

Before the Western Bay of Plenty District Council's Hearing Panel

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

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

**STATEMENT OF REBUTTAL EVIDENCE OF AARON COLLIER
FOR TE PUNA SPRINGS ESTATE LIMITED
5 JULY 2022**

1. Qualifications and Experience

1.1 My full name is Aaron Mark Collier.

1.2 I am a Planner at Collier Consultant's Limited. I set out my relevant qualifications and experience in my statement of evidence dated 23 June. I confirm that I have read the expert witness code of conduct set out in the Environment Courts Practice Note 2014. I have complied with the code of conduct in preparing this further statement and I agree to comply with it while giving oral evidence before the Hearings Panel. Except where I state that I am reliant 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 This statement of evidence responds to the Planning evidence of Simon Childs, Nathan Te Pari, and to the statement of evidence on behalf of Te Puna Hall Committee prepared by Jo Gravit, and Te Puna Heathlands (Beth Bowden) which raised new matters that were not addressed in my primary evidence.

3. Evidence of Simon Childs

3.1 Mr. Childs suggests in paragraphs 2.1 and 2.2 of his evidence that Plan Change 93 represents a spot zoning proposal for part of a wider growth area and that the plan change may preempt or undermine a future structure plan process. I do not consider the plan change to be creating a "spot zone". Rather, Plan Change 92 extends the existing commercial zone which is long established to provide further commercial land for the needs of the Te Puna community. As noted in my primary evidence, no commercial land has been rezoned for the Te Puna community since the very early 1990's.

3.2 Neither is the proposal ad-hoc as suggested in 2.2 of Mr. Childs evidence. The plan change is supported by a structure plan and will service the current and short-medium term needs of Te Puna as assessed in the evidence of Tim Heath. In my experience the rezoning of this land will stop further ad-hoc development from occurring such as that which is outlined in Paragraph 4.2 of my evidence.

3.3 The process identified in Mr. Childs evidence relating to the needs for future urban expansion under UFTI are part of wider and more long-term considerations and Plan Change 93 does not change this. The failure by Smartgrowth/UFTI to deliver sufficient urban land (including commercial zoned land) has led to the district becoming a "Tier 1" Council under the NPS-UD (with an acknowledged land supply and affordability issue). Plan Change 93 certainly does not preempt or predetermine any future plan changes for urban growth process which may deal with the shortfalls and any wider needs of future urban expansion, should this occur in Te Puna.

Continuing to defer a plan change which has an immediate need, to await one which may or may not occur based on an uncertain timeframe, is not an appropriate planning response. It leads to deferred decision making, which is one of the reasons why the sub-region has a land supply crisis.

- 3.4 I agree with Mr. Childs in paragraph 2.3 of his evidence, where he states that a key theme through strategic planning work undertaken in Te Puna has been the need to maintain Te Puna's rural character and that the local community value the area providing local services to local communities. I do not see that the plan change is contrary to this due to its scale and the fact it is occurring on land which is effectively already part of the village.
- 3.5 In response to Mr. Childs concerns with boundary treatments in relation to the Kirk's kiwifruit orchard, I confirm that a buffer would apply to the northern boundary as required under rule 4C.5.3.2 of the District Plan. This requires landscape planting to a minimum depth of 3m and a minimum height of not less than 2m. This screening must also be a minimum of 1.2m high at the time of planting and be capable of achieving a height of 2m within two years.
- 3.6 The interface in terms of building setbacks and height in relation to boundary is set by the District Plan and I see no valid reason to depart from these provisions in this instance. A 3m buffer strip is in my opinion adequate to address the concerns raised in the evidence of Mr. Childs. This would also replace the previous shelter which was destroyed by a fire along the common boundary of the site.
- 3.7 I agree with Mr. Childs that any earth fill in the north west corner of the site could be repurposed on site for the proposed berm along the boundary shared therefore avoiding the need for it to be transported off site.
- 3.8 In 3.9 of his evidence Mr. Child makes reference to a Council consultation event held in 2018. Mr. Childs is correct that this consultation took place outside of the Plan Change 93 process (as the plan change had not yet been applied for). The consultation was undertaken in response to workshops and discussions which were held with Council staff to discuss the plan change and the need for feedback from the community.
- 3.9 In 4.18 to 4.29 of his evidence, Mr. Childs discusses the issue of reverse sensitivity / spray drift. My enquiries with Supermac / Modcom staff have confirmed that there have never been any spray drift issues associated with the Kirk's orchard and I expect that the Kirk's comply with Regional Council and NZKGI practice guidelines relating to spray drift as do most orchardists. Shelter belts are not used as a measure of controlling spray drift. That is the reason why I have suggested a 30m setback for sensitive activities.
- 3.10 I agree with Mr. Childs in relation to dust incursion and the comments in 4.29 of his evidence in that if a 3m wide planting strip was established along the boundary, that would limit the amount of dust which settles in the Kirk orchard. However, I would

suggest that commercial development (with buildings and formed and sealed parking access and maneuvering areas) would typically generate less dust than the existing rural environment with unsealed accessways and tracks, and the day-day generation of dust from unsealed surfaces.

- 3.11 Insect incursions which are a concern identified in 4.30 to 4.33 of Mr. Childs evidence are not a relevant consideration in my view. I understand that Mr Kirk is a Kiwifruit grower and like most is sensitive about pests. The applicant would be happy to consult with the Kirk's as a neighbour in relation to the choice of future plant species for landscaping and screening purposes (particularly boundary screening) but that should occur outside the plan change process.

4. Evidence of Nathan Te Pairi

- 4.1 In Paragraph 19 of his evidence, Mr. Te Pairi identifies that there has been engagement between the applicant and Regional Council staff including a subsequent meeting on 16th June 2022. Following that meeting there was further correspondence between the applicant and Regional Council staff to resolve the Regional Council's concerns. A copy of that correspondence is included as **Attachment A** to my evidence.
- 4.2 Policy UG4A and method 18 of the RPS identified in Paragraph 25 of Mr. Te Pairi evidence do not in my opinion apply. As Mr. Te Pairi has stated in Paragraph 75 of his evidence, the site is both *small and marginal*.
- 4.3 Throughout his evidence and in my dealing with Mr. Te Pairi, he has taken the view that discharge consenting processes are prescriptively narrow when compared to a plan change process. This is set out in Paragraph 28 of his evidence.
- 4.4 In my extensive and current experience with regional discharge consent processes for sites, the opposite applies. Generally, stormwater modelling will be required, specific calculations are required in relation to impervious surfaces, identification of activities and uses and their potential discharges. Details in relation to the design of stormwater management devices, ponds and wetlands and riparian margins are needed. Specific assessment in relation to stream rehabilitation and any diversion/enhancement including a stream evaluation assessment would be required along with a supporting ecological assessment and fish survey supporting stream rehabilitation. Engineering calculations, water quality assessment, the need for cultural impact reporting, and a general level of engineering assessment which relates to the actual effects of the intended land uses are required as part of the discharge consent process for a site such as this. In my experience consenting is not at all a limited pathway as suggested by Mr Te Pairi's evidence.
- 4.5 The statement that discharges consents are also not an appropriate pathway to determine the sizing of stormwater infrastructure as suggested in Paragraph 42 of Mr Te Pairi's evidence is also something that I do not agree with based on my consenting

experience under the RMA with the Bay of Plenty Regional Council and other Regional Councils over 20 years. It is at the time of discharge consent that the sizing of stormwater infrastructure is locked in. It is a key consideration of the consent process. On larger scale land development projects and plan changes, it may well be appropriate to obtain discharge consents at the same time as the plan change, but for a discreet smaller commercial plan change such as this, in my view this is not necessary, as the effects are able to be assessed for Section 32 purposes. Further, until the size of the buildings and type of businesses are known at detailed design stage, any consented level of detailed assessment is not meaningful and would end up needing a consent variation.

- 4.6 In Paragraph 45 of his evidence, Mr. Te Pairi suggests that a range of options could be considered by the applicant to address stormwater matters, however they are all likely to involve *'a reduction in the commercial zone, which the applicant has to date refused to entertain'*. This is not correct in that as set out in the correspondence to the Regional Council, the applicant has not only identified and proposed the stormwater solution contained within the plan change itself but has also identified for the Regional Council the fact that much of the flat areas shown as Area 1 within the commercial zone has the potential to contain large stormwater attenuation areas under car parking areas and stormwater treatment (i.e. rain gardens). Such an approach is commonly and regularly applied in commercial carparks to provide both stormwater mitigation and treatment.
- 4.7 There need not be a reduction in the commercial zone as suggested by Mr. Te Pairi at all and I would not support leaving parts of the site as another zone. The zoning itself does not need to be altered or reduced, it is simply a matter of determining the extent of available building coverage and impervious surfaces when stormwater management within the site is addressed at consenting stage. The addition of further provisions was offered by the applicant, and I will address these at the conclusion of my evidence. As set out in my primary evidence, I believe that the District Plan already provides for multiple approaches to managing stormwater on commercial sites in terms of treatment and attenuation.
- 4.8 Mr. Te Pairi identifies the issue of a natural hazards risk assessment in Paragraph 55 to 61 of his evidence. I note that a natural hazards assessment is not mandatory and need not apply to the rezoning of land where this is less than 5 hectares in area. As explicitly stated in RPS 9B the discretion for a requirement to undertake a natural hazards assessment on sites less than 5 hectares is a discretion that sits with District and City Councils. That means the RPS policy makes clear it is the District Council's decision as to whether or not a natural hazards assessment is required and not one for the Regional Council to dictate if the site to be zoned is less than 5 hectares, I do not agree that the policy can be interpreted to cover the land already commercially zoned, which in this instance is only included with the structure plan spatially, for a comprehensive overview. The policy is not meant to control either existing urban zoned or developed land.

- 4.9 In Paragraph 62 to 69 of his evidence, Mr. Te Pairi raises concerns about the applicant's response to the NPS-FW and in particular the impact on the loss of streams. As identified in the further evidence of Mr. Raynor, it is possible to adopt an engineering response for the site which would effectively isolate the existing stream from the stormwater management areas proposed as part of the plan change. This would therefore restore the stream which is currently contained online within the existing stormwater pond on the site. In my view this would result in an overall net gain in terms of stream enhancement (rather than a loss) and the applicant is happy for this to occur.
- 4.10 Mr. Raynor has included a number of diagrams showing how this can occur as part of his rebuttal evidence. These diagrams can be included within the structure plan provisions as discussed in paragraph 5 of my evidence below.
- 4.11 In Paragraph 80 (and Paragraph 7) Mr. Te Pairi has suggested that there needs to be a further process introduced in the form of a catchment management plan developed for the site. This would occur following the plan change and prior to a discharge consent. My understanding is that this would finalise, approve, and authorise the ultimate layout of the applicant's stormwater management and discharge approach for the site and would prescribe standards to influence the design. In my opinion this approach will not provide any further environmental benefit given the discharge consent process set out in the RMA and the Regional Plan. This introduction of a further intermediary process Mr. Te Pairi suggests, will just add further delays to the delivery of business land, add additional costs to the applicant, and in my opinion is an inefficient and unnecessary process to impact on future development of what he describes as a "*small and marginal*" piece of land.
- 4.12 The discharge consent process is one which for stormwater discharge will require consent as a discretionary activity. The extent of the Regional Council's discretion to consider stormwater management on the site which will be required prior to any land development, is therefore very broad and unrestricted under this activity status of the RMA.

5. Suggested Further provisions

- 5.1 To address the relevant concerns raised by BOPRC, I recommend adding the following suggested changes to the proposed plan provisions. These would follow on from those set out in 5.12 of my evidence (riparian margins) with a new structure plan standard to deal with stormwater management as follows:

8.4 Stormwater Management

At the time of building or subdivision consent (whichever occurs first) stormwater management measures shall be implemented (where appropriate) as follows:

- i) The use of rain gardens and similar systems for water quality treatment*

- ii) Stormwater detention tanks in park and carparking/roading areas for stormwater attenuation.

Stormwater management for the site shall occur in general accordance with Figures 1 and 2 (below).

