

IN THE MATTER

of the Resource
Management Act 1991

AND

An application from BBC
Technologies Limited and
Grass Ventures Limited (the
Applicant)

FOR

Land Use Consent and
Subdivision Consent to
establish a research,
administration and
manufacturing facility for
BBC Technologies.

SUPPLEMENTARY STATEMENT OF EVIDENCE (PLANNING)

Todd Whittaker (MNZPI)

For Waipa District Council

4 December 2020

1 Introduction

1. My name is Todd Whittaker and I am an independent planning consultant. I am the author of the S.42A report dated 16 November 2020.
2. I work as an independent planning consultant and Director of Planning Works Limited. I have a Bachelor of Resource and Environmental Planning from Massey University, 1994 and I am a full member of New Zealand Planning Institute (NZPI). I have 24 years of professional experience in the resource management field and have previously served on the Board of the NZPI.
3. I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 in preparing this report. I agree to comply with it in presenting this report and any evidence at the hearing. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me which might alter or detract from the opinions I express in this evidence.
4. I have prepared this brief statement to complete my assessment and recommendations of the application. I have addressed the technical evidence presented by the Applicant and from Mr Tim Lester on behalf of Peter Annegarn and also provide updated conditions. I have also commented briefly on the statement from Ms Emily Hunt on behalf of the NZ Transport Agency.
5. In summary, I support the granting of consent subject to conditions.

2 Scope Of Evidence

6. My full assessment and recommendation on the application and submissions are set out in the S.42A planning report dated 16 November 2020.
7. This statement addresses the following topics;
- Activity status and location of the BBC Technologies facility;
 - Objectives and Policies;
 - Interface with Lochiel Road and Mr and Mrs Clark's property;
 - NZTA Evidence, and
 - Proposed Conditions.

3 Activity status and location of the BBC Technologies facility

8. The Applicant has provided some additional discussion around the selection of the subject site and the functional need of the BBC Technologies facility to be located within a rural area¹. The planning evidence from Mr Lester on behalf of Peter Annegarn challenges the activity status and in particular whether there is a functional need for the BBC Technologies facility to be located within a rural area.
9. The Applicant's evidence is based around four key assertions being;
- The process to identify a suitable site has taken 10 years²;
 - Waipa is the home of BBC Technologies³;
 - The BBC Technologies facility will have a significant focus on research and development⁴, and
 - Having a test plot on site is an *essential bottom line* and it would be *grossly inefficient to operate the business from multiple sites*⁵;

¹ Geoff Furniss (Company Evidence), dated 24 November 2020, para 19-21,

² Ibid, para. 19.

³ Ibid, para. 20.

⁴ Ibid, para. 21.

⁵ Ibid, para. 21

10. Mr Lester considers that the majority of the activities conducted by BBC Technologies fall within the definition of *Industrial Activity* and that the Applicant has not presented a *fair and reasonable assessment* of the activity status and that the *functional need logic is flawed*⁶.
11. In my opinion, and for the reasons set out in my S.42A report, I consider that the activity can be considered a *Rural Based Industry*. I remain of the opinion, that the definition provides a very wide scope for activities to fall within the definition based on its broad nature and reference to activities having a direct connection to the rural and horticultural sector.
12. In terms of the evidence from Mr Lester, I concur that many of the components of the BBC Technologies operation may also be considered as part of an industrial activity. However, I disagree that the nature and type of activity is more specifically a industrial activity rather than a Rural Based Industry activity as defined by the Waipa District Plan. As such, I consider a Discretionary Activity applies in terms of the land use component.
13. In regards to the functional need for the activity to be located within a rural area, I consider there are still questions regarding the BBC Technologies business model and operation. It appears the Applicant's case for a rural location is primarily based on the co-location of the horticultural test plot. Mr Lester has questioned why produce could not be brought to the site and the lead in time to establish a viable growing operation⁷ which I consider are fair questions which should be addressed by the Applicant. I have also raised questions around the existing operation and business model in my original S.42A report. While Mr Furniss has addressed this in general terms, this does not in my opinion reach a threshold of being *compelling* evidence in accordance with the policy direction of Policy 1.3.1.5(d).
14. Overall, it is my opinion, that the BBC Technologies proposal is able to be considered under the Rural Based Industry definition however its scale, size and location are all matters which must duly be considered in terms of the assessment of effects on the environment and the objectives and policies of the Waipa District Plan.

⁶ Lester Evidence, dated 1 December 2020, para 24 and para. 56.

⁷ Ibid, para 55, 59, and 62.

4 Objectives and Policies

15. In my S.42A report, I set out an assessment of Objective 4.3.12 and Policy 4.3.12.1 in terms of *non-farming activities*. This assessment was made on the incorrect understanding that *non-farming activities* would include a Rural Based Activity.
16. I accept the evidence from Mr Crisp that *non-farming activities* are defined in the Waipa District Plan and exclude Rural Based Industry and therefore the above provisions do not technically apply to the proposal. This does seem difficult to reconcile with the overall policy direction for the Rural Zone in the sense that the BBC Technologies proposal is not a *farming* activity as per the definition of farming under the Waipa District Plan and neither is it a *non-farming* activity.
17. I also note that the Strategic Policy framework for development within the Rural Zone specifically refers to Rural Based Industry and Policy 1.3.1.5(d) states that these activities shall have a functional and compelling need to locate in the Rural Zone. This mirrors the provisions of Policy 4.3.12.1 and as such, the *functional and compelling* policy setting is still relevant to the proposal.

