



**Western  
Bay of Plenty**  
District Council



## **Plan Change 94**

Copies of Original  
Submissions

Numbered to match Summary of  
Submissions

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# District Plan Changes 93 – 94

## Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

District Plan Changes  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga Mail Centre  
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

### Submissions close 4.00pm on Friday 4 February 2022

Name: Eastpack Limited

Organisation  
(only if submitting on  
behalf)

Address for Service: C/- Shae Crossan, Stratum Consultants Limited, PO Box 13610, Tauranga

Post Code: 3141

E-mail Address: shae.crossan@stratum.nz

Telephone Number: 07 571 4500

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed:  Date: 2 February 2022

(Signature of person making submission or person authorised to  
sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Privacy Act 2020:** This form and the details of your submission will be publicly available as part of the decision-making process. The information will be held at the offices of the Western Bay of Plenty District Council at 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
<p>Plan Change 94 – Washer Road Business Park</p> <p>1.2</p> <p>1.1</p>	<p>Eastpack Limited own the substantial existing Kiwifruit Post-Harvest Facility located on the western side of Washer Road, adjacent to the proposed site to be rezoned from Rural to Industrial.</p> <p>Eastpack Limited support the proposed rezoning of the site from Rural to Industrial. The rezoning will provide much needed Industrial Land in Te Puke and make efficient use of the subject land which is currently under utilised.</p> <p>Eastpack Limited do however hold concerns over the ability of the existing single lane bridge on Station Road to efficiently accommodate traffic generated by existing development and 7ha of additional Industrial Development. The single lane bridge is already constrictive during the kiwifruit season between March &amp; November resulting in queues of both light traffic and heavy traffic. The additional traffic generated by the additional future Industrial Development could potentially be significant given the type of activities that would be permitted to operate within the Zone. It is acknowledged that Stantec have undertaken a survey and noted a short queuing time during vehicles giving way crossing the bridge, however the survey is only a minute fraction of the overall time period for traffic generated and it is therefore considered not to represent a complete representation over a longer time period. To accommodate the potential increased traffic flow, it is considered that the existing bridge should be upgraded to a double-lane bridge prior to any development occurring on the rezoned site.</p> <p>Eastpack also supports the proposed Jellicoe Street roundabout, however, considers this should be constructed prior to development on the site occurring.</p>	<p>Approved the rezoning of the land subject to the upgrading of the Station Road single lane bridge to a double lane bridge and the construction of the roundabout at Jellicoe Street prior to development on the site occurring.</p>	<p>1.2</p> <p>1.1</p>

**From:** Heather Salt <mcsalt@xtra.co.nz>

**Sent:** Friday, 4 February 2022 2:36 PM

**To:** Anna Price <Anna.Price@westernbay.govt.nz>

**Subject:** proposed plan change 94. rezone 66 Washer Road

Good afternoon Anna

We, MC & HF Salt, received notification from you re proposed changes to the district zoning plan at 66 Washer Road, Te Puke. – Washer Road Business Park.

I have carefully looked through the documentation on the council's web site.

Firstly I would like to state that we have absolutely no objection to the rezoning.

The objections that I would like addressed prior to any rezoning issued are:

1. The single lane bridge that connects Washer and Station roads. This is absolutely not suitable for the current traffic, and would be an absolute disaster if more traffic were to use it. It is structurally not suitable. 2.1
2. The current single lane right of way use: This gives the right of way to all traffic coming from Washer Road. The traffic coming from Station Road does not have a clear and unobstructed view of Washer Road itself. There is rubbish and trees that form a complete block out. I am not sure what the visibility is like for trucks, but it is a disaster for cars. The right of way, even without any rezoning, should be changed to give the Station Road traffic right of way. 2.1
3. The erection of a footbridge (on single lane bridge) would be a waste of funds. It doesn't matter how good the lighting is, it is still unsafe for pedestrians to be walking in this area of town after dark. 2.1
4. There should be a round a bout at the intersection where the Cameron Road traffic intersects with Jellicoe Street. This would not only make it safer for the Station Road traffic, but would be a great safety feature for the 3 schools that use the intersection. It would serve to be of better use than the one outside KFC at Boucher Av and Jellicoe Street. This r.o.w. seems to be used by traffic shooting down behind the Council buildings to get away from the r.o.w in the middle of town ( Jocelyn Street/Jellicoe Street). 2.1
5. To not have a round a bout at Cameron Road and have the heavy traffic use a left turn coming off the bridge and send it back through to the round a bout in the centre of town would be a disaster as it is suffering from over use now. 2.1
6. To send the traffic all the way back up Station Road to again use the round a bout in middle of town would equally be a disaster. Station Road is not capable of the extra heavy traffic...it is suffering now with the concrete trucks. There are several fault lines along Station Road and a lot of vibrating is already experienced by the home owners/occupiers now. 2.1

Regards

Heather Salt

4 February 2022



John Holyoake  
Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga Mail Centre  
Tauranga 3143

Dear John,

**Bay of Plenty Regional Council Submission to Private Plan Changes 93 (Te Puna Springs) and 94 (Washer Road Business Park) to the Western Bay of Plenty District Plan pursuant to Clause 6 of the First Schedule of the RMA 1991 (as amended).**

Thank you for the opportunity to submit on the above plan changes. A copy of our submission points is attached in Appendix 1 to this letter.

Overall, the Bay of Plenty Regional Council (BOPRC) does not object to the principle of either plan changes as we recognise the need provide for increased commercial and industrial development capacity in each of the locations.

However the plan changes, as notified, do not give effect to the natural hazard provisions of the Bay of Plenty Regional Policy Statement, which requires a risk assessment be prepared in accordance with Appendix L. The requirement for a risk assessment is used to determine the mitigation measures required to achieve a low natural hazard risk without increasing risk outside of the development site (see Policy NH 4B).