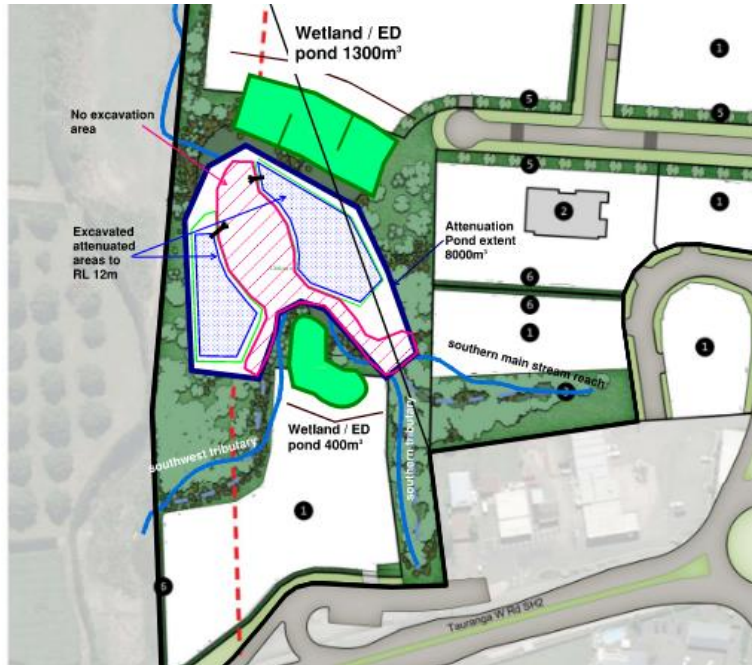


Figure 1 General Stormwater Layout.

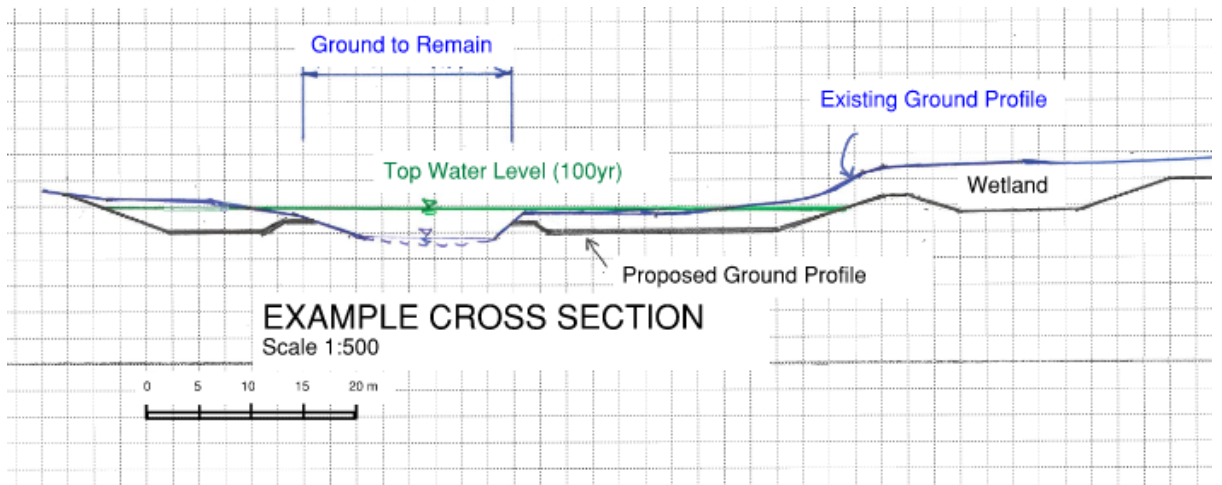


Figure 2 General cross section of stormwater layout

Note: Other Methods

The Regional plan controls the discharge of stormwater to land and/or water. In the case of future buildings and land use activities within the Te Puna Springs plan change area, written confirmation will be required to be obtained from the Regional

Council confirming that all necessary discharge consents have been granted prior to any buildings being established on the site.

- 5.2 The above provisions will provide for alternative stormwater approaches to be utilised on the site whilst not undermining or predetermining any pending discharge consent application to be assessed and processed by the Regional Council.

6. Evidence of Te Puna Heartlands and Te Puna Hall Committee - Jo Gravit and Beth Bowden

- 6.1 The evidence of Jo Gravit for Te Puna Hall Committee raises matters in relation to stormwater, streams and the Committee's concerns in relation to amenity outcomes. I have met with Ms. Gravit to discuss her concerns.

- 6.2 The applicant is happy to liaise with the Committee in relation to planting, and stormwater. The Halls stormwater will need to be incorporated into the applicant's final stormwater design for the plan change area as it is currently discharging without a consent or any formal easement.

- 6.3 In Paragraph F (topic 7) of her evidence, Ms. Gravit identifies the Hall Committee's desire to remove the internal intersection which provides a small cul-de-sac to the northern boundary. The applicant agrees to remove this as the road is an internal roadway only within the applicant's site. Internal carparking and layout will be dependent upon future uses. I have therefore amended the structure plan to remove this internal road agreeing with the Hall Committee's suggestions.

- 6.4 With regard to Ms. Bowden's evidence on behalf of the Te Puna Heartlands Committee, I note that the Incorporated Society mandated representatives as well as the hall Committee were very supportive of the future plan change at the time when business meetings were held by the applicant to gauge the need for further commercial land to service the needs of local businesses.

- 6.5 When NZTA and Council was negotiating with Mr. McIntyre to locate their new building on the site, (whilst the final detail design of location of other buildings on the site had not been determined), both groups were well aware that the rest of the site was to be subject to a pending plan change to rezone the land to commercial.

- 6.6 I consider that the Hall Site land owned by Council is sufficiently large in area both in terms of the buildings and the outside surrounds, to enable and support the community as a social and cultural community hub and will sit well within the commercial zone as a whole. Through a previous consent process in 2018, the Hall was supported to be located on this site by expert planners on the basis of its suitability, and that it would cater to the social and cultural needs of the local community. I have included a copy of the Council's decision on the Hall as **Attachment B** to my evidence.

6.7 Ms. Bowden suggests in Paragraph 4.2 of her evidence dated 05 July that the Plan change is contrary to Urban Growth Policy 7 of the RPS (which provides for the expansion of existing business land outside the urban limits). The plan change is not contrary to the policy as the site is both located outside the urban limits and not one which is requiring new connections to the listed infrastructure within the existing urban limits. To the contrary, the wastewater, and water supply is all located outside the urban limits, is existing, and available “at the gate” and the site already has approved connections. The issue of stormwater infrastructure is provided for on site.



Aaron Collier
Planner
5 July 2022

ATTACHMENT A

Correspondence between Applicant and Council

From: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Sent: Tuesday, 28 June 2022 9:00 AM
To: aaron@collierconsultants.co.nz
Cc: Kathy Thiel-Lardon; 'Sue Ira'; Mark Ivamy; Keith Hamill;
anna.price@westernbay.govt.nz; Sharlene Pardy; Phillip Martelli;
fiona.wilcox@wildlands.co.nz; 'Neill Raynor'
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC
Categories: Red Category

Thanks Aaron,

The relief proposed in Fiona's evidence is a positive step and will assist with managing water quality effects offsite.

However, Fiona has not addressed at all the NPS-FM directions to avoid loss of stream extent. The proposal to include the stormwater detention within the river is entirely at odds with this direction and we remain puzzled as to why this is not a matter that you or Fiona consider needs to be addressed in PC93 order to comply with the statutory directions relating to district plan changes.

The implementation of that policy direction is not premised on a zoning of streams. The stream either exists and is subject to the direction, or not. We are, accordingly, not seeking alternative zoning. We do however suggest that you amend your zones so that a workable stormwater solution reflecting Best Practicable Option can be accommodated within the plan change areas. This is a further compounding reason why we do not support the plan change in its current form.

We are currently working on our evidence. We are yet to receive the Applicant's stormwater or planning evidence.

Could you also please advise when we can expect to receive this, and importantly, whether there is any appetite to defer the hearing to allow for the resolution of this issue? We would rather work together and find a solution, but need more time and the Applicant's willingness to do so.

Kia ora ra,
Nathan

[Nathan Te Pairi](#)
Planner (Regional Integrated)
Bay of Plenty Regional Council Toi Moana

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E: Nathan.TePairi@boprc.govt.nz
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A: PO Box 364, Whakatāne 3158, New Zealand

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From: aaron@collierconsultants.co.nz <aaron@collierconsultants.co.nz>
Sent: Monday, 27 June 2022 1:41 pm
To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Cc: 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>; anna.price@westernbay.govt.nz; Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>; Fiona.Wilcox@wildlands.co.nz; 'Neill Raynor' <Neill.Raynor@aurecongroup.com>
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Hi Nathan

Thank you for your email and for confirming that your concerns regarding volume and attenuation may be able to be addressed.

The entire site is proposed to be rezoned. There is no separate zone for streams/stormwater in the Western Bay of Plenty District Plan. Significant natural features are all identified and protected by way of overlays and these were all reassessed at the time of the District Plan review.

You will see in the evidence of Fiona Wilcox that there is a specific provision now requiring identification and restoration and enhancement of the riparian margins and a stream enhancement plan. Does this address your concerns?

If you are seeking some form of alternative zoning could you please let me know.

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, 24 June 2022 9:56 am
To: Neill Raynor <Neill.Raynor@aurecongroup.com>; Aaron <aaron@collierconsultants.co.nz>
Cc: 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>; anna.price@westernbay.govt.nz; Sharlene Pardy <Sharlene.Pardy@boprc.govt.nz>
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Kia ora Aaron,

Further to your clarifications below, I write to confirm the regional council's position with regards to the plan change remains one of opposition. This position has been reached after a number of discussions with our technical experts and attempts to find a feasible basis on which we could support the plan change as proposed.

While there is a prospect that our concerns regarding volume and attenuation could be reasonably addressed by the further information provided 20 June, our concerns regarding loss of extent of streams remain and we are unable to identify a feasible means to address them without reducing the extent of the commercial zoning, which we understand the Applicant is not prepared to consider.

Loss of stream extent as proposed will not give effect to the NPS-FM as the Plan is required to do under the RMA. Concerns also remain in relation to the loss of the raupo wetland in considering options for Best Practicable Options for stormwater discharge which is also required under the RMA. In our view, the above requires a reconsideration of the extent of the commercial zone and further consideration of the stormwater mitigation to address our earlier concerns.

We have considered, as an alternative a design option, a dry detention basin instead of the pond and relocation of the constructed treatment wetlands to address the loss of stream extent. We understand that this would require substantial earthworks meaning that a loss of extent of the streams (as identified in the Wildlands Report) and appears to be unavoidable on the basis of the extent of the commercial zone you are seeking.

For these reasons, BOPRC cannot support the recommended solution identified in the s.42a report or in the plan change, even if it were to amended per our discussions to date.

In our view, it is evident that the extent of the commercial zoning needs to be reconsidered to ensure adequate protection is provided for stormwater and stream protection once the stormwater management approach is implemented. Further, we do consider it is not appropriate to wait to address these matters at a future consenting stage in light of this.

On a related matter, it appears that a wetland treatment pond (in concert with a dry detention basin for peak events) if pursued, could likely be located very close to, and in some cases on, the proposed commercial areas. This could give rise to geotechnical issues and further assessment should be undertaken when considering the feasibility of any option.

If the Applicant is willing to work through these issues and reconsider the extent of the commercial zoning to ensure consistency with national policy direction it is entirely possible that we could support the plan change subject to additional provisions requiring, among other things, a comprehensive Stormwater Management Plan.

We have spent a great deal of time this past two weeks trying to work through these issues and make this work. However there is only so much we can do to try to address what we consider to be fundamental gaps in the proposal, which in our view simply cannot be addressed via provisions. Again, we do not consider it appropriate to rely on consenting processes to address fundamental with regards to feasibility, layout and related design matters.

However, because evidence is due next week and our staff have a number of other pressing priorities our time is limited. As such, we will be directing our attention to preparing for the hearing.

To progress these matters, we suggest a deferral of the hearing to provide time for further discussions to fully address our concerns and consider this to be a constructive and manageable way forward to address these issues.

To this end, we'd appreciate your guidance on how you intend to proceed,

Kia ora ra,
Nathan

[Nathan Te Pairi](#)
Planner (Regional Integrated)
Bay of Plenty Regional Council Toi Moana

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From: Neill Raynor <Neill.Raynor@aurecongroup.com>
Sent: Thursday, 23 June 2022 9:00 am
To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>; Aaron <aaron@collierconsultants.co.nz>
Cc: 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>; anna.price@westernbay.govt.nz
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Nathan,

I am meaning the extended detention does not have the high flows passing through them from the proposed lots, there would be a bypass.

