 This has been applied to the increase in runoff from the site and its contribution to the overall flow leaving the site. To mitigate any erosion effects from events smaller than the 2yr ARI, an extend detention pond will be used to distribute these runoff volumes from the plan change area over a 24hr period.
- 6.6 Using the HEC-HMS flood routing software, different sizes of ponds and outlets were tested and to achieve the required criteria within the regional council guidelines a pond volume of 8300m³ was required with a top water level of RL 14.25m (Moturiki Datum). This compares with the existing pond volume of 3,100m³ at a top water level of RL14.25m.
- 6.7 Four separate outlet pipes are required to achieve the stepped attenuation flow, twin 1050mm dia culverts at the pond design invert of RL 11.35m and twin 825 dia culverts at RL12.625m.
- 6.8 The reticulation from the development lots and access road would pass through offline wetland and extended detention ponds which would in turn discharge to the attenuation pond.

- 6.9 The indicative layout was shown within the application. I am advised that stormwater generated from the proposed future development is also subject to a future discharge consent process.
- 6.10 Overland flowpaths would occur along the proposed access road and pass through the attenuation pond, These can be shaped to ensure overland flows do not pass through the proposed wetland areas.
- 6.11 Since submissions closed, discussions with Regional Council staff have occurred in relation to stormwater
- 6.12 My assessment has excluded the option of on-site attenuation which is considerable given that the carparking areas will all have the potential to contain significant underground storage. Any need for this will be considered as part of the discharge consent application. I have, however, discussed this and further alternative options which are as follows:
- 6.13 There is the ability to use Inert Roof materials:
- 6.14 This would provide treatment and extended detention of the initial site runoff in small off line wetlands, adjacent to the main attenuation area which is online with regard to upstream catchment contributions. As a single end of catchment facility these would have been generally to the sizes indicated. But, by requiring inert roofs to be incorporated in the development the contamination of heavy metals and non-inert roof coverings is therefore removed and pre-treatment through wetlands is not required. This would allow bypassing of the wetland for stormwater from roof discharges. Wetlands can therefore be more efficient in treating the potentially contaminated runoff from , access and parking areas within the plan change area.
- 6.15 At source treatment:
- 6.16 At source devices to treat for runoff from the access parking and manoeuvring areas through devices such as raingardens (or the more specialised lower footprint versions of these such as the Stormwater360 Filterra devices) vegetated swales, permeable paving, etc. As the overall site is most likely to be developed as a comprehensive plan, the size of

the centralised wetland may be able to be reduced in conjunction with the at source treatment devices.

- 6.17 On Site Storage:
- 6.18 The ability to manage stormwater from roofs separately from the ground level impervious surfaces enables a separate reticulation system with on-site detention to be relatively easily achieved on this site where there is sufficient height difference from the proposed site levels to the attenuation outlet level. Underground storage facilities can be achieved using a range of proprietary systems available such as arch chambers (e.g. SW360 Chambermaxx), circular tanks (e.g. Promax Underground tank or large concrete pipes), crates systems (e.g. Ecoflow GRAF tanks), or bespoke items.
- 6.19 The ability of on-site facilities to provide efficient mitigation is greater than an on line attenuation pond, such as the single attenuation pond leaving site, however the overall cost of these facilities may exceed additional land associated with a standalone attenuation facility. I am however satisfied that attenuation and treatment can be achieved without the need to incorporate these further measures on site. If at the time of discharge consent, they are required, they can be easily adopted through that process
- 6.20 Catchment wide Considerations:
- 6.21 The context of the proposed development within the wider catchment of the next downstream piece of significant infrastructure (Armstrong Road Culvert) was reviewed and the relative catchments and contributions to this road culvert are summarised as follows:

