

Appendix C

Submissions

This is a submission on the application from BBC Technologies Limited and Grass Ventures, to establish an office and research facility including outdoor growing areas as a rural based industry for BBC Technologies Limited and subdivision application to establish a new title for the BBC Technologies site and to create a road splay from two existing titles.

I ~~am~~/am not* a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I am ~~not~~ directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The specific parts of the application that my submission relates to are:

THE WHOLE APPLICATION.

My submission is:

Support parts or all of ☐ Oppose parts or all of ☒ are neutral parts or all of ☐
include—

- the reasons for your views.

REFER ATTACHED SHEET.

I seek the following decision from the consent authority:

give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought

TO REFUSE CONSENT.

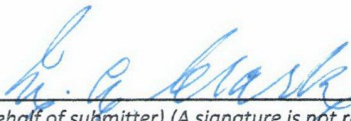
I wish (or do not wish) to be heard in support of my submission.

- ☒ I do wish to be heard in support of my submission
(this means that you will speak at the hearing)
- ☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)
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You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.

- ☒ I have served a copy of my submission on the applicant.
(this is required by section 96(6) (b) of the Resource Management Act 1991)

I request/do not request*, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to one or more hearings commissioners who are not members of the local authority.

Signature of submitter: 
(or person authorised to sign on behalf of submitter) (A signature is not required if you make your submission by electronic means.)

Date: 29/10/2020 Contact person: Hardyn Black
(name and designation, if applicant)

Postal address: P.O. Box 11031 Hillcrest Hamilton 3251.
(or alternative method of service under section 352 of the Act):

Notes to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

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You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

If you make your submission in hard copy please deliver to Waipa District Council, 101 Bank Street, Te Awamutu or 23 Wilson Street, Cambridge or post to Private Bag 2402, Te Awamutu 3840

If you make your submission by electronic means, a signature is not required. Electronic submissions on resource consent applications must be directed to submissions@waipadc.govt.nz.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Privacy information

The information you have provided on this form is required so that your submission can be processed under the RMA. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission.

My submission is:

1. Our property is zoned Rural.
2. The subject site is zoned Rural.
3. The proposed use is not Rural except for the area for fruit growing.
4. The proposed subdivision is not good use of Rural land.
5. The size of the building (6012m²) is not suited for the Rural zone. Visual effects and the close proximity to a 8 Lochiel Road means the rural amenity will be lost.
6. The car park (8537m²) is for 258 vehicles and is not suited for the Rural zone.
7. Vehicles will create the following issues:
 - Noise, particularly in peak hours:
 - Morning;
 - Evening;
 - Night time.
 - Numbers of vehicles, 840 daily trips will impact greatly on our property and the use of our property.
 - There will be traffic issues for local people particularly those who make right turns on to Airport/Lochiel Road intersection.
 - The size of vehicles using the site.
 - The noise of any forklift operations if the forklift is diesel and/or petrol driven.
 - All vehicle issues are not Rural zone issues.
8. Noise generated on the site will impact on the use of our property and enjoyment of the same. The noises generated from the site are not noises that would usually be expected in a Rural zone.
9. Drainage issues and potential flooding of 8 Lochiel Road.
10. Security issues, in close proximity to the entrance to our property at 8 Lochiel Road.
11. The application states consents that are required include:
 - 5 discretionary activities;
 - 5 restricted discretionary activities;

The number of consents that are required indicate that the proposed activity for the site is not contemplated by the Rural zone.

12. There is uncertainty over Waikato Regional Council requirements for:

- Wastewater discharge to land;
- Stormwater discharge;
- Earthworks.

Any property that is affected by the proposal is entitled to have certainty in regard to any requirements that relate to wastewater, stormwater and earthworks.

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Signature of submitter: _____

(or person authorised to sign on behalf of submitter) (A signature is not required if you make your submission by electronic means.)

Date: _____

29/10/2020

Contact person: _____

MERVYN CRAIG CLARK

(name and designation, if applicant)

Postal address: _____

P.O. BOX 11031 HILLCREST HAMILTON 3251

(or alternative method of service under section 352 of the Act):

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See Attachment One.

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Signature of submitters: pp: 
(or person authorised to sign on behalf of submitter) (A signature is not required if you make your submission by electronic means.)

Date: 22 October 2020 Contact person: Robert Davies, Solicitor
(name and designation, if applicant)

Postal address: C/- Norris Ward McKinnon Lawyers, Private Bag 3098, Hamilton 3240 or robert.davies@nwm.co.nz
(or alternative method of service under section 352 of the Act):

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**ATTACHMENT ONE – SUBMISSION BY NZ NATIONAL FIELDDAYS SOCIETY INC. & KAIPAKI
PROMOTIONS LIMITED ON LU/0154/20 and SP/0082/20 – BBC TECHNOLOGIES LIMITED AND
GRASS VENTURES LIMITED**

Submitters

1. This submission is lodged on behalf of NZ National Fieldays Society Inc. (**Society**) and Kaipaki Promotions Limited (**Kaipaki**).
2. The Society is an incorporated society and a registered charity with its registered office at 125 Mystery Creek Road, Hamilton. The Society owns and operates the Mystery Creek Events Centre, which comprises 114ha of freehold land and buildings along with associated event infrastructure. Relevantly, the Society owns the event brands *Fieldays*, *Equidays* and *THE Expo*, and operates many other owned and non-owned events.
3. Kaipaki is registered limited company, first incorporated on 15 June 1995.
4. This submission is a joint submission on behalf of both submitters.
5. Both submitters wish to be heard in support of their submission.
6. Neither submitters are trade competitors for the purposes of the Resource Management Act 1991.
7. Both submitters are willing to engage in direct discussions or other alternative dispute resolution processes with the Applicant and other interested parties.