I am also referring to the extended detention ponds not being on line with the open channels and pipeline from the upstream catchments.

Cheers

Neill Raynor

Principal, Land Infrastructure, Aurecon
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From: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Sent: Thursday, 23 June 2022 7:32 am
To: Neill Raynor <Neill.Raynor@aurecongroup.com>; Aaron <aaron@collierconsultants.co.nz>
Cc: Kathy Thiel-Lardon <kathy.thiel-lardon@boprc.govt.nz>; 'Sue Ira' <sue.ira@koruenvironmental.co.nz>; Mark Ivamy <Mark.Ivamy@boprc.govt.nz>; keith@riverlake.co.nz; anna.price@westernbay.govt.nz
Subject: RE: BOPRC Feedback on Plan Change 93 (Te Puna Springs) WBOPDC

Morena Neill,

One point of clarification please.

When you refer to 'extended detention will be offline from upstream flows coming from the watercourses and overland flow' – are you referring to detention separate from the 4000m3 pond indicated on the plans?

Nathan

Nathan Te Pairi

Planner (Regional Integrated)
Bay of Plenty Regional Council Toi Moana

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From: Neill Raynor <Neill.Raynor@aurecongroup.com>

Sent: Tuesday, 21 June 2022 3:59 pm

To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>; Aaron <aaron@collierconsultants.co.nz>

Cc: 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>; anna.price@westernbay.govt.nz

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

Nathan,

The wetland and extended detention will be offline from upstream flows coming from the watercourses and overland flow.

As I detailed last Thursday they may still be below the level of the bigger events which would essentially back flow into these treatment areas but not in the smaller 2-5yr events. The chance of flushing out sediments would be reduced but still more efficiently utilise the land.

Regards

Neill Raynor

Principal, Land Infrastructure, Aurecon

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

Sent: Tuesday, 21 June 2022 3:29 pm

To: Aaron <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@riverlake.co.nz; anna.price@westernbay.govt.nz

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

Thanks Aaron.

We are considering the below and hope to get back to you shortly. However before we respond, could you confirm whether water quality treatment and extended duration is proposed to be off-line and outside of the floodplain?

Look forward to your confirmation,

Nathan

[Nathan Te Pairi](mailto:Nathan.TePairi@boprc.govt.nz)

Planner (Regional Integrated)

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Thriving together – *mō te taiao, mō ngā tāngata*

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:

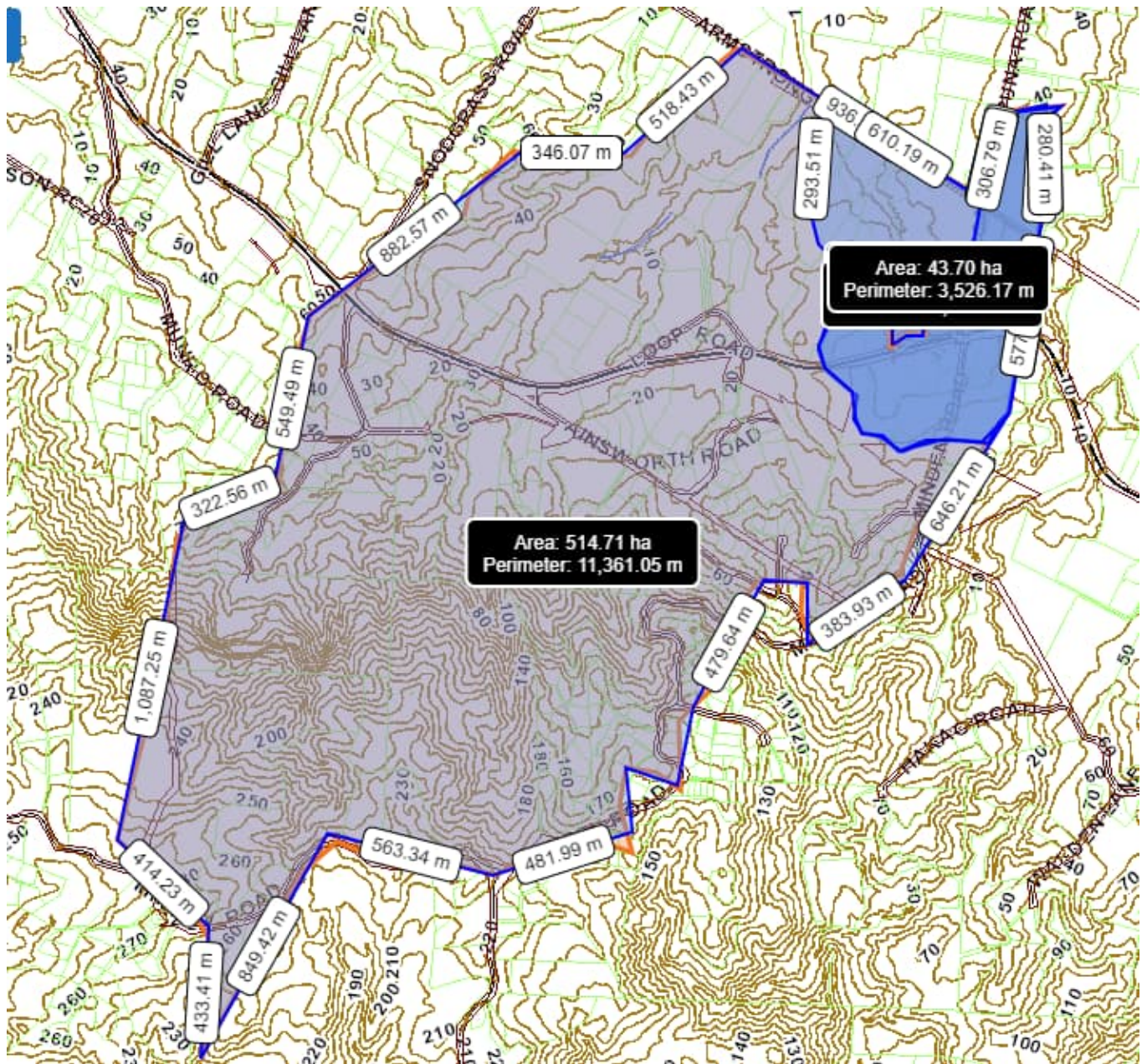
- Where there are existing flooding problems downstream and in the absence of a catchment study that evaluates a potential project in a given location and depending on the location of a project within a catchment (per Section 6.1.3), it is recommended that the post-development peak discharge for the 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.

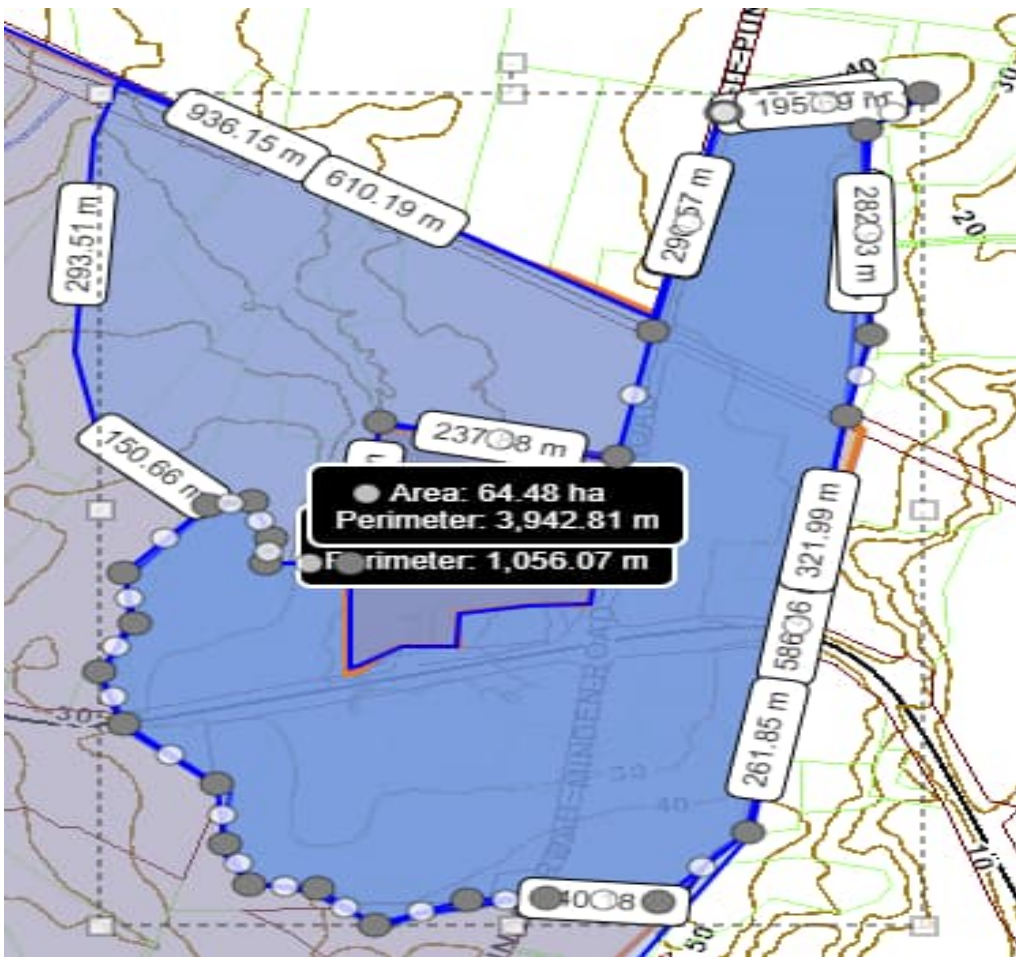
The above has been included in performance standards of recent catchment wide consents granted by BOPRC such as the Te Puke Comprehensive Stormwater Consent. The 80% factor provides some allowance to the cumulative effect of other developments in the catchment and the extended nature of an attenuated 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@aurecongroupp.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 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](mailto:Nathan.TePairi@boprc.govt.nz)
Planner (Regional Integrated)
Bay of Plenty Regional Council Toi Moana

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

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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@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>; Sharlene Parady <Sharlene.Parady@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@arecongroup.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 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>; 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



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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@arecongroup.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@aurecongroun.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
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—
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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@aurecongroupp.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 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>
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@aurecongroupp.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 Parady <Sharlene.Parady@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
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A: PO Box 364, Whakatāne 3158, New Zealand

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From: Nathan Te Pairi
Sent: Friday, 10 June 2022 8:16 am
To: aaron@collierconsultants.co.nz
Cc: 'Neill Raynor' <Neill.Raynor@aucongrou.com>
Subject: RE: Te Puna Springs Plan Change

Morena Aaron,

I've prepared a fulsome response for you to consider and will send it through later today,

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
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M: 027 274 2982 W: www.boprc.govt.nz
A: PO Box 364, Whakatāne 3158, New Zealand

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From: aaron@collierconsultants.co.nz <aaron@collierconsultants.co.nz>
Sent: Wednesday, 8 June 2022 6:07 pm
To: Nathan Te Pairi <Nathan.TePai@boprc.govt.nz>
Cc: 'Neill Raynor' <Neill.Raynor@aucongrou.com>; anna.price@westernbay.govt.nz; Phillip Martelli <Phillip.Martelli@westernbay.govt.nz>
Subject: RE: Te Puna Springs Plan Change

Hi Nathan

Are you please able to respond?

Regards

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

From: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Sent: Tuesday, 7 June 2022 7:32 am
To: aaron@collierconsultants.co.nz
Cc: 'Neill Raynor' <Neill.Raynor@arecongroup.com>; anna.price@westernbay.govt.nz
Subject: RE: Te Puna Springs Plan Change

Thanks Aaron,

We are preparing a response and will be in touch with you shortly,

Kia ora ra,
Nathan

[Nathan Te Pairi](#)
Planner (Regional Integrated)
Bay of Plenty Regional Council Toi Moana

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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, 3 June 2022 2:54 pm
To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Cc: 'Neill Raynor' <Neill.Raynor@arecongroup.com>; anna.price@westernbay.govt.nz
Subject: RE: Te Puna Springs Plan Change

Hi Nathan

In terms of stormwater can you please be specific as to why you would not support the plan change in its current form? It is important that we know why this would be the case given the modelling and assessment completed. The memo sent earlier this week from Neill Raynor specifically addresses the matter you have raised in your submission. The plan change is entirely consistent with the WBOPDC's District plan in terms of stormwater management (the plan only requires mitigation for a 50 year event). Is there something else that we are not aware of?

