

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

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

**AND**

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

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

**Applicants**

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

**Consent Authority**

---

**STATEMENT OF EVIDENCE OF MARK CHRISP  
ON BEHALF OF THE APPLICANTS**

**(Planning)**

**Dated: 24 November 2020**

---

## INTRODUCTION

1. My name is Mark Chrisp. I am a Director and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016). I am currently serving as the Chairman of the Board of Mitchell Daysh Ltd.
2. In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.
3. I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 30 years' experience as a Resource Management Planning Consultant.
4. I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.
5. I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.
6. I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the Expert Planning Witness for the Hawke's Bay Regional Investment Company Ltd's proposed Ruataniwha Water Storage Scheme).

7. I have been involved in numerous proposals for activities, including rural industries, in rural locations including in the Waipa District. Examples of projects include:
- (a) Contact Energy Ltd - Tauhara II Geothermal Power Development;
  - (b) Fonterra Ltd – Regional consents for activities associated with the ongoing operation of the Hautapu Dairy Factory;
  - (c) Various quarries in the Waipa District and elsewhere;
  - (d) Most of the function venues (and a wide range of other non-agricultural activities) in the Rural Zone of the Waipa District; and
  - (e) A kiwifruit packhouse and cool store in the Rural Zone of the Waipa District.

#### **Scope of Evidence**

8. I have been engaged by BBC Technologies Ltd (“**BBC**”) and Grass Ventures Ltd to present planning evidence in relation to their Land Use and Subdivision Consent Applications to authorise various activities on their site on the corner of Lochiel Road and Airport Road / State Highway 21 (“**SH21**”) at Rukuhia (“Application Site” or “Site”). Specifically, my evidence will address the following matters:
- (a) The background to the current application;
  - (b) The activity status of the BBC proposal;
  - (c) The question raised in the s.42A report about the “functional and compelling” requirement to be located in the Rural Zone;
  - (d) The issues raised in the various submissions;
  - (e) The proposed conditions of consent; and

- (f) A conclusion presenting my overall evaluation of the proposal from a planning perspective.

### **Code of Conduct**

9. I confirm that I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **BACKGROUND**

10. The evidence of Mr Furniss (Chief Executive of BBC) outlines the history and nature of BBC's business and what it is trying to achieve through the relocation.
11. The identification and purchase of the Site on the corner of Lochiel Road and Airport Road / SH21 is the culmination of a search that started about a decade ago when Mr Furniss first approached me seeking a unique site where he could relocate his family research and development business, from the family farm at Ohaupo, to a modern 'campus style' facility.
12. There is no zone in the Waipa District Plan that provides (as a Permitted Activity) for the unique combination of all the elements that make up the business. While the business has a light industrial component, an Industrial Zone is not the type of environment that is intended for the growing of crops and undertaking of research, nor is it conducive to scientists working in an environment that allows them to think through complex issues and develop innovative solutions. The Rural Zone is the most 'natural fit' insofar as the business involves growing horticultural crops for research purposes and is a vertically integrated operation based on the research and development of technologies servicing the

horticultural sector. The Application Site also has the benefit of being directly adjacent to an Industrial Zone, and the Hamilton Airport.

## STATUS OF THE ACTIVITY

13. Mr Whittaker discusses the status of the proposed land use activity in the s.42A report.<sup>1</sup> He reaches the correct conclusion, that the proposal falls within the definition of “rural based industry”, but not without raising a number of questions along the way. For ease of reference, the relevant definitions are as follows:

***‘Rural based industry’** means an ACTIVITY that has a direct connection to or processes the output of land based activities involving animal, agriculture, forestry or horticultural crops, and includes (but is not limited to) rural transportation and agricultural contractors depots, and the preliminary packaging and processing of agricultural produce including PACKHOUSES and coolstores, stock saleyards, sawmills, grain silos and feedmills, meat and poultry processing, wineries and RURAL RESEARCH FACILITIES.*

***‘Rural research facility’** means a research facility concerned with agricultural production, farming or rural land management.*

14. Mr Whittaker raises an issue about the size, nature and scale of the proposed facility and it having the character of a large-scale commercial building, including significant areas for on-site carparking to cater for some 306 staff. He then compares it with some of the listed examples of activities in the definition of “rural based industry”. Of the examples he includes, the only kiwifruit packhouse in the Waipa District is on Gorton Road which is a substantially larger building than the proposed BBC facility. Mr Whittaker did not refer to “meat processing” which is included in the definition of “rural based industry”. Most meat

---

<sup>1</sup> At Section 5 of the s.42A report.

processing facilities (otherwise known as abattoirs) are significantly larger in scale when compared with the BBC proposal.

