Appendix 4

Copy of Submissions and Letter in Opposition

This is a submission on the application from Shaw's Property Holdings Limited for the establishment and operation of a mineral extraction activity (sand quarry) in the Rural Zone under the Waipa District Plan

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

I am directly affected by an effect of the subject matter of the submission that—
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

The specific parts of the application that my submission relates to are:
Please see attached.

My submission is:

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

- *the reasons for your views.*

Please see attached.

_____
_____
_____
_____
_____
_____

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

√ I/we do wish to be heard in support of my submission
(this means that you will speak at the hearing)

☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

☐ If others make a similar submission I will consider presenting a joint case with them at the hearing.

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

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

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

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

Date: __28/09/2020_____Contact person: **Joan Forret** (Legal Counsel)___
(name and designation, if applicant)

Postal address: ***_Harkness Henry; Level 8 KPMG Tower; 85 Alexandra St; Private Bag 3077 Hamilton 3240:***
joan.forret@harkness.co.nz _____
(or alternative method of service under section 352 of the Act):

Notes to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.
The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.
If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
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If you make your submission in hard copy please deliver to Waipa District Council, 101 Bank Street, Te Awamutu or 23 Wilson Street, Cambridge or post to Private Bag 2402, Te Awamutu 3840
If you make your submission by electronic means, a signature is not required. Electronic submissions on resource consent applications must be directed to submissions@waipadc.govt.nz.
If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

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

Privacy information

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Appendix 1: Submission of Keith and Amanda Walker:

Land Use Consent Application by Shaw's Property Holdings Ltd: LU/0108/20

Introduction

1. Keith and Amanda Walker live at 899 Kaipaki Road on a 40ha property directly opposite the proposed entrance to the proposed sand quarry at 928 Kaipaki Road ("the Site")

2. Keith Walker is a retired businessman who as a Bachelor of Science with Honours in Mechanical Engineering, from Loughborough University. Amanda is a retired accountant with interests in riding, breeding and training horses.

3. The Walkers have owned their property since 2015 and have lived there permanently since August 2017 (Amanda) and March 2018 (Keith). They spent 15 years looking for a place where they would not hear the road or be overlooked and where Amanda could continue her love for riding and training horses.

4. Prior to that they lived in the UK where, over the last 30 years they built a successful business manufacturing steel buildings, storage systems, and building works - initially for the timber and builders' merchants in the UK. As their business and knowledge grew, they were asked to take on more and more building works which included obtaining planning permissions on green and brownfield sites. This work included:
   (a) Designing the building(s) (externally and internally), the shop layouts, the yards, parking areas, loading/off-loading areas, entrances and exits, including all traffic management to meet the client's operational needs efficiently and all UK codes.
   (b) Applying for and obtaining all necessary planning and building control consents.

5. The Walkers also undertook a great many large refurbishment works in retail units typically between 2000m^2 - 5000m^2 with all associated car entrance and exists, car parking, pedestrian ways, HCV entrance and exits, loading and unloading bays.

6. Since arriving at 899 Kaipaki Road, the Walkers have completed a major upgrade of the equine facilities at the property including:
   (a) refurbishing all of the 23 stables, the horse walker, the lunge pen and the canter track;
   (b) re-surfacing the arena, the cross country schooling paddock and a majority of the tracks to the paddocks;
   (c) repair and repainting a large part of the farms fencing';
   (d) reinstatement of new yard paddocks, paddock fencing, re-grassing;
   (e) new automated access gates;
   (f) arborist work to approximately 200 trees, and
   (g) total refurbishment of the cottage inside and out.

7. Keith and Amanda use their At 899 Kaipaki Road as their home but also for breeding, training and riding horses. They have their own team of sports horses, which they buy as 3 year olds and produce them up the levels for competition. (Two of the current team are now used in competition by Clarke Johnstone, a New Zealand Olympic Rider. One of those horses was the National 1 day and 3 day Eventing 2* Champion in 2019 and the younger one was the National Eventing 1* 1 day

Champion in 2019 as well as being well placed in the 7 year old Show jumping classes at Takapoto and Horse of the Year 2019). [1]

8. The Walkers also:
   (a) produce young sports horses and race horses off the track to on-sell for other riding disciplines;
   (b) take in injured race horses and sports horses for rehabilitation work;
   (c) do agistment for client's horses;
   (d) have a small sports horse breeding programme.
   (e) hire out their arena, canter track and cross country schooling facility for other users.