Regards

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

From: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Sent: Friday, 3 June 2022 2:20 pm
To: aaron@collierconsultants.co.nz
Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; anna.price@westernbay.govt.nz
Subject: RE: Te Puna Springs Plan Change

Thanks Aaron.

Yes, unfortunately I double booked myself but did manage to visit the site today to verify the ecology report. Our team is reviewing the information and we'll have a response with you shortly.

As we've only just received the S/W report this Tuesday, I'll wait to hear from our engineers shortly at which point I'll be in touch to discuss as we do not support the plan change in it's current form.

I'll be in touch early next week to discuss the way forward,

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, 3 June 2022 11:20 am
To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Cc: 'Neill Raynor' <Neill.Raynor@aurecongroup.com>; Anna.Price@westernbay.govt.nz
Subject: RE: Te Puna Springs Plan Change

Hi Nathan

I understand that you did not undertake the site visit yesterday. Annaliese Michel is out of town today and so is unavailable.

Are you please able to come back to me in response to our letter to you of 19 May and also in relation to the Aurecon memo?

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: aaron@collierconsultants.co.nz <aaron@collierconsultants.co.nz>
Sent: Tuesday, 31 May 2022 5:05 pm
To: 'Nathan Te Pairi' <nathan.tepairi@boprc.govt.nz>
Cc: 'Neill Raynor' <Neill.Raynor@arecongroup.com>; Anna.Price@westernbay.govt.nz
Subject: Te Puna Springs Plan Change

Hi Nathan

Please find attached a response from Aurecon to the Stormwater/flood hazard matters as set out in your submission. Aurecon have confirmed that the existing overland flow paths from the layby area and SH2 will have the ability and capacity to convey overland flows from this location to the stormwater attenuation pond, based on 1% AEP 2130 RCP 8.5 event as modelled by T&T.

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: Aaron Collier <aaron@collierconsultants.co.nz>
Sent: Wednesday, 25 May 2022 8:38 am
To: Nathan Te Pairi <nathan.tepairi@boprc.govt.nz>
Cc: Neill Raynor <Neill.Raynor@arecongroup.com>
Subject: Re: Te Puna Springs Plan Change

Hi Nathan

The client has come back to me regarding the site visit and that is fine. You will need to sign in etc as per normal H&S policy

Can you please come back to me on the stormwater (bearing in minds that this is not a consent and we will still need to go through future separate consent processes).

Regards
Aaron Collier

Sent from my iPhone

On 24/05/2022, at 10:37 PM, Aaron Collier <aaron@collierconsultants.co.nz> wrote:

Hi Nathan
I will confirm with the client.

Is the Council happy with the stormwater engineering assessment and the changes to the structure plan. We are happy to meet to discuss these.

Regards
Aaron Collier

Sent from my iPhone

On 24/05/2022, at 2:54 PM, Nathan Te Pairi <nathan.tepairi@boprc.govt.nz> wrote:

Thanks for this update Aaron.

As discussed, I'd like to visit the site at 10am next Thursday 2 June – would you mind checking in with the owners and advise of their availability,

Thanks in advance,
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: Thursday, 19 May 2022 12:18 pm
To: Nathan Te Pairi <Nathan.TePairi@boprc.govt.nz>
Cc: Anna.Price@westernbay.govt.nz; Neill Raynor <neill.raynor@arecongroup.com>
Subject: Te Puna Springs Plan Change

Good afternoon, Nathan. As discussed, please find attached a letter updating you on recent progress made with respect to the Te Puna Plan Change. If you would like to meet with our engineers to discuss the stormwater aspects further, please do not hesitate to contact me.

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

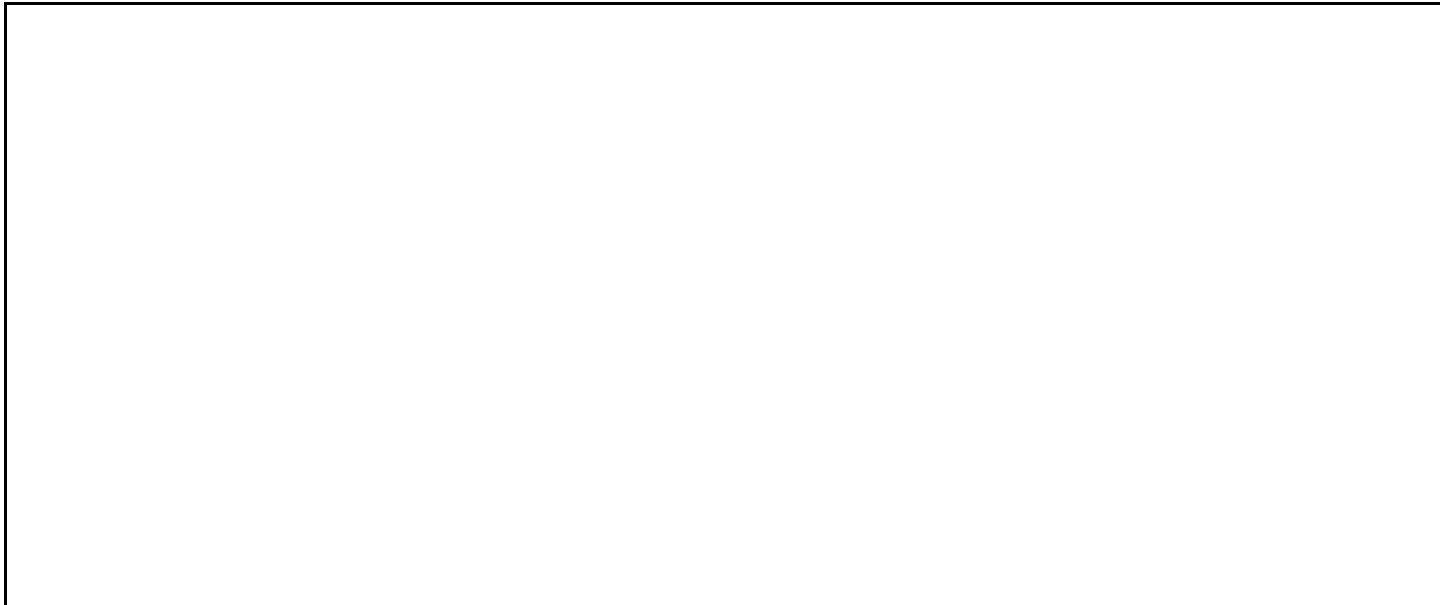
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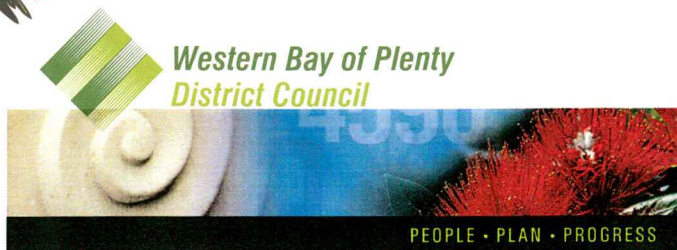
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ATTACHMENT B

Councils Decision on the Hall



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22 November 2018

RC11181

Western Bay of Plenty District Council
Policy, Planning, & Regulatory Services

Application for Resource Consent – Non-Notified – New Zealand Transport Agency

Delegated Authority

P/1243/42
P/1243/44/2

Recommendation:

- (a) THAT pursuant to sections 95A (8) (b) and 95D of the Resource Management Act 1991, the Western Bay of Plenty District Council resolves that the adverse effects of the proposal will be no more than minor and the application need not be publicly notified; and
- (b) THAT the Western Bay of Plenty District Council is satisfied after taking into due consideration the requirements of sections 95E and 95F of the Resource Management Act 1991 that any adversely affected persons have provided written approval, no statutory acknowledgements are applicable, and therefore limited notification in accordance with section 95B (8) of the Resource Management Act 1991 is not required; and
- (c) THAT the Western Bay of Plenty District Council is satisfied that no special circumstances exist that require notification of this consent application in accordance with section 95A (9) of the Resource Management Act 1991; and
- (d) That pursuant to sections 104, 104B and 108 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants consent for a discretionary activity to the application made by New Zealand Transport Agency for a place of assembly in the Commercial and Rural Zones at 23 Te Puna Road, Te Puna, legally described as Sections 4 & 11 SO Plan 491908, subject to the following conditions:

General

- (1) THAT the activity be carried out in accordance with the application and plans submitted, including the following:
 - Resource consent application prepared by WSP Opus entitled 'Te Puna Memorial Hall, Te Puna Road, Te Puna' and dated 24 October 2018.
 - Traffic impact assessment prepared by WSP Opus entitled 'Te Puna Memorial Hall', reference 2-9A070.00 issue 1 and dated 4 October 2018.
 - Acoustic assessment prepared by DAAL entitled 'Proposed Te Puna Memorial Hall', reference RP-1808-01A and dated 20 September 2018.



- Site layout plan prepared by WSP Opus entitled 'Proposed Te Puna Hall', reference 2-9A0700.00 150 TC sheet C01 rev A and dated 4 October 2018.
- Site location plan prepared by Thorn Architecture Studio Ltd entitled 'Te Puna Hall', reference 101 rev 01 and dated 12 October 2018.
- Floor plan prepared by Thorn Architecture Studio Ltd entitled 'Te Puna Hall', reference 102 rev 01 and dated 12 October 2018.
- Elevations and H1 Table prepared by Thorn Architecture Studio Ltd entitled 'Te Puna Hall', reference 301 rev 01 and dated 12 October 2018.
- Elevations prepared by Thorn Architecture Studio Ltd entitled 'Te Puna Hall', reference 302 rev 01 and dated 12 October 2018.

Parking and Access

- (2) THAT for the proposed vehicle entrance:
- a) The vehicle crossing shall be constructed to a pre-approved design generally in accordance with Council's Standard Specification Drawing No W435 Industrial.
 - b) The crossing shall be 'two way' and located in accordance with the Opus proposed site layout plan with the centreline of the entrance being located approx. 17 m south-west of Council's existing catch pit to the north-west.
 - c) The existing kerb shall be removed for the full width of the proposed entrance and also for the full width of the existing 'let down'.
 - d) A new 'let down' kerb shall be constructed with a foundation consisting of a 300 mm deep x 500 mm wide reinforced concrete beam or other approved alternative (refer to WLA Shared services 'RITS' Diagram D3.3.2 for guidance).
 - e) The existing let-down kerb shall be replaced with complying barrier kerb and channel.
- (3) THAT in accordance with a pre-approved design, a minimum of 60 permanent carparks, access and manoeuvring areas shall be constructed and sealed including pavement marking and that provision be made for the disposal of stormwater via an approved outlet in accordance with Council's Development Code.
- (4) THAT prior to commencement of operation of the hall facility, a cycle parking facility shall be provided and maintained in perpetuity.

Water Supply

- (5) THAT a 20 mm internal diameter water supply connection to serve the development shall be provided. The physical connection to Council's watermain shall be completed as a separate application to Council at the time of Building Consent.

Wastewater

- (6) THAT in accordance with any Bay of Plenty Regional Council requirements an on-site wastewater effluent treatment system shall be provided by the consent holder and a written statement be submitted from the Bay of Plenty Regional Council confirming that either no discharge permit is required for the system; or, in the event that a discharge permit is required, the necessary permit has been granted prior to any work commencing on site.

Stormwater

- (7) THAT in accordance with a pre-approved design, stormwater reticulation shall be provided to serve the development including the carpark area in accordance with the Development Code.

Construction Environmental Management Plan

- (8) THAT no fewer than 10 working days prior to commencement of construction works, the consent holder shall submit to Council's Environmental Consents Manager for approval, a Construction Environmental Management Plan (CEMP) outlining the construction activities and all practices and procedures to be adopted to manage the construction works. The purpose of the CEMP is to set out the management procedures and construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities.