15. There is a direct connection to rural activities. The BBC proposal includes the production of horticultural crops (a Permitted Activity) which form an integral part of the research activities on the Application Site, which in turn lead to the technological innovations and advancements.
16. The BBC proposal is a combination of “farming activities”, “rural research facility” and “rural based industry”. A “rural research facility” forms part of definition of “rural based industry” in the Waipa District Plan. On that basis, I consider that the proposal is a Discretionary Activity. This is consistent with the conclusion of Mr Whittaker.<sup>2</sup>

#### **FUNCTIONAL AND COMPELLING REQUIREMENT**

17. Related to the matter discussed above, Mr Whittaker states:<sup>3</sup>

*“The key consideration regarding Objective 4.3.12 is to determine whether the activity has a ‘functional and compelling requirement’ to be located in the Rural Zone.”*

18. To address this matter, the evidence of Mr Furniss states:

*“It would be grossly inefficient to try to operate the business from multiple sites. The vertically integrated nature of the business, and the fact that it is entirely based on servicing the horticultural sector, is why we have a functional and compelling requirement to be located in the Rural Zone.”*

19. As noted above (and leaving aside the Permitted Activity status of growing horticultural crops), a key aspect of the BBC operation is the fact that it is a “rural research facility” which forms part of the definition of

---

<sup>2</sup> At page 12 and 13 of the s 42A report.

<sup>3</sup> At page 34 of the s.42A report.

“rural based industry” as defined in the Waipa District Plan. Being of a rural nature, makes a rural location entirely appropriate in the same way that other rural research facilities in the Waikato Region are located in rural areas (e.g. AgResearch and Dairy NZ).

20. Despite the above analysis, it is my opinion that no weight should be placed on Objective 4.3.12 and the associated policies under that objective on the basis that they are not applicable to the current proposal. Objective 4.3.12 relates to “non-farming activities” which is defined in the Waipa District Plan as follows:

*“‘Non farming activity’ means any activity that is not a FARMING ACTIVITY, INTENSIVE FARMING or a MINERAL EXTRACTION ACTIVITY or a **RURAL BASED INDUSTRY**.” (emphasis added)*

21. Mr Whittaker and I both agree that the BBC proposal falls within the definition of “rural based industry”, and the above definition confirms a “non-farming activity” does not include a “rural based industry” (noting that the latter also includes a “rural research facility”). Therefore, by definition, the BBC proposal is not a “non-farming activity” and, on that basis, I consider that these provisions are not applicable to the proposal.

#### **WAKA KOTAHI / NZTA SUBMISSION**

22. The development of appropriate access arrangements was identified as a critical aspect of this project from the outset. When I was first approached by Mr Furniss in relation to the Site on the corner of Lochiel Road and Airport Road / SH21 (following the consideration of other properties in the vicinity), I advised the company that access arrangements would be the number one issue to be addressed. To that end, the first step we took was to engage Gray Matter Ltd to investigate and report on access arrangements, after which we met with Waka Kotahi / the New Zealand Transport Agency (“**Waka Kotahi**”). It was not until we determined an appropriate access arrangement (including any

necessary upgrades) and obtained the agreement of Waka Kotahi that we then went on to investigate and develop other aspects of the project.

23. Waka Kotahi has lodged a neutral submission which is a repeat of written confirmation previously provided to BBC regarding the nature of acceptable access arrangements and associated upgrades to the roading network, including the development of a right turn bay at the intersection of Lochiel Road and Airport Road / SH21. The agreed roading upgrades to Airport Road / SH21 are the subject of agreed conditions in Appendix G of the s.42A report.

#### **WRAL SUBMISSION**

24. The submission from Waikato Regional Airport Ltd ("**WRAL**") sets out a summary of background information and events in relation to the development of its land holdings and associated access arrangements and proposed roading improvements. A key aspect of the latter is the fact that WRAL agreed to pay for (or at least contribute financially towards) a number of improvements to the State Highway network administered by Waka Kotahi. It is my understanding that this arrangement was entered into to ensure that WRAL's private plan change was approved, to enable substantial areas of land to be developed for industrial and commercial purposes (referred to as Titanium Park).
25. BBC and their representatives (including myself) have met with WRAL on two occasions prior to the current applications being lodged with Waipa District Council. Before and after the applications were lodged with Waipa District Council, I have also had several discussions with Kathryn Drew (WRAL's Planning Consultant). Our discussions with WRAL have focused mostly on roading and traffic issues. While WRAL's concerns in relation to roading matters were initially wide ranging, the remaining issue of concern only relates to the intersection of Raynes Road and Airport Road / SH21.