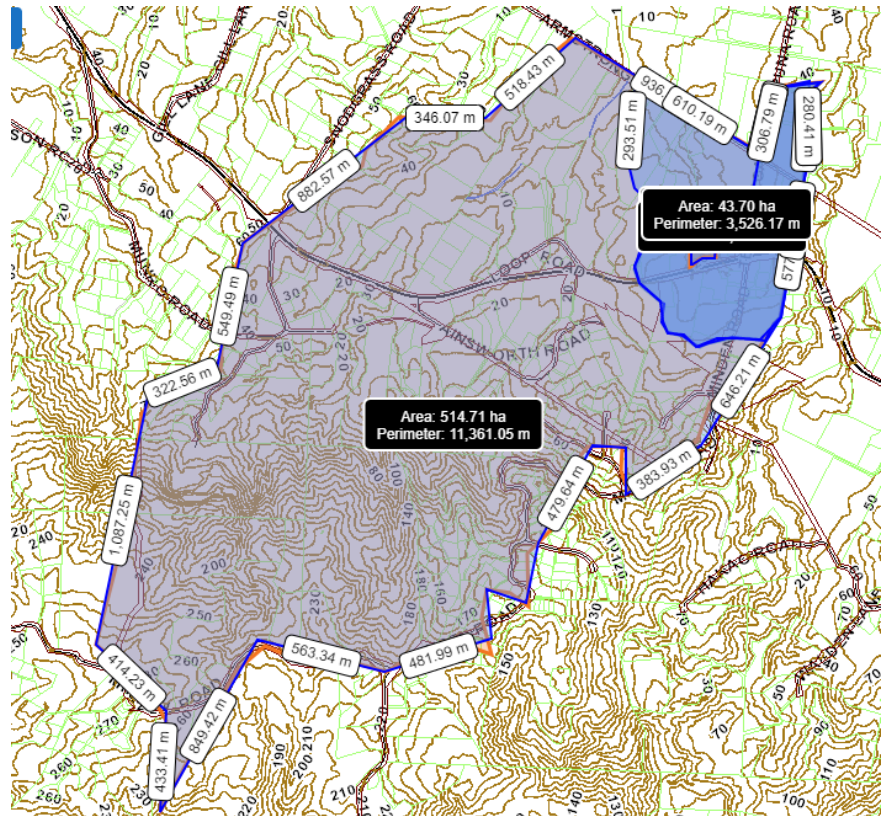


Figure 4 - Overall Catchment and site catchment at Armstrong Road Culvert

- 6.22 By a visual comparison of the catchment area with topographical information shown, there is a large proportion of the catchment to Armstrong Road that is of greater distance away and therefore likely to be delayed in terms of the peak discharge arriving at the road culvert.
- 6.23 As there is some attenuation within these catchments from road crossings, low lying flood plain areas, etc, a catchment wide analysis may support a reduced level of attenuation on the site to reduce the delay in peak discharge associated with attenuation, so that it does not arrive at the downstream infrastructure at the same time as the balance of the larger catchment. The existing pond however already delays the peak by approximately 20min so the peaks currently would be almost aligned.
- 6.24 Overall however as the site forms only 1.2% of the overall catchment at Armstrong Road, and the increase in runoff from the plan change area would be less than 1% of the flow at Armstrong Road, the sensitivity is minimal in terms of the overall catchment, but would have an

improvement on the sizing of the infrastructure on site to achieve the necessary levels of attenuation.

- 6.25 This can only improve the ability of the proposed stormwater management to provide the flood protection and flow attenuation from what has been shown to be able to be accommodated within the proposed plan change application.
- 6.26 In summary, the flood management has been analysed and described in the application to show that attenuation can be achieved with no on site attenuation or treatment, however the additional requirements for inert roofs, on site attenuation such as underground storage, and a potential reduction in peak attenuation required by a more detailed assessment of the wider catchment can only improve the confidence that a suitable solution can be determined through the more detailed, development specific design the would be provided to gain a stormwater discharge consent.
- 6.27 Correspondence from Aaron Collier, on behalf of Te Puna Springs Estate Limited, to the BOPRC on stormwater matters is attached as Annexure A

7. OFFICERS REPORT

- 7.1 I agree with the officers report on servicing and stormwater management and have no further comment on this.

8. SUBMISSIONS

- 8.1 Submission 17 - BOPRC

The BOPRC have submitted on matters including the stormwater management and the ability to manage peak flows and flood effects, and the lack of on individual site stormwater management features and controls. The Regional Council have been requesting a level of detail in this instance as is discussed in the evidence of Aaron Collier. I note that in my experience as an engineer dealing with plan changes that the design of infrastructure is normally not completed until future tenants,

buildings and carparking locations are actually confirmed. To provide specific development layouts, buildings, carparking areas and “the sizing and design of stormwater infrastructure” as the submitter suggests provides no benefit at this stage, because they will likely change. The assessment provided in the application demonstrates that suitable infrastructure can be accommodated within the site to mitigate the attenuation and treatment requirements of the proposed zoning.

8.2 These have been commented and detailed in my evidence above.

9. CONCLUSION

9.1 In conclusion the proposed plan change area can be serviced for wastewater and water supplies to be in accordance with the performance standards of the District Plan and the Development Code.

9.2 The stormwater assessment has shown that the potential stormwater effects of the development of the site can be mitigated for quality and peak flow rate within the area identified, even when excluding the potential on site management features that are available for inclusion at a later stage of the developments consenting process.

Neill Raynor

Annexure A

Neill Raynor

To: Neill Raynor
Subject: FW: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

From: aaron@collierconsultants.co.nz <aaron@collierconsultants.co.nz>
Sent: Monday, 20 June 2022 3:33 pm
To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; Kathy Thiel-Lardon <Kathy.Thiel-Lardon@boprc.govt.nz>; 'Sue Ira' <sue.ira@koruenvironmental.co.nz>; Mark Ivamy <Mark.Ivamy@boprc.govt.nz>; Keith Hamill <keith@riverlake.co.nz>; Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>; gary.allis <gary.allis@westernbay.govt.nz>; coral-lee.ertel <coral-lee.ertel@westernbay.govt.nz>; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>; anna.price@westernbay.govt.nz
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Hi Nathan.