- a) The CEMP shall include, but not be limited to, the following specific management plan and protocol:
- i. Accidental Discovery Protocol in the event of any archaeological sites or koiwi being uncovered. The purpose of this Protocol is to provide procedures in the event that archaeological sites or koiwi are discovered; and
 - ii. Unexpected Discoveries Protocol in the event that contaminated material is discovered. The purpose of this Protocol is to provide procedures in the event that contaminated material is unearthed, to ensure that such material is identified promptly and dealt with appropriately to ensure that any risk to human health and the environment from contaminants is managed appropriately.
- b) The CEMP, including the above protocols, shall demonstrate the following:
- i. The practices and procedures to be adopted to achieve compliance with the conditions of this decision; and
 - ii. How environmental nuisance effects of construction activities will be avoided or mitigated.

Construction Noise

- (9) THAT construction noise shall not exceed the noise limits in, and shall be measured and assessed in accordance with, the requirements of NZS 6803: 1999 Acoustics-Construction Noise.

Engineering Design, Quality Assurance and Certification

- (10) THAT the consent holder's representative shall submit to the Chief Executive Officer or duly Authorised Officer for approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project cost estimate for:
 - a) The proposed carparking and hardstand areas including a pavement design.
 - b) The proposed stormwater system including outlet structures/erosion protection.
- (11) THAT the consent holder's representative shall submit to the Chief Executive Officer or duly Authorised Officer, all quality assurance and testing records that are required in accordance with Council's Development Code, including:
 - a) CCTV for the stormwater.
 - b) Sub-grade and pavement testing records.
 - c) Sealing records.
- (12) THAT as-built information and drawings shall be provided for all vested assets and service connections in accordance with Council's Development Code.
- (13) THAT for the proposed stormwater system, carparking areas and wastewater treatment, a 5 percent maintenance bond calculated from the approved asset schedule (Cert 1c) shall be paid in respect to the additional Council assets created by this development in accordance with the requirements of Council's Development Code.
- (14) THAT at the end of the maintenance period, all maintenance items are required to be certified as remedied and complete including that the berms have been mown, carriageways and footpath swept and catch pits cleaned by the consent holder's representative.
- (15) THAT prior to the release of a code of compliance for the building works and the development becoming operational, the work required by conditions (2)-(14) shall be supervised and certified as complete in accordance in accordance with Council's Standard Specification and to the satisfaction of the Chief Executive Officer or duly authorised officer by the applicants representative being a suitably qualified chartered professional engineer (refer Section 12.4.21.1 of the District Plan).

Landscape Planting Plan

- (16) THAT prior to issue of building consent for the hall building, a detailed Landscape Planting Plan ('LPP') prepared by a suitably qualified landscape architect shall be submitted to Council's Environmental Consents Manager for approval. The LPP shall be in general accordance with the site location plan prepared by Thorn Architecture Studio Ltd entitled 'Te Puna Hall', reference 101 rev 01 and dated 12 October 2018, and shall include the following:

- a) Schedule of the species to be planted including botanical name, average plant size at time of planting, planting density and average mature height of each;
 - b) Measures to ensure the appropriate disposal and clearance of invasive/noxious weeds; and
 - c) Measures to be undertaken for topsoil and subsoil management to rehabilitate the soil profile so as to provide a viable growing medium for areas to be planted.
- (17) THAT planting in accordance with the LPP referred to in Condition (16)(16) shall be established in the first planting season following commencement of the construction works and shall be maintained in perpetuity.

Operational Noise

- (18) THAT all activities located on the subject site shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the notional boundary of any existing dwelling in a Rural, Lifestyle or Rural-Residential Zone, (other than the site of the activity):

Time Period		Sound level not to be exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	6am to 10pm	55dBA	N/A
Sunday	9am to 6pm	55dBA	N/A
At all other times		45dBA	70dBA

Note: The notional boundary is defined in New Zealand Standard NZS 6801:1999 Measure of Sound as a line 20 metres from any side or a dwelling, or the legal boundary where this is closer to the dwelling.

Note: Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801: 2008 and NZS6802: 2008.

- (19) THAT any temporary activities held outdoors (such as a gala day or large outdoor event) shall comply with the relevant requirements of Rule 4A.2.3.1 (b) of the District Plan as follows:
- a) Not exceed three consecutive days in duration plus two additional days, one day for setting up prior to the event and one day to tidy up afterwards;
 - b) Not occur more than six times in any calendar year, nor more than twice in any calendar month (provided that there shall be at least five full days between the tidy up of one event and the setup of the next event);
 - c) Not exceed the following noise limits within the stated timeframes (as measured at any point within the notional boundary of any dwelling in a relevant zone);

Time Period		Sound level not to be exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday and Public Holidays	9am to 10pm	70dBA	75dBA
Sunday	10am to 6pm	70dBA	75dBA
At all other times and on public holidays		40dBA	65dBA

- (20) THAT a register of any noise complaints received will be maintained by the Hall Management Committee and provided to Council upon request.

Lighting

- (21) THAT the illuminance of any artificial lighting between the hours of 7AM-10PM shall not exceed 10 lux, as measured horizontally or vertically at any point on or directly above the boundary of an adjacent property within the Rural, Lifestyle or Rural-Residential Zone.
- (22) THAT the illuminance of any artificial lighting between the hours of 10PM-7AM shall not exceed 5 lux, as measured horizontally or vertically at any point on or directly above the boundary of an adjacent property within the Rural, Lifestyle or Rural-Residential Zone.
- (23) THAT the illuminance of any artificial lighting between the hours of 7AM-10PM shall not exceed 100 lux, as measured horizontally or vertically at any point on or directly above the boundary of an adjacent property within the Commercial or Industrial Zones.
- (24) THAT the illuminance of any artificial lighting between the hours of 10PM-7AM shall not exceed 25 lux, as measured horizontally or vertically at any point on or directly above the boundary of an adjacent property within the Commercial or Industrial Zones.

Review Clause

- (25) THAT pursuant to section 128 of the Resource Management Act 1991, the Council may review conditions of this consent;
- a) After a period of 2 years following issue of this consent; and
 - b) For the purpose of ensuring that the use of the hall for non-regular events where amplified sound is used (such as functions, events and concerts), does not generate noise that exceeds the limits for activities in the Commercial Zone as specified in Condition (18).

Where it is found that noise generated by such non-regular events exceeds these noise limits, then the nature, scale and timing of these activities may be reviewed.

Note: For the purposes of this condition, 'non-regular events' does not include 'temporary activities' as provided for in Rule 4A.2.3.1 (b) of the District Plan.

REASONS FOR DECISION:

1. The notification date of the Operative District Plan 2012 was 18 June 2012 and all appeals have been resolved. However, Council has notified several plan changes. Those Plan Change provisions which have not been appealed, or where any appeals have been resolved, or where no submission has been received, have been treated as if they were operative in accordance with Section 86F of the Resource Management Act 1991. Those Plan Changes where a submission or appeal has been lodged, but not determined or resolved, have been considered but are found to have no relevance to this application.

Proposal

2. The applicant seeks resource consent to construct and operate Te Puna Memorial Hall at 23 Te Puna Road, Te Puna. The hall is anticipated to cater for up to 25 large events per year, catering for up to 120 people. The hall is likely to accommodate similar activities as the original hall, which includes fitness activities, public meetings, prizegivings and concerts. A full list of activities is provided in section 4.2 of the application.
3. The new hall is required to replace the original Memorial Hall that was demolished in 2016 to enable construction of the State Highway 2/Minden Road/Te Puna Road intersection improvements by NZTA. If granted, resource consent will be transferred to Western Bay of Plenty District Council who will be responsible for implementation of the consent. The Hall will be owned and operated by the Te Puna Memorial Hall Committee as a community facility.
4. The key components of the hall site include:
 - A purpose designed single storey building comprising 564 m² floor area.
 - General hall space, stage, meeting room, kitchen, toilets, storage and outdoor courtyard.
 - 60 marked on-site car parks, including two accessible spaces.
 - On-site loading.
 - Vehicle access directly from the local road.
 - Screen and amenity planting.
 - Effluent evapotranspiration field and reserve area.
 - A 2 m high open wire mesh security fence, including lockable gate.
5. An on-site wastewater system is required. The system will consist of a septic tank, holding storage tank and pump system. The total disposal area to be provided is 456 m². The system is designed in accordance with the Bay of Plenty Regional On-site Effluent Treatment Plan.
6. The stormwater running off the impervious surfaces of the proposed parking area and new hall building will be collected in new underground stormwater pipes and discharged via an outlet to the existing flow path/open channel to the west. The outlet is located on land owned by Te Puna Springs, who has provided approval for this discharge. The stormwater discharging into this flowpath will ultimately flow into a stormwater detention/ treatment pond which Te Puna Springs intend constructing downstream of this natural flowpath.

7. Construction of the hall will commence once all consents have been obtained. Construction is expected to take four months.

The Site and Surrounds

8. The site is legally described as Sections 4 & 11 SO Plan 491908. The property is owned by Te Puna Springs Estate Ltd and is 5.964 ha in area. NZTA has an agreement with Te Puna Springs Estate Ltd to purchase 4,500 m² of the site for the Te Puna Memorial Hall.
9. The site is largely flat, with a slight slope to the west. The northern half of the site is occupied by buildings, materials and equipment associated with the owner's Supermac business. Supermac manufactures insulated panel buildings. The southern part of the 4,500 m² site comprises recent earthworks and grass.
10. The site is located immediately to the north of Te Puna Commercial Centre. The site has frontage to the local road which provides access to the service station and other businesses within the commercial centre. The wider commercial centre accommodates a small range of commercial services. A large packhouse and cool store activity is located to the north east on the opposite side of Te Puna Road. Land to the south and west (part of the land owned by Te Puna Springs Estate Ltd) is covered with trees and shrubs within an incised local flowpath. Further west is kiwifruit and avocado orchard.
11. No recorded archaeological sites are located on the site.

Activity Status

12. The site is located within the Commercial and Rural Zones (District Plan map U87).
13. In the north-eastern part of the site, a small part of the vehicle manoeuvring area reduces the available depth of the planting strip to 2 m (rather than 3m) for a length of approximately 5-6 m. The proposal is therefore a restricted discretionary activity under Rule 4C.5.3.2.
14. Places of assembly are a discretionary activity within the Rural Zone under Rule 18.3.4 (e). The site encroaches into the Rural Zone by 520 m². The Rural Zone part of the site comprises parts of the effluent and soakage areas, outdoor area and a small part of the parking area.
15. The proposed hall building does not include a verandah above street level nor a continuous retail frontage, and the site layout includes seven car parks within 10 m of the street boundary. The proposal is therefore a restricted discretionary activity under performance standard 19.4.1 (a).
16. The proposed activity complies with all other relevant rules of the District Plan, including those for Transportation, Noise, Signs, the Commercial Zone and the Rural Zone.
17. The NESCS (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) came into effect on 1 January 2012. The primary objective of the NESCS is to ensure land affected by contaminated soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land safe for human use.

18. The site has no history of HAIL activities. However, as part of the application soil sampling has been completed. However, the results indicated low concentrations of metals for all samples and all were below the relevant SCSs for recreational land use. The levels of metals detected in all samples meet the Rural Residential/Lifestyle Block 25% Produce SCS and the material is therefore suitable for reuse on the site. However, Sample 1 exceeded Class A Landfill Acceptance for Zinc ($200\text{g}/\text{m}^3$). With respect to Sample 1, WSP Opus' Environmental Scientist advises that "*If the material is to be removed from the site in this location, then a Toxicity Characteristic Leaching Procedure (TCLP) test may be required by the landfill operator*", prior to disposal of the material. Any risk to human health related to the change of land use to a hall is highly unlikely.
19. Given the localised nature of Sample 1 on the site, any soil disturbance within this location will meet the permitted activity conditions under Regulation 8 (3).
20. Overall, the proposal is assessed as a discretionary activity.

Notification

Assessment of Effects on the Environment

21. Assessment criteria for the proposed place of assembly are given in section 18.5.9 of the District Plan. These criteria are considered appropriate for this assessment.