Background

8. The Society has operated its activities from the Mystery Creek Events Centre site for 48 years. Activities are presently managed to ensure minimal impact on adjoining property owners through the imposition of stringent noise and traffic management controls (among others). The site's location near other significant activities, like Hamilton Airport, means long-term planning is required to avoid the potential for adverse effects.
9. Traffic management in particular is a key concern for the submitters. Current planning provisions allow the Society to hold events for up to 5,000 people without the need for land use resource consent. Traffic experts the Society has previously engaged have assessed traffic generation for an event of this scale to be approximately 500 vehicles per hour.¹ Larger events (like Fieldays) require the preparation of specialist planning, including a Traffic Management Plan.
10. Fieldays is the Society's largest annual event. Although open to the public for around four days, delivery of this event includes 45 days of set up prior to opening and a further 30 days pack down at the end. Fieldays attracts 135,000 people with 18,000 cars per day being parked on site. Approximately 60% of these vehicles access the site from SH21, between Gate 0 at Tooman Lane and 284 Airport Road, next to Lochiel Road. This equates to 10,800 vehicles per day entering and leaving Mystery Creek at this access point alone.
11. Traffic management for an event like Fieldays is a major undertaking. It starts as far away as Huntly and Te Awamutu in order to control access. Locally, two dedicated entry lanes are

¹ Judith Makinson *Statement of Evidence on Plan Change 10* (May 2019).

provided off State Highway 21 (**SH21**) at Tooman Lane (Gate 0) into Mystery Creek. Despite the Society's best efforts, the nature of traffic management for an event of this size is that seemingly inconsequential delays have a significant lasting effect.

12. When Waikato Regional Airport Limited (**WRAL**) sought to update the access arrangement as set out in the Structure Plan for Titanium Park,² we asked Judith Makinson, a Chartered Professional Engineer with over 20 years' experience working as a transport engineer in both New Zealand and United Kingdom, to review WRAL's traffic modelling so we could better understand how the amended Titanium Park access arrangements might impact the Society's operations.
13. Partly as a result of Ms Makinson's review, design changes were made to the roundabout on SH21 proposed by WRAL as part of that Plan Change process to ensure that, among other things, two entry lanes could be provided into the Mystery Creek site at the Tooman Lane (Gate 0) access to mitigate potential traffic congestion during large events. However, even under these conditions, Ms Makinson noted the potential for delays to occur if the roundabout itself was not designed to accommodate two permanent lanes from the outset.
14. This shows how sensitive the surrounding road network is to change, and particularly to the introduction of new traffic generating uses. The introduction of these separate activities can have a cumulative effect on this wider network, much like seemingly inconsequential delays during traffic management for large events can result in lasting effects. The submitters are both concerned that not enough is known about the cumulative effect of this proposed development on the surrounding network, including SH21.
15. This is especially the case given other planned developments within the surrounding area which the submitters are also aware of. Example of these developments include the Kaipaki Sand Quarry, Awakino Tunnel, and the Mount Messenger bypass. The submitters firmly believe a coordinated approach to planning is required, but is missing.

Submission

16. The submitters are concerned by the potential for the proposed development to result in adverse traffic management and safety and visual amenity effects.
17. The surrounding road network is complex. It will come under increased pressure, particularly as residential development in Peacockes is opened to the market. A strategic, long-term view of future demand is required, as well as a precautionary approach to forecasting, to ensure capacity is available.
18. Without limiting the general nature of the submitters' concerns, we make the following specific points:
 - (a) The proposed site is located within the Rural zone but is of a size, nature, and scale more akin to a large-scale commercial activity. This is reflected by the large number of performance standards relating to bulk, location, and car parking which the proposal fails to comply with. Accordingly, the development may detract from the amenity values of the surrounding environment, notwithstanding its proximity to Hamilton Airport and its associated business and industrial land uses:

