

part of their R&D (growing of fruit). I note that BBC Technologies started from a shed on the Blueberry Country property in Ohaupo to assist in the sorting of berries grown on their farms. Having the ability to grow fruit on site, for use in their research and development, was a fundamental requirement when determining the sizing of the site, and the location of the site. In that regard, BBC Technologies largely focussed on obtaining a property in the Rural Zone, but adjacent / close to an Industrial Zone in recognition of the assembly component of their business.

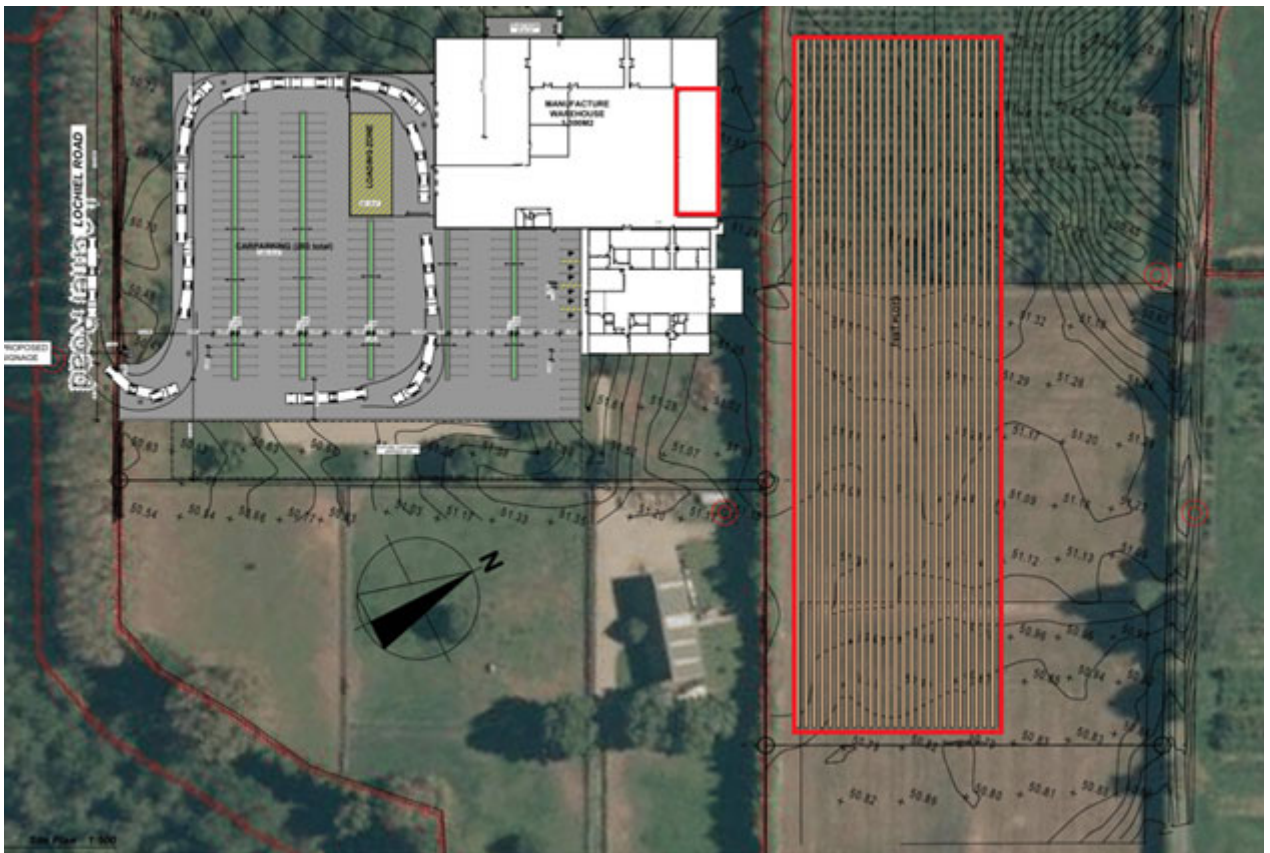
It is also emphasised, that the test plots and the growing of fruit in their test plot area, is a core component of the research and development that will be undertaken at the site.