Relevant objectives and policies of the District Plan

22. The following objectives and policies are considered relevant to this proposal:
 - *4C General – Objective 4C.1.2.1, 4C.4.2.1; Policy 4C.1.2.2.1, 4C.1.2.2.3*
 - *18.2 Rural – Objectives 1, 2, 3, 5; Policies 1, 4, 10, 11, 12*
 - *19.2 Commercial – Objective 2; Policy 4*
23. The proposed level of noise is consistent with the character of the Rural and Commercial Zones, given the distance to any surrounding dwellings. For the closest dwellings, the DAAL assessment considers that noise at these notional boundaries will be up to 40 dB L_{eq} in a worst case scenario (with external windows/doors open). The operation of the hall will meet District Plan noise limits. The site is significantly distanced from any orchards, which will avoid any reverse sensitivity effects of spray drift.
24. The site does not currently consist of productive rural land. Appropriate servicing can be provided on site and the hall will be consistent with the character and amenity of the Rural Zone.
25. The design of the hall does not provide for a verandah; however the street layout in this location is not conducive to pedestrian movement. The proposed car parks within the street frontage are appropriately screened.
26. Overall, the activity is consistent with the relevant objectives and policies of the District Plan.

The extent of the loss of land with high production potential

27. The area of land within the Rural Zone to be used for hall activities is currently not being used for primary production purposes, being a situation which will not change. No loss of productive land is therefore anticipated.

Potential for conflict with existing and foreseeable activities in the area

28. Use of the 520 m² area of land within the Rural Zone is unlikely to conflict with any existing or foreseeable activities in the area any more than a permitted activity within the Commercial Zone. The owner of the adjoining land to the north and west has provided written approval.
29. In relation to spray drift, the applicant has provided an assessment of Horticultural Consultant Lynda Hawes. This assessment indicates the risk of spray drift affecting the proposed hall site is mitigated by the considerable distance to the nearest orchard properties and the established natural shelterbelts along the relevant boundaries of these properties. The closest orchards to the north and west are over 100 m away. I agree with this assessment, with the risk of conflict with existing activities being less than minor.

Traffic generation

30. A transportation assessment has been provided with the application by WSP Opus. Given that places of assembly are permitted in the Commercial Zone, the volume of traffic generated by the hall is anticipated, with the partial Rural zoning of the site not affecting this likely traffic volume. The anticipated maximum volume of traffic at the site is anticipated to be 60 vehicles.
31. Council's Development Engineer has considered the access location of the hall. The existing kerb let down where a vehicle crossing would normally be constructed is in a non-complying location for sight distance. However, the location provided in the site plan is appropriate. Access to the site is from the existing sealed local road, which connects to Te Puna Road.
32. A total of 60 parking spaces are provided on site, which is in excess of the 24 parking spaces required by the District Plan. The proposed volume of car parking is considered sufficient to accommodate the maximum 120 people that can be accommodated in the hall, assuming an average of two people per vehicle.
33. I agree with the conclusions reached in the WSP Opus transportation assessment and by Council's Development Engineer. Subject to providing sufficient access and parking in accordance with the Development Code, and adverse effects arising from traffic generation are considered to be less than minor, with no persons adversely affected.

Signage

34. Signage details have yet to be finalised but the applicant has advised that they will comply with the relevant permitted activity rules of the District Plan.

Rural visual amenity

35. Places of assembly are a permitted activity within the Commercial Zone. No part of the building itself is located within the Rural Zone. The Rural Zone part of the site comprises

parts of the effluent and soakage areas, outdoor area and a small part of the parking area.

36. The visual effects of the small encroachment into the 3 m screen planting strip required for the Commercial Zone will be less than minor. Reduction of the planting strip to a depth of approximately 2 m over this small area (approximately 5-6 m length), will still achieve an effective planting strip and enable a continuous length of screen planting along the northern boundary, which adjoins the Te Puna Springs property, who has provided written approval. Any adverse effects on this property in relation to the non-compliance with the screening standard are therefore disregarded.
37. The location of seven car parks within 10 m of the street boundary will be softened by landscape planting along the adjacent southern and eastern property boundaries.
38. The hall building will be setback approximately 21 m from the street boundary at the closest point and includes a verandah over the entrance to the building. This doesn't meet the Commercial Zone standard of requiring a verandah along the entire street frontage. However, the ability to provide verandahs in this location is limited by the layout of the Te Puna Commercial Centre, where verandahs are limited due to the lack of street frontage (being split by SH2). The presence of SH2 also reduces the volume of pedestrian traffic, with most people arriving by car. This is expected to be the preferred mode of transport for people using the hall as well. Overall, any adverse amenity effects arising from the building design are expected to be less than minor.
39. Overall, any adverse visual effects associated with the place of assembly are considered to be less than minor.

Noise

40. An acoustic assessment has been provided with the application by DAAL. The DAAL assessment notes that in treating the entire hall site as being with the Commercial Zone, *'it would not materially alter our assessment if the site was treated as Rural'*.
41. Te Puna Springs Estate Ltd has provided written approval to the application and therefore any adverse effects on this person have been disregarded. The closest dwellings beyond the property are 340 m to the north, 220 m to the west, 280 m to the northwest and 240 m to the east.
42. DAAL's assessment considered noise effects on these closest dwellings, with likely noise sources being activities inside the building, vehicle movements and mechanical systems associated with the building. Appropriate conditions limiting noise have been proposed by the applicant.
43. Noise from the hall will be greatest during concerts and weddings. For the closest dwellings, DAAL considers that noise at these notional boundaries would be up to 40 dB L_{eq} in a worst case scenario (with external windows/doors open).
44. Noise from vehicle movements will be most sensitive after 10PM. However, noise in this scenario at the closest dwellings will be up to 35 dB L_{eq} and 50 L_{max} . Noise from the buildings mechanical plant (ventilation, fans etc.) will not generate significant noise.
45. Construction noise will be required to comply with NZS 6803:1999 Acoustics – Construction Noise, and a condition has been proposed by the applicant in this regard.

46. Overall, I am satisfied with the conclusions of the DAAL assessment and any adverse effects arising from noise are considered to be less than minor, with no persons adversely affected.

Services

47. The new hall building and car park will result in an increase in stormwater runoff. Stormwater from the site will be collected into a new piped stormwater system and discharged via an outlet, at a rate of 110 litres per second, into the ephemeral flowpath to the west. Standard road sumps with grates will accept runoff from the sealed surfaces to prevent any debris entering the system. The piped system is designed to ensure stormwater does not infiltrate the on-site wastewater soakage area. The rate of discharge via the proposed stormwater system is less than 125 litres per second and constitutes a permitted activity under BOPRC's Regional Natural Resources Plan. Council's Development Engineer is satisfied with this method of stormwater disposal and I agree with this assessment.
48. The on-site wastewater treatment and disposal system has been designed to comply with NZS 1547: 2012 On-site domestic wastewater management and BOPRC's On-Site Effluent Treatment Regional Plan. The design provides for a full capacity event at the venue; calculated conservatively as a design storage volume (prior to treatment) of 3,600 litres/day. The volume discharged daily will be less than 2,000 litres/day. The primary treatment system will ensure that wastewater discharge to the soakage system will meet the above national and regional requirements. The installation of a high level alarm system, a high level gravity overflow to the disposal field, and the required reserve drainage area will mitigate the risk of any malfunction of the system. Furthermore, the hall is primarily located within the existing Te Puna Commercial Centre and does not constitute an expansion of this area. Council's Development Engineer is satisfied with the method of wastewater disposal, subject to obtaining any relevant approvals from BOPRC. I agree with this conclusion.
49. Water supply will be provided from Council's main, for which there is sufficient capacity.

Affected Parties

50. Written approval has been obtained from Te Puna Springs Estate Ltd, which currently owns the site and the adjoining land. No other written approvals are required given the distance of the proposed hall from any other adjoining rural or residential properties.

Notification Summary

51. In accordance with the assessment following the steps set out in Sections 95A and 95C to 95D of the Act, the application need not be publicly notified because:
- Under Step 1, in considering Section 95A 'Public Notification of Consent Applications',
 - The applicant does not request the application proceed with notice (S95A (3) (a)); and
 - Public notification is not anticipated to be required under Section 95C of the Act; and
 - Section 95A (3) (c) does not apply in this instance.
 - Under Step 2,

- The proposal is not subject to a rule or national environment standard that precludes public notification (s95 (5) (a));
 - The proposal is not a resource consent for a controlled activity, subdivision, residential activity or boundary activity, or a prescribed activity (s95 (5) (b));
 - Under Step 3,
 - Any adverse effects are not more than minor (s95 (8) (b));
 - Under Step 4,
 - There are no special circumstances arising from this proposal and public notification is not deemed necessary (s95 (9)),
52. In accordance with an assessment following the steps set out in Sections 95B and 95E to 95G the application need not be limited notified because:
- Under Step 1,
 - There are no protected customary rights groups involved or affected;
 - There are no customary marine title groups involved or affected; and
 - No statutory acknowledgements are applicable.
 - Under Step 2,
 - Limited notification is not precluded through Section 95B (6) (a) of the Act.
 - Under Step 3,
 - In accordance with Section 95E of the Act, written approvals have been provided, as detailed in paragraph 50 of this report, no other persons are affected, and therefore limited notification is not required.
 - Under Step 4,
 - There are no special circumstances arising from this proposal and limited notification is not deemed necessary.
53. In conclusion, public or limited notification is not required, as detailed above.

Section 104 Assessment

Actual or Potential Effects on the Environment

54. Having regard to the assessment criteria and the relevant objectives and policies of the District Plan, the effects of the proposal will be minor and acceptable for the reasons discussed above.

Western Bay of Plenty District Plan

55. The relevant objectives and policies of the District Plan are considered in paragraphs 22-26. The application is consistent with the relevant objectives and policies of the District Plan.

Conclusion

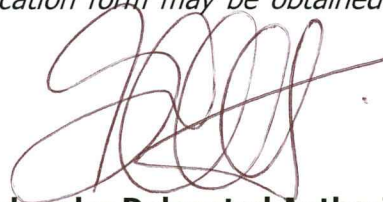
56. In having regard to the above matters, the proposal is considered to generate adverse effects which are acceptable in this environment. The proposal is considered to be consistent with the objectives and policies of the Operative District Plan and the purpose and principles of Part 2 of the Resource Management Act 1991, and accordingly Council has granted the consent.

ADVICE NOTES:

1. *The consent holder should notify Council, in writing, of their intention to begin works prior to commencement. Such notification should be sent to the Council's Compliance Monitoring Team and include the following details:*
 - *Name and telephone number of the project manager and site owner*
 - *Site address to which the consent relates*
 - *Activity to which the consent relates*
 - *Expected duration of works.*
2. *Notifying Council of the intended start date enables cost effective monitoring to take place. The consent holder is advised that additional visits and administration required by Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis.*
3. *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 a monitoring fee.*
4. *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 authorised by this consent until your objection/appeal is resolved.*
5. *Work that may modify, damage or destroy any archaeological site(s), such as earthworks, fencing or landscaping, is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014.*
6. *The applicant is advised that an approved "Corridor Access Request" is required to work within the road reserve (including constructing/upgrading a vehicle crossing). The application can be made through Council's Roding Service Providers, Westlink, via their online service submitica.*
7. *The applicant is advised that an approved "Working on Utilities Notice" is required to connect to Council's live utilities assets. The application form may be obtained from Council's Customer Service Department.*

