

**BEFORE HEARING COMMISSIONERS
IN THE WESTERN BAY OF PLENTY DISTRICT**

UNDER THE Resource Management Act 1991 (“**Act**”)

IN THE MATTER OF an application for resource consent to authorise four existing industrial activities within part of the Te Puna Business Park structure plan area, for a term of two years

BETWEEN **TINEX GROUP LIMITED**
Applicant

AND **WESTERN BAY OF BAY OF PLENTY DISTRICT COUNCIL**
Consent authority

STATEMENT OF EVIDENCE OF ROY LEHNDORF

*Before a Hearing Panel: Rob van Voorthuysen (Chair),
James Whetu (Commissioner)*

INTRODUCTION

Background

1. My full name is Roy Robert Lehndorf.
2. I am the General Manager at A & J Demolition Ltd (“**A&J**”), a position I have held for nearly 4 years. I am authorised to give this evidence on behalf of A&J, and have discussed its content with the directors. As I understand it, this hearing is focused on the effects of allowing consent for the current activities, and I am very familiar with these matters. I have also discussed matters closely with the Directors, including events that occurred before my employment with A&J, in case they might be relevant.
3. A&J have occupied a site at the applicants ' Te Puna Station Road Business Park property since 2016 and understood that this was originally supported by the Western Bay of Plenty District Council (“**Council**”).

4. I understand that Tinex has applied for resource consent for the existing activities their property, including A&J's, to continue to operate while wider Structure Plan issues are resolved. This follows the Council trying to close down all current operations through an abatement notice, which was appealed by Tinex to the Environment Court and subject to a hearing a couple of months ago.
5. I gave evidence at that Environment Court proceeding. I must say, that was a stressful experience, and it is a further distraction to have to give evidence again in this resource consent hearing. I, and A&J, would rather be focusing on our business activities. However, I understand that it is important that this Panel hears directly from A&J, so it can understand the effects of granting consent.
6. The purpose of this evidence is to provide some background to our use of the site and to explain the impact to A&J and the other existing occupants should we be required to vacate these sites. This evidence is similar to that which I gave to the Environment Court, and incorporates some of the answers that I gave to questions during that process.

Summary

7. The Te Puna yard is a great asset to not only us but the community, and other industries. Logistically it works perfectly for our business; its affordable, safe and secure; it has less visual impact than other sites around the Bay and should be supported by Council.
8. Forcing the closure of this yard would have a drastic impact to all business currently on site. It will cost us income streams; there will be a significant cost to exit the yard, not only financially but also to the environment; it will cost people their jobs and put the business under immense financial and emotional strain. Our business model and operations will have to change, which could force further redundancies. There will also be impacts for our suppliers and subcontractors.

Use of the site

9. I want to clarify that A&J is the main operator on the part of the site that we lease, but we technically have sister or subsidiary companies that operate

from that yard as well. In the A&J group additional to the relocatable cottage company we have Earthwise Hook Trucks and Waste Recovery, Alcatraz Temporary Security Fencing, Class B asbestos removal. All those businesses, aside from asbestos, use the yard to some degree, although of course there is no concrete crushing on site anymore.

10. A&J was the first tenant on the site, and the yard is now critical to how our wider businesses functions; in addition to the cottage renovations, we use this yard specifically for storage of our empty Hook bins which are a large and bulky item that we cannot store anywhere else. We store our temporary security fencing here; again, another bulky item that we do not have the ability to store elsewhere. At times we store excess salvage items there until we have space in our salvage and sales site in Greerton.
11. Our business ethos is to salvage, recycle and upcycle wherever possible. We take this approach to reduce the amount of materials going to landfill. We have a salvage and sale yard in Greerton that provides a steady income stream for the business. If we lost the storage of our excess salvage this would not only impact our cashflow from the reduction of saleable salvage, there is the further financial impact with having these items go to landfill which obviously impacts on the environment and with the Government trying to minimize excess waste to landfill.
12. The school buildings we store on this site are to be recycled and renovated into 2-bedroom relocatable cottages, an affordable home solution. These are designed and consented to a high wind zone; we fully renovate them with new insulation, double glazed windows and fully fit them out to a high standard.
13. We took this approach with these buildings to avoid them being demolished and going to landfill and to help provide the public with an affordable option given the current housing crisis. By removing these classrooms from schools, it also helps reduce project costs as it's more economical to remove the buildings whole than demolishing them.
14. We recently sold a cottage to a young couple as their first home, they had been gifted a small parcel of family land where they moved this cottage

onto spending less than \$250,000 on the relocation and commission of the cottage, a proven affordable solution.

15. A&J were previously using this yard for crushing raw concrete into recycled aggregate to be used in a wide range of applications within the construction industry including Council projects. In December 2021 we received an abatement notice from the Council requiring us to cease this activity and remove the product from site. We complied with these conditions and have ceased this operation. This has had a significant financial impact on our business as we now must pay to tip raw concrete and have lost the income from selling the crushed products. We are now working with the Government Waste Minimisation Fund who have granted A&J funding to set up a concrete crushing and recycling centre to support the Bay of Plenty area at an alternative site outside of the WBOPDC region.

Lack of alternative sites

16. As part of the Waste Minimisation Fund process, we have recently investigated alternative commercial and industrial sites and locations around Tauranga in both the Western Bay and Tauranga City catchment.
17. We found it very difficult to find a suitable site that was not only affordable but met the specific zoning conditions for such an activity.
18. Having looked for industrial sites over a lengthy period we have also not found anything that would be suitable from a zoning, planning, affordability, and logistic point of view for our storage activities. In short Tauranga and Western Bay have a significant shortage of suitable industrial land.

Impact of vacating site

19. The construction industry is slowing down with our forward workload and income stream is not as strong as previous years. Should we be forced out of the Te Puna yard it will have a drastic impact on how our business functions both operationally and financially.
20. There will be a significant cost to exit the yard, not only financially but also to the environment. We will be forced to demolish all cottages on site and close this business altogether as it will not be viable to move these

buildings off site as we have nowhere to take them to nor interest from other parties to take them.

21. We estimate it will cost us around \$400,000 to demolish these buildings and clear the site, three carpenters will lose their jobs as we won't be able to retain them, there will be lost income for the electricians, plumbers, painters, kitchen suppliers, flooring providers and house transport companies.
22. Not only will it result in thousands of tons of waste to landfill, but it will also take away from the public market an affordable housing solution.

Other existing uses

23. On 11 May 2023 I met with the other existing tenants - David McKeagg, the director of Total Relocation Ltd, Jim Hayward, the director of Earthmover Tyre Services and Tony Rodger, General Manager of Lang's Pools, to discuss with them the impacts of them having to vacate their sites.
24. There is a common theme of the impacts for these businesses having to vacate their sites. All companies have investigated other yard locations and have found there is literally no affordable and suitable options that will support their specific activities; often sites come with strict covenant's that don't allow these types of business to occupy.
25. As with A&J's situation, vacating the other sites will cause significant financial strains, loss of jobs and emotional stress. None of the businesses will be able to operate until such time they have found a suitable solution, and which given the lack of viable options this could take many months or longer. The loss of income from the temporary closure of their businesses will affect not only the business owners but the staff, suppliers, lending facilities, their customers, forward workload commitments and their reputations.

Updates as to process issues

26. Barry Daniel from Tinex has kept us informed along the way, in terms of the abatement notice and consent challenges Tinex has been facing. We

were obviously aware of the noise testing, and, at one point, A&J was looking at seeking our own consent for concrete crushing.

27. I confirm that I have seen the latest version of the Noise Management Plan, and that I am confident that A&J can meet it.
28. I also confirm that A&J is confident that it can ensure that heavy vehicles accessing our site will not use Clarke Road. If the heavy vehicles are not "ours" (ie driven by our own employees), then they will be those of people who do contract to us. We have a good relationship with our contractors, and I am sure that they would respect our request for them to not use Clarke Road.

6 October 2023

A handwritten signature in black ink, reading "Roy Robert Lehndorf". The signature is written in a cursive, flowing style with a period at the end.

Roy Robert Lehndorf