26. WRAL's submission states that it is "generally supportive" of the BBC proposal recognising that it "builds on the industrial and employment hub that is being established at Titanium Park and on the Meridian 37 land".
27. The WRAL submission seeks the following relief:
- (a) 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; and
  - (b) A requirement to undertake/provide landscaping between the development and the Site boundaries with Lochiel Road and SH21.
28. I will discuss each of these matters in turn.

#### **Raynes Road and Airport Road / SH21 Intersection**

29. As explained in the submission, as part of the development of Titanium Park, WRAL entered into a Memorandum of Agreement ("**MOA**") with Waka Kotahi which provides for a cost sharing arrangement for the future upgrade of the intersection of Raynes Road and Airport Road / SH21 when required. As a result of a resource consent application relating to its land on Raynes Road, Meridian 37 Ltd subsequently became a party to the MOA.
30. Despite requests, WRAL and its representatives have not provided us with a copy of the latest version of the MOA. Kathryn Drew has advised me that WRAL is responsible for 16% and Meridian 37 is responsible for 12% of the costs of the upgrade to the intersection of Raynes Road and Airport Road / SH21 when that is required at some point in the future. I presume that Waka Kotahi will pay for the remaining 72% of the costs when any upgrade ultimately occurs.

31. On the basis of the above, WRAL and Meridian 37 are each paying for the construction of appropriately designed access arrangements from their land to the adjoining local road (Raynes Road), as is normal practice, and they are each paying a (relatively modest) proportion of the costs associated with a future upgrade of the intersection which represents the first point of connectivity with the State Highway network (i.e. the intersection of Raynes Road and Airport Road / SH21).
32. In direct contrast with the approach taken to the Raynes Road / SH 21 intersection upgrades, BBC is:
- (a) paying for the construction of appropriately designed access arrangements from their land to the adjoining local road (Lochiel Road);
  - (b) paying 100% of the costs of widening Lochiel Road between the point of access to the BBC Site and the intersection of Lochiel Road and Airport Road / SH21;
  - (c) paying 100% of the costs (as opposed to a modest percentage of the total costs) associated with an upgrade of the intersection which represents the first point of connectivity with the State Highway network (i.e. the intersection of Lochiel Road and Airport Road / SH21 which is to be completed prior to the operation of the BBC facility (not at some indefinite future date))<sup>4</sup>; and
  - (d) setting aside land along the Airport Road / SH21 frontage to maintain sight distances (Lot 4 of the proposed subdivision plan) which is to be vested in Waka Kotahi.
33. As previously noted, the extent and adequacy of the proposed roading upgrades has been accepted by Waka Kotahi. The evidence of Mr Black

---

<sup>4</sup> A Temporary Traffic Management Plan will be in place during the construction phase of the project.

for the Applicants sets out the traffic engineering rationale regarding the adequacy of what is proposed. I refer to and rely on his expert opinion that the roading upgrades proposed by BBC not only appropriately address the traffic effects of the proposed activity, including to the satisfaction of Waka Kotahi (being the Road Controlling Authority), but will also provide safety benefits for existing Lochiel Road and Airport Road / SH21 users (the latter being a conclusion reached in the Integrated Transportation Assessment forming part of the AEE submitted with the applications).

34. On the basis of the above, I see no reason for BBC to be required to become party to a private side agreement and financially contribute to the upgrade of an intersection further down the road. I also concur with the comments in the s.42A report relating to this matter.<sup>5</sup> Furthermore, it is my understanding that the Commissioners have no ability to direct or require amendments to a third-party private side agreement (i.e. it would be *ultra vires* to do so).
35. Finally, I have consulted with Tony Schramm, Director of Meridian 37 Ltd, in relation to the BBC proposal including the extent of roading mitigation measures proposed. Mr Schramm's response to me was: "*I don't have any concerns. It will be good to see this sort of industry in the area*".<sup>6</sup>

### **Landscaping**

36. The relief sought in WRAL's submission regarding landscaping can be easily addressed. BBC is, and always was, proposing to undertake landscaping along the road boundaries of the Site. This now includes an earth bund (to be planted) along the southern boundary of the Site adjoining Lochiel Road (discussed later in my evidence in relation to addressing effects on the Clark property at 8 Lochiel Road). A condition

---

<sup>5</sup> Section 9, page 19 of the s.42A report.

<sup>6</sup> In an email dated 8 October 2020.

of consent is proposed which requires the preparation of a Landscape Plan to be approved by Council (see Condition 26 in the s.42A report).

37. In relation to this aspect of WRAL's submission, while I recognise that the zoning is different, I note (as stated in the AEE<sup>7</sup>) by way of comparison, as a permitted activity, buildings can be up to 20 metres in height and the various setback rules allow for buildings to be set back 5-15 metres from the Airport Road / SH21 boundary across the road from the Application Site. The following is a picture showing the proximity of buildings on the airport land to the Airport Road / SH21 boundary (which are elevated due to topography relative to the level of the road) and the extent (i.e. absence) of landscaping.