² Plan Change 10 – Eastern Access to Titanium Park

- (i) In this regard, the submitters believe it may be worthwhile for any conditions of consent (if granted) to refer to the urban design standards and guidelines which form part of the existing Airport Business Zone and the Meridian 37 development. These standards and guidelines will help to ensure that any development results in outcomes that meet best practice, and in particular, around built form, landscaping, edges and entrance treatments, signage, and stormwater management.
- (b) The proposal will generate high levels of additional traffic. The cumulative effect of traffic generation may adversely affect traffic management and safety, particularly during events (whether involving < 5,000 people or more). The Applicant's traffic expert has agreed its modelling is subject to "inherent vagaries", but that sufficient information was available to conclude adverse effects would fall within the "minor" range. The submitters do not accept this view, largely because:
 - (i) Lochiel Road is a local road. Development of Riverside Golf Course will also place this local road under pressure. The proposal will substantially increase traffic generation along Lochiel Road (estimated additional 840 vehicle trips per day; additional 170 vehicle trips at both AM and PM peaks);
 - (ii) The adopted trip distribution split by the Applicant for the Lochiel Road/SH21 intersection will see increases in left-turning vehicles, all of which will pass the Mystery Creek site (Tooman Lane / Gate 0 access point). There is also the potential for the Applicant's predicted substantial increases in right-turning vehicles from this intersection (estimated 60% of all daily traffic generated) to come into conflict with east-bound vehicles using SH21;
 - (iii) On the basis of recent traffic counts, SH21 already accommodates daily traffic volume of 7,200 vehicles. These volumes are expected to increase to between ~10,000 and 12,000 vehicles each day by 2021. The Applicant argues these estimates overstate the traffic load on SH21, but the submitters' experiences of the SH21 environment tells a different story. The submitters' view is that SH21 is already at (if not over) capacity.
 - (iv) Upgrading the Lochiel Road / SH21 intersection will introduce a third priority-controlled intersection along this stretch of SH21. This proposed new intersection will operate at the typical limits prescribed by Austroads of 1,500 vehicles per hour (although some estimates project 1,800 vehicles per hour, meaning the proposed intersection will be operating above these typical limits) This new intersection will impact the wider road network, including future traffic management for any events at Mystery Creek.
 - (v) The only interventions proposed by the Applicant that are specific to the Mystery Creek site (referred to in the Applicant's traffic reporting as the "Ashton Block") to address potential adverse effects is reference to "[managing the workers'] trips" by encouraging remote work or carpooling. These interventions are ad hoc, will not mitigate the potential adverse traffic management and safety effects discussed elsewhere in this submission and we suggest will be hard to enforce.

Conclusion

19. The submitters seek the following:

- (a) Additional traffic reporting by the Applicant addressing:
 - (i) the potential for traffic management and safety effects to arise during small and large events at the Mystery Creek site, and confirming how those effects can be avoided, remedied, or mitigated as required by law;
 - (ii) the cumulative effect of the development on the wider road network, including SH21, taking into account the planned future developments at Peacockes.
- (b) Appropriate conditions of consent to ensure surrounding amenity values are not adversely affected by the proposed development;
- (c) Any other conditions of consent that will ensure potential adverse effects from the proposal are appropriately avoided, remedied, or mitigated as required by law.

Signed on behalf of the submitters
by a duly authorised signatory

)
)
)
)

pp:



Name: Peter Nation
Chief Executive

Date: 22 October 2020

This is a submission on the application from BBC Technologies Limited and Grass Ventures, to establish an office and research facility including outdoor growing areas as a rural based industry for BBC Technologies Limited and subdivision application to establish a new title for the BBC Technologies site and to create a road splay from two existing titles.

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Support parts or all of ☐ **Oppose** parts or all of ☒ **are neutral** parts or all of ☐
include—

- *the reasons for your views.*

Set out in Attachment 1

I seek the following decision from the consent authority:

give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought

That the consent declined unless certainty is provided around the traffic mitigation and visual mitigation measures set out in Attachment 1 to this submission. If the application is granted, it should be subject to conditions that provide certainty around those matters.

I wish (or do not wish) to be heard in support of my submission.

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Signature of submitter: *Kathryn Drew on behalf of WRAL and TPL*

(or person authorised to sign on behalf of submitter) (A signature is not required if you make your submission by electronic means.)

Date: 22 October 2020

Contact person: *Kathryn Drew – Bloxam Burnett & Olliver*
(name and designation, if applicant)

Postal address: *C/- Bloxam Burnett & Olliver, PO Box 9041, Hamilton*
(or alternative method of service under section 352 of the Act):

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- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Privacy information

The information you have provided on this form is required so that your submission can be processed under the RMA. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission.

ATTACHMENT 1

Submission by Waikato Regional Airport Ltd and Titanium Park Developments Ltd on LU/0154/20 and SP/0082/20 – BBC Technologies Ltd and Grass Ventures Ltd

1. Submitters

This submission is lodged on behalf of Waikato Regional Airport Ltd (WRAL) and Titanium Park Ltd (TPL) on the concurrent landuse and subdivision consent application lodged by BBC Technologies and Grass Ventures Ltd (herein referred to as BBC Technologies).

The submission is a joint submission on behalf of both submitters.

WRAL is the owner and certified operator of the Hamilton Airport (the Airport), which is the key regional airport in the Waikato and a valuable resource for the Waipa District, Hamilton City and the greater Waikato Region. TPL has been established to manage and develop the portions of the Titanium Park land that is controlled by the WRAL. Together these entities form what is referred to in this submission as the WRAL Group.

Both submitters wish to be heard in support of their submission.

Neither submitters are trade competitors for the purposes of the Resource Management Act 1991.

Both submitters are willing to engage in direct discussions or other alternative dispute resolution processes with the Applicant and other interested parties.

2. Background

2.1 *The Airport*

Hamilton Airport is a critical part of the Waikato Region's transport infrastructure. The Airport was established at its current site at Rukuhia off State Highway 21 (SH21) in 1935. During World War 2 it was taken over by the Royal New Zealand Airforce. In 1946 the air force operation officially ended, and the Waikato Aero Club began flying from the airport.

Since then, the Airport has developed into a regional airport with scheduled domestic passenger services, and in the mid-1990s and 2000s operated as an international airport through the introduction of scheduled flights to Australia. The international flights have since been discontinued.

