

**Before Western Bay of Plenty District Council 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

Right of Reply

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Introduction

1. I have presented evidence and answered questions of the hearing panel and Independent Commissioner, heard planning statements from WBOPDC's Anna Price and Phillip Martelli, heard evidence from expert witnesses from submitters (BOPRC and First Gas), and completed expert witness caucusing with Nathan Te Pairi, planner for BOPRC and a submitter in respect of the proposed plan change.
2. In my view most issues have either been addressed or can be addressed through a rule framework that supports the Washer Road Industrial Park. The main issues include:
 - Avoidance of natural hazards
 - Stormwater management
 - Off-site flooding effects
 - Staging of works
 - Gas pipeline
 - Landscaping and landscape buffer areas

Avoidance of Natural hazards

3. The plan change site has been assessed for natural hazard risk and this has been identified as low in an assessment pursuant to Appendix L of the RPS. This has demonstrated that the plan change site will have a overall low risk of natural hazards. This is agreed by the Regional Council experts and consistent with the Bay of Plenty Regional Policy Statement (RPS) PS NB 4B.
4. The Regional Council has provided their most recent flood hazard modelling information, and this has identified that flooding to a depth of approximately 30mm affects the north-eastern part of the site during the 1% AEP flood event adapted to reflect the RCP 8.5 median scenario of climate change through to 2130 (in accordance with the RPS) ('the 1% AEP event'). The flood depth is so small it can be either dealt with by prescribing a finished floor level or raising the site above the flood hazard. The building code requires a 300mm freeboard for buildings which would mean the finished floor level of buildings would be approximately 330mm above the ground.
5. The flooding issue can be addressed within the existing rule framework of the District Plan and proper consideration of Section 106 RMA with respect to subdivision and natural hazards. Despite this a new rule has been included to require the land where buildings are to be located to be raised above the flood level.

Stormwater Management

6. The management of stormwater from industrial sites is important especially when discharging into the Ohineangaanga Stream. The Regional Council has raised concerns that there is insufficient detail in the structure plan to confirm that the stormwater will be managed appropriately.
7. The structure plan includes a plan from Lysaght consultants that shows swales, inline stormwater treatment and a treatment wetland prior to discharging into the stream.

This is conceptual reflecting the nature of structure plans as a method to achieve integrated design, with detailed design occurring at time of development and also Development Works Approval through Western Bay of Plenty District Council. In addition to this the District Plan requires that all resource consents required for the stormwater infrastructure and discharge are obtained from the Regional Council for all new stormwater assets. WBOPDC also has District Plan rules regarding High Risk Facilities and Hazardous Substances that requires resource consents for specific activities, many of which are industrial in nature, to specifically manage and mitigate potential stormwater quality and downstream ecological effects generated by these activities. There are therefore ample protection measures in place to ensure stormwater treatment and discharges are appropriately controlled.

8. Despite this, I have reached agreement with Nathan Te Pairi that rules can be introduced for the Washer Road Business Park Structure Plan area that require a Stormwater Management Plan to be prepared and submitted to WBOPDC for approval. These rules are within the caucusing summary table but I also add them to this reply, which are accepted on behalf of the applicant.
9. These rules will ensure a treatment train approach is designed suitable to manage and treat the stormwater from the anticipated future Industrial activities.

Off Site Flooding Effects

10. The Regional Council experts have agreed that the raising of the ground within the Plan Change area will displace a sufficiently small amount of water, taking into account the downstream catchment, that the flood displacement effects will be inconsequential or very minor.
11. The other issue relates to stormwater attenuation. The site is located at the bottom of the urban catchment with the applicants 200ha farm being immediately below the plan change site. The Regional Council want to attenuate to 80% of predevelopment flow, which creates a large stormwater detention area. While I agree that this is an appropriate approach where the down stream catchment is urban, in this case it is rural. Modelling the effects of detention or no detention needs to be considered to establish the best outcome and for this reason I reject the Regional Council's request that a rule apply to the Washer Road Business Park that requires detention to 80% of predevelopment flow. This matter will be addressed at the time of preparing the Stormwater Management Plan and the resource consents for earthworks, stormwater attenuation and discharge.

Staging of Works

12. I made some suggested rule changes in my Evidence in Chief in respect of this hearing. These related to simplifying the staging of works and providing for traffic management plans (TMP's) to be used for managing traffic during the peak hour rather than upgrading the Jellicoe Street / Cameron Road intersection. The purpose of this is to ensure the traffic effects on the road network are appropriately managed whilst proportionately spreading financial costs across the appropriate Stages 1 and 2 and other areas of benefit. Delaying the intersection works to Stage 2 was previously accepted by Council staff, so this provision is a catchall provision

providing additional certainty to Council that this intersection upgrade will be delivered.

13. Council also has the opportunity to complete the works in advance of the Stage 1 development and charge financial contributions on future activities within the Business Park. Land use and subdivision consents will provide triggers for this to occur and Council to recoup these proportionate costs.

First Gas Pipeline

14. The First Gas submission sought to maintain the integrity of the gas pipeline during normal use and also access for maintenance.
15. Robert Telford of CMW presented evidence that the likely methodology for earthworks would include pre-loading, which can occur whilst ensuring that the gas pipeline was not affected. The gas easement area has been included on the structure plan specifically to ensure the integrity of the pipeline is considered during detailed design. My view is the easement provisions are clear and it is highly likely consultation would occur during the design of the development of the industrial park, with respect to any works on, over, or in close proximity to the gas easement. In my opinion, no special rules are necessary to protect the gas pipeline. The extension to gas reticulation is covered by Rule 12.4.8.

