

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY WAIPA DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 (Act)

**AND**

**IN THE MATTER** of the hearing of applications by BBC Technologies Limited for Land use Consent for a Rural Industry and Grass Ventures Limited for a Subdivision Consent at Lochiel Road, Rukuhia

**BETWEEN** **BBC TECHNOLOGIES LIMITED & GRASS VENTURES LIMITED**

**Applicants**

**AND** **WAIPA DISTRICT COUNCIL**

**Consent Authority**

---

**STATEMENT OF EVIDENCE OF CRAIG CLARK  
(Submitter)**

**Dated: 9 December 2020**

---

## **INTRODUCTION**

1. My name is Craig Clark.
2. I reside at 8 Lochiel Road.
3. I also give this evidence on behalf of my mother, Marilyn Clark who also resides at 8 Lochiel Road.
4. I am a contractor involved with rural activities. My mother is retired.

## **BACKGROUND**

5. My mother and I have lived at the property for in excess of 10 years.
6. The property appealed because it had a rural aspect and presented an opportunity to have a life style that would include living on a larger property that is capable of supporting some livestock.
7. When the property was purchased, we knew that the Rural zoning imposed some limitations over uses other than rural uses that could establish on the property and also the surrounding land on our side of State Highway 21.
8. Until recently, the site that is the subject of this application was mostly used by its owners to ride and train horses along with farming a few livestock. Around the boundary of the property were well established tall Poplar trees.
9. The property on our other boundary is mostly in paddocks and apart from the few days around Fieldays, it is also mostly open space that is farmed.
10. Further along State Highway 21 are properties that have a rural aspect of open space and trees with evidence of rural farming activity.

## **THE APPLICATION – BBC TECHNOLOGIES LIMITED**

### **Building**

11. The large two storey building (4,640m<sup>2</sup>) is proposed.
12. It will house activities that are more of a light industrial nature being manufacturing and warehousing.

13. The car parking area is stated as being 8,537m<sup>2</sup> to accommodate 258 car parks.
14. The proposal therefore means that around a hectare of Rural zoned land will be covered with building and sealed car park plus driveways.
15. The establishment of these uses (the building and car park) will have a significant impact on our property particularly in regard to:
  - Changing the rural outlook aspect of the area;
  - Attracting considerable amount of vehicular traffic;
  - Operating at hours that are beyond what is expected in the Rural zone;
  - Impacting upon those who live in the area particularly in regard to traffic issues.

#### **Unknown Effects**

16. We particularly refer to the proposal that there will eventually be 306 staff operating on this site plus any visitors to the site and the fact that the development of the site means that almost one hectare is covered with building and/or sealed car park. A consequence of these matters is that there will be:
  - A wastewater discharge to land;
  - Stormwater discharge;
  - Earthworks to develop the site.
17. We understand these matters will still require Waikato Regional Council consents.
18. These issues are of real concern to us as they could easily impact upon our property having regard to the number of people using the site and the size of the development. The Rural zone has not contemplated a situation where a use involving 300 plus people would be located in a building on a small site.

#### **Consultation with Mitchel Daysh Limited**

19. The Mitchell Daysh letter dated 4 November 2020 at pages 5-6 refers to my submission and my mother's submission being received 4 working days after the submission period closed.

20. Reference is made to the consultation we had with representatives of Mitchell Daysh Limited. Reference is made to me being difficult with a previous application and my suggestion that someone buy us out. When put into context, these issues were raised as a response to the very forceful way the Mitchell Daysh Limited representatives were impressing upon us that we should consent to the application. They were very dismissive of our concerns.
21. From our perspective, the consultation was unhelpful in that it appeared the Applicant was going to proceed with the application with little regard for the impact upon us. For example, an amenity aspect of the site is that there are open spaces with some trees. My mother has restricted mobility and would prefer not to have earth bunds created along one boundary that would restrict her view from the home. This point while it may seem insignificant to the Applicant, is important to my mother who has lived on the property for in excess of 10 years.
22. When the entrance to the subject site was discussed, the Applicant was so concerned about its plans and suggested it could install gates and security measures "if necessary". There was little, if any, regard to how the entrance to our property could be affected with large numbers of vehicles and after hours work.
23. It is difficult to understand how the Applicant can state that it will "undertake works to form a bund and landscape along the subject site frontage to mitigate the adverse visual, noise and traffic light effects. The reality is, the application is for a huge development on a site that is zoned Rural and that the use of the site will involve over 306 people accessing the site and operating after hours. The suggestion is that the proposal could generate over 840 vehicle movements per day. This is so far removed from what should be expected from a use on a property in the Rural zone that fronts on to a country lane.
24. Mitchell Daysh in its negotiations also had little to say about how the use would require major changes to the Lochiel Road intersection and how the traffic generation for this proposed use should be considered with other plans for traffic flows within the area. From our point of view, despite what traffic engineering plans are put in place, it will almost be impossible for us to make a right turn out of Lochiel Road.

