

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

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

**STATEMENT OF EVIDENCE OF ANNALIESE HAILEY MICHEL
ON BEHALF OF TE PUNA SPRINGS ESTATE LIMITED
(SUBMITTER 04)**

Dated 23 June 2022

1. My name is Annaliese Hailey Michel. I am the Chief Executive of the Te Puna Springs Estate Limited.
2. I am Rex McIntyre's daughter.
3. In December 2005, Rex purchased 23 Te Puna Rd, Te Puna, which is subject to this private plan change under the entity of Te Puna Springs Ltd which is part of the Supermac Group. The land was purchased from Doug Kirk and his family for commercial development.
4. Since this time, our companies Mod Com Portable Buildings and Supermac Holdings have operated from the site. Approximately half of the site is already zoned commercial and was so at the time it was purchased from the Kirks. This private plan change seeks to rezone the balance of the land to commercial.
5. Rex had lived in Te Puna for over 20 years at this point. My father was an active, engaged member of the Te Puna community up until his death in 2021. Some of his local and wider community contributions included:
 - Providing local employment to those that others would not;
 - Te Puna Rugby sponsorship, access to machinery and building loans;
 - Te Puna School sponsorship & ensured every child could go on school camps;
 - Fury Soccer building loans;
 - Lions Club;
 - Te Puna Community Centre donated insulation panel for their build;
 - Katikati Golf Club donated toilet block;
 - Tect Park – volunteered time and machinery to put roading and tracks in ;
 - Otumoetai Tennis club building loans;
 - Tauranga BMX building loans;
 - Scouts;
 - AFS;
 - Te Puna Quarry Park (26 years of service building tracks and roads).
6. Rex died on 21 July 2021 while volunteering at Te Puna Quarry Park. He literally gave his life for this community.
7. This engagement and involvement with the community ensured that Rex was well positioned to understand and enable any proposed development of 23 Te Puna Rd to meet the needs of the local community.
8. Rex paid over \$5 million for this property in 2005. This price was consistent with market commercial rates at the time applying across the entire site. This property was purchased with the intent to provide a commercial development for Te Puna - something that I understand Rex was advised by WBOPDC planning staff prior to purchase would be relatively straightforward

and part of long term plans for this locality. Fast forward 17 years and we are still trying to rezone the land.

9. In the years in between, Te Puna Springs Estate lost significant commercial land for roading works under the Public Works Act 1981. Firstly, to provide a slipway by Four Square and a connection from those shops to Te Puna Road in 2015. This acquisition left us with a very difficult island piece of land to work with that is disconnected from the rest of our property.
10. The other parcel of land that was acquired was for the Te Puna Memorial Hall 2018. The Council and NZTA chose an initial site for the Hall which was located along the site frontage adjoining the State Highway. That site did not proceed as a result of appeals to the Environment Court. Rex then offered a second site and this is where the Hall is currently located. This significant parcel of land is roughly in the middle of our property. It is prime flat land. As part of the acquisition, Rex was promised a return of "like for like" in the agreement for sale of the Hall land. The expectation was any commercial land lost for the Hall site would result in the equivalent square meterage of rural land rezoned to commercial elsewhere on the property. This has not yet occurred.
11. Rex facilitated the final relocation of the Hall onto his property, and even donated power, water and a building which was used as a site office throughout the build process. I believe that without our goodwill, the Hall would never have been able to secure a site in the locality. The stormwater for the Hall is currently also discharged into Te Puna Springs ponds without an easement. We have had to manage this stormwater without any compensation from the Hall Committee or Council.
12. We obtained full support for the Plan Change from the Hall Committee prior to submitting our application. I attach a copy of this letter to my evidence. This support is unequivocal and written as representative of the Hall Committee. I am therefore at a loss as to why the Hall Committee would oppose this application now, when we have literally bent over backwards to help them establish a Hall in the location that its Committee wanted. If the Hall had been located off the site elsewhere in the District, our land would have been able to be developed in a more comprehensive and efficient manner rather than working around this Hall building in the middle of the developable land area.
13. Our site is an overland flow path for stormwater runoff from the motels, the State Highway, Te Puna Road, Four Square, BP, Zaribra's development, the Hall and DMS. None of these entities have any formal arrangement with us to do this, despite the fact that these entities have intensified in use and increased impermeable areas on their sites over the years. There are no current resource consents or easements in place for these discharges. The stormwater mitigation requirements have also had a detrimental impact upon the quantity of available land which we have left to develop.
14. In 2015 and 2018 we formally attempted a private plan change. The 2018 one was put on hold due to the Council having wider waste water concerns for Te Puna. These concerns have now

been addressed and this plan change before you is a continuation of the process we started in 2018.

15. This property is currently being used as a storage yard for our portable building company (Mod Com Portable Buildings Ltd) and former construction company (Supermac Holdings Ltd). We are storing buildings and construction materials. However, since Rex died, we have reassessed our needs. Originally, we were wanting to move all of our operations onto one site. The plan change as originally notified reflected that. However, the community has grown and our business model and requirements have changed and we no longer wish to remain on the site.
16. Our submission on our plan change makes this clear and deletes a number of the provisions which were intended to provide for our activities on the site. Our intention is to move offsite once the plan change is approved and the lands will be developed for commercial uses as part of the wider Te Puna Village.
17. In 2016 we gained resource consent to site commercial workshops behind BP on existing commercial zoned land. This is something we have not acted on due to the impending plan change. This area encompasses the main natural spring on the property and it is now proposed to naturally enhance this area instead of commercially developing it.
18. There has been extensive consultation with the community around this development, with public meetings held on our premises in 2018/2019. These meetings were well attended by local community members, business people, representatives of Pirirakau, the Hall Committee, Heartlands and local councilors in attendance. Subsequent to this the WBOPDC held workshops and open days with the community, which we were very much a part of.
19. Based upon this community consultation we are proposing to install a high-quality commercial development that meets the communities' needs. Our intention is to retain ownership of the entire property and develop it as a cohesive whole, leasing buildings to tenants. This is similar to what Zariba have done across the road. We currently have a large volume of interest from high profile, well known New Zealand owned businesses that would provide much needed amenities and employment for our local community. We recognize that there is a significant need for commercial land in Te Puna, as such it will be a wholly commercial development as the land is not going to be subdivided, we retain control of the development and can ensure that it is something that Te Puna will be proud of for years to come. The restoration of waterways and ensuring that the development incorporates sustainable principles is very important to us and the future of the Te Puna Springs Site. This development is Rex's legacy. We want to do this once and do it right.

Annaliese Michel
Te Puna Springs Limited

23 June 2022