5 Interface with Lochiel Road and Mr and Mrs Clark's property.

18. Mr Chrisp has confirmed that the Applicant will undertake works on Mr and Mrs Clarks property subject to their co-operation and agreement. The details of these works are provided in the Mitchell Daysh letter of 17 September 2020. The Applicant will also undertake works to form a bund and landscaping along the subject site frontage to mitigate the adverse visual, noise and traffic light effects.
19. Mr and Mrs Clark have not provided any response to my S.42A report or to the evidence from the Applicant. I support both the provision for works on Mr and Mrs Clark's property and the subject site frontage treatment. I would prefer a landscape plan to be presented now to show the planting and final bund profile and extent of screening as this would give certainty to the conditions. However, the conditions can make provisions for a landscape plan to be prepared and approved by Council.

6 NZTA Evidence.

20. Ms Emily Hunt has prepared a statement following on from the submission lodged to the application from the NZ Transport Agency.
21. Ms Hunt refers to the timing of the intersection works and confirms that the bulk earthworks can be completed prior to the intersection upgrade⁸ and provides some background and basic details on the MOU for the Raynes Road intersection⁹.
22. In my opinion, there are no matters arising from Ms Hunt's evidence that requires further consideration.

7 Proposed Conditions.

23. The Applicant has provided commentary and amendments on the draft conditions. None of the submitters have provided specific comments on the conditions . I have prepared an updated set of conditions which has included reference to the amendments proposed by the Applicant and also taking into account the technical input from Council staff. These are set out in **Appendix 1**.

6 Recommendation and Conclusions

24. I am satisfied that the BBC Technologies proposal can be granted with appropriate conditions that will mitigate the effects of the activity on the local area and neighbours.
25. In terms of the District Plan provisions, the Commissioners will need to consider the activity status of the activity and its alignment with the provisions of the Rural Zone. I am satisfied that the activity can be considered as a Rural Based Industry which has a Discretionary Activity status.

⁸ Hunt evidence dated 1 December 2020, para. 6.3.

⁹ Ibid, para. 7.1 to 7.6.

26. The strategic policy direction requires Rural Based Industry to have a functional and compelling reason to establish in a Rural Zone. In my opinion, there are some valid questions around the need for a rural location. However the BBC Technologies facility is clearly associated with the horticultural sector and it does incorporate a horticultural test plot which establishes a connection to the rural area and includes a substantial component of rural research and development.
27. In my opinion, the Applicant's evidence at this stage falls short in demonstrating a *functional and compelling need* to be located within a Rural Zone. That said, it certainly has a connection with the horticultural sector and can be distinguished from other more general industrial activities which do not have any association or connection to the rural area. In addition, Mr Furniss has provided evidence on the search for a suitable site taking into account the business and operational requirements of BBC Technologies and that the current site was only identified after a 10 year search for a new site.

I recommend consent be granted to the land use and subdivision proposal subject to appropriate conditions.



Todd Whittaker (MNZPI)
Independent Planning Consultant
4 December 2020

APPENDIX 1 – Updated Conditions

BBC Technologies Application

S.42A Report UPDATED DRAFT Consent Conditions

4 December 2020

The following conditions have been updated following the exchange of evidence. Note: the final condition numbering will need to be completed taking into account any new or deleted conditions.

LAND USE CONSENT

Draft Conditions from S.42A dated 16 November 2020	Changes proposed by applicant/submitters	Commentary and updated S.42A report recommendations
<p>General Condition</p> <p>1. The activities shall be carried out in general accordance with the following material;</p> <p>a) Application titled “BBC Technologies Limited & Grass Ventures Limited: New Campus for BBC Technologies, Resource Consent Application and Assessment of Environmental Effects for Landuse and Subdivision Consents”, dated 30 June 2020, prepared by Mitchell Daysh Limited;</p> <p>b) A Cultural Values Assessment from Ngati Haua dated 11 August 2020;</p> <p>c) A discussion on activity status and the nature of the proposed activity in relation to the Rural Industry definition (email from Abbie Fowler dated 4 September 2020);</p>	<p>Applicant: No changes</p> <p>Submitters: No changes</p>	

<p>d) Noise assessment from Marshall Day Acoustics revision dated 11 November 2020;</p> <p>e) An updated addendum to the Integrated Transportation Assessment and further responses to traffic related issues dated 28 August 2020; and</p> <p>f) Revised scheme plan and correspondence – Mitchell Daysh letter dated 4 November 2020,</p> <p>unless otherwise altered by these consent conditions, which shall take precedence.</p>		
<p>Design</p> <p>2. The consent holder shall submit to Waipa District Council final detailed engineered design drawings and construction methodologies for the activities that are the subject of this consent at least 10 days prior to the commencement of the construction works.</p>	<p>Applicant: No changes</p> <p>Submitters: No changes</p>	
<p>Regional Consents</p> <p>3. The development shall not become operational unless and until all relevant Waikato Regional Council consents have been obtained.</p>	<p>Applicant: No changes</p> <p>Submitters: No changes</p>	

