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Tēnā koe

Request for information from Ambury Properties Limited in relation to Ohinewai Foam Factory under COVID-19 Recovery (Fast-track Consenting) Act 2020

The Ohinewai Foam Factory Expert Consenting Panel (the Panel) has directed the Environmental Protection Authority (EPA) to request further information from you under clause 25 of Schedule 6 of the COVID-19 Recovery Act 2020 (the Act), relating to the Ohinewai Foam Factory Consent Application.

Information Request

As directed by the Panel, the EPA requests the following information:

Proposed WDP – Decision Version

1. PREC3-R4 has design interest as one of the Restricted Discretionary matters – Confirm where is this addressed?

Draft Proposed Consent Conditions dated 21 June 2021

2. Confirm that there are no further updates to the WRC proposed conditions v1 dated May 2021.
3. The Waikato Regional Council consent (both granted and proposed) do not seem to reflect the intention to cease discharging to the Balemi drain once stage 1B/2 is complete¹. Why not?
4. Have the amendments to the landscaping proposed (including street trees and refinements on the southern boundary) been reflected in the revised conditions? The new condition just seems to reference the deferment not the content/landscaping required. Why?
5. Why are recommended conditions in the original MGLA landscape report (additional colour blocking and/ or alternate cladding) not included in the draft conditions?

Assessment of Environmental Effects

6. The development of the factory will retire 31 ha of dairy farm. Confirm if there has been any assessment on how much nutrient reduction would likely amount to, and if an assessment has been done, provide this assessment².

¹ [ref section 4, Woods – Stormwater Management Framework – Appendix 10: Infrastructure]

² (Waikato River V&S).

7. What is the % increase of waste minimisation likely to occur at the proposed site compared to the old sites?

App 5 – BBO - Transport Assessment and Draft CTMP

8. The transport assessment states factory hours of operation as 0700 to 1800pm 7 days a week (section 5.1). This appears to be inconsistent with the AEE which states factory hours as 0400-1600 Mon to Fri, staff movements 0400-1800, trucks deliveries 0700-1900, and some work on Saturday. Confirm which is correct? If the AEE is correct, what difference does this make to the transport assessment?
9. Does the applicant accept the hours of operation of the foam factory should be conditioned?
10. Why is there no pilot proposed for the rail siding³?
11. The survey of traffic from activities to the north of the APL site on Lumsden Rd does not appear to align with the operating hours of the factories there. In the afternoon, the survey was undertaken 4-6pm. On its site visit on 18 June, the Panel observed staff from those facilities leaving work at approximately 2.30pm. Please confirm the hours of operation of the commercial activities in this area and explain why the survey period 4-6pm was chosen.

App 6 – Initia - Geotechnical Assessment

12. As part of Stage 1A earthworks, did the applicant undertake a grid of deep Scala penetrometer tests to obtain more detailed understanding of land characteristics? If yes, what did it show? (see p.31)
13. Has testing been done of preloading sequences and weak areas? (see p.43)
14. How do the draft conditions address settlement and design?

App 9 – Geosciences Limited - Contamination

15. Does this assessment also apply to Stage 1B? Samples seem to have been taken from the Stage 1A area – is there other contamination not assessed in the Stage 1B area?

App 10 - Woods: Civil Infrastructure Report / Earthworks Methodology Report / Stormwater Management Framework

16. No forebays are proposed for Wetland 2 on the ground where there is first stage treatment via proprietary treatment devices. What of later developments that may not exhibit or justify the same? If not legally ensured somehow (will it be?) could a forebay be retrofitted if needed?
17. Various elements of the infrastructure (e.g. swales, pavement, drain culverts) are left to detailed design. Do the conditions capture those for approval?
18. Are the two farm drain realignments referred to in the Earthworks Methodology Report (EMR) 2.9.1 consented or part of the current application?
19. Specifically, which farm drain culverts are proposed for Stage 1B? Provide a diagram that shows these.
20. On which drawing(s) is the liquefaction remediation zone identified?
21. Why at EMR 2.15.2 are the remediation earthworks volumes for Stages 1A and 1B combined when in 2.15.1 the volumes for Stage 1A as consented are identified? Does this imply that

³ As discussed at page 46 at para 2a of the TIA. “All trains must have a rail operator on the ground to pilot trains into the site and sidings”.

additional volumes are needed for Stage 1A – and so are these sought under the current application?