2.2 *Long Term Planning and Structure Plan*

During 2004, the WRAL Group undertook a comprehensive review of their land holdings, with a view to planning development of the Airport and its surrounds. As a result, they identified 173ha of land for their long-term operational needs including runways, runway extensions, safety areas, taxiways, navigation aids and the passenger terminal. They also identified approximately 117ha of land not needed for the direct operational requirements of the Airport, which became known as the Titanium Park Business Park.

To bring the development potential into fruition, WRAL entered into a joint venture with McConnell Property, called the Titanium Park Joint Venture (TPJV).

In 2007 TPJV lodged a plan change with the Council to rezone land from Rural to Airport Business. (then Plan Change 57¹). As part of that plan change application, a transportation assessment was completed that addressed the transportation effects and access options to the airport and Titanium Park. That process resulted in the land being rezoned to Airport Business Zone in the Waipa District Plan (the District Plan) in 2008 and included a Structure Plan for the area.

The Structure Plan defined the transportation arrangements for the Airport for the long-term growth of the Airport and Titanium Park.

The Structure Plan process also culminated in the signing of a Memorandum of Agreement (MoA) between the NZ Transport Agency and TPJV. The MoA defined the future intersection configurations and a series of effects-based triggers and monitoring requirements to determine when the new roundabout was to be planned, designed and constructed, and the existing intersection with SH21 closed.

In 2016, the TPJV was dissolved and a new entity, TPL took responsibility for managing and developing the Central and Southern Precincts of Titanium Park and overseeing the wider WRAL land holdings.

In 2018, the WRAL Group lodged a further plan change² with the Waipa District Council to amend the Structure Plan as it related to the access arrangement for the eastern side of the Airport. The plan change became operative on the 16 September 2019³. The fundamental changes enabled by this plan change were a revised access strategy (i.e. a new roundabout north of the existing terminal access to service the Central Precinct and Terminal and a separate intersection from SH21 to service the Southern Precinct) and an amended indicative internal roading layout. Development is now progressing on the basis of this updated Structure Plan arrangement which is evident in the alignment of Ossie James Drive and the construction of a new access point into the Southern Precinct from SH21.

2.3 *Memorandum of Agreement*

These changes enabled by Plan Change 10 have not absolved the WRAL Group from their obligations under the MoA. The MoA covers both the main access and the Raynes Road/SH21 intersection and records obligations on parties to investigate, design and potentially upgrade State highway intersections around the Airport. One of those is the SH21/Raynes Road intersection.

The MoA includes a preliminary intersection upgrade design for the intersection, which sees the intersection retained as a T, but moved 35m south of its existing location and removal of the existing left turn slip lane from SH21 to Raynes Road which is a very poor geometric design. The design and subsequent construction of this updated is subject to a 'trigger' based on elevated injury crash rates and delays.

¹ Incorporated into the Waipa District Plan on the 1 December 2008.

² Plan Change 10

³ See Appendix S10 of the Waipa District Plan for the Structure Plan.

2.4 Meridian 37 Development

On the 12 September 2019 Waipa District Council granted a land use consent⁴ to Meridian 37 Ltd for a Comprehensive Development Plan (CDP) for the Raynes Road industrial land. The CDP approval provides an enabling infrastructure framework for future development of the Rayne Road industrial zone on behalf of all landowners within that zone.

A key matter discussed and modelled through the consenting of the CDP was the performance of the Raynes Road/SH21 intersection and its future formation. A set of conditions were agreed between the Meridian 37, NZ Transport Agency, Waikato Regional Airport Ltd and Titanium Park Ltd, as part of that consenting process, that directly relate to the intersection and development potential within the CDP until such time as intersection improvements were made. It was also agreed in principle through this consenting process that the intersection form was now likely to be a roundabout, as opposed to the relocated T intersection that is provided for in the MoA.

Because of uncertainty in the wider network and because an intersection design has not been advanced, Meridian 37s development potential is capped to 296 vehicles which any 1-hour period during the 7-9am peak period and 4-6pm peak period, Monday to Friday, until the intersection is upgraded⁵. Alternatively, Meridian 37 can enter into a development agreement with Council that provides for the payment of a financial contribution towards the SH21/Raynes Road intersection upgrade⁶, which would alleviate the cap on their movements.

Meridian 37 is therefore an additional party to the upgrade of the SH21/Raynes Road intersection, over and above that set out in the MoA.

3. Our submission is:

The WRAL Group are generally supportive of the BBC Technologies development and development of this scale around the Airport environs, as such development builds on the industrial and employment hub that is being established at Titanium Park and on the Meridian 37 land.

The WRAL Group does however have a couple of specific concerns about the development, as noted below, because of the potential unintended consequences that the BBC Technologies proposal may have on historic agreements and associated network improvements that the WRAL Group is party too. In this respect, the WRAL Group are of the opinion that the BBC Technologies proposal cannot be considered in isolation. The Airport environs and the associated roading network and responsibilities for improvements within the network are complex and will come under increased pressure. There are also several unknowns directly related to growth on the network as a result of the growth in Peacocks, the opening of the Hamilton Section and the timing of Southern Links.

WRAL Group request that both the NZ Transport Agency and Council take a wider strategic approach for the Airport environs.

⁴ Waipa DC reference LU/0129/18

⁵ Condition 35 of LU/0129/18

⁶ Condition 37 of LU/0129/18

The WRAL Group request that as part of the assessment of the BBC Technologies application the Transport Agency and Waipa District Council need to be satisfied that the outcomes proposed are appropriate for the long-term use of the wider transportation network. Furthermore, WRAL Group is of the opinion that any party that is generating significant new traffic on the network should be party to any upgrades proposed to address the safety and efficiency of the network.