<p>Prior to Construction</p> <p>4. The consent holder shall notify the Waipa District Council enforcement team in writing at least two weeks prior to the commencement of activities associated with this consent.</p> <p>5. The consent holder shall appoint a representative prior to the exercise of this consent who shall be the Waipa District Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Waipa District Council of the representative's name and contact details prior to this consent being exercised.</p> <p>6. Prior to construction activities commencing on site, the consent holder shall prepare a Construction Management Plan to incorporate the activities authorised by this resource consent and provide to Waipa District Council for its certification. The plan shall address and/ or include:</p> <ul style="list-style-type: none"> a) Site management arrangements b) Proposed construction programme and hours of operations c) Parking arrangements d) Site access and management e) Anticipated truck movements and routes to and from the site during construction f) Noise management measures g) Dust management measures h) Hazardous substance management i) Erosion and Sediment Control Plan j) Temporary Traffic Management Plan <p>Subject to any other conditions of this consent, the Construction Management Plan shall be implemented and all activities shall be undertaken in accordance with the latest version of the Plan.</p> <p>7. The consent holder shall ensure that a copy of the latest version of the Construction Management Plan is kept on site and this site copy</p>	<p>Applicant: No changes</p> <p>Submitters: No changes</p>	
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<p>updated within 5 working days of any amendments being certified. The Construction Management Plan shall be produced without unreasonable delay upon request from a servant or agent of the Waipa District Council.</p>		
<p>Construction</p> <p>8. All earthworks must be carried out in accordance with good engineering practice and:</p> <ul style="list-style-type: none"> a) The Construction Management Plan shall be implemented, and all activities shall be undertaken in accordance with the latest version of the Plan; b) Be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the dust, the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows; c) Not result in alteration to the existing landform in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level; and d) avoid any hazard to persons or property. 	<p>Applicant: No changes Submitters: No changes</p>	
<p>Sediment and Erosion Control</p> <p>9. The consent holder shall ensure that appropriate erosion and sediment control measures are adopted to minimise any sediment leaving the site and entering any stormwater drains or waterway. The measures shall be implemented and maintained for the full duration of construction works.</p> <p><i>Advice Note: Stormwater Guidelines</i> <i>Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities" which can be found at http://www.waikatoregion.govt.nz. This guideline is relevant to all construction sites. The design guideline covers cutting tracks, culverts, sediment control measures, such as hay bales, silt fences, detention ponds, earth bunds, guidelines for re-vegetation.</i></p>	<p>Applicant: No changes Submitters: No changes</p>	
<p>Dust</p>	<p>Applicant: <i>10.b) Receipt of <u>verified</u> complaints</i></p>	<p>Additional wording is not supported, as Council will need to receive all complaints, and if the complaints are</p>

<div>10.</div> <div>That as a result of activities authorised by this resource consent, there must be no discharge of dust to air that causes an objectionable or offensive effect beyond the boundary of existing Lots; Lot 2 DP 482423 and Lot 5 DPS 16200 and proposed Lots; 1 - 3. If offensive or objectionable dust emissions do occur beyond the site boundaries, the dust-causing activity shall cease immediately and shall not recommence until appropriate measures have been put in place to prevent recurrence of a similar event.</div> <div>Advice Note: Effects Assessment</div> <div>That, for the purposes of this consent condition, the Waipa District Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waipa District Council determines it so after having regard to:</div> <div>a) The frequency, intensity, duration, location and effect of the dust emissions, and/or</div> <div>b) Receipt of complaints from neighbours or the public, and/or</div> <div>c) Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been issued.</div>	<div>from neighbours or the public, and/or</div> <div>Submitters: No changes</div>	<div>not upheld, then the dust nuisance will not be assessed as objectionable or offensive.</div> <div>No change proposed, retain original wording.</div>																				
<div>Construction Effects</div> <div>11.</div> <div>All construction work, including maintenance and demolition work, on any site shall be designed and conducted to ensure that noise from the site does not exceed the noise limits in the table below. Sound levels shall be measured and assessed outside buildings affected by construction noise in accordance with the provisions of NZS6803: 1999 Acoustics - Construction Noise.</div> <table><tr><th rowspan="2">Time period</th><th colspan="2">Weekdays (dBA)</th><th colspan="2">Saturdays (dBA)</th><th colspan="2">Sundays and Public Holidays (dBA)</th></tr><tr><th>Leg</th><th>Lmax</th><th>Leg</th><th>Lmax</th><th>Leg</th><th>Lmax</th></tr><tr><td>06:30-07:30</td><td>60*</td><td>75</td><td>45</td><td>75</td><td>45</td><td>75</td></tr></table>	Time period	Weekdays (dBA)		Saturdays (dBA)		Sundays and Public Holidays (dBA)		Leg	Lmax	Leg	Lmax	Leg	Lmax	06:30-07:30	60*	75	45	75	45	75	<div>Applicant: No changes</div> <div>Submitters: No changes</div>	<div>Council’s EHO, Glynn Jones, has recommended a minor change to condition 11 as follows:</div> <div>All construction work, including maintenance and demolition work, on any site shall be designed and conducted to ensure that noise from the site does not exceed the noise limits in the table below. Sound levels shall be measured and assessed outside buildings affected by construction noise in accordance with the provisions of NZS6803: 1999 Acoustics - Construction Noise.</div>
Time period		Weekdays (dBA)		Saturdays (dBA)		Sundays and Public Holidays (dBA)																
	Leg	Lmax	Leg	Lmax	Leg	Lmax																
06:30-07:30	60*	75	45	75	45	75																