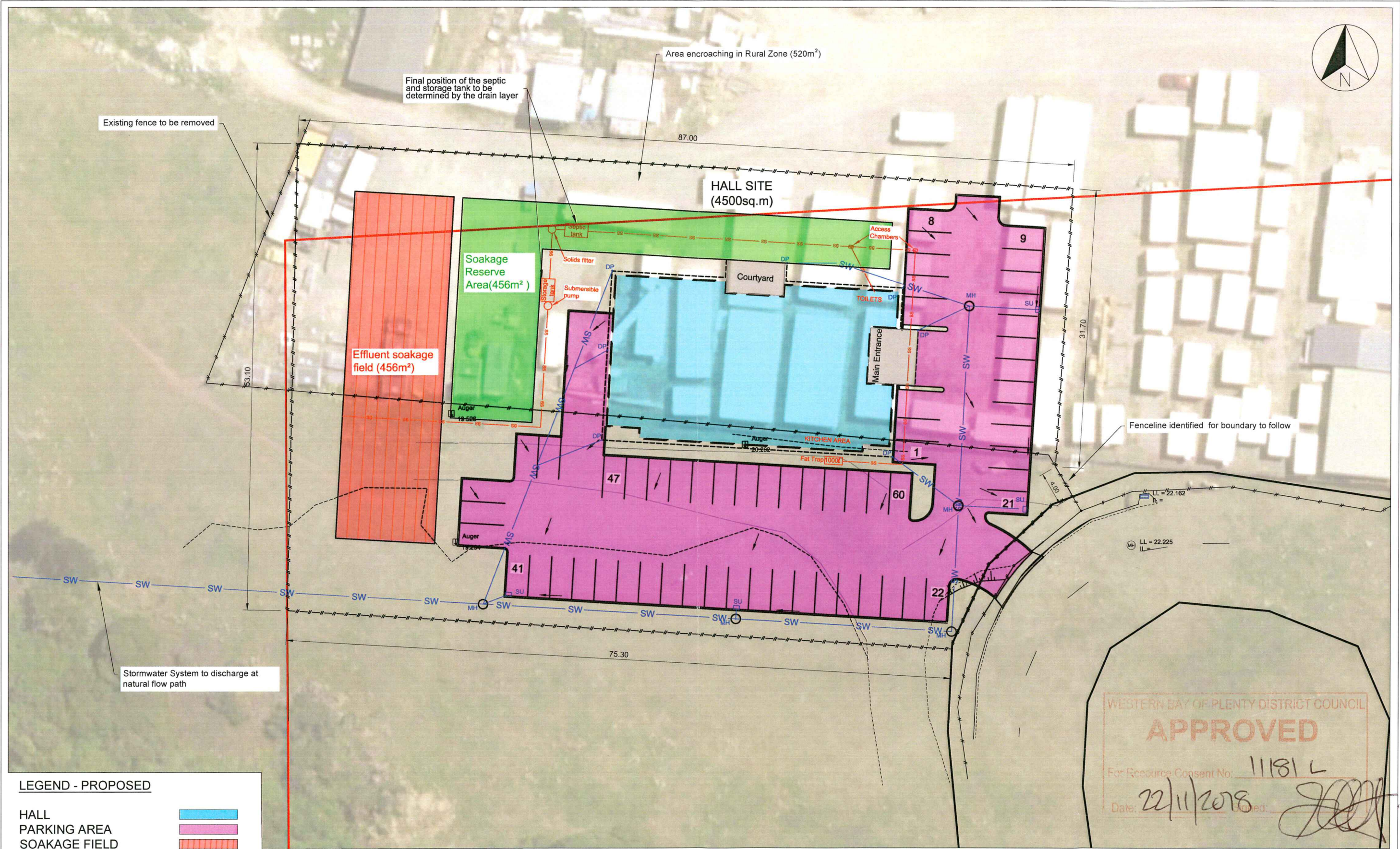


Kahurangi Tapsell
Consultant Planner
22 November 2018



Approved under Delegated Authority
Chris Watt
Consents Manager

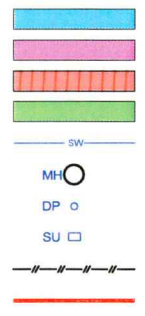
Date:.....22/11/2018.....



WESTERN BAY OF PLENTY DISTRICT COUNCIL
APPROVED
 For Resource Consent No. 11181 L
 Date: 22/11/2018
 [Signature]

LEGEND - PROPOSED

- HALL
- PARKING AREA
- SOAKAGE FIELD
- SOAKAGE RESERVE
- STORMWATER PIPE
- MANHOLE
- DOWN PIPE
- SUMP
- BOUNDARY FENCE
- ZONE BOUNDARY



RESOURCE CONSENT

Revision	Amendment	Approved	Revision Date
A	FOR RESOURCE CONSENT		4.10.18



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 PO Box 646
 Tauranga 3140
 New Zealand

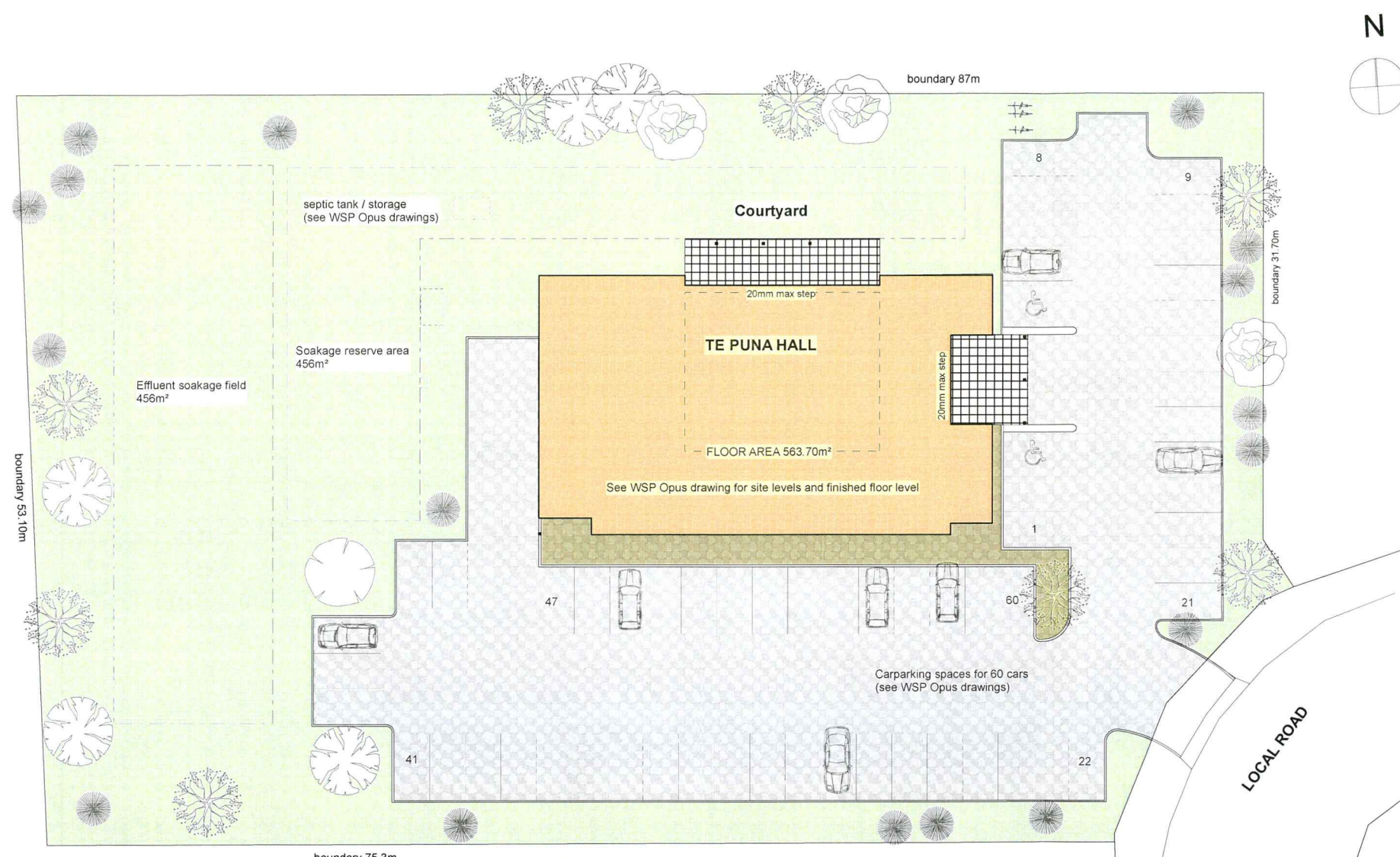
NEW ZEALAND TRANSPORT AGENCY
 PROPOSED TE PUNA HALL
 TE PUNA TOWNSHIP

PROPOSED SITE LAYOUT PLAN

Scheduled	Approved	Approved Date
B Anderson		
Drawn	Scale	Approved Date
B Anderson / C Wilson	1:200 @A1	

Project No.	Sheet No.	Revision
2-9A0700.00 150 TC	C01	A

RevID	Change Name	Date
01		13-Dec-18



SITE PLAN 1:200
 Carparking for 60 cars + HGV for typical crowd use of 120 people

WESTERN BAY OF PLENTY DISTRICT COUNCIL
APPROVED
 For Resource Consent No: 11681
 Date: 22/11/18 Signed: [Signature]

TE PUNA HALL
 TE PUNA RD - TE PUNA



SITE LOCATION PLAN

1:200

WIND ZONE = HIGH
 EARTHQUAKE ZONE = 1
 EXPOSURE ZONE = C

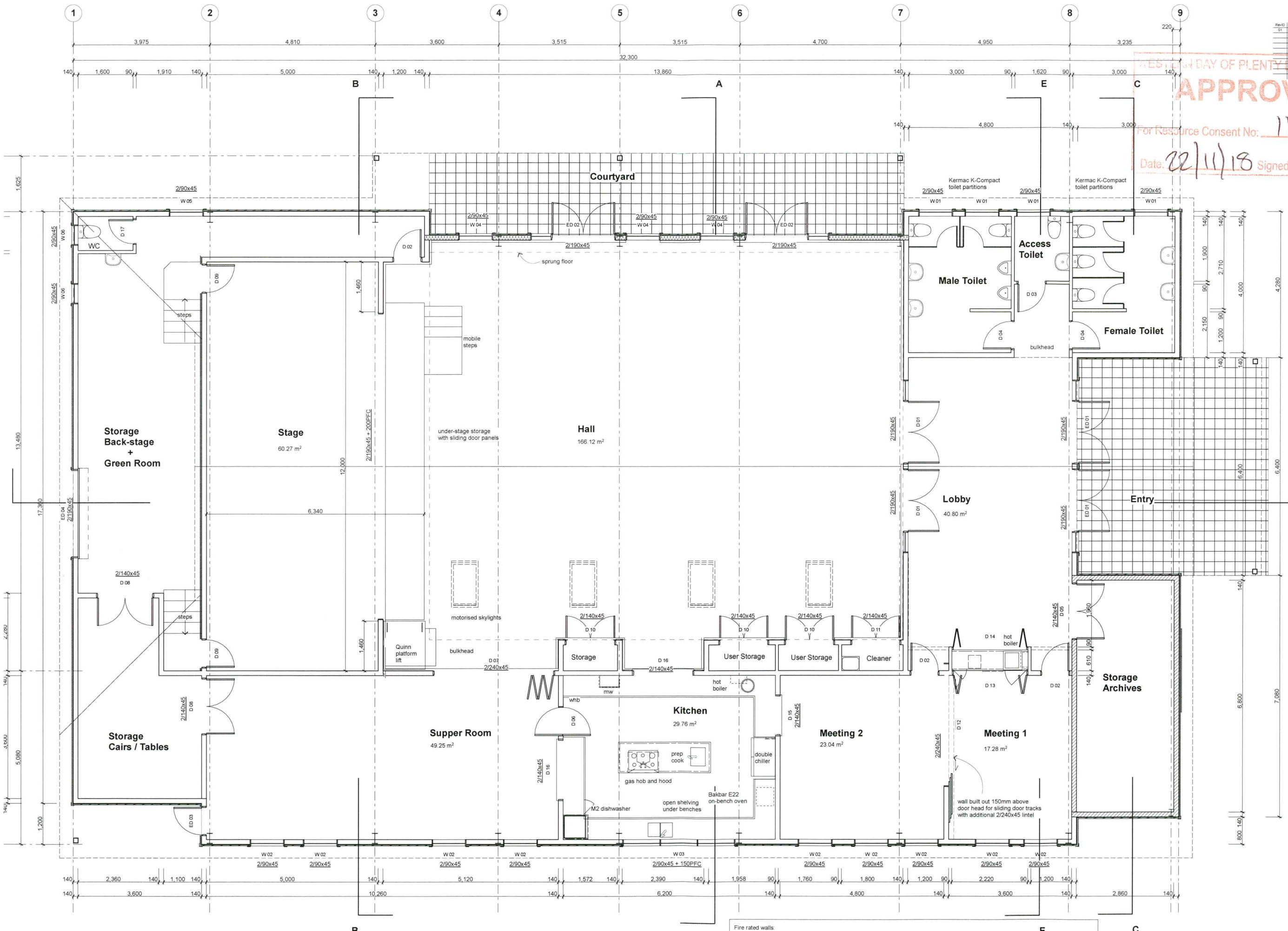
12-Oct-18

101

01

Rev	Change Name	Date
01		19-Dec-18

WESTERN BAY OF PLENTY DISTRICT COUNCIL
APPROVED
 For Resource Consent No: 111812
 Date: 22/11/18 Signed: [Signature]