22. The Stormwater Management Framework Report (SMFR) notes that treatment of flows from the new Balemi Road swale (north side of road) will not be required because it represents betterment. However, from a quantity point of view, in the 1:10 and 1:100 year event will those improved swale flows exacerbate local flooding downstream from the Balemi Drain?

App 12 – Marshall Day - Noise and Vibration

23. What is the effect of noise in the area between the large foam factory building and the acoustic fence alongside SH1? Are Lumsden Rd residents “squeezed” into a noise vacuum between the two?

App 14 – Jacobs- Haz Sub Qualitative Assessment

24. The Jacobs HazSub report notes that TDI/MDI4 reacts with water to form CO₂ + heat in the process. In the event of a significant fire impinging on the HazSub store, what is the implication for firefighting? Is it simply left sealed to exhaust – what of the vapours thereby produced, how will they be released?
25. It is noted that in the event of a major TDI spill, water (or other suitable chemicals) is proposed to be used to react and cure the TDI resin (4.3) – although there is a further statement about the room not being sprinklered because of the potential reaction with water (5.4.1). Is this response the same for MDI?
26. Customary activities are currently undertaken in and around Lake Rotokawau and to be undertaken in the larger recreated wetland. Was there any consideration to have automated monitoring of the stormwater system of the hazardous substances delivery area should valve switch not be activated? Or at a point where the stormwater enters into the first wetland?
27. A catchment area of 2,300m³ is being proposed for retaining firewater. Would this catchment area be sufficient in a worst case scenario involving a major fire? Has the applicant discussed this with the NZ Fire Service?

App 15 – MGLA - Landscape and Visual Assessment

28. Why should the Industrial zone arrived at under the PDP result in less landscape mitigation to residential neighbours?

App 18 & 19 - Tangata Whenua Governance Group Approval and Kaitiaki Env Values Assessment

29. Why do current consent conditions not include the opportunity from the TWGG to comment on the Construction Management Plan, Ecological Rehabilitation and Management Plan, Updated Sediment Control and other relevant plans still to be developed?
30. Any Council road stopping at the intersection of Lumsden and Balemi Roads may trigger Waikato-Tainui's right of first refusal under the Waikato Raupatu Settlement Act 1995 should that land have an underlying Crown interest. Are there any Crown lands that may be required from Council for the development i.e road stopping?

⁴ 90 tonnes TDI (50k in 2 bulk tanks; 40k in drums) and 46 tonnes MDI (30k in 2 bulk tanks; 16k in drums) – for stage 1 = one 25k bulk tank + 40k drums for TDI. Drums seem to contain 500kg (5.4.2) – 205l or 207l drums.

App 20 – ASG - Greenhouse gas emissions

31. The ASG report calculates a net reduction of -43,298,637 Kg CO₂-e based on 80% rail freight based on closure of the two existing factories in Avondale and Otahuhu. If that 80% reduction is not met, or until it is, is it reasonable to assume the road freight equivalent of the existing plants of c.1.4-6 Kg CO₂-e (Table 2) or would that figure be materially higher because of Ohinewai's location?
32. Please provide legal submissions addressing the Panel's legal jurisdiction to assess greenhouse gas emissions under the FTCA and the RMA.

App 16 - Tonkin + Taylor- Haz Sub Technical Assessment

33. What is the time interval at which the initial commissioned lower tier MHF transitions to an upper tier MHF under the HSWAct? Does this have any implications for the land use or regional consents sought?

In accordance with clause 25 of Schedule 6 of the Act Ambury Properties Limited must

- a) Provide electronic copies of the information or report requested; or
- b) Advise the EPA, with reasons that you decline to provide the information or report requested.

Please provide the further information to the EPA as soon as reasonably practicable but no later than **Tuesday 6 July 2021**.

If any of the information becomes available before 6 July 2021, the Panel would appreciate it being made available to the EPA as soon as possible.

Please note, the information will be provided to the panel, the application and every person who provided comments on the application/notice of requirement. The information will also be made available on the EPA website.

If you have any questions or further queries please don't hesitate to contact Alex Erceg on alexander.erceg@epa.govt.nz or 027 293 6728.

Nāku noā, na



Sandra Balcombe
Manager Land and Oceans Applications