### **Traffic and Transportation**

25. The application has assessed that it would generate 840 vehicle movements a day with peak hour generation of 170 vehicle movements an hour based on employee projections.
26. From our point of view, the generation of these vehicle numbers directly impacts on our property. Despite all proposals to alter the Lochiel Road intersection, the number of these vehicles will have an adverse effect on our property as these vehicles will not only travel on State Highway 21 but will turn into Lochiel Road and enter and leave the Applicant's property from an entrance that is almost opposite our property during the day and after hours.
27. State Highway 21 is used to access the airport and Raynes Road and is also used as a bypass around Hamilton. When Fieldays is operating, State Highway 21 is very much used and temporary arrangements are put in place to accommodate the traffic numbers.
28. The traffic that uses Lochiel Road is really confined to a few land owners and the members of the Lochiel Golf Club.

### **Rural Character and Amenity**

29. The footprint of 4,640m<sup>2</sup> is not something that is anticipated for this Rural zone particularly when regard is had to the need to accommodate 306 employees plus visitors that will use the site. The whole development is far removed from having a rural character. As is reported (page 20) the development "including associated parking areas provide a non-rural character to the proposed use."
30. The design of the building is not what is usually expected in a Rural zone. We do not wish to have a commercial type building located in such close proximity to our property.
31. The Applicant seems to be intent on mitigating the impact of the scale and nature of the building by creating bunds so that the building is obscured from the view of our property. As already explained, this will significantly impact upon the open spaces and is not a solution to mitigate the loss of rural character. It is a solution to meet the needs of the Applicant.

### **Operational and Traffic Effects**

32. I have already referred to the impact of the traffic on our property as being an adverse effect. This becomes more of a problem when it is noted the warehouse facility use will involve day and night time operational shifts seven days a week.
33. Lochiel Road, as stated is mostly used by a few land owners and the members of the Lochiel Golf Club. It is more like a country lane. It was never contemplated that it would accommodate the anticipated vehicle movements that the use will generate. Further, we have never contemplated that there would be shift workers arriving before 6.30am and leaving after midnight. Whatever conditions may be put in place to mitigate this, there will always be noise from traffic, lights from traffic and there is the potential for security issues.
34. The planned entrance to the Applicant's site means that at night there will be vehicle lights shining directly on to our property.
35. Having regard to the vehicle numbers and the hours of operation, this cannot be regarded as anything other than an adverse effect.

### **Privacy and Safety**

36. Our property is seen from both Airport Road and Lochiel Road. The issue that is of real concern is that of security and the fact that the Applicant will be attracting significant vehicle numbers including vehicles visiting the site at night.

### **Drainage Issues**

37. The Applicant's position is that drainage issues can be dealt with when the Lochiel Road intersection is upgraded. We have a concern that the proposed buildings and sealed car park will mean there will be drainage issues with the water run off.

### **Wastewater**

38. As we understand it, a further consent is required. The issue here is that the proposed use requires wastewater treatment for a use (involving 306 people) that was never contemplated by the Rural zone rules.

39. There has been no proper evidence produced to show that the proposals to deal with wastewater and stormwater will not impact our property or any other property for that matter.
40. We have our own water supply which comes from rainwater and we are concerned that our water quality may be affected by dust as the site is developed.

## **CONCLUSION**

41. The objectives and achievements of BBC Technologies are not questioned.
42. The investment in the business and the design of its premises can be accommodated in areas that are zoned for the intended use such as Titanium Park.
43. Job opportunities would not be lost if the activity was located on another site zoned for the use. This would also mean that the economic benefits for the horticultural sector would not be lost.
44. The Lochiel Road intersection for present purposes is satisfactory. The upgrade of the Lochiel Road intersection needs to be considered in terms of what is being proposed by the Applicant and that it is required because of the impact that the proposal would have on this land that is zoned Rural. Further, it is noted that other submitters have drawn attention to wider traffic issues for the area.
45. We ask that consent be refused for this application.

Dated: 9 December 2020

---

Craig Clark