In addition, changes brought about by the National Policy Statement for Freshwater Management (2020)<sup>1</sup>(NPS-FM) seek to avoid further losses of the extent and values of rivers, streams and wetlands. Such provisions had immediate legal effect when enacted and were subsequently inserted into the Bay of Plenty Regional Natural Resources Plan on 29 March 2021<sup>2</sup>. As such, the council requests ecological assessments be provided in line with the NPS-FM to identify and assess the values of any stream or wetland within or immediately adjacent to the plan change areas.

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<sup>1</sup> See 3.22(1) and 3.24(1) of NPS-FM (2020)

<sup>2</sup> See Policies IM P1A and WL P13

Where streams and wetlands are identified, new urban zoning is not supported and applicants are encouraged to consider land use options that align with the general objective to protect the values and extent of streams and wetlands. Further, the Regional Council are urging applicants to consider options including water sensitive urban design to manage water quality in new development areas adjacent to identified streams and wetlands.

### **Plan Change 94 (Washer Road Business Park)**

By way of background, the Ohineangaanga Catchment and the wider Kaituna Catchment Control Scheme is subject to flooding and the flood defences are at capacity. This is a significant concern for the Regional Council as flooding frequently occurs in the lower part of the catchment. To address this, BOPRC Rivers and Drainage team have been making significant interim stormwater pumping improvements to several of the drains in and around the lower farm land.

Updated modelling that takes into account up-to-date projections on climate change is being prepared by the Bay of Plenty Regional Council and Western Bay of Plenty District Council. The purpose of the modelling to understand the constraints of existing development and problem areas in and around Te Puke. This model should be applied, when available, to provide an accurate understanding of the capacity of the flood storage plain and the effects of the proposal on the surrounding area.

Further detail is provided in the submission to outline matters of concern to ensure the council's flood protection assets are safeguarded along the Ohineangaanga Stream.

The Regional Council wishes to be heard in respect of these submissions.

If you or your staff would like to discuss any matters in this submission please contact Nathan Te Pairi on 0800 884 881 extension 8326 or email [nathan.tepairi@boprc.govt.nz](mailto:nathan.tepairi@boprc.govt.nz).

Yours sincerely,



Julie Bevan  
**Acting General Manager Strategy and Science**

## Appendix 1: Submission from the Bay of Plenty Regional Council on Private Proposed Plan Changes 93 (Te Puna Springs) and Proposed Plan Change 94 (Washer Road Business Park).

Reference	Specific Provision That Submission Relates To	Support, Oppose or Amend	Issues and Reasons	Relief Sought
<b>Plan Change 93: Te Puna Springs</b>				
<b>PC 93 (1)</b>	Wastewater (OSET)	<b>Oppose</b>	<p>BOPRC do not consider OSET as an appropriate technology to manage the effects arising from the range of activities the commercial land uses proposed by the plan change.</p> <p>OSET is a suitable technology for small scale, usually, residential rural land uses where there are no reticulation options available.</p> <p>AS/NZS 1547: 2012 (On Site Wastewater Management) sets out that OSET systems are intended for small scale discharges. Larger systems require additional features and need a more centralised operation, maintenance and monitoring.</p> <p>Given the scale and nature of potential intensity of the commercial land uses in the proposed plan change, OSET is not considered an appropriate technology to manage the cumulative effects over time on water quality and human health.</p> <p>While Table 1 and 3 in the Infrastructure Servicing Assessment in Appendix E of the s.32 report considers a scenario of land use and occupancy and based on the available information, it does not sufficiently assess the potential effects associated with the range of land uses for that zone or account for the changes of concentration that could occur overtime under the provisions for that zone.</p> <p>For the above reasons, BOPRC consider a long-term option to manage wastewater is essential to manage the cumulative long term effects on human health and the cumulative effects associated from point and non-point source discharges.</p>	<p>No definitive wastewater solution has been secured for the plan change area.</p> <p>If OSET is to be relied on, BOPRC <b>oppose</b> the plan change.</p>
<b>PC 93 (2)</b>	RPS - Natural hazards	<b>Oppose</b>	<p>Clause (a) of Policy NH 9B requires that a risk assessment is required using the methodology set out in Appendix L of the Bay of Plenty Regional Policy Statement (RPS) for changes in land on urban sites of more than 5(ha).</p> <p>Preparation of the risk assessment must consider the requirements of Policies</p>	<p><b>Oppose</b> - the plan change does not give effect to the natural hazard provisions of the RPS, in particular Policy NH 4B.</p>