TE PUNA HALL
 TE PUNA RD - TE PUNA



FLOOR PLAN

WIND ZONE = HIGH
 EARTHQUAKE ZONE = 1
 EXPOSURE ZONE = C

FLOOR PLAN 1:50

Gross Floor Area = 563.70 m²

2/90x45 = Lintel sizes
 Note: wind uplift taken by structural steel frame

Fire rated walls

External walls 9mm Eterpan base rigid air barrier over timber framing with 16mm Gib Fyrelite internal lining, all to Pacific Build Supply EP90.55 specification

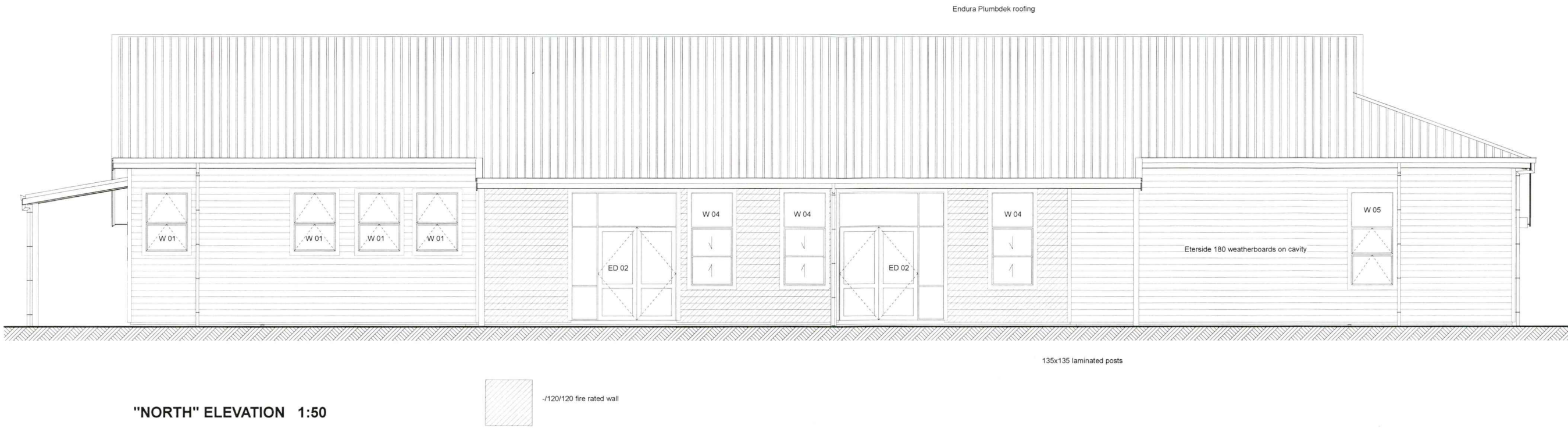
Internal walls 13mm Gib Fyrelite internal lining to both sides of framing, all to Gib GBLT 60 specification

12-Oct-18

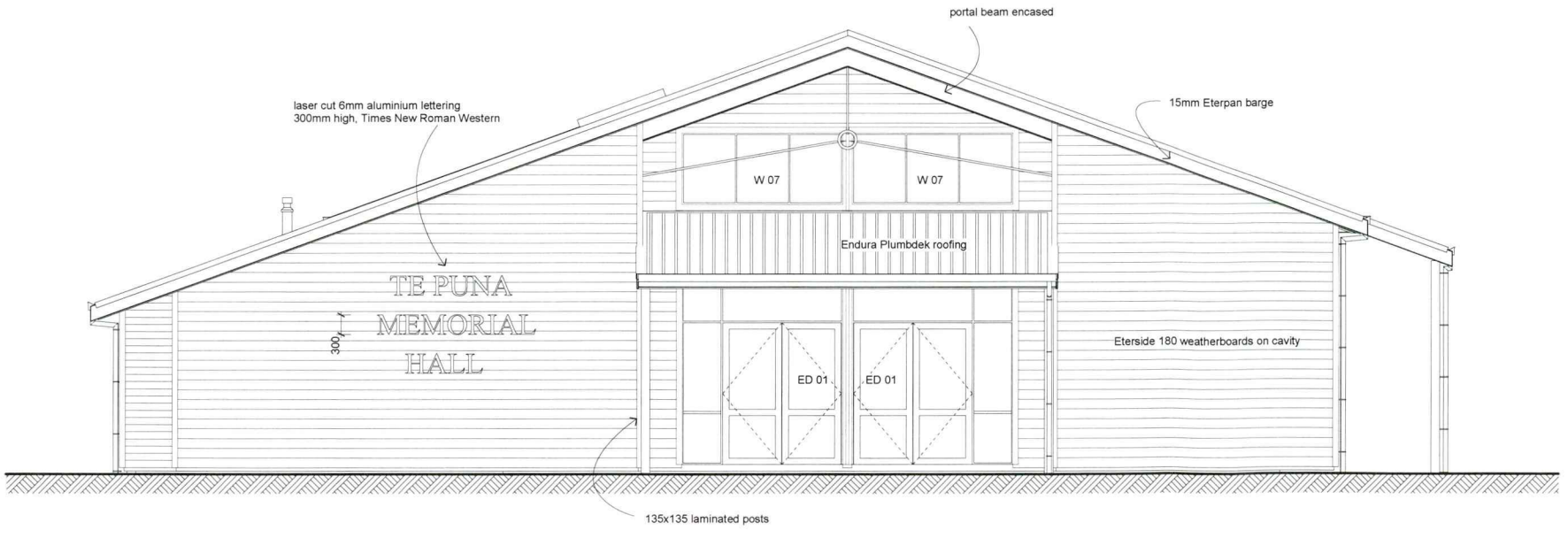
102

01

RevID	Change Name	Date
01		19 Dec 18



"NORTH" ELEVATION 1:50



"EAST" ELEVATION 1:50

H1/AS1 Calculation method:

H1 Energy Efficiency Calculations

Building Data:

Item	Value
Climate Zone	Zone 2
Total Roof Area	604.40 m ²
A _{glazing} (Total Glazing Area)	4.40 m ²
A _{wall} (Total Wall Area - Roof Glazing Area)	600.00 m ²
Total Wall Area (including doors & glazing)	480.53 m ²
A _{wall} (wall area)	144.16 m ²
70% of Total Wall Area	336.37 m ²
A _{glazing} (Total Glazing Area)	67.73 m ²
A _{door} (Total Area of Doors)	7.80 m ²
A _{glazing} (Total Wall Area - Total Glazing Area - Total Area of Doors)	405.00 m ²
Glazing Ratio	14.09 %
A _{floor} (Total Floor Area)	563.70 m ²

Reference Building Heat Loss:

$$HL_{ref} = \frac{A_{glazing}}{2.50} + \frac{A_{door}}{2.50} + \frac{A_{wall}}{1.90} + \frac{A_{floor}}{1.30} + \frac{A_{vent}}{0.35}$$

$$= \frac{4.40}{2.50} + \frac{7.80}{2.50} + \frac{405.00}{1.90} + \frac{563.70}{1.30} + \frac{144.16}{0.35}$$

$$= 1.345.7 \text{ W/C}$$

Proposed Building Heat Loss:

Building Element	R (m ² ·CW)	A (m ²)	HL
Roof	3.20	600.00	187.5
Skylight	0.50	4.40	8.8
Wall	2.64	405.00	153.4
Glazing	0.26	67.73	260.5
Doors	0.18	7.80	43.3
Floor	1.30	563.70	433.6
Total Heat Loss =			1.087.2 W/C

TE PUNA HALL
TE PUNA RD - TE PUNA



1:50

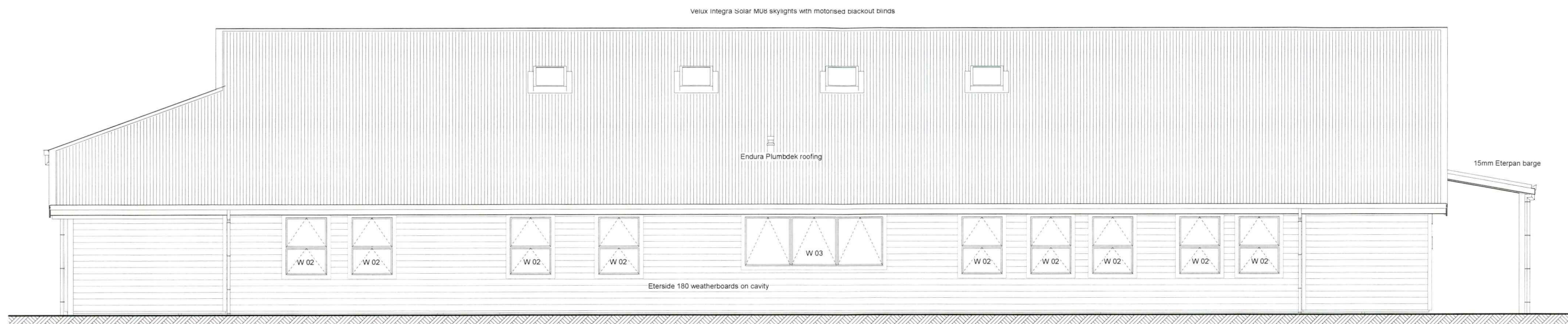
ELEVATIONS and H1 TABLE

WIND ZONE = HIGH
EARTHQUAKE ZONE = 1
EXPOSURE ZONE = C

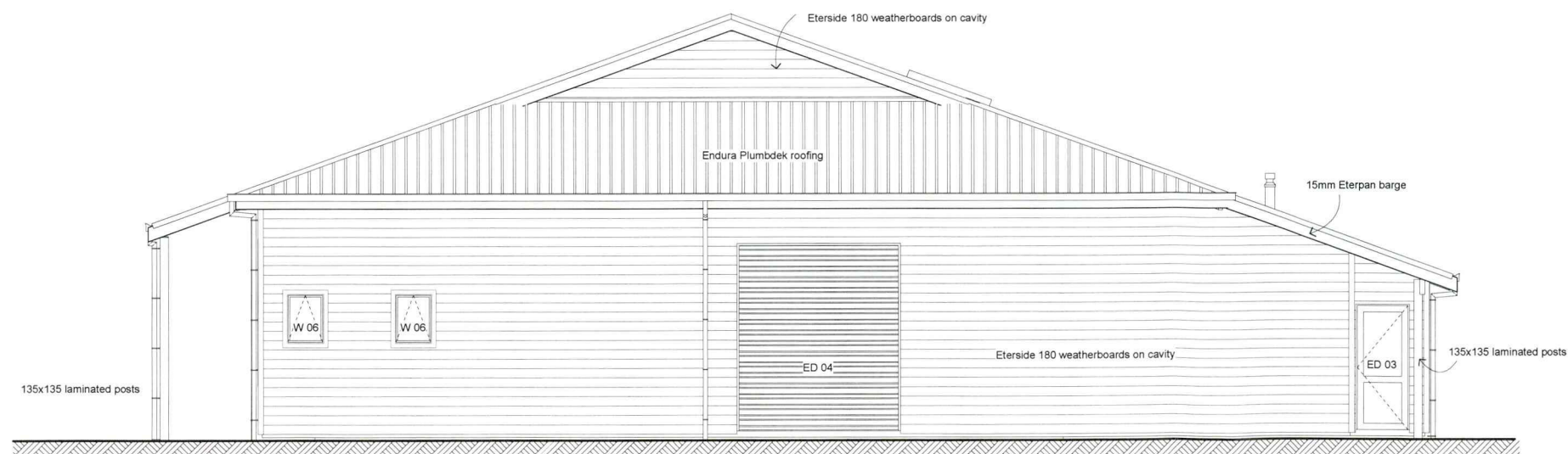
12-Oct-18

301
01

Rev ID	Change Name	Date
01		19-Dec-18



SOUTH ELEVATION 1:50



WEST ELEVATION 1:50



BUILDING ENVELOPE RISK MATRIX		
All Elevations		
Risk Factor	Risk Severity	Risk Score
Wind zone (per NZS 3604)	High risk	1
Number of storeys	Low risk	0
Roof/wall intersection design	Low	0
Eaves width	High risk	2
Envelope complexity	Low risk	0
Deck design	Low	0
Total Risk Score:		3

TE PUNA HALL
TE PUNA RD - TE PUNA

1:50



ELEVATIONS



WIND ZONE = HIGH
EXPOSURE ZONE = 1
EXPOSURE ZONE = C

12-Oct-18

302

01