**Figure 1: Photo of Buildings in Titanium Park on the Opposite Side of Airport Road / SH21**

38. In contrast to the above, the BBC proposal is seeking consent for a building height of approximately 9 metres and set back approximately 19 metres from the Airport Road / SH21 boundary (which will be landscaped).

---

<sup>7</sup> Section 5.3 on page 79.

## FIELDAYS SUBMISSION

39. The submission by the New Zealand National Fieldays Society Inc. ("**Fieldays**") raises concerns about the cumulative effects of traffic generation without any apparent acknowledgement of the fact that Fieldays is the primary cause of large traffic related events in the vicinity.
40. In relation to this matter, I refer to and rely on the traffic experts. Mr Hudson (in Appendix D of the s.42A report) states:

*"NZ National Fieldays Society Inc. and Kaipaki Promotions Limited submitter has raised concerns about the cumulative effect of traffic generation which may adversely affect traffic management and safety, particularly during Fieldays events. In my view the BBC additional traffic generation is unlikely to impact the temporary traffic management arrangements put in place on event days which have historically been successful in dealing with event and local traffic."*

41. In his evidence, Mr Black agrees with Mr Hudson in relation to this matter.<sup>8</sup>

## CLARK SUBMISSIONS

42. Mr Whittaker has recommended that the late submissions from the Clarks be accepted. That recommendation is opposed by BBC for the reasons set out in a letter dated 4 November 2020 from Ms Abbie Fowler, my colleague at Mitchell Daysh (presented as **Appendix A** of the s.42A report), and will be further addressed in legal submissions on behalf of BBC at the hearing.

---

<sup>8</sup> At paragraphs 37 and 49.

43. I met with the Clarks on 25 June 2020 and outlined the nature of the proposal and provided copies of relevant documentation. Mr Furniss and I also met with the Clarks on 15 September 2020. At this second meeting, Mr Clark identified four issues of concern and we discussed ways in which those issues could be resolved. Following the meeting, I wrote to Mr Clark on 17 September 2020 and proposed solutions to each of the four issues he identified as being of concern. That letter is attached as **Annexure A** of my evidence.
44. Having not received any response to my letter, I followed up by email and received a response which indicated a change of position to one of opposition. I got back to Mr Clark within the hour seeking to further our discussions as to how we could mitigate any effects on his property. Attached as **Annexure B** of my evidence is the trail of email correspondence. I have had no response from Mr Clark to my last email.
45. Despite an apparent unwillingness on the part of Mr Clark to further engage in relation to formulating mitigation measures, BBC is proposing the following measures to ensure that any effects on the Clark's property at 8 Lochiel Road are appropriately addressed:
- (a) The measures set out in my letter to the Clark's dated 17 September 2020 (attached as **Annexure A** of my evidence) if the Clarks agree to those mitigation measures (some aspects of those mitigation measures require the co-operation and agreement of the Clarks);
  - (b) An earth bunding and planting along the southern boundary of the Site along Lochiel Road within the BBC Site. This will address noise and visual effects. Attached (as **Annexure C** of my evidence) is a letter from Marshall Day confirming that the earth bund will result in the activity complying with the night-time noise limits specified in the Waipa District Plan (which are reflected in the proposed consent conditions); and

- (c) A reduction in the size of the sign at the entrance on Lochiel Road as suggested by Mr Whittaker in the s.42A report (as reflected in the proposed consent conditions in Appendix G of the s.42A report).
- 46. The implementation of the above will, in my opinion, adequately and appropriately address any adverse effects of the Clark property, particularly in the context of the nature of the existing environment, which includes an adjacent State Highway, and an Industrial Zone and an international airport on the opposite side of Airport Road / SH21.

#### **ANNEGARN SUBMISSION**

- 47. The submission by Mr Annegarn raises concerns about noise, traffic and security. In relation to those matters, I make the following comments:
  - (a) The BBC proposal is separated from Mr Annegarn's property by two rural residential / lifestyle blocks and that situation will not change. As can be seen on the Subdivision Scheme Plan on page 8 of s.42A report, the separation between the boundary of the BBC Site and Mr Annegarn's property is approximately 111 metres. The separation between the BBC building and Mr Annegarn's property is over 200 metres;
  - (b) The BBC proposal will comply with the permitted activity noise limits in relation to Mr Annegarn's property;
  - (c) The BBC proposal will not give rise to any additional traffic generation past Mr Annegarn's property and the installation of the right turn bay at the intersection of Lochiel Road and Airport Road / SH21 will improve the safety of that intersection for residents on Lochiel Road; and

- (d) The BBC Site will be surrounded with security fencing, and there will be landscaping on the BBC Site.