Landscaping and Landscape Buffer Areas

16. Two issues have been raised with respect to landscaping.
17. Council's Senior Planner Anna Price raised the issue that landscaping could not be implemented over the gas easement adjacent to Washer Road where the gas easement adjoins the road reserve. I agree with her statement and understand she is to recommend a rule that covers this matter.
18. The Bay of Plenty Regional Council has indicated that access is required to the Ohineangaanga Stream for maintenance as part of the drainage scheme. The structure plan was amended to relocate the landscape strip from between the stop bank and the stream, to the western side of the stop bank. BOPRC request that a maintenance strip also be provided between the stop bank and the landscape strip. The rules agreed upon as a result of caucusing with BOPRC, with respect to the Stormwater Management Plan, includes a rule to address swales and vegetated buffers located adjacent to the stop bank. In addition to this the District Plan has a rule under Table 10 (bb) requiring *the excavation or digging of any drain within 20m of a flood control stop bank* requires consent as a Discretionary Activity. The Regional Council also have their own bylaw to protect stop banks from earthworks and similar activities that could affect the performance of the stop bank.
19. I therefore consider there is adequate protection for the stop bank with various consenting triggers to protect the stop bank. If separated by 20m or more the need for the vegetation buffer maybe unwarranted or have less tangible benefits.

Richard Coles

28 July 2022

Proposed Amendment Rule Framework (amendments and new rules)

Key

- Red Text is suggested amendments.
- Red text Underline is amended to respond to matter raise by Council planning staff.
- Green Text is new rules as a result of caucusing with BORC planning staff.

Amend **Rule 21.3.5** by making the following amendment to the title of the rule.

Additional Permitted Activities (Te Puna Business park **and Washer Road Business Park** only)

Amend **Rule 21.4.1(a) Height and Daylighting**, by adding a bullet point maximum height limit as follows.

- **Washer Road Business Park – 9-11m as illustrated on the Washer Road Business Park Structure Plan.**

Amend **Rule 21.4.1 (c) Visual amenity – Streetscene**, add bullet point

- **Washer Road Business Park and having a boundary to Washer Road and any future public road to be vested in Council, except that portion of the streetscene that is protected by a gas easement.**

Amend **Rule 21.4.1(d) Visual amenity – reflectivity**, add

- **Washer Road - All buildings/structures adjacent to the Ohineangaanga Stream and shall be developed in accordance with Washer Road Industrial Structure Plan included in Appendix 7**

Update Appendix 7 of the District Plan by adding the Washer Road Business Park Structure Plan diagrams.

Add the following rule to chapter 12 to specifically address the stormwater treatment train approach and specify that buildings shall be located on land above the 1% AEP flood plain.

12.4.14.2 Washer Road Business Park - Structure Plan

- Development within the Washer Road Business Park Structure Plan area shall be undertaken in accordance with the structure plan and specifications set out in Appendix 7.***
- Any new building or structure within the Washer Road Business Park shall be located on land above the 1% AEP flood event including a RCP 8.5 climate change projection to 2130 except for buildings or structures that have a GFA of less than 20m² or are functionally required to be within the flood plain.***
- The intersection of Cameron Road and Jellicoe Street shall be upgraded generally in accordance with concept signalled layout in the Structure Plan or alternative design approved by Council. Alternatively, a Travel Management Plan shall be prepared and submitted to Council for approval. The Travel Management Plan shall detail how the activity(s) will manage traffic to avoid adverse effects on the intersection of Cameron Road and Jellicoe Street in peak flow conditions. The intersection shall be upgraded no later than 5 years following commencement of the first industrial activity.***

- d. *All new buildings shall be constructed with inert roofing materials or require treatment via water quality treatment devices to be designed in accordance with BOPRC Stormwater Management Guidelines (Guideline Document 2012/01)*

[Note if this rule not included in chapter 12 it could be included in Chapter 21 of the District Plan as a permitted activity standard]

12.4.14.3 Washer Road Business Park - Stormwater Management Plan

That prior to industrial activities commencing, a Stormwater Management Plan (SMP) shall be prepared and submitted to Council for approval. The SMP shall include the following matters. Note BOPRC have not accepted the intro wording to this rule.

Plans and engineering calculations showing the details of stormwater quality and quantity mitigation measures for the Washer Road Structure Plan area. Details shall include:

- a. *The size of detention, location, configuration of the outlet structures, discharge locations, and hydraulic performance of the on-site stormwater management devices;*
- b. *The size of channels/swales and the related erosion protection measures for overland flow paths (on-site) including the structures in, on or adjacent to receiving waterways immediately downstream;*
- c. *Design and sizing information to manage water quality treatment wetlands and associated devices in accordance with BOPRC Stormwater Management Guidelines (Guideline Document 2012/01, or any subsequent replacement guideline for at-source controls, and water recycling options in areas zoned ~~Commercial-Industrial~~ in parallel to the preparation the discharge consent;*
- d. *Location of the proposed vegetation buffer, swales and other associated works or infrastructure within close proximity (refer to BOPRC Rivers and drainage Bylaw) of the stop bank to ensure that:*
 - (i) access is provided to the stop bank to the satisfaction of the Bay of Plenty Rivers and Drainage Department Bay of Plenty Regional Council; and*
 - (ii) the stability of the stop bank and bridge is maintained to the satisfaction of Bay of Plenty Regional Council.*

Structure Plan Drawings and Provisions for inclusion in Appendix 7 District Plan

A revised Structure plan set was presented at the hearing attached to my evidence. These are proposed subject any consequential changes Council thinks are necessary arising from the hearing.