The WRAL Group's interest in the BBC Technologies proposal principally arises from it being a party to the MoA and thus having a future obligation to be a party that funds the upgrade of the Raynes Road/SH21 intersection.

The WRAL Group consider that the MoA and the intersection upgrade are relevant matters for BBC Technologies, because:

1. The proposal will generate high levels of additional traffic on a network in which volumes are expected to increase, with the eventual increase being difficult to quantify.
2. The estimated trip distribution is that 60% of the traffic leaving and arriving at the site will do so via the Raynes Road/SH21 intersection. This equates to an additional 117 veh/hr in both AM and PM peak using the intersection.
3. The 117 vehicles will increase delay's for vehicles turning right out of Raynes Road. The delay is estimated to be 236s/veh, however with sensitivity testing on gap acceptance and growth rate, the delay decreases to approximately 65s/veh.

The WRAL Group position is that the BBC Technologies proposal will have an effect on the delay experienced by vehicles at the Raynes Road/SH21 intersection and they should thus be party to the, yet to be agreed, intersection improvements.

The consequence is that the BBC Technologies proposal will indirectly bring forward the timing of the upgrade, which has a direct financial obligation on the WRAL Group. It would be an unfair burden to the WRAL Group if the timing of this upgrade is brought forward, particularly in a post Covid world.

No constraints on development of the BBC Technologies site have been proposed, in the same way they were imposed on the Meridian 37 CDP consent even, to avoid or alleviate the delays created to avoid the them being a party of the upgrade works, or avoiding their timing being brought forward.

WRAL Group believe further discussions need to be had between Meridian 37, the NZ Transport Agency, WRAL Group and BBC Technologies to address the impacts the BBC Technologies proposal will have on delays at the Raynes Road/SH21 intersection.

The WRAL Group seeks an outcome from those discussions that would lead to an agreed upgrade and shared funding approach between all parties for the upgrade, if and when required. Once that agreement is reached it may be possible to include a suitable condition of consent.

WRAL Group are also concerned about the visual effects of the proposal and specifically the interface between the proposed parking area and the Lochiel Road intersection. Both the development of

Titanium Park⁷ and the Raynes Road industrial land⁸ have landscaping requirements for the purposes of visual containment. The scale of the BBC Technologies proposal would warrant similar planting requirements being imposed.

4. The WRAL Group seeks the following decision from the consent authority:

Appropriate conditions on any consent to reflect an agreed position in relation to the need for, the form, timing and funding of an upgrade to the Raynes Road/SH21 intersection.

A requirement to undertake/provide landscaping between the development and the sites boundaries with Lochiel Road and SH21.

Any other conditions that have the same effect.

⁷ Rule 10.4.2.6 of the District Plan requires sites with boundaries adjacent to SH21 to be landscaped to a minimum depth of 5m.

⁸ Rule 7.4.2.12 of the District Plan requires front sites within the industrial zone to be landscaped along the road boundary to a depth of 2m.

**WAKA KOTAHI NZ TRANSPORT AGENCY SUBMISSION ON RESOURCE CONSENT APPLICATION FOR
BBC TECHNOLOGIES LIMITED AND GRASS VENTURES LIMITED**

TO: Waipa District Council
Private Bag 2402
TE AWAMUTU 3840

ATTENTION: Todd Whittaker

SUBMITTER: Waka Kotahi NZ Transport Agency
PO BOX 973
Waikato Mail Centre
HAMILTON 3240

ATTENTION: Emily Hunt
Phone: 07 958 7884
Email: consentsandapprovals@nzta.govt.nz

Resource Consent Application - LU/0154/20 & SP/0082/20 – BBC Technologies Limited and Grass Ventures Limited

This submission is related to Resource Consent Applications LU/0154/20 & SP/0082/20, notified by Waipa District Council on the 24 September 2020, and is on behalf of Waka Kotahi NZ Transport Agency (Waka Kotahi).

Summary

Waka Kotahi is neutral to the proposed land use application to establish an office and research facility at 35 Lochiel Road and 236 Airport Road, Hamilton, and the associated subdivision application to establish a new title and to create a road splay. The applicant has previously engaged with Waka Kotahi and was advised that, subject to conditions, Waka Kotahi was not opposed to the proposed activity.

Should the Council be of mind to grant consent, Waka Kotahi has identified the conditions it considers necessary to avoid and/or mitigate potential adverse effects of the activity on the transport network and seeks these are imposed. These conditions are the same as communicated to the application in the mitigation letter of 12 October 2020 (attached).

The Role of NZ Transport Agency Waka Kotahi

Waka Kotahi is a Crown entity with the sole powers of control for all purposes of all State Highways. The Transport Agency is also a significant investor in the local road network. The Transport Agency's objective, functions, powers and responsibilities are derived from the Land Transport Management Act 2003 (LTMA), and the Government Rounding Powers Act 1989 (GRPA). The statutory objective of the Transport Agency is to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest¹.

Background

Waka Kotahi was initially approached to provide guidance on the preferred option of access to the subject site, being either directly off the highway or via local road Lochiel Road. Waka Kotahi advised that priority should be given to the limited access road status of State Highway 21, and as such there was a preference to upgrade the side road ahead of a new direct access to the highway.