	07:30-18:00	75*	90*	75*	90*	55	85			
	18:00-06:30	45	75	45	75	45	75			
12.	All earthworks and construction works shall be restricted to the hours between 7:00 am to 6:00pm Monday to Friday and on Saturdays 7:30am to 6:00pm. No such work shall occur on Sundays or public holidays.									Glynn Jones, has also condition 12 be deleted as the construction noise standards provide thresholds for noise depending on the time and day of the week.
13.	All areas of bare earth (no longer required for construction purposes) shall be revegetated or re-grassed as soon as practicably possible.									
14.	If work on site is abandoned or delayed by a period of more than 3 months, adequate preventative and remedial measures shall be undertaken to control sediment discharge, dust and any adverse visual effects and shall thereafter be maintained for so long as necessary. In particular the site shall be covered by a vegetative cover which has obtained a density of more than 80% of a normal pasture sward. All other such measures shall be of a type and to a standard which are to the acceptance of the Council’s Team Leader – Development Engineering.									
Archaeological Discovery Protocols and Cultural Values										
15.	In the event of any artefacts or remains being discovered, the applicant will cease work in the area immediately and consult with tangata whenua and other appropriate authorities in accordance with the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Any artefacts will be removed in accordance with appropriate iwi protocols and any legal requirements of the Heritage New Zealand Pouhere Taonga Act 2014 which shall be implemented prior to work recommencing in the location of the site of the artefacts or remains									Applicant: No changes Submitters: No changes

<p>discovered. Works shall only recommence with the sign off of the Waipa District Council.</p> <p><i>Advice Note:</i> <i>An authority to modify, damage or destroy archaeological features/deposits may be required to be obtained from Heritage New Zealand in accordance with the Historic Places Trust Act 1993.</i></p> <p>16. The consent holder shall be responsible for undertaking the agreed cultural mitigation measures in accordance with the Cultural Values Assessment from Ngati Haua dated 11 August 2020, including;</p> <ol style="list-style-type: none"> a) A cultural blessing is undertaken prior to commencement of earthworks onsite; b) Application of accidental discovery protocols (condition 15); c) To reaffirm ‘whakapapa’ the traditional cultural story/narrative to support the cultural indigenous place-making. The focus on opportunities to recognise and provide for the enhancement and tangible reflection of mana whenua cultural values as a key element of this site. Examples of how this can be done include: <ul style="list-style-type: none"> • Landscaping of the site being comprised of indigenous / eco-sourced vegetation that support habitat restoration for native birds, insects, lizards, aiming to achieve biodiversity net gain for the local area; • Cultural designs such as artworks, landscape features such as kōwhaiwhai patterns sandblasted onto boulders, glazing, a colour palette – that acknowledges and celebrates the history, other traditional stories and whakapapa be considered; and • Visualisation reflect design elements which relate to the natural resources of the area and uses of those resources (i.e. weaving / hinaki – pekapeka flight patterns); and d) Kaitiaki monitors be called in where cultural hotspots are identified. 		
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<p>NZ Transport Agency Conditions</p> <p>17. The land use consent shall proceed in general accordance with the requirements and conditions set out in the letter prepared by the New Zealand Transport Agency dated 12 October 2020 and be subject to design approval in relation to the Lochiel Road carriage (refer condition 18). The consent holder shall provide confirmation from New Zealand Transport Agency to Council's Consents Team Leader that the requirements of the letter have been fulfilled. The requirements of the New Zealand Transport Agency letter include:</p> <p>a) 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 Roadways 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.</p> <p>b) 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.</p> <p>c) The detailed intersection design is to include:</p> <ul style="list-style-type: none"> • 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); • Demonstration that sight lines can be achieved for the required sightlines for the posted speed; • Demonstration that the land vested in the Transport Agency (Lot 4) is large enough to ensure site distances are achieved in perpetuity; • Stormwater design for the pavement widening based on site survey and modelling to ensure no adverse impacts on the highway; 	<p>Applicant: No changes</p> <p>Submitters: No changes</p>	
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<ul style="list-style-type: none"> • Lighting to ensure the lighting is compliant at the intersection; • Road marking and methodology for removing ghost marking; • Pavement and surfacing design - the shoulder widening is to receive a second coat seal within 12 months of completing the first coat seal; • Signage details - the existing chevron sign is to be upgraded; and • Mitigation of any adverse effects on the existing cross culvert on State Highway 21. <p>d) 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.</p> <p>e) 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.</p> <p>f) 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.</p> <p>g) The access onto State Highway 21 (CP 67-13) that is to be retained for residential use is to be sealed to the boundary.</p> <p>h) 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</p>		
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<p>mud/debris on the wheels of the trucks as well as any pavement/surfacing defects (e.g. shoves, chip loss, potholes etc).</p> <ul style="list-style-type: none"> i) 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. j) 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. k) 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. <p><i>Advice Notes: NZ Transport Agency</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>		
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<p>Lochiel Road Upgrade and Vehicle Entrance</p> <p>18. The consent holder shall submit Design/Construction plans for the Lochiel Road widening upgrade. The Design/Construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. All work associated with the council road shall be designed to the acceptance of the Council's Team Leader – Development Engineering, and at the consent holder's expense. The submitted plans shall include, but is not limited to:</p> <ul style="list-style-type: none"> a) Pavement design; b) Traffic curve analysis; c) Proposed and existing entrance details; d) Longitudinal sections; e) Disposal of stormwater including all structures and erosion control; f) Common services trench; g) Surface treatments; and h) Road marking/signage. <p>19. The consent holder shall construct Lochiel Road upgrades as per the approved design/construction submitted under Condition 18 above and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.</p> <p>20. Following completion of the road areas required under 19 above, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed and submitted to Council's Team Leader – Development Engineering for acceptance.</p> <p>21. The consent holder shall provide as-built plans of the council road, relevant quality assurance, and the structures located within the proposed road upgrade prior to the issuing of the section 224 certificate (SP/0082/20), to the acceptance of Council's Team Leader – Development Engineering.</p>	<p>Applicant:</p> <p><u>Condition 18</u></p> <ul style="list-style-type: none"> a) <u>Widening Lochiel Road to 7m sealed carriageway with 0.75m sealed shoulders;</u> b) <i>Pavement design;</i> c) Traffic curve <u>Vehicle tracking analysis at the proposed vehicle crossing;</u> d) <i>Proposed and existing entrance details;</i> e) <i>Longitudinal sections;</i> Common services trench f) <i>Disposal of stormwater including all structures and erosion control;</i> g) <i>Surface treatments; and</i> h) <i>Road marking/signage.</i> <p><u>Condition 22</u></p> <p>Delete condition 22 in its entirety.</p> <p>Submitters: No changes</p>	<p>The changes proposed to Condition 18 a) and b) by the applicant are acceptable. Council engineering staff consider that there will be merit in having a common services trench if multiple services are to be provided along the Lochiel Road frontage, ie power/fibre. It is therefore proposed to retain 18 c) but with the following wording</p> <p><i>c) Common Services Trench (as required)</i></p> <p>The proposal to delete Condition 22 is not accepted. The construction traffic may affect the road and pavement construction and any effects of construction traffic should be mitigated by the consent holder. The intent of the condition is not to require routine maintenance but to require rehabilitation of any defects that has been caused by construction traffic. It is recommended that Condition 22 be retained with modification to the wording as follows:</p> <p>22 Following completion of the road areas required under Condition 19 above, the consent holder shall <u>remediate any defects in the road which have been caused by construction</u></p>
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<p>22. Following completion of the road areas required under Condition 19 above, the consent holder shall maintain the road until such time the developments building consents completion certificate has been issued by Council and apply second seal coat layer at the consent holder's expense. The consent holder shall supply records that all maintenance has been completed to the relevant specifications, to the acceptance of Council's Team Leader – Development Engineering prior to council taking over any maintenance.</p> <p><i>Advice Notes: Lochiel Road</i></p> <p><i>Any work that is required to be carried out shall be in accordance with the Regional Infrastructure and Technical Specification (RITS) and shall be at the consent holders expense.</i></p> <p><i>All entrance work within the road corridor shall only be carried out by a Waipa District Council approved Contractor. A Vehicle crossing application will need to be completed. There are not additional application fees associated with this application.</i></p> <p><i>All contractors or persons undertaking work in the road corridor, for which reinstatement work will be necessary, are required to make a Corridor Access Request (CAR) via the Submitica web site (www.submitica.co.nz). A Traffic Management Plan for the works shall be submitted with the CAR.</i></p> <p><i>Once the section 224C completion certificate has been issued by Council for this subdivision, Council will advise the consent holder of property number(s).</i></p> <p><i>Entrances are required to be accurately numbered in accordance with the Rural and urban addressing standard, AS/NZS4819:2011. To conform to the above standard, the existing property numbering may need to change.</i></p>		<p>traffic maintain the road until such time the developments building consents completion certificate has been issued by Council and apply second seal coat layer at the consent holder's expense. The consent holder shall supply records that all works maintenance has have been completed to the relevant specifications, to the acceptance of Council's Team Leader – Development Engineering prior to council taking over any maintenance.</p>
<p>Parking and Manoeuvring Areas</p> <p>23. The consent holder shall submit Design/Construction plans for the carpark shown on scheme plan LU/0154/20. The Design/Construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. All work associated with the Carpark shall be designed, constructed and completed to the acceptance of the Council's Team Leader – Development Engineering</p>	<p>Applicant: No changes</p> <p><i>The consent holder shall submit Design/Construction plans for the carpark shown on scheme plan LU/0154/20. The Design/Construction plans shall be submitted to Council for</i></p>	<p>The changes to Condition 23 are acceptable except that the requirement for quality assurance certificates (advice note) which should be retained. Reference to <i>Regional Infrastructure and Technical Specification (RITS)</i> will ensure appropriate design standards.</p>