## PROPOSED CONDITIONS

- 48. Appendix G of the s.42A report sets out a proposed set of consent conditions which are largely based on the conditions proffered by the applicants as part of the applications.
- 49. The conditions in Appendix G of the s.42A report are acceptable to the applicants subject to the following amendments which I recommend be made by the Commissioners.

### Land Use Consent Conditions

- 50. The following changes are recommended to the Land Use Consent Conditions:
  - (a) The changes to Conditions 18, 22 and 23 set out in the evidence of Mr Black.<sup>9</sup>
  - (b) Delete Condition 29. The advice in the letter from Marshall Day (attached as **Annexure C** of my evidence) confirms that the requirement for a Noise Management Plan is not necessary in the circumstances whereby it has already been demonstrated that the Permitted Activity noise limits in the Waipa District Plan will be complied with (and that outcome being a condition of consent).
  - (c) Include a new condition as follows:

*“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*

---

<sup>9</sup> At paragraphs 61 – 63.



*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.”*

51. The other mitigation measures proposed to address the actual and potential effects on the Clark’s property at 8 Lochiel Road are already the subject of other consent conditions (including in relation to landscaping and compliance with the Permitted Activity noise limits in the Waipa District Plan).

#### **Subdivision Consent Conditions**

52. Mr Whittaker presents a commentary on the conditions at the beginning of Appendix G of the s.42A report. The third paragraph of that commentary relates to the Subdivision Consent. I can confirm that delaying the issue of the new titles by two years is not acceptable to Grass Ventures Ltd (nor to BBC). Accordingly, it is proposed that Mr Whittaker’s suggestion at the end of his commentary be adopted (i.e. that title can be issued once a Building Consent for the BBC facility has been granted by Waipa District Council). On that basis, Condition 2 needs to be amended to read:

*“The S.224 certificate shall not be granted until such time as a Building Consent for the BBC facility (in accordance with LU/0154/20) has been granted by Waipa District Council.”*

53. There is an existing Consent Notice 8515957.1 that needs to be partially cancelled on the basis that it is no longer relevant or necessary. A new condition to address this matter should read:

*“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."*

54. Attached (as **Annexure D** of my evidence) is a track changed version of the consent conditions in accordance with the above.

#### **CONCLUSION – OVERALL RMA EVALUATION**

55. A comprehensive evaluation of the proposal by BBC and the proposed subdivision by Grass Ventures Ltd in relation to the relevant provisions of the Resource Management Act 1991 ("**RMA**") (and associated statutory instruments) was presented as part of the AEE supporting the applications. The s.42A report has also undertaken the same type of analysis and reached similar conclusions. On that basis, I do not propose to repeat any aspect of those analyses, other than to note the overall conclusions that, subject to the imposition of appropriate conditions, there is no RMA reason why the Land Use and Subdivision Consents sought by BBC and Grass Ventures Ltd should not be granted.
56. It is my opinion that the proposed consent conditions presented in **Annexure D** of my evidence will appropriately avoid, remedy or mitigate any actual or potential adverse effect on the environment, including any effects on the roading network and the Clark's property at 8 Lochiel Road.



---

**Mark Chrisp**

**Dated 24 November 2020**

## **Annexure “A”**

17 September 2020

Craig Clark  
8 Lochiel Road  
Rukuhia

By email: [craigclarknzl@gmail.com](mailto:craigclarknzl@gmail.com)

Dear Craig

**RE: BBC Technologies**

Thank you (and also Marilyn and Wayne) for meeting with Geoff Furniss and me on Tuesday 15 September 2020 to discuss the proposed relocation of BBC Technologies operation to the site on the corner of Airport Road and Lochiel Road. There were four aspects that we discussed as follows.

**Effects in relation to Noise and Vehicle Headlights**

To address effects in relation to noise and vehicle headlights, it is proposed that BBC Technologies will, at its cost, install an earth bund and associated planting (the details of which are to be confirmed including the dimensions of the earth bund and the species to be planted) along the inside of the boundary of your property fronting Lochiel Road, excluding the point of access. With the agreement of NZTA, the earth bund and planting can be extended to the west of your property (on NZTA land) to a point where sight lines associated with the intersection of Airport Road and Lochiel Road need to be maintained for traffic safety reasons.

Can you please get back to me with your thoughts in relation to the dimensions of the earth bund (height and width at the base) and the species to be planted.