In accordance with this advice, the applicant proposes to address the effects of the additional vehicle movements generated by the proposed activity by constructing a right turn bay at the intersection of State Highway 21 and Lochiel Road. Improvements are also required to improve sight distances at the intersection and a section of road is proposed to be vested with Waka Kotahi to ensure the sightlines are maintained in perpetuity.

Waka Kotahi appreciates the consultation undertaken by the applicant since late 2019. Given the complexities of the transport network surrounding Hamilton Airport area there has been extensive reviews of the information provided and much consideration of how to best mitigate the effects of the development, taking into consideration the constraints of the existing environment.

Following consultation, Waka Kotahi issued a response requiring the following conditions:

1. No works shall be undertaken within State Highway **21** without the prior approval of the NZ Transport Agency pursuant to Section 51 of the Government Rounding Powers Act 1989. A *Traffic Management Plan* and *Consent to Work on the Highway* shall be submitted to and approved by the Transport Agency at least seven working days prior to the commencement of any works on the state highway.

¹ LTMA Section 94

2. The consent holder shall submit a detailed intersection design in accordance with Austroads Guide to Road Design and the NZTA Manual of Traffic Signs and Markings (MOTSAM) for review and approval by the Transport Agency prior to construction.
3. The detailed intersection design is to include:
 - a. Left turn-in shoulder widening to be provided at the State Highway 21/Lochiel Road intersection to achieve a 2.5m wide shoulder for 90m from the centreline of Lochiel Road (Diagram E left turn-in treatment);
 - b. Demonstration that sight lines can be achieved for the required sightlines for the posted speed;
 - c. Demonstration that the land vested in the Transport Agency (Lot 4) is large enough to ensure site distances are achieved in perpetuity;
 - d. Stormwater design for the pavement widening based on site survey and modelling to ensure no adverse impacts on the highway;
 - e. Lighting to ensure the lighting is compliant at the intersection;
 - f. Road marking and methodology for removing ghost marking;
 - g. Pavement and surfacing design - the shoulder widening is to receive a second coat seal within 12 months of completing the first coat seal;
 - h. Signage details - the existing chevron sign is to be upgraded;
 - i. Mitigation of any adverse effects on the existing cross culvert on State Highway 21.
4. The consent holder shall enter into a bond agreement with the NZ Transport Agency for the completion of the second coat seal for the intersection upgrade within 12 months from the completion of the first coat seal. The bond agreement is to be established as part of the corridor access request (CAR) application and the consent holder is advised to submit the application no less than 4 weeks prior to construction.
5. The consent holder shall undertake a road safety audit at detailed design and post construction stages in accordance with NZTA Road Safety Audit Procedures for Projects. The results of the audit are to be provided to the Transport Agency for review and approval.
6. The consent holder shall provide a stormwater management plan which demonstrates that the runoff for a 10 year ARI will be managed on-site and discharge into the state highway road reserve will be no greater than the pre-development levels.
7. The access onto State Highway 21 (CP 67-13) that is to be retained for residential use is to be sealed to the boundary.

8. The consent holder shall undertake a pre-construction condition survey of the intersection prior to construction and provide the results of this to the NZ Transport Agency. The consent holder shall reinstate worn intersection control markings (e.g. limit lines) as a result of the truck movements and any tracking of mud/debris on the wheels of the trucks as well as any pavement/surfacing defects (e.g. shoves, chip loss, potholes etc).
9. Prior to construction activities commencing on site, the consent holder shall prepare a Construction Management Plan to incorporate the activities authorised by this application and provide to the NZ Transport Agency for review and approval.
10. Signage shall be restricted to a single sign visible from the state highway. The sign is to be located outside of sight lines and be designed in accordance with the NZ Transport Agency Traffic Control Devices Manual -Part 3 Advertising Signs and the NZ Transport Agency P/24 Traffic Signs Performance Base Specification to ensure sign foundations which do not pose a safety risk if struck by an errant vehicle. Prior to construction the design shall be provided to the NZ Transport Agency for review and approval.
11. The consent holder shall provide a Travel Demand Management (TDM) Plan to the NZ Transport Agency for review that outlines the measures to be implemented to achieve strong mode shift outcomes to alternative, non-motorised and future public transport utilisation, provision of ride sharing and minimisation of single occupant private trip making.

The Waka Kotahi Submission

Waka Kotahi has reviewed the application documents associated with LU/0154/20 & SP/0082/20 lodged with Waipa District Council and received comment from the applicant on the draft mitigation letter circulated for comment. As a result, Waka Kotahi note the following:

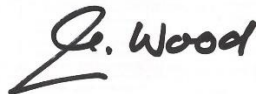
1. The applicant has confirmed they are agreeable to the conditions imposed by Waka Kotahi;
2. The application is of the same scale and intensity as that which Waka Kotahi initially reviewed, with the exception that a standalone and separate resource consent is to be sought for bulk earthworks to occur prior to decisions being issued for the current application. Waka Kotahi understands that the applicant will approach Waka Kotahi separately for comment on this earthworks consent.

Decision Requested

Should the Council be of a mind to grant consent, Waka Kotahi NZ Transport Agency seeks that the conditions outlined above be imposed.

The Transport Agency **does** wish to be heard in support of this submission.

The Transport Agency **does not** wish to present joint evidence.