We consider that a feasible stormwater solution has been developed for the purposes of the plan change, and that excludes the option of on-site attenuation which is considerable given that the carparking areas will all have the potential to contain significant underground storage. As I have explained previously the need for this will be considered as part of the discharge consent application.

I have asked Aurecon to provide further comments and they advise that their technical assessment including hydraulic modelling of the catchment at the proposed attenuation device at the discharge location from the property. This work included the upstream catchments including the commercial and industrial developments that have already occurred within the catchment. The peak flow target was based on the existing flows, from the upstream catchment flow contribution, as well as a limit of 80% of the 100yr predevelopment discharge from the plan change area. While the 80% factor to the 100yr may not be in use in the Auckland region any more, it is still the current practice required by the BOPRC. This is due to the fact that 7.1.9 of the Regional Councils *Stormwater Management Guidelines for the Bay of Plenty region, Guideline 2012/01 April 2012 (updated as at December 2015)* recommends this approach as follows:

7.1.9 Recommendation for storm peak discharge control

There are three recommendations related to peak discharge control:

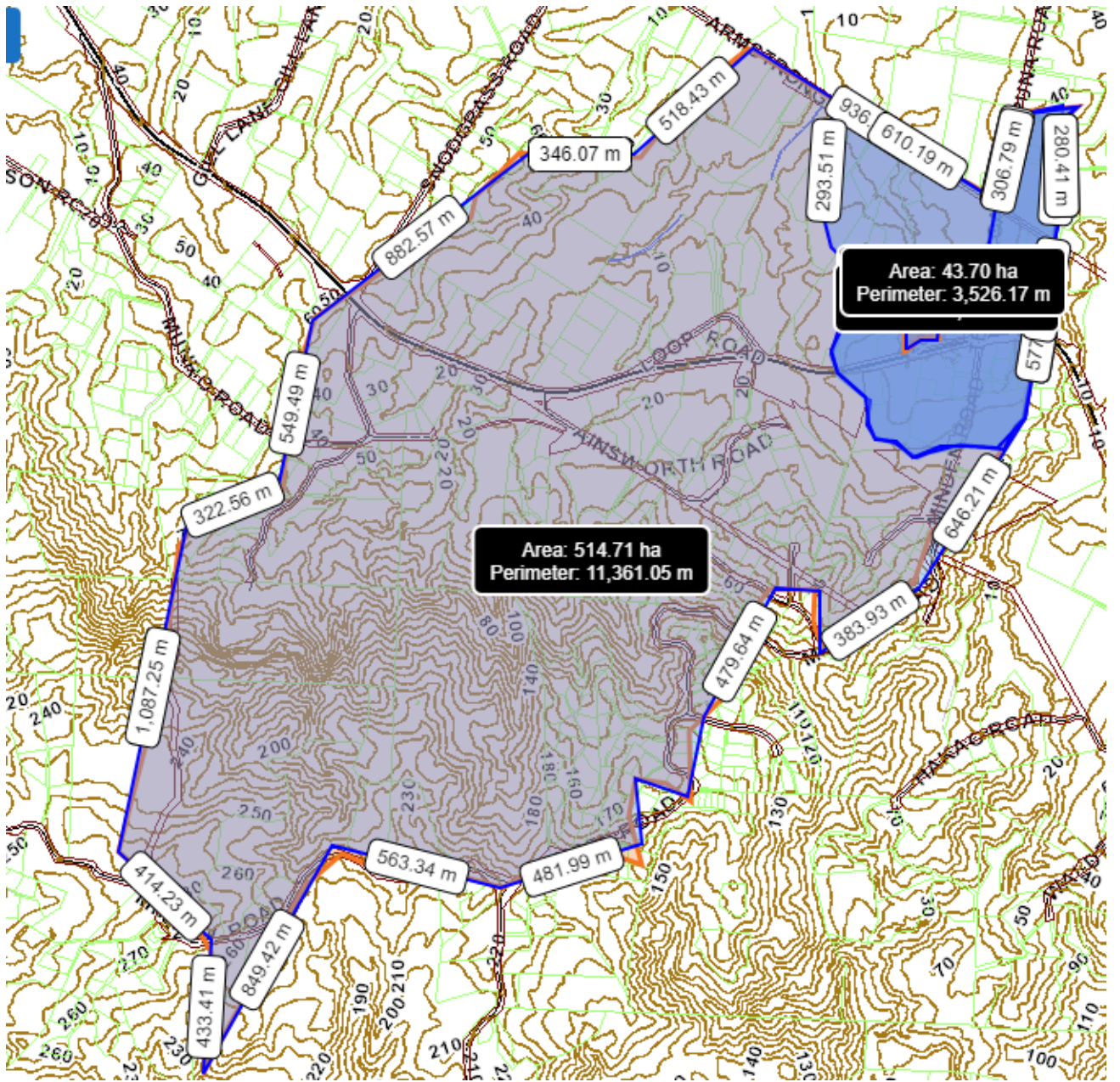
- Where there are existing flooding problems downstream and in the absence of a catchment study that evaluates a potential project in a given location and depending on the location of a project within a catchment (per Section 6.1.3), it is recommended that the post-development peak discharge for the 100-year storm for a new project be limited to 80% of the pre-development peak discharge.
- In terms of intermediate storm control, it is recommended that the two and ten-year post-development peak discharges not exceed the two and ten-year pre-development peak discharges.
- In addition, the rainfall data for the two and ten-year storms should be increased for the post-development condition by the percentages shown in Table 8.4.
- These recommendations only apply to projects located in the top half of catchments so as to avoid concerns over coincidence of peaks aggravating downstream flooding concerns.