The definition of Rural Based Industry requires an activity to have a direct connection to land based industries involving horticultural crops. BBC Technologies designs, develops and assembles berry sorting machinery that is solely used for the horticultural industry. Furthermore, there is a significant component of the BBC Technologies proposal that is a “rural research facility”, as detailed in the AEE and below.

I note that the office and administration component of the activity is ancillary to the primary activity.

- (ii) **As we understand the application, 630m² of the total floor area (6,012m²) is dedicated to research and development which equates to approximately 10% of the GFA. Can you please discuss whether the 630m² area represents the full ‘campus’/R&D component of the land use activity?**

In addition to the 630m² of the total floor area dedicated to R&D on the ground floor of the building, the area for the test plots is also R&D with approximately 9,342 m² of land is set aside for this purpose. Furthermore, there will also be a test facility (part of R & D) within the warehouse which is approximately 309m² in area.



- (iii) **Can you please confirm how many dedicated R&D staff form part of the current 148-person workforce?**

37 at present.

(iv) If the land use activity was considered to be an Industrial Activity, how would this affect the overall assessment of the application in terms of environmental effects and alignment with the objectives and policies of the District Plan?

This question is largely irrelevant as we consider that the activity is clearly within the ambit of the definition of “Rural Based Industry”. Nevertheless, it would not impact the overall assessment of the application in terms of environmental effects, however there is slightly difficulty regarding the alignment of an “Industrial Activity” with the objectives and policies of the District Plan. For a Rural Based Industry, Objective 4.3.4 *enables* appropriate Rural Based Industries to operate in the Rural Zone whereas this same enabling framework is not present for Industrial Activities. However, the objectives and policies (namely, 4.3.12) do provide a pathway where there is a functional / locational /compelling need for a non-rural activity to be located in the Rural Zone, and in this context non farming activities that have a functional and compelling reason to locate in the Rural Zone are enabled, provided:

- They maintain rural character – in this context, the BBC Technologies proposal is consistent with both the Rural Environment, being that they serve the rural environment and are also largely compatible with the adjacent industrial environment.
- They do not result in loss of land from primary production - in this case, the current site is largely used for rural-residential houses and horse grazing rather than any productive farming activities so the proposal will not result in the loss of land currently being utilised for productive farming purposes.
- They do not result in reverse sensitivity effects on farming activities – the BBC Technologies activity is not a sensitive activity that could constrain existing farming activities (and in fact, sought to be in a rural environment). Furthermore, as addressed above, the wider environment is not characterised by pristine rural land. The BBC Technologies site sits on the interface of industrial / rural land (and including Hamilton Airport which does change the character / amenity of the environment (including the rural environment) surrounding this site).

We seek that processing of the application commence, on a limited notified basis as soon as possible.

Due to the delays at our end in addressing the information required, we are running into some timeframe challenges. In that respect, I have been asked by BBC Technologies to prepare a standalone and separate resource consent application for the bulk earthworks to enable the earthworks to commence in December (and let the current consent process continue separately). This is the approach that was taken in respect of the development of the Bardowie Industrial Precinct whereby an earthworks consent was granted, and earthworks commenced, while the plan change was going through the RMA First Schedule process. In the approach I am suggesting, BBC Technologies would be undertaking the earthworks at their own risk (i.e. without the guarantee of the current consents being granted), and would not be able to commence construction activities (aside from earthworks) until such time as BBC Technologies obtained the necessary land use and subdivision consent that is currently being progressed. Please let me know if you have any concerns with this approach.

Kind regards
Abbie

 **Abbie Fowler**
Associate

DDI +64 7 838 5673 | +64 21 385 991 | PO Box 1307, Hamilton 3240
www.mitchelldaysh.co.nz

The information contained in this email message received from Mitchell Daysh Limited (and accompanying attachments) may be confidential. The information is intended solely for the recipient named in this email. If the reader is not the intended recipient, you are notified that any use, disclosure, forwarding or printing of this email or accompanying attachments is strictly prohibited. If you have received this message in error, please notify us immediately by return email.