A handwritten signature in black ink that reads "Mike Wood". The signature is stylized, with a large, sweeping initial "M" and a cursive "W".

Signed by Mike Wood

Principal Planner - Consents and Approval

Under delegated authority for the NZ Transport Agency

Date: 16.10.2020

BBC Technologies Limited & Grass Ventures Limited c/- Mitchell Daysh Limited
Abbie Fowler
PO Box 1307
Hamilton 3240

12 October 2020

Delivered via email: abbie.fowler@mitchelldaysh.co.nz

Dear Abbie,

Subdivision and subsequent establishment and operation of a research and manufacturing campus for BBC Technologies Limited- 35 Lochiel Road and 326 Airport Road (State Highway 21)

Thank you for submitting your client's proposal to Waka Kotahi NZ Transport Agency (Waka Kotahi) for comment. As you will appreciate, millions of dollars are invested in the transport network each year and the Transport Agency has an interest in ensuring this investment is not compromised, including by ensuring land use and subdivision do not impact on the safety and efficiency of the transport network.

Waka Kotahi understands that your clients are seeking land use consent to establish and operate a new research and manufacturing campus (which is considered a rural based industry in the Waipa District Plan) for BBC Technologies in the Rural Zone. The following activities, buildings and development are proposed:

- A 6,012m² building comprising of the following – Warehousing (1,650m²), Manufacturing (1,650m²), Office and Administration (2,712m²);
- 258 carparks (within a carparking area of 8,537m²)
- Change in access arrangements to the site;
- An outdoor area for growing fruit.

A subdivision consent is also sought to create three lots from two existing titles (to be undertaken by Grass Ventures Limited) of which one lot will encompass the BBC Technologies development. Balance lots not utilised by BBC Technologies will continue to be used for rural residential uses.

Waka Kotahi was initially approached to provide guidance on the preferred option of access to the site, being either directly off the highway or via local road Lochiel Road. Waka Kotahi advised that priority should be given to the limited access road status of State Highway 21, and as such there was a preference to upgrade the side road ahead of a new direct access to the highway.

In accordance with this advice, the applicant proposes to address the effects of the additional 1,241 vehicle movements per day generated by the proposed activity by constructing a right turn bay at the intersection of State Highway 21 and Lochiel Road. Improvements are also required to improve sight distances at the intersection and a section of road is proposed to be vested with Waka Kotahi to ensure the sightlines are maintained in perpetuity.

Waka Kotahi appreciates the consultation undertaken by the applicant since late 2019. Given the complexities of the transport network surrounding Hamilton Airport area there has been extensive reviews of the information provided and much consideration of how to best mitigate the effects of the development, taking into consideration the constraints of the existing environment.

Waka Kotahi has reviewed the following documents:

- The application document titled “New Campus for BBC Technologies, Resource Consent Applicant & Assessment of Environmental Effects for Landuse and Subdivision Consents” dated 30 June 2020, prepared by Mitchell Daysh;
- Gray Matter Integrated Transport Assessment, Issue 1, 2 June 2020;
- Gray Matter ITA Addendum dated 29 June 2020;
- Gray Matter ITA Addendum (Issue 2) dated 28 August 2020.

Based on the information provided, Waka Kotahi requires the following conditions to be met so as to avoid/mitigate effects on the transport network. Subject to these conditions being met, Waka Kotahi is not opposed to the proposal as detailed in the application.

Conditions

1. No works shall be undertaken within State Highway 21 without the prior approval of the NZ Transport Agency pursuant to Section 51 of the Government Roadings Powers Act 1989. A *Traffic Management Plan* and *Consent to Work on the Highway* shall be submitted to and approved by the Transport Agency at least seven working days prior to the commencement of any works on the state highway.
2. The consent holder shall submit a detailed intersection design in accordance with Austroads Guide to Road Design and the NZTA Manual of Traffic Signs and Markings (MOTSAM) for review and approval by the Transport Agency prior to construction.
3. The detailed intersection design is to include:
 - a. Left turn-in shoulder widening to be provided at the State Highway 21/Lochiel Road intersection to achieve a 2.5m wide shoulder for 90m from the centreline of Lochiel Road (Diagram E left turn-in treatment);
 - b. Demonstration that sight lines can be achieved for the required sightlines for the posted speed;
 - c. Demonstration that the land vested in the Transport Agency (Lot 4) is large enough to ensure site distances are achieved in perpetuity;
 - d. Stormwater design for the pavement widening based on site survey and modelling to ensure no adverse impacts on the highway;

