

Invitation for Comment on Ohinewai Foam Factory

Ohinewai Foam Factory is a Referred Project under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Application name	Ohinewai Foam Factory
EPA reference	FTC000023
Applicant/s	Ambury Properties Limited
Comments due by	23 June 2021
Accessing the application	https://www.epa.govt.nz/fast-track-consenting/referred-projects/ohinewai-foam-factory/the-application/

An application has been made by Ambury Properties Limited (the applicant) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the act) for resource consent for the Ohinewai foam factory development (the project).

To comment on the project application, please fill in the details on the attached form and:

- **Email** the form to foamfactory.fasttrack@epa.govt.nz . Please mark in the subject line: “Comments on Ohinewai Foam Factory Fast Track Application (Your name/organisation) by **23 June 2021**, or
- **Post** the form to Ohinewai Foam Factory Fast Track Application, Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington 6140 in time for the form to be received by the **23 June 2021**; or
- **Deliver in person** to Environmental Protection Authority, Grant Thornton House, Level 10, 215 Lambton Quay, Wellington by **23 June 2021**. Please note that due to potential changes in COVID-19 Alert Levels our reception may not be open to the public. We suggest phoning ahead to check.

Comments must be received by the EPA, on behalf of the Ohinewai Foam Factory Expert Consenting Panel, no later than **23 June 2021**.

If your comment is not received by the EPA by **23 June 2021** the Panel is not required to consider your comment (although it may decide to). Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 there is no right to seek a waiver of the time limit.

If you are an iwi authority you may share the consent application with hapū whose rohe is in the project area in the application, and choose to include comments from the hapū with any comments you may wish to provide.

Important information

Your personal information will be held by the EPA and used in relation to the project consent application process. You have the right to access and correct personal information held by the EPA.

A copy of your comments, including all personal information, will be provided to the Expert Consenting Panel and the applicant.

All comments received on the application will be available on the EPA website.

If you are a corporate entity making comments on this application, your full contact details will be publicly available. For individuals, your name will be publicly available but your contact details (phone number, address, and email) will not be publicly available.

Please do not use copyright material without the permission of the copyright holder.

All information held by the EPA is subject to the Official Information Act 1982.

More information on the fast-track consenting process can be found at <https://www.epa.govt.nz/fast-track-consenting/about/>.

Your Comment on the Ohinewai Foam Factory

All sections of this form with an asterisk (*) are mandatory.

1. Contact Details

Please ensure that you have authority to comment on the application on behalf of those named on this form.

Organisation name (if relevant)	Waikato District Council		
*First name	Wade		
*Last name	Hill		
Postal address	Private Bag 544, Ngaruawahia, 3742		
*Home phone / Mobile phone	027 216 4914	*Work phone	0800 492 452
*Email (a valid email address enables us to communicate efficiently with you)	wade.hill@waidc.govt.nz		

2. *We will email you draft conditions of consent for your comment about this application

<input checked="" type="checkbox"/>	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct
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3. Please provide your comments on this application

If you need more space, please attach additional pages. Please include your name, page numbers and the project name on the additional pages

Background

Prior to the Ohinewai Foam Factory being referred as a fast-track project, a land use consent application (LUC0062/21) was lodged with Waikato District Council (WDC) for stages one and two of the factory (without the rail siding). At the time the land use consent application was lodged and being assessed by WDC, no decision had been released on the Proposed District Plan Ohinewai Rezoning, therefore WDC was considering the application wholly on the basis of the Rural Zone provisions. However, as the Panel is aware, as per Minute 2, the Independent Hearings Panel has approved the Ohinewai Rezoning under the Waikato Proposed District Plan, therefore consideration under these provisions is now required.

Due to the proposal being fast-tracked, and subsequently withdrawing their land use consent application to WDC, a notification determination had not been made.

Comments

WDC's comments on the Ohinewai Foam Factory are drawn from WDC staff with expertise in Planning, Land Development Engineering, Environmental Health and Contaminated Land, and broken down into the following key categories:

1. Noise
2. Dust
3. Contaminated Land
4. Hazardous Substances
5. Wastewater
6. Water Supply
7. Stormwater
8. Lumsden Road Realignment/Balemi Road Intersection/Level Crossing
9. Vesting and Stopping Road
10. Landscape and Visual
11. Geotechnical
12. Draft Conditions

1. Noise

Noise and vibration effects for the proposed construction work and operation of the proposed factory have been assessed in an acoustic report prepared by Marshall Day Acoustics. The report identifies that construction noise will comply with the long-term duration noise limits detailed in NZS6803:1999 and Appendix N of the Operative Waikato District Plan (Waikato Section) (ODP). A construction noise and vibration management plan (CNVMP) is proposed to be submitted prior commencement of construction works. The CNVMP will be updated from the existing plan utilised under the existing consents for Stage 1A. WDC agrees with the proposed conditions relating to construction noise detailed in Appendix 11 of the Application, including:

- (i) condition 7(l) requiring the CNVMP to be included in the overall Construction Management Plan;
- (ii) condition 13 setting the construction noise limits;
- (iii) condition 14 setting the vibration limits and measurement standard;
- (iv) condition 15 requiring submission of the CNVMP prior to construction;
- (v) condition 16 detailing requirements for inclusion in the plan; and
- (vi) conditions 17 and 18 providing for monitoring of the noise.

In respect of operational noise of the factory Marshall Day undertook modelling of the factory and predicted compliance with the day time and night time noise limits detailed in rule 25.17 of the ODP. As compliance with noise limits are predicted to comply with permitted activity levels, no operational noise limit conditions have been proposed. Noise limits will therefore be those detailed under the zone rules in the ODP in force at the time for the location. This will provide for the proposed district plan limits utilising the L_{Aeq} metric to apply when it becomes operative and for the industrial zone limits to apply to the site when and if the rezoning of the site occurs. WDC considers these to be appropriate.

2. Dust

While discharge effects from dust are primarily considered to lie with the Waikato Regional Council, the application includes an assessment of dust effects and management measures including provision of a dust management plan (DMP). WDC agrees with the proposed measures that are considered standard for the type of activity. WDC agrees with the proposed conditions relating to dust management detailed in Appendix 11 of the application, including:

- (i) condition 7(h) requiring the DMP to be included in the overall Construction Management Plan;
- (ii) condition 20 requiring that all activities are carried in such a manner to minimise dust emissions and that no dust causes an objectionable or offensive effect beyond the boundary of the site; and
- (iii) condition 19 requiring that the activities are carried out in accordance with the required DMP.

3. Contaminated Land

Preliminary and Detailed Site Investigation Reports prepared by Geosciences Ltd have been submitted with the application. One small area of elevated lead contamination attributed to lead based paint was identified that has been addressed through the existing resource consents. No other areas of concern have been identified that are relevant to the proposals and therefore need not be considered further under this application.

4. Hazardous Substances

During assessment of the land use consent application (LUC0062/21), it was determined that Hazardous Substances was a key effect that required careful consideration. Given WDC did not have in-house expertise of an appropriate level with regard to this matter, an external consultant was engaged to undertake this assessment for WDC. A substantial amount of further information was requested by WDC's external consultant in relation to Hazardous Substances, the Applicant did provide further information in relation to this, however the external consultant sought further clarification on a range of matters at the time the application was placed on hold and subsequently withdrawn.

It appears that the hazardous substance information sought by WDC's external expert may not have been fully addressed in the hazardous substances assessments lodged with the fast-track application. These matters may need further consideration.

5. Wastewater

The existing onsite system was installed in 2019 under building consent BLD0245/20. The system is sized to service the current factory stage proposed. The applicant has provided the Woods Infrastructure report and plans detailing internal servicing and confirming that the existing onsite system is sized to service the current factory proposal. The Applicant anticipates that future stages of the factory will be connected to WDC reticulation once available.

6. Water supply

The applicant has provided the Woods Infrastructure report and plans demonstrating internal servicing for potable water supply (Based on 65l per person per day) and firefighting. Four 800m³ reservoirs, a treatment & pump house, a diesel generator, and other smaller tanks shall be provided for water supply for both firefighting and potable water supply. The arrangement for the two systems will be:

- Rainwater harvesting.
- Potable Water Supply – this will consist of one 800m³ tank connected to one side of the pump house containing the water treatment system and potable water pumping systems. Additional smaller tanks will be provided as part of the treatment system.
- Firefighting Water Supply – this will consist of three 800m³ tanks connected in series to a to one side of the pump house containing the sprinkler pumping system. These will need to be full prior to operation of the factory.
- The existing bore supply shall be used to service the site office and as a backup for rain tank supply for the factory.

The Applicant anticipates that future stages of the factory will connect to WDC reticulation once available.

Appropriate conditions will be required addressing:

- Potable water supply for the consented activities.
- Establishing and maintaining firefighting water supply.

7. Stormwater

The applicant has provided the Woods Stormwater Report, Infrastructure report and plans demonstrating internal servicing for the factory site Lumsden & Balemi Roads.

The stormwater primary system components include:

- Carbon Filter vent stacks – ensuring discharge from the factory is treated in line with the air discharge consent (granted February 2021).
- Inert roofing materials to be utilised.
- 800m³ rain tank to capture the roof areas for reuse and attenuation for the proposed 4.99 Ha catchment.
- Overflow from rain and sprinkler tanks to be discharged to stormwater network where by two further treatment measures will be implemented.
- ACO drain grates will be selected to allow stormwater flows but inhibit rubbish entering the stormwater system.
- Cesspit sumps and ACO drain sumps will be provided for settlement of sediments from the runoff. Fox valves may be required should there be risk of oil spills or similar to divert first flush to treatment.
- Gross Pollutant Traps (GPT) will be utilised in manholes within in the piped network for removal of rubbish at key locations.

- Stormwater360 Jellyfish filtration devices – these may be utilised as an alternative to a second wetland. These will be located between the ACO drains and the stormwater network.
- Stormwater360 VortCapture Devices – these may be utilised as an alternative to GPT's.
- Wetlands are proposed for the second stage of treatment as part of the stormwater treatment train. For Stage 1, Wetland 1 shall be constructed, and Stage 2 shall utilise Wetland 2.

Secondary Flows (100-year) have been checked to confirm that overland flows move away from the factory buildings towards the swales and discharge from site. The embankments surrounding the wetlands (top of pond) and swales shall be at least 0.5m above the 100 year level of RL 8.0m apart from the Conveyance Swale which is within the 100 year flood plain. This protects the development flows from outside flooding. Non-return valves should be provided at the outlet of pipelines in order to reduce any risk of backflow.

Appropriate conditions will be required addressing:

- Detailed engineering design on proposed stormwater management in accordance with the Woods Ltd, Stormwater Report, Infrastructure report and plans. The system to meet District Council and Regional Council volume control and water quality discharge requirements.
- Construction of the stormwater management system in accordance with the approved engineering plans.
- A comprehensive operation and maintenance plan for the stormwater management system for approval.
- Ongoing maintenance of the stormwater management system in accordance with the approved operation and maintenance plan.

8. Lumsden Road Realignment/Balemi Road intersection/Level Crossing.

The realignment of Lumsden Road at the intersection with Balemi Road will require land acquisition and/or protection of sightlines. An excerpt from Road Safety Audit section within the BBO TIA is shown below. WDC's Roding Team's preference is that the required sight distances for the intersection are fully within legal road reserve as this will negate the need for interaction with private property owner/s in maintaining safe sightline distances for the proposed intersection.

The land required for the realignment of Lumsden Road and achieving required sightlines for the Balemi Road intersection is not within the consent area and will require third party approval. Has the applicant got agreement with the owner for acquisition of the required land?

1. The first concern relates to achievable sight distances at the Lumsden Road and Balemi Road intersection. To ensure that the minimum safe intersection sight distances are available at the intersection, the RSA recommends setting back the adjacent property boundaries to ensure that the required sight lines do not become obstructed over time by vegetation or fences.

BBO agrees with the audit recommendation. Two options are proposed for implementation to ensure that the minimum safe intersection sight distance and approach sight distance are not obstructed by any buildings, vegetation or fencing:

a. The area within the sight envelopes should be expropriated and included as part of the future road reserve boundary, or

b. "No-build" zones be established restricting buildings, fencing, and limiting vegetation grown to be no higher than 0.5 m. This could possibly be enforced in the district plan provisions/ resource consent conditions.

The application does not comment on the future maintenance of the level crossing facility. As this will be "rail over road" Council's expectation is that a memorandum of understanding will be entered into between Ambury Properties Limited, KiwiRail and WDC confirming that WDC will not be responsible for future maintenance.

In addition, all costs associated with the acquisition of land for road (including to achieve safe sight distance), road vesting and road stopping needs to be at the expense of the applicant, in consultation with WDC's Roding and Property Teams. There will need to be an appropriate mechanism to achieve this, which could be in the form of a memorandum of understanding between Ambury Properties Limited and WDC.

9. Vesting and Stopping Road

The application recommends leaving the stopping and vesting of roads until detailed design stage. WDC would prefer to have a better understanding of the areas of road to be vested and stopped and also the method for vesting. Has any consultation been undertaken with WEL Networks or Chorus, as they have high-capacity assets located in Lumsden Road?

Apart from the above, appropriate conditions will be required addressing:

- Detailed engineering design of proposed roading and level crossing upgrades in accordance with the Woods Ltd, Infrastructure report and plans and the recommendations within the BBO ITA. To include consultation with Waka Kotahi & KiwiRail.
- Construction of the roading upgrades and level crossing in accordance with the approved engineering plans.
- Post construction safety audits.
- Asbuilts and RAMM data.
- 12 months defects for vesting assets and 24 months for any proposed planting in road reserve.

10. Geotechnical

A condition requiring the certification of earthworks prior to building consent application for both stages will be required.

11. Landscape and Visual

During consideration of the land use consent application (LUC0062/21), WDC had engaged an external Landscape Architect, as the processing planner considered there was potential for significant effects in relation to landscape and visual amenity. This review was not completed, and as these matters were unresolved it may require further consideration.

12. Draft Conditions

The draft conditions provided with the application appear to relate mostly to the earthworks component of the application, with the exception of the rail siding and landscaping conditions. As well as the conditions suggested above, conditions covering the following aspects of the foam factory would be considered appropriate:

- Any restriction to hours of operation
- Lighting
- Hazardous substances

WDC would like to have the opportunity to further comment on the draft conditions prior to any decision being issued.

Yours faithfully



Wade Hill
Consents Team Leader