9. The Walkers use their canter track daily to work the competition horses, young horses and rehabilitating horses.

Consent Application and AEE

10. The AEE and application includes a plan from which the proposed total volume of sand was estimated at 900,000m3. The AEE refers to a quarry lifetime of 7-10 years based on a maximum extraction rate of 200,000m3 per year. Although the AEE refers to there being 'over' 900,000m3 sand, all of the consultant reports and the notification report have proceeded on the basis of that 900,000m3 figure.

11. It has now come to light that the geotechnical survey actually indicates a sand resource of over 2,200,000m3 and potentially 2,275,000m3. With a maximum annual extraction rate of 200,000m3 that is clearly going to result in a much longer timeframe for this quarry.

12. The Applicant's agent has pointed out that the land use consent application is for an unlimited period and thus the total volume of sand is irrelevant. That is wrong in law. The proposed duration of the activity is entirely relevant to the amenity that will be experienced by these neighbours and they are entitled to have the potential worst case effects assessed rather than the minimum adverse effects.

13. We note that the notification decision was based on the lower figure of 900,000m3 described by Mr Mason as a 'minimum'. The ITA and other assessments also appear to be based on that 900,000m3 figure. Keith and Amanda Walker seek to have the effects of the total resource assessed and incorporated into all technical supporting reports.

14. We note further that the AEE refers to a separate annual maximum for cleanfill into the site. This reference in addition to the maximum annual sand extraction of 200,000m3 causes some confusion. We ask for clarification:
   (a) Are the vehicle movements for the sand extraction being calculated in addition to the vehicle movements for the cleanfill?
   (b) Is the Applicant seeking additional vehicle movements to enable 100,000m3 cleanfill into the site annually in circumstances where that volume does not arrive in conjunction with the sand extraction? Our reading of the ITA is that the 133 HCV daily maximum and the 106 HCV daily average (as recommended in conditions by Gray Matter at Appendix F) assumes 50% of the vehicles carrying sand out will arrive with cleanfill and 10% of the total vehicle movements will be for clean fill deliveries only leaving with no sand.

[1] Event horses have an international grading system that ranks them from 1* to 5* with Olympic levels being 4* and 5*.

Effects of Concern

15. The Walkers are concerned regarding the following adverse effects:

(a) Equine Activities:

(i) If the proposed quarry is consented it will be essential for the Walkers to relocate their canter track that runs along the hedge which separates the track from Kaipaki Road. This is because the road will come 2.5m closer to the Walker's hedge (as required for the road widening) and thus closer to the canter track. There is room to relocate the track and it will have to go approximately 100m further inside the Walker property.

(ii) Young horses are scared by sudden and unexpected noise such as the trucks accelerating and decelerating as they go into and out of the quarry access which is to be directly opposite the eastern end of the canter track. The horses will see the trucks coming towards them down the access track as they round the bend in the canter track. It will have a worse effect if the trucks are empty and clang and bang. The horses will also be scared by sudden noises where they can't see the trucks as they go along the straight on the canter track. The slowing and accelerating trucks make a loud and changing noise which frightens the horses and is quite different from the sound of vehicles, even heavy vehicles, moving at a more or less constant speed along the road.

(iii) Relocating the canter track will also mean completely refencing 4 paddocks, putting in a new sand track and return road in and then re-grassing the modified paddocks. These 4 paddocks are currently the best haylage and grazing paddocks. This will be a large cost to the Walkers that they have not budgeted for and will cause considerable disruption to their working operation.

(b) Traffic and safety:

(i) Kaipaki Road is a busy road and the Site entrance has a number of other entrances close by. The Walkers have experience of driving HCVs along that portion of the road after exiting their own property and have witnessed unsafe overtaking and driving from people who are impatient with the speed that large trucks move at when laden.

(ii) The Walkers also experienced firsthand attending 4 fatal accidents whilst living in the UK. Three happened within 21 days with 4 fatalities and 1 happened approximately 18 months later with 1 fatality. The first 3 accidents all involved an impatient driver overtaking a slower moving HCV resulting in head on collisions. The last one involved a HCV swerving to miss an accident with the HCV ending up in a ditch and the passenger being killed. They never want to witness such a tragedy again and are concerned that there is a lack of provision for separation of turning trucks and other traffic on Kaipaki Road.

(iii) The ITA assumes the majority of Site traffic will be to service needs in Cambridge and thus the access contemplates a left turning exit for laden trucks. With the development happening in Peacockes area including the new bridge over the Waikato River and associated roading that assumption seems incorrect. If there is a greater proportion of traffic to the northwest that will mean more sand-laden trucks needing to make left hand turns out of the Site and a right turn into the Site on their return.