<p>and at the consent holder's expense. The submitted plans shall include, but is not limited to:</p> <ul style="list-style-type: none"> a) Pavement design – based on testing of existing ground; b) Tracking curve analysis and parking line delineation dimensions; c) Test results of in-situ ground for the portion of new pavement to be constructed; d) Disposal of stormwater; e) Common services trench; f) Surface treatment; and g) Onsite lighting. <p><i>Advice Notes: Parking and Manoeuvring Areas</i></p> <p><i>Any work that is required to be carried out shall be in accordance with the Regional Infrastructure and Technical Specification (RITS) and shall be at the consent holders expense.</i></p> <p><i>Following completion of the carpark areas required under Condition 23 above, Quality Assurance Certificates from a suitability qualified and experienced professional shall be completed, signed and submitted to Council's Team Leader – Development Engineering for acceptance.</i></p> <p><i>Proprietary cell systems offer a far greater option in terms of long term serviceability. They allow for easier ongoing maintenance where systems can be flushed, as opposed rock lined trenches that once filled will require full replacement.</i></p>	<p><i>acceptance prior to carrying out any construction work required by this consent <u>to confirm that the car park layout complies with District Plan requirements including vehicle tracking analysis and parking delineation dimensions.</u> All work associated with the Carpark shall be designed, constructed and completed to the acceptance of the Council's Team Leader – Development Engineering and at the consent holder's expense. The submitted plans shall include, but is not limited to:</i></p> <ul style="list-style-type: none"> <i>a) Pavement design – based on testing of existing ground;</i> <i>b) Tracking curve analysis and parking line delineation dimensions;</i> <i>c) Test results of in-situ ground for the portion of new pavement to be constructed;</i> <i>d) Disposal of stormwater;</i> <i>e) Common services trench;</i> <i>f) Surface treatment; and</i> <i>g) Onsite lighting.</i> <p><i>Advice Notes: Parking and Manoeuvring Areas</i></p> <p><i>Any work that is required to be carried out shall be in accordance with the Regional Infrastructure and Technical Specification (RITS) and shall be at the consent holders expense.</i></p>	
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	<p>Following completion of the carpark areas required under Condition 23 above, Quality Assurance Certificates from a suitability qualified and experienced professional shall be completed, signed and submitted to Council's Team Leader Development Engineering for acceptance.</p> <p>Proprietary cell systems offer a far greater option in terms of long term serviceability. They allow for easier ongoing maintenance where systems can be flushed, as opposed rock lined trenches that once filled will require full replacement.</p> <p>Submitters: No changes</p>	
<p>Site Perimeter Works and Landscaping</p> <p>24. A consent holder shall under take the following works in general accordance with [plan] to mitigate off-site effects on 8 Lochiel Road;</p> <ul style="list-style-type: none"> • [Details to be provided] <p>25. The works required by condition 24 shall be completed [time frame agreed between parties or within 3 months of car park being formed] and maintained thereafter in good condition by the consent holder.</p> <p>26. In addition to condition 24, a landscape plan shall be prepared and submitted to the Council's Consents Team Leader for the Airport Road/SH21 frontage and the remainder of the site for certification prior to construction commencing. The purpose of the landscape plan is to provide amenity and landscaping appropriate to the context of the site including the adjacent rural and industry activities. The landscape planting plan must contain:</p>	<p>Applicant:</p> <p><u>Condition 24</u></p> <p>A consent holder shall under take the following works in general accordance with [plan] to mitigate off-site effects on 8 Lochiel Road.</p> <p><i>Subject to the agreement of the owners of the property at 8 Lochiel Road being provided within 20 working days of the commencement of this consent, the consent holder shall implement and/or otherwise confirm in writing that it will implement at the appropriate time, the mitigation measures proposed in the letter from Mitchell Daysh Ltd to Mr Clark dated 17 September 2020.</i></p>	<p>It is understood that the Applicant will undertake the works to establish a earth bund along their site frontage regardless of whether the Clarks accept any additional works on their site.</p> <p>Some additional wording on the Applicant's condition is proposed as follows:</p> <p><i>Subject to the agreement of the owners of the property at 8 Lochiel Road being provided within 20 working days of the commencement of this consent, the consent holder shall implement and/or otherwise confirm in writing that it will</i></p>