10.1

10.2



		<p>IR 2B and NH 11B of the Bay of Plenty RPS to incorporate date projections of changes in sea level, rainfall, temperature, and storm frequency as the updated information becomes available. For a complete reference, it advised to refer directly to the Policy and other relevant provisions of the RPS.</p> <p>The risk assessment should identify which hazards are applicable to the plan change area. At a minimum, the risk assessment should consider flooding, landslide, liquefaction, and active faults.</p> <p>By way of update, the recent regional liquefaction mapping identifies the development site is undetermined. Therefore, liquefaction susceptibility cannot be ruled out without an appropriate geotechnical assessment. The geotechnical assessment should also consider whether the site is susceptible to landslide and active fault hazards.</p> <p>Once the risk assessment is completed, the development proposal is required to consider how a low level of natural hazard risk will be achieved as required under Policy NH 4B.</p> <p>This Policy seeks to ensure that low level risk can be achieved within the Development Site without increasing risk outside of the site. In the case of flooding it is necessary to assess and confirm that the:</p> <ul style="list-style-type: none"> <li>a) the likely landform changes will not result in diversion of overland flow path coming into the site resulting in flooding or ponding outside of the plan change area (including 626 State Highway 2 and State Highway 2) where that land would not naturally carry water during storm or flood events; and</li> <li>b) all overland flow paths can be safely conveyed through the Development Site in a 1% AEP event with allowance for climate change (RCP 8.5+ scenario projected to the year 2130).</li> </ul> <p>Where appropriate, provisions in the structure plan will be required to ensure that a low level of risk can achieved in the plan change area for each of the respective hazards.</p> <p>For further advice, guidance can be provided by the council's senior hazard planner Mark Ivamy <a href="mailto:mark.ivamy@boprc.govt.nz">mark.ivamy@boprc.govt.nz</a></p> <p><u>Overland flow paths</u></p> <p>The flood maps in Western Bay of Plenty District Plan area do not identify the extend of the overland flow paths and therefore, are not protected unless the activities are discretionary or non-complying activities (refer to Rules 8.5.1.3 and 8.5.2 of the Western Bay of Plenty District Plan) which provides for the most up</p>	<p>The following relief is sought:</p> <ul style="list-style-type: none"> <li>a) A risk assessment for each natural hazard the site is susceptible to, prepared in accordance with Appendix L of the Bay of Plenty RPS.</li> <li>b) Full details of the background flood model and associated maps used to inform flood risk including clarification as to which climate change scenarios.</li> </ul> <p>Of note, any flood modelling should consider the extent to which impermeable surface coverage is expected in the proposed commercial zone.</p> <ul style="list-style-type: none"> <li>c) A feasibility assessment or similar reporting from Suitably Qualified or Experienced Person to confirm that people can safely evacuate during a 1% AEP flood event;</li> <li>d) Provisions to ensure a low level of risk can be achieved<sup>1</sup> within the plan change area without increasing risk outside of the plan change area.</li> </ul> <p>In the case of flooding, the scope of provisions should consider (but not limited to) the following:</p> <ul style="list-style-type: none"> <li>(i) Limits on impermeable surface coverage;</li> <li>(ii) Controls to ensure that buildings are not functionally compromised in the event of 1% AEP flood event (RCP8.5 2130 climate change allowance);</li> <li>(iii) Management of subdivision, earthworks and development within</li> </ul>
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10.2

<sup>1</sup> See Policy NH 4B of the natural hazard provisions of the Bay of Plenty Regional Policy Statement

			<p>to date flooding information to be considered.</p> <p>In absence of provisions to protect ‘unmapped’ overland flow paths in the district plan, provisions to manage development and activities and protect the storage and conveyance function of the overland flow paths are sought to ensure future development would not increase risk outside of the plan change area.</p> <p><u>Proposed access from the layby adjoining SH2 (Health and Safety)</u></p> <p>The Small Settlement and Rural Flood risk Model (T&amp;T February 2021) held by the Western Bay of Plenty District Council shows that the proposed access from SH2 could be located above an overland flow path.</p> <p>Accordingly, BOPRC seek that a feasibility assessment or similar reporting from Suitably Qualified or Experienced Person to confirm that the proposal would be safe to evacuate people in 1% AEP flood event.</p>	<p>overland flow paths to protect their conveyance and storage functions;</p> <p>(v) On-site methods to manage run-off and water quality within the plan change area such as water sensitive urban design;</p> <p>(vi) Methods to ensure that overland flow paths can be safely conveyed determined by an assessment of depth and velocity for a 1% AEP flood event (RCP 8.5 2130 climate change allowance); and</p> <p>(vii) Detailed design of stormwater mitigation measures to ensure overland flow paths upstream are managed.</p> <p>e) Further provisions maybe required to achieve a low level of risk for other hazards to give effect to the natural hazard provisions, in particular Policy NH 4B (i.e. land instability building setbacks for landslide hazard).</p>
PC 93 (3)	Stormwater Management	<b>Oppose</b>	<p>The council’s database has identified a water course<sup>2</sup> within the Plan Change area in addition to the other waterbodies (streams/wetlands) including a spring on the site.</p> <p>For this reason, BOPRC seek that an ecological assessment is prepared to identify the values of this stream as required by Policy IMP1A in the Regional Natural Resources Plan (RNRP) which seeks to avoid losses in extent and values of streams.</p> <p>Guidance for appropriate matters to consider when addressing loss of value<sup>3</sup> are provided for in the NPS-FM (2020). The assessment should be prepared by Suitably Experienced and Qualified Persons have particular regard to the potential cumulative effects arising from the:</p>	<p><b>Oppose</b> the proposal or elements of it, in so far as it would not give effect to the relevant provisions of the NPS-FM and the RPS and would be inconsistent with the relevant freshwater provisions of the Bay of Plenty RNRP to manage incremental degradation of water quality on receiving environments arising from urban stormwater.</p>

10.2

10.3

<sup>2</sup> <https://gis.boprc.govt.nz/BayMaps/?appid=8c543e1d68a34940bef0f3c8e844a589>