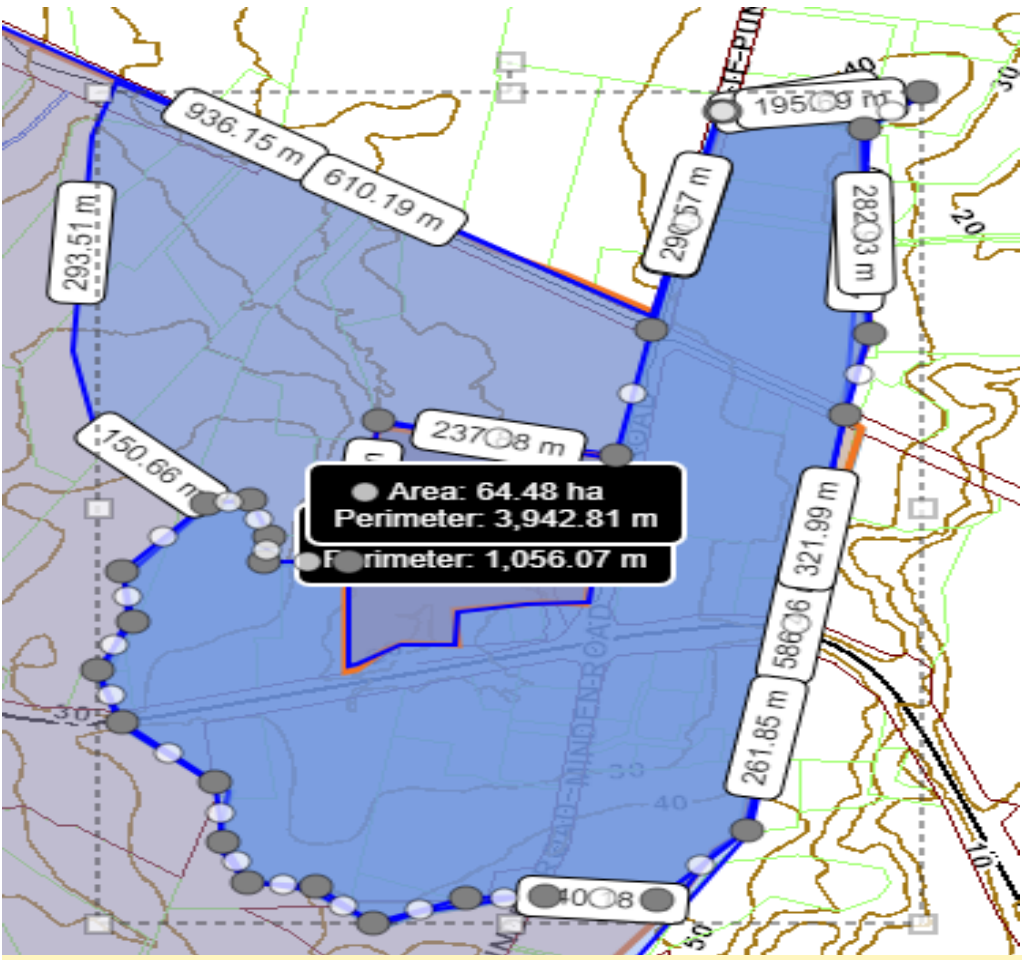
The above has been included in performance standards of recent catchment wide consents granted by BOPRC such as the Te Puke Comprehensive Stormwater Consent. The 80% factor provides some allowance to the cumulative effect of other developments in the catchment and the extended nature of an attenuated flow in the absence of a catchment study. A catchment wide assessment was therefore not undertaken. Please confirm as a matter of urgency if there has been a policy change and the Regional Councils *Stormwater Management Guidelines for the Bay of Plenty Region* no longer applies.

The 2yr and 10yr flows were also reduced to predevelopment levels to provide peak flow protection to downstream areas over a range of events, as large flow attenuation can lead to an increase in flow peaks in the smaller, more frequent rainstorm events.