**The Culvert under Airport Road**

As part of the work undertaken by Gray Matter, and in response to issues you have identified during our discussions, it is recognised that the existing culvert under Airport Road is undersized and that it,

and associated drainage issues affecting your property, will need to be addressed in the detailed design of the proposed right turn bay at the intersection of Airport Road and Lochiel Road. BBC Technologies will ensure, as part of the design and construction of the right turn bay, any modifications to the drainage infrastructure are undertaken in a manner whereby there are no consequential adverse flooding effects on your property. BBC Technologies will provide you with the plans of what is proposed in advance of any works being undertaken to obtain your agreement in terms of the nature of any works on your property (if any such works are required).

### **Management of your Stock During Road Works**

You have advised that you have 6 or 7 sheep on your property. BBC Technologies will make land available on their site to graze your sheep (as necessary) during the construction of the right turn bay at the intersection of Airport Road and Lochiel Road (on the basis that you will continue to be responsible for all aspects of animal husbandry associated with the sheep).

### **The Entrance to the BBC Technologies Site**

You have identified a potential issue with “hoons” (sometimes euphemistically referred to as “car enthusiasts”) causing disruption due the use of secluded areas. BBC Technologies is keen to ensure that any adverse effects of this nature do not arise. To that end, BBC Technologies will take this matter on board and, if considered necessary, will install gates at the entrance to the site or institute alternative security measures (e.g. security personnel or CCTV cameras).

Can you please get back to me with your thoughts in relation to the matters outlined above. As discussed, we would like to reach a point whereby all issues of concern have been adequately and appropriately addressed to the point whereby you are able to provide a written approval to the application by BBC Technologies or at least confirm that you do not object to the proposal.

I look forward to hearing from you.

Yours faithfully  
Mitchell Daysh Ltd

A handwritten signature in black ink, appearing to read 'Mark Chrisp', with a long horizontal stroke extending to the right.

Mark Chrisp  
DIRECTOR

## **Annexure “B”**

## Mark Chrisp

---

**From:** Mark Chrisp  
**Sent:** Wednesday, 30 September 2020 2:48 PM  
**To:** Craig  
**Cc:** Geoff Furniss  
**Subject:** RE: BBC Technologies  
**Attachments:** Letter to C Clark - Final - 170920.pdf

Hi Craig

Thanks for getting back to me.

The fact that the proposal could have some effects on your lifestyle and property is precisely why we are having discussions with you and seeking to develop mitigation measures to address those effects. Specifically, the letter attached to my email below sets out proposed measures to address the concerns you raised at our meeting on 15 September 2020 (letter attached again for your convenience). I would welcome your feedback on those proposed mitigation measures (or any others you think necessary) with a view to ensuring that any adverse effects on your lifestyle and property are appropriately addressed.

I look forward to hearing from you.

Regards

---

**From:** Craig <craigclarknzl@gmail.com>  
**Sent:** Wednesday, 30 September 2020 2:01 PM  
**To:** Mark Chrisp <mark.chrisp@mitchelldaysh.co.nz>  
**Cc:** Geoff Furniss <Geoff.Furniss@tomra.com>  
**Subject:** Re: BBC Technologies

Hi Mark

After further discussion we see your proposal as not in keeping with the district plan be of rural. The increase of traffic, increase in noise and having a factory next door would have a significant impact on our lifestyle and property.

Regards  
Craig Clark  
+6421756260  
[craigclarknzl@gmail.com](mailto:craigclarknzl@gmail.com)

### WARNING

This email and any files transmitted with it are confidential and intended solely for the use of the **individual** or **entity** to whom they are addressed. If you have received this email in error please notify the sender. This message contains confidential information and is intended only for the **individual** named or **entity**. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

On 30/09/2020, at 13:40, Mark Chrisp <[mark.chrisp@mitchelldaysh.co.nz](mailto:mark.chrisp@mitchelldaysh.co.nz)> wrote:

Hi Craig

I'm just following up in relation to my email below and the letter attached to it (attached again for your convenience).

I look forward to hearing from you.

Regards

**Mark Chrisp**  
Director

DDI +64 7 838 5670 | +64 27 475 8383 | PO Box 1307, Hamilton 3240  
**[www.mitchelldaysh.co.nz](http://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.

---

**From:** Mark Chrisp  
**Sent:** Thursday, 17 September 2020 4:25 PM  
**To:** [craigclarknzl@gmail.com](mailto:craigclarknzl@gmail.com)  
**Cc:** Geoff Furniss <[Geoff.Furniss@tomra.com](mailto:Geoff.Furniss@tomra.com)>  
**Subject:** BBC Technologies

Hi Craig

Thanks for meeting with us earlier this week. Please see the attached letter covering the matters we discussed.

I look forward to hearing from you.

Regards

<Letter to C Clark - Final - 170920.pdf>



## **Annexure “C”**

24 November 2020

Mitchell Daysh  
PO Box 1307  
Hamilton 3240

**Attention: Abbie Fowler**

Dear Abbie

**BBC TECHNOLOGIES RELOCATION – RESPONSE TO S.42A**

Marshall Day Acoustics have reviewed 'Appendix E – Technical Memo from Glynn Jones – Noise' of the Waipa District Council's S.42A Report for LU/0154/20 and SP/0082/20.