- e. Lighting to ensure the lighting is compliant at the intersection;
 - f. Road marking and methodology for removing ghost marking;
 - g. Pavement and surfacing design – the shoulder widening is to receive a second coat seal within 12 months of completing the first coat seal;
 - h. Signage details – the existing chevron sign is to be upgraded;
 - i. Mitigation of any adverse effects on the existing cross culvert on State Highway 21.
4. The consent holder shall enter into a bond agreement with the NZ Transport Agency for the completion of the second coat seal for the intersection upgrade within 12 months from the completion of the first coat seal. The bond agreement is to be established as part of the corridor access request (CAR) application and the consent holder is advised to submit the application no less than 4 weeks prior to construction.
 5. The consent holder shall undertake a road safety audit at detailed design and post construction stages in accordance with NZTA Road Safety Audit Procedures for Projects. The results of the audit are to be provided to the Transport Agency for review and approval.
 6. The consent holder shall provide a stormwater management plan which demonstrates that the runoff for a 10 year ARI will be managed on-site and discharge into the state highway road reserve will be no greater than the pre-development levels.
 7. The access onto State Highway 21 (CP 67-13) that is to be retained for residential use is to be sealed to the boundary.
 8. The consent holder shall undertake a pre-construction condition survey of the intersection prior to construction and provide the results of this to the NZ Transport Agency. The consent holder shall reinstate worn intersection control markings (e.g. limit lines) as a result of the truck movements and any tracking of mud/debris on the wheels of the trucks as well as any pavement/surfacing defects (e.g. shoves, chip loss, potholes etc).
 9. Prior to construction activities commencing on site, the consent holder shall prepare a Construction Management Plan to incorporate the activities authorised by this application and provide to the NZ Transport Agency for review and approval.
 10. Signage shall be restricted to a single sign visible from the state highway. The sign is to be located outside of sight lines and be designed in accordance with the NZ Transport Agency Traffic Control Devices Manual – Part 3 Advertising Signs and the NZ Transport Agency P/24 Traffic Signs Performance Base Specification to ensure sign foundations which do not pose a safety risk if struck by an errant vehicle. Prior to construction the design shall be provided to the NZ Transport Agency for review and approval.
 11. The consent holder shall provide a Travel Demand Management (TDM) Plan to the NZ Transport Agency for review that outlines the measures to be implemented to achieve strong mode shift outcomes to alternative, non-motorised and future public transport utilisation, provision of ride sharing and minimisation of single occupant private trip making.

Advice Notes

1. This section of SH21 is currently on the maintenance forward works plan to be resurfaced with asphalt in the 22/23 financial year. The applicant is to liaise with the NZ Transport Agency on the timing of the works to allow forward planning and asset management practices to be adhered to.
2. The intersection improvements are to be undertaken within the construction season and any localised defects (e.g. tracking of debris, accelerated deterioration of surfacing and pavement, wearing of delineation such as the limit line etc) as a result of the construction traffic for the on-site facilities is to be rectified by the applicant at their cost to the NZ Transport Agency's satisfaction.

To apply for any necessary approvals or for confirmation that the above conditions have been met, please contact the Transport Agency directly on consentsandapprovals@nzta.govt.nz or call 07 958 7220.

Please be aware that this response is the current Waka Kotahi view of the situation. If your application changes or is put on hold for any length of time, the Transport Agency may need to review the application again. Thank you for undertaking consultation with us. Please feel free to contact me if you have any questions or require further information.

Yours sincerely



Emily Hunt

Planner

DDI: 07 958 7884

Email: emily.hunt@nzta.govt.nz

This is a submission on the application from BBC Technologies Limited and Grass Ventures, to establish an office and research facility including outdoor growing areas as a rural based industry for BBC Technologies Limited and subdivision application to establish a new title for the BBC Technologies site and to create a road splay from two existing titles.

I am/am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I am/am not directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

The specific parts of the application that my submission relates to are:

MY PRIVACY, MY SECURITY, THIS IS A COMMERCIAL/
INDUSTRIAL PROJECT UNDER THE GUISE OF A
BLUEBERRY ORCHARD.

My submission is:

Support parts or all of ☐ Oppose parts or all of ☒ are neutral parts or all of ☐
include—

- the reasons for your views.

AS ABOVE. I HAVE A LOVELY PROPERTY IN A RURAL
AREA. THIS OPERATION BORDERS THE ENTIRE LENGTH OF IT
NOISE, TRAFFIC, SECURITY.

I seek the following decision from the consent authority:

give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought

IT IS TOTALLY WRONG IN WHAT THEY ARE TRYING
TO DO. THEY COULD PLANT THE ORCHARD NO PROBLEM. INDUSTRIAL
COMMERCIAL PROPERTY IS AVAILABLE ACROSS AIRPORT ROAD.

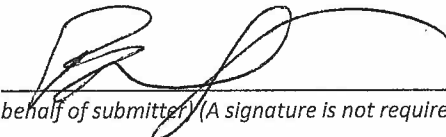
I wish (or do not wish) to be heard in support of my submission.

- ☒ I do wish to be heard in support of my submission
(this means that you will speak at the hearing)
- ☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)
- ☒ If others make a similar submission I will consider presenting a joint case with them at the hearing.

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.

- ☒ I have served a copy of my submission on the applicant.
(this is required by section 96(6) (b) of the Resource Management Act 1991)

I request/do not request*, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to one or more hearings commissioners who are not members of the local authority.

Signature of submitter: 
(or person authorised to sign on behalf of submitter) (A signature is not required if you make your submission by electronic means.)

Date: 19/10/20 Contact person: PETER ANNEGARN
(name and designation, if applicant)

Postal address: 374 LOCHIEL RD RD2 HAMILTON
(or alternative method of service under section 352 of the Act):

Notes to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

If you make your submission in hard copy please deliver to Waipa District Council, 101 Bank Street, Te Awamutu or 23 Wilson Street, Cambridge or post to Private Bag 2402, Te Awamutu 3840

If you make your submission by electronic means, a signature is not required. Electronic submissions on resource consent applications must be directed to submissions@waipadc.govt.nz.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Privacy information

The information you have provided on this form is required so that your submission can be processed under the RMA. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission.