

**Before WBOPDC District Plan Hearings Committee in Tauranga**

**In the Matter of** of the Resource Mangement Act 1991

and

**In the Matter of** a private plan change (Plan Change 94) to establish the Washer Road Business Park (Ref A4524970).

And submissions received on Plan Change 94

**Application By** David Marshall

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**Statement of Evidence of**

**Richard Newton Coles**

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## Qualifications and Experience

1. My full name is Richard Newton Coles. I am a Director and Planner for Momentum Planning and Design Limited, a company I established in January 2016.
2. I have held a number of planning roles for various District and City Councils including Western Bay of Plenty District Council and Tauranga City Council. I have also worked for a wide range of private and public sector clients since commencing work as a planning consultant in 2000. I have experience as a resource management consultant/planner for almost 30 years, primarily in the Bay of Plenty, and also across a number of different regions including Auckland, Waikato and Central North Island.
3. I have prepared plan changes and resource consents in respect of large urban developments for several clients. Recently I have been involved in the following:
  - Resource Consent for the Omokoroa Town Centre including preparation of a masterplan for a 5 ha site – 2021.
  - Preparation of a Plan Change for a 28 ha urban growth area in Waipa District on the southern side of Te Awamutu - 2018
  - Salt – A 69 unit apartment development with childcare centre and café Girven Road Tauranga - 2017.
  - Subdivision Consent for the Kaimai Views subdivision - A 242 lot subdivision located in Omokoroa – initially approved 2016 and variations/associated consents to 2022.
  - Three Creeks Estate - A 180 lot subdivision – Adler Drive, Ohauti Tauranga - 2016.
4. I am currently working on several other plan change initiatives and other large resource consenting projects within the Western Bay of Plenty District.
5. I hold a degree of Bachelor of Resource and Environmental Planning from Massey University 1993 and I am a full member of the New Zealand Planning Institute (NZPI).

## **Code of Conduct**

6. I have read the Code of Conduct for Expert Witnesses issued by the Environment Court in 2014. I confirm that my evidence and professional engagement and involvement with this resource consent application is in accordance with the Code of Conduct and my duties and obligations as a professional witness. With specific regard to my evidence, the matters which I address are within my area of expertise and I have not omitted any material facts that might alter or detract from the professional opinions that I express.

## **Scope of evidence**

7. I have kept my evidence brief and focused on the issues specifically relevant to matters raised in the planners report and also matters raised by submitters. The specific topics areas that I will discuss are:
  - Executive Summary
  - Scope of the Plan Change
  - Matters Raised by Submitters and within Planners Report
  - Proposed minor amendments
  - Conclusion

## **Executive Summary**

8. The applicant, David Marshall, seeks a plan change to rezone approximately 7.012ha of land at 66 Washer Road, Te Puke from Rural to Industrial to establish the Washer Road Business Park (see Figure 1). This comprises the southern portion of David Marshall's farm, a wedge shape piece of pastoral land, which is bordered by Washer Road, the balance of the Marshall farm to the north and east beyond the Ohineanganga Stream.
9. Approximately 6.1ha of this plan change site is considered to be developable land. This is because there are existing easements, a stop bank, and landscaping areas necessary along the eastern boundary, present spatial constraints reducing the extent of developable land. A structure plan has been prepared for the site and accompanies the Plan Change documentation.

10. The industrial land supply in Te Puke is constrained by the fact that much of the industrial zoned land in Te Puke remains part of an operational farm and depends on roading and infrastructure upgrades before it can be developed. This relates predominantly to the Te Puke West Industrial area. As Te Puke is an urban growth area<sup>1</sup> as well as an existing town, there is a need for employment land to provide employment opportunities for these future residents.
11. Recent flood modelling for the Te Puke West Industrial area has identified it as being flood prone and it is therefore severely constrained. This combined with the fact that a large portion of this land is an operational farm means that its unlikely to be developed in the near future. There are limited opportunities for new industrial land within Te Puke to replace lost supply in the event that Te Puke West is not developed, although the high-value Rangiuuru Business Park is currently being developed some 5 km west of Te Puke.
12. The plan change application is supported by several technical reports including traffic, infrastructure servicing, geotechnical, and landscape and visual effects. Additional reporting has been completed on the ecological values of the site and the Ohineangaanga Stream and natural hazards to respond to a submission from BOPRC.
13. Two other submissions were received which raise concerns primarily regarding traffic and pedestrian safety seeking roading improvements.
14. The Council planners' report has assessed the proposal and considered the matters raised by submitters and made recommendations that the plan change application is largely supported by Council subject to minor amendments recommended to the structure plan to respond to the matters raised by submitters.

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<sup>1</sup> Regional Policy Statement, Appendix E Management and Growth Areas for the western Bay of Plenty Map 14.

### **Scope of the Plan Change**

15. The Plan change includes rezoning 7.1 ha of land to industrial for the purposes of creating a range of Industrial activities permitted by the District Plan. A structure plan has been prepared to identify the extent and sequencing of development, servicing, key access points to the site, landscape and buffer areas to the stop bank and Ohineangaanga Stream as well as demarcation of existing easements that need special protection. The structure plan also includes off site upgrades including a pedestrian bridge, footpaths and the upgrade of the Jellicoe Street and Cameron Road intersection with a signalised treatment.
16. The plan change largely adopts the Industrial zone provisions of the operative District Plan with the exception of the new Washer Road Industrial Park Structure Plan and minor amendments to several rules in the District Plan as outlined in Appendix 14 of the Plan Change application. As a result of submissions amendments are necessary to the proposed changes. I will discuss these throughout the balance of my evidence, but in summary these relate to amendments and additions to upgrade works, a change in the location of buffer planting, recognising a stormwater treatment train approach will be required, and the inclusion of a minimum finished ground level.

### **Matters raised by Submitters and within Council Planners Report**

17. The Council planners report has assessed the Plan change submission matters by topics 1 – 8 and I have responded to these in the commentary below referencing whether I agree with the planner report recommendation.
18. I agree with the planners recommendation Topic 1 that the rezoning of the land to industrial is appropriate for the site and will provide additional greenfield industrial land within Te Puke.
19. A total of 4 submissions were received following notification of the application. These include BOPRC, Eastpack Limited and M & H Salt and a late submission from First Gas. I address the submitter matters first and reference the planners report where appropriate.

20. The BOPRC submission raises several matters primarily around the need for a natural hazards assessment pursuant to Appendix L of the RPS and the need for an ecological assessment to assess the values of the site and the Ohineangaanga Stream. They also seek that the Plan Change site be consistent with various policies of the Regional Policy Statement.
21. I have prepared an assessment pursuant to Appendix L and circulated this to Council and also BOPRC. This has been generally accepted but further commentary has been received from BOPRC regarding the assessment with respect to differential settlement and lateral spread as a result of a ULS event. The CMW geotechnical assessment has been updated<sup>2</sup> to expand on commentary with respect to these events greater than 500 years and has concluded that buildings are unlikely to collapse. The evidence of CMW's Robert Telford addresses these matters. The planners report addresses this under Topic 6 natural hazards and I agree with the recommendation that the natural hazard issues have been addressed and there is a low risk.
22. BOPRC has also recommended in their submission that the landscape buffer along the Ohineanganga Stream would interfere with the access to the Ohineanganga Stream for maintenance and also maintenance of the flood protection works (the stop bank). The planners report discusses this matter in Topic 2 Structure Plan. I agree that the landscaping needs to be relocated west of the stop bank and the Structure Plan has been updated to reflect this. This also increases the buffer between the stream and the nearest future industrial building now being well in excess of the 10m setback recommended by CMW to avoid lateral spread hazard risk.
23. The planners report under Topic 7 has suggested an ecological report be completed to assess the ecological values relevant to the Plan change area. An ecological assessment has been prepared by Boffa Miskell Limited with respect to the site and also the Ohineangaanga Stream, which has been circulated to BOPRC and Council. The values of the stream ecology have been identified as significant pursuant to the NPS-FM. The concern from BOPRC was that the industrial area would discharge contaminant or sediment laden

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<sup>2</sup> CMW Geotechnical Report Updated May 2022

stormwater into the stream affecting the water quality and affecting fauna within the stream.