<p>a) A plan of the planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;</p> <p>b) A programme of establishment and post establishment protection and maintenance;</p> <p>c) The extent, materiality and finished levels of paving;</p> <p>d) The location, materiality, height and design of fencing; and</p> <p>e) The details of drainage, soil preparation, tree pits, staking, irrigation where relevant.</p> <p>27. The works required by condition 26 shall be completed within 3 months of the BBC Technologies building being occupied.</p>	<p><u>Condition 25</u></p> <p>Delete condition 25 in its entirety.</p> <p><u>Condition 26</u></p> <p>In addition to condition 24, a A landscape plan shall be prepared and submitted to the Council's Consents Team Leader for the Airport Road/SH21 frontage and the remainder of the site for certification prior to construction commencing. The purpose of the landscape plan is to provide amenity and landscaping appropriate to the context of the site including the adjacent rural and industry activities. The landscape planting plan must contain:</p> <p>a) A plan of the planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;</p> <p>b) A programme of establishment and post establishment protection and maintenance;</p> <p>c) The extent, materiality and finished levels of paving;</p> <p>d) The location, materiality, height and design of fencing; and</p> <p>e) The details of drainage, soil preparation, tree pits, staking, irrigation where relevant.</p> <p>f) <u>An earth bund (to be planted) of 1.5m in height along the southern (Lochiel Road) boundary of the site, subject to the maintenance of sight</u></p>	<p><i>implement at the appropriate time and subject to condition 27, the mitigation measures proposed in the letter from Mitchell Daysh Ltd to Mr Clark dated 17 September 2020.</i></p> <p><u>Advice Notes: Clark Property</u></p> <p><u><i>This condition has been imposed in accordance with the augier principle. In the event, that the Clark's (or any subsequent property owner of 8 Lochiel Road) withdraws their consent for the works, then the obligation on the consent holder to complete the works shall be rescinded. The terms and conditions of this consent and the ability of the consent holder to give effect to this consent shall otherwise be unaffected.</i></u></p> <p>For clarity, all landscaping works including the works on the Clark's property should be subject to condition 27 if condition 25 is deleted.</p>
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	<p><u>distances at the intersection of Lochiel Road and Airport Road.</u></p> <p>Submitters: No changes</p>	
<p>Operational Noise</p> <p>28. Except for construction activities, all activities subject of this consent shall be conducted to ensure that the following noise limits are not exceeded at the notional boundary of any adjoining property in the Rural Zone:</p> <ul style="list-style-type: none"> a) 55 dB L_{A10} 7am to 10pm; and b) 40 dB L_{A10} 10pm to 7am the following day; and c) 70 dB L_{Amax} 10pm to 7am the following day. <p>Noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with NZS 6802:2008 - Acoustics - Environmental Noise.</p> <p>29. The consent holder shall prepare a Noise Management Plan (NMP) for operational noise which shall identify all noise sources and provide methods to manage noise in accordance with condition 28 and in accordance with Section 16 of the Resource Management Act 1991. The noise management plan shall be submitted to Council's Consents Team Leader for certification at least 6 months prior to the BBC Technologies building being occupied.</p>	<p>Applicant:</p> <p>Delete Condition 29 in its entirety.</p> <p>Submitters: No changes</p>	<p><u>Condition 28</u></p> <p>There was an error in the original drafting of the noise condition and the day time standard should state 50dBA as the permitted activity standard. Council's EHO, Glynn Jones, has also recommended including the L_{Aeq} metric as this is how any noise levels will be measured.</p> <p>It is therefore recommended that condition 27 be amended to read</p> <ul style="list-style-type: none"> a) <i>50 dB L_{Aeq} 7am to 10pm; and</i> b) <i>40 dB L_{Aeq} 10pm to 7am the following day; and</i> c) <i>70 dB L_{Amax} 10pm to 7am the following day.</i> <p><u>Condition 29</u></p> <p>While the applicant has predicted that noise will comply with the permitted activity standards, it is considered that there would be benefit in a Noise management Plan being prepared and forming part of the consent conditions to manage noise effects</p>