<sup>3</sup> see – definition for ‘loss of value’ page 23 of the NPS-FM

			<ul style="list-style-type: none"> <li>• scale and intensity of the land uses and development expected in the commercial zone high imperviousness for the subject site; and</li> <li>• potential increases in contaminants as a result of forming a new access from the lay-by adjoining SH 2 into the plan change area.</li> </ul> <p>Further, the applicant is advised to engage with tāngata whenua as kaitiaki as required by RPS Policy 1W 2B with regards to the potential loss of cultural values associated with the stream as well as any other relevant resource management issues relating to the plan change.</p>		10.3
PC 93 (4)	Stormwater mitigation	<b>Oppose</b>	<p>Subject to the completion of an ecological assessment to identify the specific values of the stream, BOPRC raise the following concerns with regards to the proposed stormwater mitigation.</p> <ul style="list-style-type: none"> <li>• While peak flows are being controlled by attenuation, the PC does not provide for methods to manage run-off control/run-off reductions such as water sensitive urban options (at source controls, rain gardens and swales etc.) to manage stormwater quality and volume from the plan change into the receiving environment; and</li> <li>• The proposed access off the lay-by adjoining SH 2 would be located upstream of the identified stream. Accordingly, the proposed location of the access in this location will likely increase contaminants into the stream network overtime, particularly during large flood events.</li> <li>• The proposed treatment ponds will be inundated during a large event and are highly likely to re-suspend metals into the downstream environment. BOPRC seek that the treatment ponds are located outside of the 1% AEP flood plain/overland flow path.</li> </ul>	<p><b>Oppose</b> - the proposal would not give effect to the relevant provisions of the NPS-FM and the RPS and would be inconsistent with the relevant freshwater provisions of the Bay of Plenty RNRP to manage incremental degradation of water quality on receiving environments arising from urban stormwater.</p> <p>Subject to ecological assessment of the proposed stream, the following relief in the Structure Plan is sought:</p> <ul style="list-style-type: none"> <li>• Oppose the commercial zone on parts of the plan change area that include rivers/streams and or wetlands: appropriate buffers should also be provided;</li> <li>• Relocate or design the 'Structure Plan Stormwater Pond', in particular the proposed treatment ponds, so that the loss of extent and values of any river/stream is avoided as required by Policy IMP 1A of the RNRP and NPS-FM; and</li> <li>• Control design matters to ensure the proposed access off the lay-by adjoining SH2 does not result in the loss of values of any</li> </ul>	10.3

				<p>river/stream is avoided as required by Policy IMP 1A of the RNRP;</p> <p>BOPRC seek that the plan change includes (but not limited to) methods to manage water quality):</p> <ul style="list-style-type: none"> <li>• Methods to ensure a treatment approach to water sensitive urban design is required at structure plan stage; and</li> <li>• Methods to ensure that the proposed treatment devices are located outside of the flood plain.</li> </ul>	10.3
<b>PC 93 (5)</b>	Clarification /corrections	<b>Amend</b>	<ul style="list-style-type: none"> <li>• References to Areas A, B and C in 19.2.2 in the proposed plan change are not reflected in the planning maps as notified; and</li> <li>• The reference in the plan be amended to accord with the district plan i.e., 19.3.2 as additional permitted activities to those provided for in the underlying commercial zone.</li> </ul>	Amend the proposed planning provisions for the plan change	10.4

## Plan Change 94: Washer Road Business Park

<p>PC 94 (1)</p>	<p><b>Regional Policy Statement - Urban limits and growth</b></p>	<p><b>No objection</b></p>	<p><u>Principle of land use</u></p> <p>The RPS does not include the subject land within the urban limit. For this reason RPS Policy UG 7A is particularly relevant to the proposal. BOPRC consider the availability of industrial land in Te Puke West Structure plan is limited owing to identified flooding constraints and generally accept there is a shortage of available small to medium scale industrial land in Te Puke.</p> <p>In light of the above and having appropriate regard to the overarching directions of the National Policy Statement for Urban Development, which were made subsequent to the relevant RPS urban limits policy, BOPRC do not, in principle, oppose this plan change, notwithstanding that the area is outside the urban limits.</p> <p>This position is however subject to the resolution of the matters raised in this submission, in particular, the natural hazard provisions of the RPS which seek to ensure a low-level of risk is achieved in the development without increasing risk outside of the development site.</p> <p><u>Extent of the proposed zone change</u></p> <p>BOPRC consider that the extent of the proposed change should align with the updated mapped extent of the 1% AEP flood event determined by updated modelling based on up to date climate change projections. Further information on the updated modelling is provided below in the discussion for 94(2).</p>	<p><b>No objection</b> to the principle of increasing the supply of industrial land in Te Puke area subject to the following:</p> <ul style="list-style-type: none"> <li>• The proposal would give effect to natural hazard provisions in the RPS.</li> <li>• The extent of the proposed zone change aligns with the mapped extent of the 1% AEP flood event (RCP 8.5-2130 climate change allowance);</li> <li>• The proposal would not result in adverse cumulative effects on the function, efficiency and safety of flood protection asset located and would manage adverse effects on the environment while maintaining the integrity of the river/drainage scheme; and</li> <li>• The proposal would give effect to the relevant provisions of the NPS-FM (2020) and would not be inconsistent with the relevant freshwater provisions of the Bay of Plenty RNRP.</li> </ul>
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3.5

<p><b>PC 94 (2)</b></p>	<p><b>RPS – Natural Hazards</b></p>	<p><b>Oppose</b></p>	<p>Clause (a) of Policy NH 9B of the RPS requires using the methodology set out in Appendix L of the RPS for changes in land on urban sites of more than 5(ha).</p> <p>Preparation of the risk assessment should consider the requirements of Policy IR 2B and NH 11B of the RPS to incorporate date projections of changes in sea level, rainfall, temperature, and storm frequency as the updated information becomes available. For a complete reference, it advised to refer directly to the Policy and other relevant provisions of the RPS. The assessment should also appropriately consider the groundwater.</p> <p>The risk assessment should identify which hazards are applicable to the plan change area. At a minimum, the risk assessment should consider flooding, landslide, liquefaction, and active faults.</p> <p>By way of update, the recent regional liquefaction mapping identifies the development site is undetermined. Therefore, liquefaction susceptibility cannot be ruled out without an appropriate geotechnical assessment. The geotechnical assessment should also consider landslide and active fault hazards as potentially impacting the site.</p> <p>Once the risk is completed, a development proposal is required to consider how a low level of natural hazard risk will be achieved as required under RPS Policy NH 4B which seeks to ensure that a low level of risk can be achieved within the Development Site without increasing risk outside of the site so that:</p> <ul style="list-style-type: none"> <li>the likely landform changes will not result in diversion of overland flow path coming into the site and cause flooding or ponding on adjoining, where that land would not naturally carry water during storm or flood events; and</li> <li>it is confirmed that all overland flow paths can be safely conveyed through the plan change area in a 1% AEP (RCP 8.5-2130 climate change allowance).</li> </ul> <p>Where appropriate, provisions in the structure plan will be required to ensure that a low level of risk can achieved in the plan change area for each of the respective hazards.</p> <p>For further advice, guidance can be provided by the council’s senior hazard planner Mark Ivamy at <a href="mailto:Mark.Ivamy@boprc.govt.nz">Mark.Ivamy@boprc.govt.nz</a>.</p> <p><u>Modelling:</u></p> <ul style="list-style-type: none"> <li>BOPRC do not consider the stormwater flood assessment undertaken by the applicant correctly accounts for increased volumes from the anticipated industrial land use or, correctly considers the effect of the proposed fill on the flood plain to determine whether there is an effect on the adjoining property or the flood protection assets both, on the site and downstream.</li> </ul>	<p><b>Oppose</b> as the plan change does not give effect to the natural hazard provisions of the RPS, in particular Policy NH 4B.</p> <p>The following relief is sought:</p> <ol style="list-style-type: none"> <li>A risk assessment for each natural hazard the site is susceptible to, prepared in accordance with Appendix L of the RPS.</li> <li>Full details of the background flood model and associated maps used to inform flood risk including clarification of on which climate change scenarios have been used.</li> </ol> <p>Of note, any flood modelling should consider the impermeable surface coverages expected in the proposed industrial zone and take into account the changes in levels resulting from proposed fill shown.</p> <ol style="list-style-type: none"> <li>Feasibility reporting to demonstrate the requirements for stormwater detention measures based on the updated modelling and, in accordance with BOPRC’s Hydrological and Hydraulic Guidelines 2012/02 can be achieved for the development site outside of the 1% AEP floodplain.</li> <li>Provisions to be included in the structure plan to ensure a low level of risk for the various hazards can be achieved within the plan change area without increasing risk outside of the</li> </ol>
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B.1

		<p>Further, the modelling assessment provided by the applicant is outdated does not take into account <u>up-to-date</u> projections for climate change as required by Policy NH 11B and IR 2B of the RPS.</p> <ul style="list-style-type: none"> <li>• BOPRC consider that any proposed floodplain filling shall be compensated for by providing an equivalent amount of additional storage in the floodplain. This catchment has seen the results of accumulated long term development that has both filled floodplain storage and increased runoff. Each development appears to have been granted due to not triggering a “more than minor” effect. However, the result of all of these changes has resulted in “more than a minor” effect.</li> <li>• BOPRC considers that this site could be developed to accommodate the proposed future development. However, land to the north of this site could not as it is all subject to flooding as shown by the Kaituna Model (2021).</li> <li>• The flood map presented in the PC application shows the peak flood level (above Moturiki), without freeboard, for a 1% AEP 2130 flood according to the draft Kaituna model as it stood at the time (March 19) but is outdated and is used primarily for assessing adequacy of flood defences.</li> <li>• Updated modelling is being undertaken jointly between BOPRC and WBOPDC will be able to understand the constraints of existing development effects in and around Te Puke that would take into account up to date projections for climate change effects. Once ready, this model should be used to more accurately understand the capacity of the flood storage plain and the effects of the proposal.</li> </ul> <p><u>Adequacy of the proposed Stormwater mitigation</u></p> <ul style="list-style-type: none"> <li>• The application proposes no mitigation of increased runoff from the site and is proposed for water treatment purposes only. Therefore, it is considered that the stormwater assessment from Lysaghts Consultants supplied with the application is incomplete and misleading.</li> <li>• Mitigation of increased stormwater runoff shall be provided by detaining the increased runoff flow. Guidance on this provided in BOPRC’s Hydrological and Hydraulic Guidelines 2012/02 as follows:</li> </ul> <p><i>‘Stormwater mitigation - “it is recommended that the post-development peak discharge for the 100-year return period storm for a new development be limited to 80% of the pre-development peak discharge. The indicative target of 80% will help avoid any cumulative hydrological effects that could</i></p>	<p>development site; and</p> <p>Provisions to ensure risk is not increased outside of the plan change area.</p> <p>In the case of flooding, provisions should consider, but not be limited to, the following:</p> <p>(i) Limits on Impermeable surface coverage.</p> <p>(ii) Controls to ensure that buildings are not functionally compromised in the event of 1% AEP flood event (RCP 8.5-2130 climate change allowance);</p> <p>(iii) Management of subdivision earthworks and development in overland flow paths to ensure that the conveyance and storage function is protected as determined by an assessment of depth and velocity for a 1% AEP flood event (RCP 8.5-2130 climate change allowance);</p> <p>(iv) On-site methods to manage run-off within the plan change area such as water sensitive urban design; and</p> <p>(v) Detailed design of stormwater mitigation measures for the business park;</p> <p>e) Further provisions maybe required to achieve a low level of risk for other hazards to give effect to the RPS (e.g. land instability building setbacks for landslide hazard).</p>
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			<p><i>increase peak flow downstream.”</i></p> <ul style="list-style-type: none"> <li>Any stormwater detention pond or treatment wetland shall be located outside of the 1% AEP climate change adjusted (to 2130) floodplain.</li> </ul>	
PC 94 (3)	Stormwater, freshwater and water quality	<b>Oppose</b>	<p>The Ohineangaanga Stream is directly adjacent to the plan change area. Therefore, Policy IMP 1A of the RNRP is particularly relevant as well as the overarching provisions of the NPS-FM.</p> <p>For this reason, BOPRC request that the plan change applicant prepares an ecological assessment to identify the values of this stream as required by Policy IMP1A in the Natural Resources Plan which seeks to avoid losses in extent and values of streams.</p>	<p><b>Oppose</b> – the proposed plan change does not include provisions to give effect to NPS-FM (2020) and would be inconsistent the relevant provisions of the RNRP and the RPS to manage incremental degradation of water quality on receiving environments arising from urban stormwater.</p>

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			<p>Guidance as to the appropriate matters to consider when addressing loss of value<sup>4</sup> are provided for in the NPS-FM (2020). The assessment should be prepared by Suitably Experienced and Qualified Persons and have appropriate regard to the likely cumulative effects arising from the scale and intensity of the land uses and development anticipated in the industrial zone including high imperviousness for the subject site.</p>	
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<sup>4</sup> see – definition for ‘loss of values’; page 23 of the NPS-FM (2020)

<p><b>PC 94 (4)</b></p>	<p>Stormwater mitigation and water quantity</p>		<p>BOPRC raise the following concerns are raised with regards to stormwater mitigation:</p> <p><u>Water sensitive urban design/full treatment train approach:</u></p> <ul style="list-style-type: none"> <li>The subject site provides for a range of industrial land uses which involves high contaminant generating activities that will discharge into the adjacent stream. As such, BOPRC consider water sensitive urban design to be a necessary intervention to manage water quality effects on the values of adjacent stream.</li> </ul> <p>This relies on a treatment train approach to manage the cumulative effects of stormwater on water quantity and water quality including at-source solutions such as at source devices as well as swales across the plan change area adjacent to the river before being treated by stormwater ponds and treatment wetlands.</p> <p><u>Location of stormwater management devices:</u></p> <ul style="list-style-type: none"> <li>The proposed location of the stormwater management devices, including the wetland is proposed to be located within the 100-year ARI floodplain. Stormwater management devices should be located outside of the 100-year ARI to avoid resuspension of sediments and contaminants during larger storm events.</li> </ul>	<p><b>Oppose</b> as the plan change does not include provisions to give effect to the NPS-FM (2020) and would be inconsistent the relevant provisions of the RNRP and the RPS to manage incremental degradation of water quality on receiving environments arising from urban stormwater.</p> <p>Seek that the proposal includes provision for the following (but not limited to):</p> <ul style="list-style-type: none"> <li>Methods to ensure a full treatment approach to water sensitive urban design is required at structure plan stage;</li> <li>Stormwater detention and treatment devices are located outside of the 1% AEP flood event plain or overland flow path ;and</li> <li>Methods to ensure the proposed stormwater mitigation does not re-suspend heavy metals during large events.</li> </ul>
<p><b>PC 94 (4)</b></p>	<p>Hazardous Substances</p>	<p><b>Amend</b></p>	<p>Statutory provisions be included which recommend 'good site practices' to reduce contamination on industrial sites (e.g., storing chemicals indoors rather than in open yard areas) in the event of accidents and large flood events.</p>	<p><b>Amend</b> the proposal to require that hazardous substances are stored outside of the 1% AEP flood event.</p>

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PC 94 (5)	Flood scheme	<b>Amend</b>	<p>While the concept of the landscape buffer is supported, the proposed location is not.</p> <p>Access is required to both sides of the Ohineangaanga Stream in order to maintain the canal banks and the adjacent stopbanks.</p> <p>Consequently any landscape buffer should be from the landward toe of the stopbank only. It should be noted that the stopbanks in this vicinity are likely to be raised in the near future. This will mean that the existing toe of the left bank stopbank will be pushed further to the west.</p>	<p><b>Amend</b> subject to the resolution of the following:</p> <ul style="list-style-type: none"> <li>(a) Updated modelling to confirm that the proposal would not undermine the integrity function, efficiency and safety of the flood protection assets;</li> <li>(b) Relocate the proposed location of the vegetation buffer outside the toe of the stop bank; and</li> <li>(c) Details of the proposed vegetation buffer are reserved to ensure: <ul style="list-style-type: none"> <li>(i) access is provided to the stop bank to the satisfaction of the Bay of Plenty Rivers and Drainage Department; and</li> <li>(ii) the stability of the stop bank and bridge can be is maintained to the satisfaction of the Bay of Plenty Rivers and Drainage Department.</li> </ul> </li> </ul>
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22 February 2022

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## **SUBMISSION ON PUBLICLY NOTIFIED PLAN CHANGE 94 (WASHER ROAD BUSINESS PARK) TO THE WESTERN BAY OF PLENTY DISTRICT PLAN – FIRST GAS LIMITED**

Firstly, apologies for the lateness of this submission as it is understood the initial close of submissions was on Friday 4<sup>th</sup> February 2022. First Gas Limited ('Firstgas') respectfully request that this late submission be considered and are providing it to Council now, rather than wait for further submissions to open.

If it is unable to be accepted as a late submission, Firstgas will need to make a further submission as our interest in the proposal is greater than the interest of the general public, due to the two Firstgas transmission pipelines running through the subject site.

### **Confirmation of Interests**

Firstgas have two approximately 700 m long transmission pipelines through the subject site which operate at over 8000 kPa. They are both contained within an easement on the Record of Title SA12A/1083 and it acknowledged that the *Application for Plan Change* recognises the easement and notes that that building sites will need to be established outside of it (page 43).

Firstgas' predecessors typically relied on gas easements to protect the interests of the gas transmission network. However, reliance on easements has not delivered consistently good planning outcomes. As a result, Firstgas has become more proactive in the amendment to and development of planning documents.

In summary, Firstgas seeks that the gas transmission network, inclusive of above ground assets and incidental equipment, is:

- Enabled to be safely, effectively and efficiently accessed, operated, maintained, replaced, upgraded, removed and developed; and
- Protected from third party activities (including revere sensitivity effects) which may adversely affect the safe, effective and efficient operation of the gas transmission network.

We seek that these outcomes are secured for our infrastructure through a range of definitions, objectives, policies and methods (including rules, notification statements and illustrating the network on maps) in district plans. Our submission includes this letter, the following 3 pages, and the submission form.

Firstgas request the opportunity to be heard at a hearing.

### **BACKGROUND AND RATIONALE FOR SUBMISSION POINTS**

First Gas Group (FG) is made up of Firstgas, Rockgas and Flexgas being our Gas storage facility. FG is a nationwide organisation with interests in the transmission, distribution, storage and sales of natural gas and LPG. FG manages the operation and maintenance of all natural gas transmission for [the North Island](#).

[firstgas.co.nz](http://firstgas.co.nz)

FG is a Lifeline Utility, as defined under Schedule 1, Part B of the Civil Defence Emergency Management Act 2002. Lifeline Utilities provide essential infrastructure services to the community and have requirements under the National Civil Defence Emergency Management Plan.

## Pipeline Regulatory Framework

Currently, the Health and Safety in Employment (Pipeline) Regulations 1999 regulates the design, construction, operation, maintenance and suspension or abandonment of the Firstgas transmission pipeline network. Regulation 8 mandates that these activities must, as far as is reasonably practicable, be carried out in accordance with specified standards, the most relevant of which is NZS/AS2885 Pipelines-Gas and Liquid Petroleum, comprising (i) AS2885.0 Part 0: General Requirements, 2018; (ii) AS2885.1 Part 1: Design and Construction, 2018; (iii) AS 2885.2 Part 2: Welding, 2016; (iv) AS 2885.3 Part 3: Operation and Maintenance, 2012; and (v) AS 2885.6 Part 6 Pipeline Safety Management.

Section 5 of AS2885.3 2012 relates to Pipeline Integrity Management. It states that pipeline structural integrity is achieved when the pipeline is leak-tight, operating within design parameters and able to withstand all identifiable forces to which it may be subjected during operation. Pipeline owners are required to prepare safety management studies, which requires the pipeline route to be divided into safety management sections depending on land use and population density, and to prepare and implement a pipeline integrity management plan (PIMP), which among other things has to consider external interference threats to the pipeline. Section 7 relates to External Interference Management and states that regular communication with the community and stakeholders and the relevant authorities is required to raise and reinforce awareness of the presence of a pipeline and the constraints with respect to the use of land on and near the pipeline. Pipeline owners are to identify groups such as land use planners, developers, property and service designers, owners and operators, drillers and excavators, blasting companies and borers and liaise with these groups to identify as early as possible any changes in planning, development or other activities that pose a threat to the pipeline.

## Managing Risk to Pipeline Integrity, Network Operations and Other Activities

When the transmission pipelines were originally designed and constructed, they were designed for the environment within which they were placed at the time. The pipelines placed in urban areas with denser populations and more intense land uses had different specifications from those used in rural areas with low populations and rural land uses. Over time however, large areas of rural land around the North Island have become more urbanised. Urbanisation carries a number of threats to pipelines designed for rural land, including as a result of excavation/disturbance on or near the pipelines, unacceptable soil loading, vibrations from heavy machinery, electromagnetic interference, buildings being placed too close to pipelines, restricted access to pipelines, the presence of hazardous facilities and substances and so on. Urbanisation also changes the risk profile of the pipelines in the event of an incident. The pipelines were not originally designed to mitigate against these risks.

Changes in land use from those for which the pipeline was designed may introduce the need for design and/or operational changes to ensure any ongoing safety obligations can be achieved. As discussed above, this is because the design of the pipeline is influenced by location classifications that are attributed to different sections of the pipeline to determine risks and their associated management. AS2885.0:2018 defines "Location Class" as the classification of an area according to its general geographic and demographic characteristics, reflecting both the threats to the pipeline from land usage and the consequences for the population should the pipeline suffer a loss of containment. Primary location classes include rural, rural residential, residential and high density. Secondary location classes include sensitive use, industrial and heavy industrial. "Sensitive Use" is described within AS2885.6:2018 as land where the consequences of a failure may be increased because it is developed for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure and includes schools, hospitals, aged care facilities and prisons. Sensitive use location class shall be assigned to any portion of pipeline where there is a sensitive development within a measurement length. It shall also include locations of high environmental sensitivity to pipeline failure.

Part 6 of the standard defines how a measurement length is calculated, based off pipeline diameter, operating pressure etc. Based on an average pipe size for the Firstgas network (DN200) and typical Design Pressure of 8.62MPag, using the AS2885.1 Appendix Y method for radiation contours - a radiation intensity of 12.6 kW/m<sup>2</sup> coincides with a 60m radius from the affected pipe. Referring to

AS2885.6 Appendix B3 "A thermal radiation level of 12.6 kW/m<sup>2</sup> represents the threshold of fatality, for normally clothed people, resulting in third degree burns after 30 seconds of exposure."

### **Firstgas Submission Points**

Firstgas accept that it is unachievable to prohibit activities and development within 60 m of the gas transmission network and thus a 20 m setback as proposed later in this submission is considered to be a reasonable and pragmatic distance in which some activities should be avoided, without unduly impacting on land surrounding the pipeline. It should be noted that Firstgas is not intending to prohibit development within 20 m, there may be situations where development is appropriate or modifications could be made to the pipeline to minimise identified risks. In these cases the 20 m setback area is a trigger to begin discussions with the party and ensure practicable steps are taken early to minimise risk.

For the reasons above, Firstgas seeks the inclusion of provisions relating to gas transmission network within the Proposed Plan Change. Historically, it has proved difficult to ensure land use planners, developers, property and service designers, owners and operators, drillers and excavators, blasting companies and borers are made aware of gas transmission pipelines before planning their developments and activities. If the gas transmission network is not considered, this can have significant safety considerations and poses potential risks to property.

The provisions sought would ensure Firstgas is consulted when works are proposed within proximity to the gas transmission network to manage effects on the network and from the network. The provisions sought would ensure that Firstgas are able to provide technical expertise in assessing whether activities sensitive to gas transmission proposed within proximity to the network may threaten the safety of the pipeline and result in the activity being exposed to potential risks.

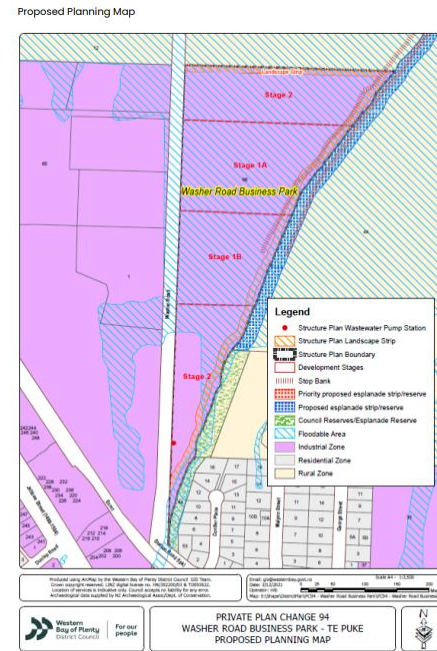
Firstgas' submission points will assist in meeting requirements under the Health and Safety in Employment (Pipeline) Regulations 1999 that regulate the transmission pipeline network to include pipeline safety management. Firstgas expertise is critical in assessing whether activities sensitive to gas transmission proposed within proximity to the network may threaten the safety of the pipeline and result in the activity being exposed to potential risks.

Yours faithfully



**Darelle Martin**  
Consultant Planner

Name: First Gas Limited ('Firstgas')		Submission Sheet No: N/A	
Specific Plan Change	Submission	Decision Sought	Submission Ref. No. Office Use Only
Appendix 7 – Structures Plans and the Planning Maps			
Private Plan Change 94 Washer Road Business Park – Te Puke Proposed Planning Map	<p><u>Oppose</u> -</p> <p>The Gas Pipelines need to be shown on the Planning Map as they are integral to the use of the site and application of the industrial zone rules and standards. They should also have a 20 m buffer either side in which buildings, structures and earthworks should be avoided via a non-complying activity status. Firstgas seek this setback be illustrated on the Planning Map / Structure Plan for the Washer Road Business Park, so that it is enforceable under Industrial Zone Activity Performance Standard 21.4.2 (Subdivision and Development), whereby <i>“Any activity not in general accordance with the structure plan will require resource consent as a Non-Complying Activity”</i>.</p> <p>In addition, with regard to the Landscape Strip, Firstgas oppose planting of any vegetation capable of reaching over 1 m in height over top of or within an easement over a gas transmission pipeline.</p>	<p>That:</p> <ul style="list-style-type: none"> <li>- the gas transmission pipelines and a 20 m buffer either side, are added to the Planning Map / Structure Plan below; and</li> <li>- the Landscape Strip is removed from the area over the gas transmission pipeline easement.</li> </ul>	4.1



<p>The proposed rezoning of Part Lot 1 DP 25471 to Industrial Zone</p>	<p>This submission includes rules and standards that Firstgas deem necessary to protect the pipelines and people’s health and safety. <u>While the application remains without the standards, Firstgas oppose the proposed rezoning to Industrial Zone and all relevant provisions associated with it.</u></p> <p>As the area is still largely undeveloped and predominantly under individual ownership it is critical that the effects and demands of future industrial development are managed in an orderly, integrated fashion, particularly in terms of the location and staging of supporting infrastructure services.</p>	<p>That if the proposed rezoning is undertaken, that the rules and standards Firstgas provide in this submission be adopted in order to provide for safe Industrial development and use in an appropriate proximity to the existing pipelines.</p>	<p>4.1</p>
<p><b>Section 21 - Industrial</b></p>			
<p>21.4 Activity Performance Standards - additional standard</p>	<p><u>Oppose</u> –</p> <p>Earthworks and buildings / structures within 20 m of the Gas transmission network should be avoided.</p> <p>Further, when assessing resource consent applications for these activities Council should take into account the outcomes of consultation with Firstgas.</p>	<p>An appropriate setback standard and advice note should be added to 21.4 Activity Performance Standards as follows: (additions in <b><u>green bold underline</u></b>)</p> <p>b. Yards <b><u>and Setbacks</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Washer Road Business Park Structure Plan Area Provisions:</u></b></li> </ul> <p><b><u>i. Buildings, structures and earthworks shall be set back 20 m from any gas transmission pipeline.</u></b></p> <p><b><u>Advice note: when assessing resource consent applications for these activities Council should take into account the outcomes of consultation with Firstgas.</u></b></p>	<p>4.2</p>



<p>21.4 Activity Performance Standards</p> <p>- c. Visual amenity – Streetscene</p>	<p><u>Oppose</u> –</p> <p>there should be no planting of any vegetation capable of reaching over 1 m in height required over top of or within an easement over a Firstgas pipeline</p>	<p>Amend the proposed standard and include an advice note as follows:</p> <p>(Proposed Plan Change text in red, Firstgas proposed additions in <b><u>green bold underline</u></b>)</p> <p>c. Visual amenity – Streetscene</p> <ul style="list-style-type: none"> <li>Washer Road Business Park Structure Plan</li> </ul> <p>Area in respect of any boundary with Washer Road and any future public road, <b>except that there shall be no planting of any vegetation capable of reaching over 1 m in height required over top of or within an easement over a gas transmission pipeline.</b></p> <p><b><u>Advice Note: A permit is required to work within the gas easement. This includes digging/earthworks, driveway construction, laying services, planting, and fencing.</u></b></p>	<p>4.3</p>
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Submission finishes.