24. A stormwater treatment train approach has been recommended to address these matters including a mixture of swales, proprietary stormwater treatment devices and a stormwater wetland as an end-of-line final qualitative treatment of stormwater prior to discharge into the Ohineangaanga Stream. The stormwater management system is explained further in the evidence of Peter Moodie, a registered engineer with extensive experience in designing stormwater systems. Prior to any discharge of stormwater a resource consent will be required from BOPRC which enables suitable conditions to be imposed on resource consent to ensure that stormwater discharge quality is of an appropriate quality for the receiving environment.
25. The District Plan already recognises and provides for low impact design stormwater systems<sup>3</sup>. An amendment to the structure plan to incorporate the Lysaght services plan is sufficient in my opinion to guide the stormwater design within the plan change area towards a stormwater treatment train, while retaining sufficient flexibility not to specify individual providers of stormwater systems. This is consistent with the Council planners' recommendations under Topic 4 Stormwater, that the applicant provide an assessment of likely stormwater system.
26. With respect to topic 5, the district plan already has a rule framework for the management of hazardous substances under sections 9 (Hazardous Substances) and 21 (Industrial) of the operative district plan. I agree with the reporting planner that these are appropriate to manage hazardous substances with the industrial area and there is no need to duplicate these rules or create site specific rules for the Washer Road Industrial Park.
27. The submissions from Eastpack and the Salt's related primarily to traffic and pedestrian safety matters including upgrades required for roads, the Station Road bridge and the Cameron Road/Jellicoe Street intersection, and footpath extensions. Ian Carlisle of Stantec in his evidence has considered the necessity for road upgrades and other mitigation required and generally concurs with the

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<sup>3</sup> See Rule 12.4.5 of the District Plan regarding stormwater systems.

Council's position of the upgrades. The planners report discusses this under Topic 3 Transportation.

28. I have consulted with the applicant and concur the recommended upgrades works proposed and timing are acceptable as proposed in Option 1 (page 10 planners report). A revised intersection concept plan has been prepared by Stantec for the signalised intersection of Jellicoe Street/Cameron Road. The staging for the road and pedestrian upgrade works have been updated in the structure plan to align with the Council recommendations.
29. First Gas have lodged a submission in relation to their gas pipeline to ensure future industrial activities and or development works (roads, earthworks, vegetation) do not affect the pipeline. The gas pipeline is subject to an existing easement which has stringent controls on activities within the easement and includes limitations as to vegetation able to be planted above the gas pipeline. I have consulted directly with First Gas who have provided additional information. Critical issues relate to earthworks or any works in or over the easement. As earthworks will trigger the large scale earthworks consent under the BOP Natural Resources Plan, the effects of earthworks on the First Gas infrastructure will likely be taken into account specifically at that time when detailed design is further progressed. Category 1 geotechnical engineers will advise the design of any earthworks associated with the development on the Plan Change site. The structure plan identifies the easement and we have added a note to the structure plan that works on over or adjacent to the First Gas easement will require consultation with First Gas. This will act as a trigger for future land use and/or subdivision proposals in addition to the easement instrument protecting the pipeline.
30. The 20m buffer area performance standard recommended by the Council planner under Topic 8 discussions (p19 of the planners report) creates an unnecessary encumbrance over every stage of the development as it effectively creates a 40m wide corridor (20m either side of the gas pipeline) where a resource consent is triggered if earthworks or buildings are proposed in this area. As a category 1 geotechnical engineer will be involved in advising and reporting on earthworks and roading design across the gas easement, I consider that this is already addressed by existing legislation. An additional note on the structure plan would provide an appropriate flag for future land use



and subdivision consent applications. No additional rules are necessary in my opinion as consent triggers are already in place (subdivision and earthworks). I do not support rule 21.4(b) recommended by the planner for these reasons.

31. First Gas have also raise the issue regarding landscaping should not encroach into the easement where there is a requirement for a streetscape planting. The amendment to Rule 21.4(c) of the Council planner's report is acceptable. This can be included in the amendments to the District Plan

### **Proposed Minor Amendments**

32. Minor amendments have been made to the structure plan to reflect the recommendations from submitters and the Council planner where these have been adopted.

### **Conclusion**

33. The plan change site is an appropriate location to establish industrial land uses. It will mirror the established industrial activities of Eastpack on the western side of Washer Road and may provide the opportunity for supporting industrial businesses to establish nearby. Natural hazards are able to be avoided or mitigated to an extent that the effects of natural hazards are low taking into account the RPS assessment criteria (Policies NH4B and NH 9B). A treatment train approach to stormwater management has been included in the structure plan to ensure that stormwater is appropriately treated to maintain the water quality and ecological values of the Ohineangaanga Stream (RPS Policy IMP 1A; Policy 1W 2B). A staged approach to road and pedestrian bridge upgrades will progressively improve the road network and result in safety improvements. The plan change will provide additional industrial land within the urban fringe of Te Puke with an employee pool within a short drive, cycle or walk. Given these anticipated outcomes it is my view the Plan Change can be approved.

23 June 2022

**Richard Coles**  
Planner  
MNZPI

Attachments: Updated Structure Plan Inset; Ecological Assessment, Updated Geotechnical Report.