over the extended operational period which is sought by the Applicant. This would also support the consent holders' obligations under Section 16 of the RMA to adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level. Glynn Jones also recommends some details being added into the type of matters that could be addressed in a NMP.

It is recommended that **condition 29 be retained** with amendments as follows:

The consent holder shall prepare a Noise Management Plan (NMP) for operational noise which shall identify all noise sources and provide methods to manage noise in accordance with condition 28 and in accordance with Section 16 of the Resource Management Act 1991. The noise management plan shall be submitted to Council's Consents Team Leader for certification at least 6 months prior to the BBC Technologies building being occupied and shall address, but not be limited to;

- Provision for an acoustic barrier (close boarded fence, bund or green wall) will be constructed*

		<p><i>to a height of 2 metres above ground level;</i></p> <ul style="list-style-type: none"><i>• The design and location of any mechanical plant will be reviewed by a recognised acoustical consultant to include appropriately designed noise attenuation and a noise compliance report shall be submitted to Waipa District Council within one month of the activity commencing, showing that that cumulative noise levels from the entire site are in accordance with condition 28;</i><i>• Fork lift truck(s) shall be fitted with broadband reversing devices.</i><i>• Fork lift truck operations will only operate between the hours of 7.00am and 10.00pm; and</i><i>• Loading bay doors to the warehouse shall remain closed except to allow the passage of goods and vehicles.</i> <p>The NMP will also hope to address some of the issues and concerns raised by Mr Annegarn.</p>
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		<p><u>New Lighting condition</u></p> <p>The Applicant has set out in their AEE that the proposal will comply with the lighting standards set out in the Rural Zone.</p> <p>It is recommended that a condition be included to set the lighting standard into any consent and as a condition as follows:</p> <p><i>The maximum level of light spill from artificial lighting from any activity shall be no greater than 10 lux measured horizontally or vertically at or within the boundary of any other site or road; and the artificial lighting shall be conducted so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites</i></p>
<p>Signs</p> <p>30. Proposed signage shall be limited to one free standing sign on the Airport Road/SH21 frontage and one at the site entrance. The Airport Road/SH21 sign shall be located outside the sight lines for the upgraded Lochiel Road intersection and be in general accordance with the Cullen Keiser Architecture Plan Ref 17882Drw A13 Signage. The entrance signage shall be no higher than 4m and have a maximum area of 8m². All signage shall not contain any moving parts or be internally illuminated.</p>	<p>Applicant: No changes</p> <p>Submitters: No changes</p>	

<p>Building Works</p> <p>31. That for subsequent development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Council's Team Leader – Development Engineering for acceptance, at the time of building consent, design details on the proposed on-site stormwater disposal system.</p> <p>Advice Notes: Building Works</p> <p><i>Stormwater generated from the development on Lot 1 is wholly disposed of on site. The design shall reflect the results outlined in the site suitability report supplied by Harrison Grierson dated 02/03/2020 (Council Reference: 10426959, Appendix G (Sub-appendix B), Pages 320 – 353 of 366) Section 2.0 Stormwater assessment.</i></p> <p><i>All private stormwater infrastructure shall comply with Waipa District Council's Stormwater Bylaw 2019; Section 7: Protection of Land Drainage Systems – Item 7.5 and Section 9: Private Stormwater Systems - All items</i></p> <p>32. That for development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Council for acceptance, at the time of building consent, design details on the proposed on-site wastewater disposal system.</p> <p>33. That for development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Waipa District Council for acceptance, at the time of building consent, design details on the foundations of the buildings.</p> <p>34. The consent holder of Lot 1 shall ensure that any new building is supplied with electricity complying with Rule 15.4.2.22(b) of the Waipa District Plan, (access to an adequate water supply for firefighting purposes, where water is not supplied by Council) or any Rule enacted in variation or substitution of that rule.</p>	<p>Applicant: No changes</p> <p>Submitters: No changes</p>	
<p>Section 128 Review Condition</p> <p>35. A review under S.128 of the Resource Management Act 1991 may be commenced on the one year anniversary of the occupation of the BBC Technologies building, and thereafter on every second year</p>	<p>Applicant: No changes</p> <p>Submitters: No changes</p>	

anniversary. In particular, the review process may consider the adverse effects of the interface of the BBC Technologies site with surrounding properties and the mitigation of off-site effects. The review process may amend or impose new conditions to ensure that the adverse effects of the proposed activity are mitigated during the exercise of the consent.		
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SUBDIVISION CONSENT