Mitchell Daysh wish to know:

- Whether a 1.5-metre-high bund along the Lochiel Road boundary of the site would result in the activity complying with the night-time noise limits specified in the Waipa District Plan ("District Plan"); and
- Whether a noise monitoring plan necessary.

**Bund**

With a 1.5-metre-high bund along the Lochiel Road boundary of the site, the noise level from the activity received at 8 Lochiel Road during the night-time peak hour is calculated to be 39 dB  $L_{Aeq}$  – compliant with the 40 dB  $L_{Aeq}$  noise limit.

In our report (*Rp 001 R01 20200634 – BBC Technologies Noise Assessment – Dated 11 November 2020*), we calculated that noise levels in the night-time peak hour period would exceed the District Plan limits without a bund.

We calculated that all other periods would comply with the noise limits in the District Plan without a bund. However, the bund would also function to reduce sound emissions from the site in all other periods too.

**Noise monitoring**

Given the noise from the activity is a permitted activity and is calculated to be compliant with the limits in the District Plan (above), we do not consider that it is necessary to require a noise monitoring plan as a condition of consent.

We trust this information is satisfactory. If you have any further questions please do not hesitate to contact us.

Yours faithfully

**MARSHALL DAY ACOUSTICS LTD**



**James Bell-Booth**  
**Consultant**

## **Annexure “D”**

## **Annexure D to the Evidence of Mark Chrisp**

### **Proposed Consent Conditions (Tracked Changes)**

#### **BBC TECHNOLOGIES APPLICATION**

#### **S.42A REPORT DRAFT CONSENT CONDITIONS 16**

**November 2020**

#### ***Commentary on conditions:***

*The evidence exchange and hearings process will allow further opportunity to consider the mitigation measures and conditions. There are two matters which I would like to have discussed.*

*The first is in regards to any conditions that affect 8 Lochiel Road. If the Applicant and Mr and Mrs Clark are able to agree on any conditions for works on 8 Lochiel Road, then I consider it will be important for the condition to be framed to recognise that alternative measures may be necessary. If for whatever reason, Mr and Mrs Clark change their mind and do not allow access to their site, the Applicant would need to revert back to carrying out mitigation works on their own site. The framing of the condition should avoid a potential situation occurring where the Applicant cannot complete the conditions of their consent which could frustrate the exercise of the consent. In my opinion, the Applicant should therefore have a Plan A and a Plan B which can be recorded into the consent and which gives certainty to all parties.*

*In terms of the subdivision consent, this should only go to title once there is certainty that the BBC Technologies proposal is proceeding and there is no risk that it will be delayed or that there may potentially be changes to their business plan or operation. The Waipa District Plan rule is based on a two-year operational term. There may be financial and property agreements which require an early issue of title and the Applicant may speak to this in their evidence. If a two-year operational term is not practical, then an option may be to allow title to issue once a building consent has been issued. This would show that all servicing matters have been resolved and would also show that a financial commitment has been demonstrated to give effect to the land use consent.*

## **LAND USE CONSENT**

### **General Conditions**

1. The activities shall be carried out in general accordance with the following material;
  - 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;
  - b) A Cultural Values Assessment from Ngati Haua dated 11 August 2020;
  - 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);
  - d) Noise assessment from Marshall Day Acoustics revision dated 11 November 2020;
  - e) An updated addendum to the Integrated Transportation Assessment and further responses to traffic related issues dated 28 August 2020; and
  - f) Revised scheme plan and correspondence – Mitchell Daysh letter dated 4 November 2020,

unless otherwise altered by these consent conditions, which shall take precedence.

### **Design**

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.

### **Regional Consents**

3. The development shall not become operational unless and until all relevant Waikato Regional Council consents have been obtained.

### **Prior to Construction**

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.
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.
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:
  - 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

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.

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 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.

### **Construction**

8. All earthworks must be carried out in accordance with good engineering practice and:
  - 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.

### **Sediment and Erosion Control**

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.

*Advice Note: Stormwater Guidelines*

*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.*

### **Dust**

10. 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.

*Advice Note: Effects Assessment*

*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:*

- a) The frequency, intensity, duration, location and effect of the dust emissions, and/or*
- b) Receipt of verified complaints from neighbours or the public, and/or*
- c) Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been issued.*

**Construction Effects**

11. 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.

Time period	Weekdays (dBA)		Saturdays (dBA)		Sundays and Public Holidays (dBA)	
	<u>Leq</u>	<u>Lmax</u>	<u>Leq</u>	<u>Lmax</u>	<u>Leq</u>	<u>Lmax</u>
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.
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 discovered. Works shall only recommence with the sign off of the Waipa District Council.

#### *Advice Note:*

*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.*

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;
- a) A cultural blessing is undertaken prior to commencement of earthworks on site;
  - 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:
    - 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.

### **NZ Transport Agency Conditions**

17. The land use consent shall proceed in general accordance with the requirements and conditions set out in the letter prepared by the NZ 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 NZ



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:

- 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 Roading 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.
- 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.
- c) The detailed intersection design is to include:
  - 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;
  - 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.
- 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.
- 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.
- 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.
- 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.

- 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 mud/debris on the wheels of the trucks as well as any pavement/surfacing defects (e.g. shoves, chip loss, potholes etc).
- 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.

*Advice Notes: NZ Transport Agency*

*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.*

*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.*

**Lochiel Road Upgrade and Vehicle Entrance**

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:

a) Widening Lochiel Road to 7m sealed carriageway with 0.75m sealed shoulders;

- a)b) Pavement design;
  - b)c) ~~Traffic curve~~ Vehicle tracking analysis at the proposed vehicle crossing;
  - e)d) Proposed and existing entrance details;
  - e)e) Longitudinal sections;
  - e)f) Disposal of stormwater including all structures and erosion control;
  - f) ~~Common services trench~~;
  - g) Surface treatments; and
  - h) Road marking/signage.
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.
  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.
  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.
  - ~~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.~~

*Advice Notes: Lochiel Road*

*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.*

*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.*

*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](http://www.submitica.co.nz)). A Traffic Management Plan for the works shall be submitted with the CAR.*

*Once the section 224C completion certificate has been issued by Council for this subdivision, Council will advise the consent holder of property number(s).*

*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.*

## Parking and Manoeuvring Areas

- ~~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 to confirm that the car park layout complies with District Plan requirements including vehicle tracking analysis and parking delineation dimensions. 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:~~
- ~~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.~~

### *Advice Notes: Parking and Manoeuvring Areas*

*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.*

~~*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.*~~

*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.*

## Site Perimeter Works and Landscaping

- ~~24. 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. A consent holder shall under take the following works in general accordance with [plan] to mitigate off-site effects on 8 Lochiel Road;~~

~~22. [Details to be provided]~~

- ~~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.~~

~~26-23.~~ ~~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:

- 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;
- b) A programme of establishment and post establishment protection and maintenance;
- c) The extent, materiality and finished levels of paving;
- d) The location, materiality, height and design of fencing; and
- ~~e)~~ The details of drainage, soil preparation, tree pits, staking, irrigation where relevant.

~~e)f)~~ 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 distances at the intersection of Lochiel Road and Airport Road.

~~27-24.~~ The works required by condition 26 shall be completed within 3 months of the BBC Technologies building being occupied.

### **Operational Noise**

~~28-25.~~ 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:

- a) 55 dB L<sub>A10</sub> 7am to 10pm; and
- b) 40 dB L<sub>A10</sub> 10pm to 7am the following day; and
- c) 70 dB L<sub>Amax</sub> 10pm to 7am the following day.

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.

~~29-26.~~ ~~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.~~

### **Signs**

~~30-27.~~ 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 8m<sup>2</sup>. All signage shall not contain any moving parts or be internally illuminated.

## **Building Works**

- ~~31.28.~~ 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.

### **Advice Notes: Building Works**

*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.*

*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*

- ~~32.29.~~ 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.
- ~~33.30.~~ 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.
- ~~34.31.~~ 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.

## **Section 128 Review Condition**

- ~~35.32.~~ 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 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.



## SUBDIVISION CONSENT

### General Conditions

1. The Land Transfer Plan to give effect to this subdivision consent shall be carried out in general accordance with the following material;
  - (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;
  - ~~(b) A Cultural Values Assessment from Ngati Haua dated 11 August 2020; and~~
  - ~~(c)~~ (b) Revised scheme plan (Cogswell Surveys Ref 4950 dated 13/10/2020 Revision 2). unless otherwise altered by these consent conditions, which shall take precedence.
2. The S.224 certificate shall not be granted until such time as a Building Consent for the BBC facility (in accordance with LU/0154/20) has been granted by Waipa District Council ~~the land use consent has been implemented and all conditions met for a minimum of 2 years.~~
3. Lot 4 shall be ~~shown as road to vest~~ ed as Road in the Crown.
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:
  - (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, design details on the proposed on-site stormwater disposal system.
  - (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.
  - (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.
  - (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.
5. 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.

**Advice Notes:** *Building Works*

~~Stormwater generated from the development on Lot 1 is wholly disposed of on site.~~

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.

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