In terms of catchment wide considerations, the context of the proposed development within the wider catchment of the next downstream piece of significant infrastructure (the Armstrong Road Culvert) the relative catchments and their contributions to this road culvert are summarised as follows:

Description	Area	Length (to Armstrong Road)	Highest elevation	Average Slope (Equal Area Method)	Time of concentration	Proportion of total catchment
Overall Catchment	515ha	4150m	280m	3.4%	45 min	100%
Sub-Catchment including site	64ha	1130m	25m	1.6%	42 min (22 min direct flow however existing pond delays peak by approx. 20mins)	12%
Catchment to attenuation pond	43.7ha				17 min	8%
Plan Change Area	6.01ha					1.2%





By way of visual comparison of the catchment area with topographical information, there is a large proportion of the catchment to Armstrong Road that is of greater distance away and therefore likely to be delayed in terms of the peak discharge arriving at the road culvert. As there is some attenuation within these catchments from road crossings, low lying flood plain areas, etc, a catchment wide analysis may support a reduced level of attenuation on the site to reduce the delay in peak discharge associated with attenuation (so that it does not arrive at the downstream infrastructure at the same time as the balance of the larger catchment). The existing pond however already delays the peak by approximately 20min so the peaks currently would be almost aligned.

As the site forms only 1.2% of the overall catchment at Armstrong Road, and the increase in runoff from the plan change area would be less than 1% of the flow at Armstrong Road, the sensitivity is minimal in terms of the overall catchment, but would be improved by the sizing of the infrastructure on site to achieve the necessary levels of attenuation.

In summary, the flood management has been analysed and described in the Plan Change application to show that attenuation and treatment can be achieved with no on site attenuation or treatment within the commercial sites themselves. The option to incorporate further measure “on site” has also been offered as set out in my email dated 17 June.

The design of infrastructure will not be completed until future tenants, buildings and carparking locations are confirmed. To provide specific development layouts, buildings, carparking areas and as you have described it “the sizing and design of stormwater infrastructure” provides no further benefit at this stage, because they will change.

Such information would be unlikely to even be required for the purposes of a resource consent. Such consents are typically based on quality and volume standards as set though consent conditions.

Once Kathy has reviewed the above, can you please come back to me in relation to my question of 17 June. Neill Raynor (Aurecon) is more than happy to discuss his assessment directly with Kathy if that will assist.

Regards

Aaron Collier | aaron@collierconsultants.co.nz
Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand
M. 021 744 707

From: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Sent: Friday, 17 June 2022 4:56 pm
To: aaron@collierconsultants.co.nz
Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; Kathy Thiel-Lardon <Kathy.Thiel-Lardon@boprc.govt.nz>; 'Sue Ira' <sue.ira@koruenvironmental.co.nz>; Mark Ivamy <Mark.Ivamy@boprc.govt.nz>; Keith Hamill <keith@riverlake.co.nz>; Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>; gary.allis <gary.allis@westernbay.govt.nz>; coral-lee.ertel <coral-lee.ertel@westernbay.govt.nz>; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>; anna.price@westernbay.govt.nz; Rachel Boyte <Rachel.Boyte@boprc.govt.nz>
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Thank you for getting back to us Aaron.

The substantive issue for BOPRC, is whether you are able to address Kathy’s concerns with regards to the volume input for the sizing of the stormwater mitigation – are you able to respond directly to this and the sizing, design and location concerns raised by our ecologists and stormwater engineers

in my email of 10 June? To this end, we do not consider a feasible stormwater solution has yet been developed for the site and therefore our position remain the same.

In our view, a revised proposal addressing our concerns with time to review would significantly progress matters for all concerned. At which stage, we would then be in a position to discuss the appropriateness of provisions. We also consider stormwater should be addressed comprehensively at the plan change stage and not solely at the consenting stage. This is to ensure future land owners/occupiers do not bear the costs to address or are required to carry the burden of site-wide stormwater issues which should be addressed at the structure plan stage.

If you consider a further conversation would advance this, please contact on my number 022 1915 684,

Kia ora ra,
Nathan

Nathan Te Pairi

Planner (Regional Integrated)

Bay of Plenty Regional Council Toi Moana

P: 0800 884 880 **DD:** 0800 884 881 x8326
E: Nathan.TePairi@boprc.govt.nz
M: 027 274 2982 **W:** www.boprc.govt.nz
A: PO Box 364, Whakatāne 3158, New Zealand

Thriving together – mō te taiao, mō ngā tāngata

From: aaron@collierconsultants.co.nz <aaron@collierconsultants.co.nz>

Sent: Friday, 17 June 2022 12:34 pm

To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>

Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; Kathy Thiel-Lardon <Kathy.Thiel-Lardon@boprc.govt.nz>; 'Sue Ira' <sue.ira@koruenvironmental.co.nz>; Mark Ivamy <Mark.Ivamy@boprc.govt.nz>; Keith Hamill <keith@riverlake.co.nz>; Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>; gary.allis <gary.allis@westernbay.govt.nz>; coral-lee.ertel <coral-lee.ertel@westernbay.govt.nz>; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>; Anna.Price@westernbay.govt.nz

Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Hi Nathan

Thank you for meeting with us yesterday to discuss the stormwater and ecological related matters with your experts.

Following the meeting I have discussed with the plan change applicant, the matters that were explored in our meeting.

The applicant considers that the discharge matters are best dealt with through the Regional consent process. However if the Regional Council is prepared to change its position on the plan change from one of opposition, then the applicant would be happy to include further provisions which would incorporate specific low impact stormwater design measures for the site. These would be included in the specific structure plan requirements for Te Puna Springs only and would not impact on other areas of the District.

The provisions would include a requirement at building consent stage to incorporate the following measures (where appropriate):

- The use of raingardens and similar systems for water quality treatment
- Stormwater retention tanks in parking/roading areas for stormwater attenuation.
- The use of inert roofing.

I want to ensure that the above are broad enough such that they do not conflict with any specific requirements of the future discharge consent which will be based on actual uses.

It is likely that the applicant will proceed to apply for a Regional Council Stormwater discharge consent immediately following the plan change process, and that the nature, location and extent of the above will be determined by the resultant uses on each of the sites. As the applicant intends to develop and build on the sites themselves, they will have some control and certainty in relation to uses at the time that the Regional consent is sought.

In relation to Keith Hamills comments on the stream locations, these have been considered and we can make some minor adjustments to the overall plan.

Based on the above can you please confirm whether the Regional Council will change their position of opposition to the plan change.

Regards

Aaron Collier | aaron@collierconsultants.co.nz
Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand
M. 021 744 707

From: Anna Price <Anna.Price@westernbay.govt.nz>
Sent: Tuesday, 14 June 2022 3:39 pm
To: aaron@collierconsultants.co.nz; 'Nathan Te Pairi' <Nathan.TePairi@boprc.govt.nz>
Cc: 'Neill Raynor' <Neill.Raynor@aurecongroun.com>; 'Kathy Thiel-Lardon' <Kathy.Thiel-Lardon@boprc.govt.nz>; 'Sue Ira' <sue.ira@koruenvironmental.co.nz>; 'Mark Ivamy' <Mark.Ivamy@boprc.govt.nz>; 'Keith Hamill' <keith@riverlake.co.nz>; 'Rachel Boyte' <Rachel.Boyte@boprc.govt.nz>; 'Sharlene Parady' <Sharlene.Parady@boprc.govt.nz>; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>; 'Kate Barry-Piceno' <kate@kbplawyer.co.nz>; Gary Allis <Gary.Allis@westernbay.govt.nz>; Coral-Lee Ertel <Coral-Lee.Ertel@westernbay.govt.nz>
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Hi Nathan,

I agree with Aaron on his request below, it is important for you to provide any technical information from your team prior to your meeting to ensure the applicant's team has a chance to prepare. This will ensure a productive meeting which will allow outstanding matters to be agreed on prior to the hearing.

Please also copy in Council in this information.

Regards

Anna Price

Senior Consents Planner

Kaimahere Matua Whakaae ā-rawa



Western
Bay of Plenty
District Council

For our
people

E anna.price@westernbay.govt.nz

P 07 571 8008 | FP 0800 926 732 | DDI 07 579 6618

1484 Cameron Road, Greerton, Tauranga 3112

westernbay.govt.nz | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

From: aaron@collierconsultants.co.nz <aaron@collierconsultants.co.nz>

Sent: Tuesday, 14 June 2022 2:42 PM

To: 'Nathan Te Pairi' <Nathan.TePairi@boprc.govt.nz>

Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; Anna Price

<Anna.Price@westernbay.govt.nz>; 'Kathy Thiel-Lardon' <Kathy.Thiel-Lardon@boprc.govt.nz>; 'Sue

Ira' <sue.ira@koruenvironmental.co.nz>; 'Mark Ivamy' <Mark.Ivamy@boprc.govt.nz>; 'Keith Hamill'

<keith@riverlake.co.nz>; 'Rachel Boyte' <Rachel.Boyte@boprc.govt.nz>; 'Sharlene Pardy'

<Sharlene.Pardy@boprc.govt.nz>; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>; 'Kate

Barry-Piceno' <kate@kbplawyer.co.nz>; Gary Allis <Gary.Allis@westernbay.govt.nz>; Anna Price

<Anna.Price@westernbay.govt.nz>; Coral-Lee Ertel <Coral-Lee.Ertel@westernbay.govt.nz>

Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Kia ora Nathan.

I was not intending to provide a further response prior to the technical meeting, as the matters for discussion are set out below.

You have our technical material in support of the Plan change (and the further work completed such as the ecological reporting), but we have not received any underlying technical reporting from you such as a stormwater assessment or ecological assessment. I assume you have completed this work as you did a site visit with a number of staff/consultants, some of whom are copied into this email.

To make Thursdays meeting productive, can you please provide us with a copy of this reporting so that my technical staff can review these assessments prior to the meeting.

Nga Mihi

Aaron Collier | aaron@collierconsultants.co.nz

Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand

M. 021 744 707

From: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>

Sent: Monday, 13 June 2022 8:54 am

To: aaron@collierconsultants.co.nz

Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; 'Anna Price'

<Anna.Price@westernbay.govt.nz>; Kathy Thiel-Lardon <Kathy.Thiel-Lardon@boprc.govt.nz>; 'Sue Ira' <sue.ira@koruenvironmental.co.nz>; Mark Ivamy <Mark.Ivamy@boprc.govt.nz>; Keith Hamill <keith@riverlake.co.nz>; Rachel Boyte <Rachel.Boyte@boprc.govt.nz>; Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>; Kate Barry-Piceno <kate@kbplawyer.co.nz>; gary.allis <gary.allis@westernbay.govt.nz>
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Thanks Aaron. My intent was to indicate that these are council staff views only and we were open to further discussion to work through the issues.

Feel free to call me if it would help to clarify any of the matters identified our in email in advance.

Will you able to provide a response in advance of our meeting on Thursday to assist the process?

Kia ora ra,
Nathan

Nathan Te Pairi

Planner (Regional Integrated)

Bay of Plenty Regional Council Toi Moana

P: 0800 884 880 **DD:** 0800 884 881 x8326
E: Nathan.TePairi@boprc.govt.nz
M: 027 274 2982 **W:** www.boprc.govt.nz
A: PO Box 364, Whakatāne 3158, New Zealand

Thriving together – mō te taiao, mō ngā tāngata

From: aaron@collierconsultants.co.nz <aaron@collierconsultants.co.nz>
Sent: Friday, 10 June 2022 4:52 pm
To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; 'Anna Price' <Anna.Price@westernbay.govt.nz>; Kathy Thiel-Lardon <Kathy.Thiel-Lardon@boprc.govt.nz>; 'Sue Ira' <sue.ira@koruenvironmental.co.nz>; Mark Ivamy <Mark.Ivamy@boprc.govt.nz>; Keith Hamill <keith@riverlake.co.nz>; Rachel Boyte <Rachel.Boyte@boprc.govt.nz>; Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>; Kate Barry-Piceno <kate@kbplawyer.co.nz>; gary.allis <gary.allis@westernbay.govt.nz>
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Good afternoon, Nathan.

I have been trying to get a response from you for some time, so thank you for replying.

Regarding your statement “ **legally privileged advice for discussions purposes only**”, can you please advise what you mean? Our experience is that it is normal for Council staff to meet in an open and transparent manner, in good faith. Our team are all suitably qualified and experienced experts who operate under Codes of conduct, and this is simply a normal discussion in a submission process.

If you are signalling that the Council is threatening an appeal, then I suggest that Rachel Boyte contacts Kate Barry Piceno (the applicants Barrister) to discuss this further.

Our team is happy to meet as experts on Thursday afternoon at 2pm but we will not be meeting if such discussions are legally privileged. Our approach is to always work in a collaborative manner.

Regards

Aaron Collier | aaron@collierconsultants.co.nz
Planner | Director

Collier Consultants Ltd | PO Box 14371 Tauranga Mail Centre 3143 | New Zealand
M. 021 744 707

From: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Sent: Friday, 10 June 2022 10:48 am
To: aaron@collierconsultants.co.nz
Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; Anna Price <Anna.Price@westernbay.govt.nz>; Kathy Thiel-Lardon <Kathy.Thiel-Lardon@boprc.govt.nz>; Sue Ira <sue.ira@koruenvironmental.co.nz>; Mark Ivamy <Mark.Ivamy@boprc.govt.nz>; Keith Hamill <keith@riverlake.co.nz>; Rachel Boyte <Rachel.Boyte@boprc.govt.nz>; Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>
Subject: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Tēnā koe e Aaron,

Thank you for providing a response on 19 May (ecology and other matters) and 31 May (stormwater management) in relation to our concerns identified in our submission for Plan Change 93.

In summary and for the reasons set out below, BOPRC do not support the plan change in its current form, however, we are prepared to meet in the near future to see if these matters can be addressed. To assist you and in advance of the hearing, we provide the following **legally privileged advice for discussions purposes only**.

Flood risk and modelling

We note that the Western Bay District Council has elected not to seek a risk assessment to manage flood risk. Notwithstanding this, BOPRC's engineers do not consider modelling that has been used to determine the effects of the plan change has comprehensive assessed the cumulative stormwater effects from the surrounding area.

For this reason, BOPRC do not support the level of and, feasibility, of the necessary mitigation to manage the unassessed cumulative stormwater effects from the surrounding area and, are unable to determine whether there is an increase in risk outside of the development site as required by Policy NH 4B, including existing downstream infrastructure including Armstrong Road and Borrell Road.

This is a fundamental concern for BOPRC and a key reason why do not support the plan change at present. We have raised this matter with the reporting planner at Western Bay District Council and will wait for their response as I understand the s.42a report will be published on Monday 13 June.

On a related note, the plan change including recently submitted information does not include provisions to achieve a low level of risk on the development as required by Policy NH 4B as set out in our submission. On further review, BOPRC do not consider a control for impermeable surface coverage is necessary, we do consider that the plan change should identify a best practice methods to manage flood risk to ensure buildings are not functionally compromised at 1% AEP RCP 8.5 2130.

Ecology and Mapping

No issue is raised by our freshwater ecologist as to the assessment of values identified for the various waterbodies on the site and we welcome the suggested changes revised zoning layout, however, in the absence of considering a the Best Practicable Option for managing stormwater, further amendments to the extent of the zoning maybe required. In any case, there are a number of inconsistencies between the maps by Wildlands (Figure 2) and Boffa Miskell (Structure Plan Revision L) with regards to stream locations and plot locations.

For stream location, the Boffa Miskell report is more accurate, but still inconsistent with actual stream location as our ecology has mapped them for the South Tributary and Southern Reach. This has implications for accurately understanding buffers being provided and whether stream diversions will be required as part of the development. It is recommended that the applicant should provide an accurate map for the proposed development footprint and current stream locations so we can understand the implications of the development.

Stormwater Mitigation

BOPRC are also concerned about the potential loss of the raupo wetland with no apparent consideration for applying the mitigation hierarchy (i.e. avoid before mitigating or remedying). In this case, BOPRC do not consider there are clear reasons why the loss of the wetlands cannot be avoided and on this basis, the loss of stormwater mitigation is not supported.

Further, BOPRC consider that the plan change not adequately mitigate the effects of stormwater, in particular, post development stormwater run-off and related erosion effects resulting from the increase in new impervious areas to the receiving environment as required by the National Policy Statement for Freshwater Management, the Regional Natural Resources Plan and the Regional Policy Statement. In this regard the WBOPDC District Plan and Development Code are not considered to be the key documents to consider the plan change.

Subject to the satisfactory resolution of above-mentioned stormwater matters, any proposed commercial zoning be located no closer than 10m from the centre-line of any stream to protect the ecological values of the streams provide sufficient buffer around the identified waterways.

In addition to the above, the following matters are raised with regards to the proposed stormwater mitigation identified in the structure plan.

- Parts of the proposed s/w infrastructure is located on-line and would be contrary to the BoPRC stormwater management guidelines (Guideline Document 2012/01; updated at as December 2015). Further, the online detention pond presents a high risk of causing a barrier to fish passage and is likely to force any future consent to have a conflict between managing flood volumes and ensuring fish passage.
- The specific design of the stormwater pond exceeds the maximum pond depth recommendations and could be considered a safety hazard and is considered inconsistent with the Regional Natural Resources Plan and the BoPRC stormwater management guidelines (Guideline Document 2012/01; updated at as December 2015).
- Additionally, the length to width ratios of the two smaller stormwater treatment and extended detention ponds is inconsistent with the BoPRC guidelines and is unlikely to achieve the minimum treatment requirements as laid out in the guidelines.
- The proposed stormwater pond is inconsistent with the BoPRC guidelines for stormwater wetlands over stormwater ponds due to their superior contaminant removal benefits and to avoid long term effects of heating the water and affecting the ecological values downstream.

BOPRC do not consider plan change has demonstrated that Best Practicable Options for stormwater mitigation or, that a feasible stormwater solution (see design comments below) can be accommodated within the plan change area as currently proposed.

Further, while the plan change has considered the WBOPDC, it has not appropriately considered the relevant statutory documents including the National Policy Statement for Freshwater Management (avoid loss of values and extent of streams and wetlands) the Regional Natural Resources Plan (avoid loss of values and extent of streams and wetlands) and the Regional Policy Statement (hazards, structure planning, stormwater, cumulative effects) as required by s.74 of the RMA.

To progress these matters, we welcome a written response to the above matters and are available to meet next week at the following times:

Monday 13 June: 2pm- 4pm

Wednesday 15 June: 10am -12am or 2pm to 4pm

Thursday 16 June: 10am to 4pm or 2pm to 4pm

Please advise as soon as you are able to and I will book in our team to attend to ensure we can work with our team.

Kia ora ra,
Nathan

Nathan Te Pairi

Planner (Regional Integrated)

Bay of Plenty Regional Council Toi Moana

P: 0800 884 880 **DD:** 0800 884 881 x8326

E: Nathan.TePairi@boprc.govt.nz

M: 027 274 2982 **W:** www.boprc.govt.nz

A: PO Box 364, Whakatāne 3158, New Zealand

Thriving together – mō te taiao, mō ngā tāngata