Draft Conditions from S.42A dated 16 November 2020	Changes proposed by applicant/submitters and commentary.	Updated S.42A report recommendations
<p>1. The Land Transfer Plan to give effect to this subdivision consent shall be carried out in general accordance with the following material;</p> <p>(a) Application titled “BBC Technologies Limited & Grass Ventures Limited: New Campus for BBC Technologies, Resource Consent Application and Assessment of Environmental Effects for Landuse and Subdivision Consents”, dated 30 June 2020, prepared by Mitchell Daysh Limited;</p> <p>(b) A Cultural Values Assessment from Ngati Haua dated 11 August 2020; and</p> <p>(c) Revised scheme plan (Cogswell Surveys Ref 4950 dated 13/10/2020 Revision 2).</p> <p>unless otherwise altered by these consent conditions, which shall take precedence.</p>	<p>Applicant:</p> <p>The applicant has proposed deletion of 1.(b)</p> <p>Submitters: No changes</p>	<p>Condition 1(b) was imposed on the subdivision consent to cover any physical works which may be undertaken prior to title. The CIA includes conditions and protocols for a cultural blessing prior to any earthworks and accidental discovery protocols so may be relevant to the subdivision.</p> <p>It is considered that the condition should be retained.</p>
<p>2. The S.224 certificate shall not be granted until such time as the land use consent has been implemented and all conditions met for a minimum of 2 years.</p> <p>3. Lot 4 shall be shown as road to vest.</p> <p>4. That a consent notice pursuant to S.221 of the Resource Management Act be registered on the title of Lot 1 to impose the following conditions:</p> <p>(i) That for subsequent development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Council’s Team Leader – Development Engineering for acceptance, at the time of building consent,</p>	<p>Applicant:</p> <p>The Applicant has sought the following changes to Condition 2 and 3;</p> <p>Condition 2.</p> <p>The S.224 certificate shall not be granted until such time as the land use consent has been implemented and all conditions met for a minimum of 2 years <u>until such time as a Building Consent for the BBC facility (in accordance with LU/0154/20) has been granted by Waipa District Council.</u></p>	<p>It is considered that the Applicant’s changes are acceptable and the conditions can be amended accordingly. In terms of Condition 3, once a building consent has been granted, this will ensure that all servicing matters have been addressed and at that stage it would be very unlikely that the proposal would not proceed.</p>

<p>design details on the proposed on-site stormwater disposal system.</p> <p>(ii) That for development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Waipa District Council for acceptance, at the time of building consent, design details on the proposed on-site wastewater disposal system.</p> <p>(iii) That for development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Waipa District Council for acceptance, at the time of building consent, design details on the foundations of the buildings.</p> <p>(iv) The consent holder of Lot 1 shall ensure that any new building is supplied with electricity complying with Rule 15.4.2.22(b) of the Waipa District Plan, (access to an adequate water supply for firefighting purposes, where water is not supplied by Council) or any Rule enacted in variation or substitution of that rule.</p>	<p>Condition 3.</p> <p>Lot 4 shall be shown as road to vest <u>vested as Road in the Crown.</u></p> <p>Submitters: No changes</p>	
	<p>The Applicant has proposed a new condition regarding the partial cancellation of an existing consent notice.</p> <p><i>Consent Notice 8515957.1 must be partially cancelled as it relates to Lot 2 Deposited Plan 482423. The consent holder must, at their expense, instruct Council's solicitors to provide documentation necessary to give effect to this condition.</i></p>	<p>It is considered that the consent notice can be partially cancelled as the consent notice conditions refer to dwellings on the site and potential effects in terms of the SH21 road corridor.</p> <p>The new condition is acceptable.</p>

<p>Advice Notes: Building Works</p> <p><i>Stormwater generated from the development on Lot 1 is wholly disposed of on site. The design shall reflect the results outlined in the site suitability report supplied by Harrison Grierson dated 02/03/2020 (Council Reference: 10426959, Appendix G (Sub-appendix B), Pages 320 – 353 of 366) Section 2.0 Stormwater assessment.</i></p> <p><i>All private stormwater infrastructure shall comply with Waipa District Council's Stormwater Bylaw 2019; Section 7: Protection of Land Drainage Systems – Item 7.5 and Section 9: Private Stormwater Systems - All items</i></p>	<p>The applicant has proposed some minor wording change to the advice note:</p> <p>Advice Notes: Building Works</p> <p><i>Stormwater generated from the development on Lot 1 is wholly disposed of on site.</i> <u><i>The design of the stormwater system shall reflect the results outlined in the site suitability report supplied by Harrison Grierson dated 02/03/2020 (Council Reference: 10426959, Appendix G (Sub-appendix B), Pages 320 – 353 of 366) Section 2.0 Stormwater assessment.</i></u></p> <p><i>All private stormwater infrastructure shall comply with Waipa District Council's Stormwater Bylaw 2019; Section 7: Protection of Land Drainage Systems – Item 7.5 and Section 9: Private Stormwater Systems - All items</i></p>	<p>Ground soakage will cater for a 10 year ARI storm event and there may be runoff from the site in larger storm events such that the changes are acceptable.</p>
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