(iv) The Walkers want to see:

(1) A right turn bay for traffic turning into the Site;

(2) A reduced speed limit along that section of Kaipaki Road extending 500m to the east and 1200m to the west;

(3) Double yellow no overtaking lines along Kaipaki Road extending along the area of reduced speed as above.
(4) An acceleration and deceleration lane for heavy vehicles to the Site;
(5) A redesign of the entry to the Site to provide a safer access and reduce conflict with other traffic;
(6) The Site gates moved 100m further into the Site to ensure there is sufficient parking for trucks that arrive earlier than the opening time;
(7) No parking signs along Kaipaki Road for at least 500m in each direction.

(c) Noise
(i) The Walkers seek mitigation to reduce the potential for unusual noise or activity to frighten the horses being worked on the track. At present Amanda tries to work the very young and/or sensitive horses between 10.30am and 2.30 pm when traffic on Kaipaki Road is lighter. Having said that, the effects of constant traffic on the road is not such an issue because the horses are not confronted with seeing oncoming trucks or having loud and unexpected noises. With the quarry in operation there will be no period of quieter time.
(ii) The Walkers seek:
(1) A condition requiring the use of non-tonal reversing beepers for all vehicles when operating on the site;
(2) The construction of a noise and visual earth bund 3m high, planted with native vegetation must be installed to all northern boundaries before work starts, i.e. bunds starting at the Mangawhero Stream running between the quarry and 898 Kaipaki Road, between 906 Kaipaki Road, and 914 Kaipaki Road, continuing along the western boundary of 914 Kaipaki Road to meet Kaipaki Road and to continue along Kaipaki Road to meet the new entrance. This bund would be approximately 630m long with approximately 130m of that length being along Kaipaki Road to provide protection to the equestrian activities occurring on their property from additional noise and visual adverse effects. They hope that such a bund will also assist in reducing the transmission of noise and dust from heavy vehicles when moving along the access road.
(3) No overburden removal or general siteworks (other than sand extraction and the acceptance of cleanfill materials) occurs on Saturdays. This is to reduce the potential for noise effects to interfere with residential and rural amenity during the weekends.
(4) A condition prohibiting the use of either a crusher or sand washer on the site;
(5) The use of quiet seal on the road outside the quarry entrance; and
(6) Signage along Kaipaki Road and on the Site preventing engine breaking.

(d) Dust:
(i) The Walkers are concerned about the potential for adverse dust effects predominantly generated by vehicle traffic along the quarry haul road.
(ii) The Walkers are concerned whether there will be adequate water for dust suppression on the site during summer months. There is insufficient information in the application to demonstrate the volume of water available and what alternative is proposed if the WRC water take application is unsuccessful.
(iii) They seek:
(1) A condition requiring a wheel wash;

(2) A condition requiring the use of a water cart to manage and reduce the potential from dust effects on the site;
(3) Construction of a bund along the Kaipaki Road frontage of the Site and extending 630m (as above);
(4) A condition requiring all truck loads of sand and cleanfill to be covered to prevent dust escaping;
(5) A condition preventing the use of a helicopter on or within 200m of land exposed for the sand quarrying activity or the haul road on the Site.

(e) Visual:

(i) The Walkers recognize that if consented this quarry will be operational for 10 or more years. That has the potential to significantly change the amenity of the environment that they presently enjoy. In order to protect that amenity as much as possible, the Walkers seek that a land scape plan is prepared by a suitably qualified person showing how visual mitigation will be provided for on the Site and Site Entrance and also for the eventual reinstatement of the Site.

(ii) The Walkers seek a condition that the earth bund fronting Kaipaki Road and extending 630m is planted with vegetation that will grow to a height of at least 2m in general accordance with the landscape plan referred to above.

(f) Archeological:

(i) The Walkers seek confirmation that an appropriate archeological authority is obtained from Heritage NZ by the Applicant before any works are done on the site that could impact on any of the borrow pits/archeological sites.

(g) Amenity:

(i) In addition to the conditions sought above: the Walkers seek:
(1) A bond condition requiring the consent holder to reinstate the land according to an approved Reinstatement Plan and Landscape Plan;
(2) A condition limiting the annual extraction of sand to 200,000m2 as proposed in the AEE;
(3) A condition limiting the maximum daily heavy vehicle movements to 132. (We note that the ITA proposes a limit of 133 heavy vehicle movements as a peak per day. That would potentially leave one truck stranded on the site overnight if the limit was reached.) The AEE refers to daily peaks of 160 heavy vehicles per day. It is unclear what the Applicant is proposing and in our submission the appropriate maximum is the limit proposed in Appendix F to the Gray Matter ITA.
(4) A condition limiting the average daily heavy vehicle movements to 106 to be assessed as an average over 1 month;

(h) General:

(i) This sand quarry will occupy land currently being used for farming. The application does not demonstrate how elite soils will be protected;
(ii) The cleanfill has potential to contaminate ground water including neighbouring bores. The Walkers seek confirmation that all neighbouring bores have been identified and will be monitored on a future basis to ensure no contamination of drinking water;
(iii) Consent duration of 10 years. At 10 years the likely quantum of sand should be extracted. If the quarry requires more time it is appropriate for

that to be the subject of a further application because the environment will have changed in that time and the legal and policy framework is also likely to have changed;

(iv) A condition requiring the Applicant to covenant the Site in favour of the Walker property to ensure that affected party approval is provided in the event of a subdivision application by the Walkers, or alternatively any other legally enforceable mechanism to ensure that the Walker property is not adversely affected by any resulting reverse sensitivity buffer area that extends from the quarry Site.

Submission filed by Harkness Henry (Joan Forret) on behalf of Amanda and Keith Walker
28/10/2020

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

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

My submission is:

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

- *the reasons for your views.*

See attached_____

I seek the following decision from the consent authority:
give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought
See attached_____
_____

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

X I do wish to be heard in support of my submission
(this means that you will speak at the hearing)

☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

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

Date: ___28/09/2020___ Contact person: ____Rob Comez_____
(name and designation, if applicant)

Postal address: __*914 Kaipaki Road,RD3 Cambridge 3495*_____
(or alternative method of service under section 352 of the Act):

Notes to submitter

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Submission from Rob and Debbie Comez

Land Use Consent Application by Shaw's Property Holdings Ltd: LU/0108/20

Introduction

Rob and Debbie Comez and the 11 year old son have lived at 914 Kaipkai Road since 2013 and there property directly borders the proposed quarry site at 928 Kaipaki road.

I seek the following decision from the consent authority:

Section 1:

Requests Condition Summary

Noise Condition Requests

1. Earth Bund *MUST* be built along all of the North Eastern borders. It should be planted with native shrubs and trees to match the surrounding landscape. Mitchell Daysh 3.16 Fig24
2. Increase Earth Bund height from 2m to 3m. Mitchell Daysh 3.16 note 3
3. Reverse Buzzers *MUST* be taken off site vehicles.eg; Loaders, diggers, excavators etc.
4. *NO* Top soil stripping on Saturdays, *ONLY* between 10-4pm Mon-Fri, and keep existing conditions in place regarding notification of work. Mitchell Daysh 3.16 note 4
5. *NO* HVC before 9am On Saturdays.

Dust Condition Requests

6. Extend site access road to the maximum length available.
7. Truck and trailer covers *MUST* be used.
8. Wheel Wash *MUST* be used.
9. Electronic Dust monitoring and alarms *MUST* be used on site.
10. NO helicopter movements from property during the life of the quarry.
11. House and shed 914 Kaipaki rd to be washed a minimum of 2 x pa and if required due to significate dust issues.

Traffic Condition Requests

12. *NO* Engine braking into the site entrance.
13. Traffic management plan for peak times 6am-8am 3pm-5pm.
14. If the road is to be widened, the power pole opposite entrance needs to be moved.

Private Property Condition Requests (Effects on rural character and amenity)

15. Reverse sensitivity clause for Consent exclusion zone from 914 Kaipaki boundary (Quarry cannot object to consent applications)
16. Quarry timeframe to be "fixed" term with end date of 10 years.
17. An exclusion zone for the land south and east of 914 Kaipaki road. This cannot be used to be part of the quarry and/or used to quarry.

Section 2:

Request Conditions Reasons

Condition Requests

1.1 We feel the earth bunds proposed are too limited and need to be increased so the noise from the main entrance driveway and proposed first sections will travel though the gaps to our property.

1.2 As above, the increased height will increase the noise rejection for our property. This will also be good to screen the area as it is highly likely that the works will be ongoing for longer than 7 - 10 yrs as proposed and give time for the planting to grow.

1.3 To reduce the noise pollution from any reversing buzzers. These buzzers can range from 90-120db and are designed to be heard. This will mean that it is highly likely we will hear these from our property which will be very irritating.

1.4 As mentioned in the document's about top soil stripping being the loudest activity and we don't want to hear any noise during the weekend when we will be home or early in the morning during the weekdays as the operating hours start at 7am.

1.5 As above, we don't want to hear HVC movements at 7am on a Saturday morning when it is our day off from work and time to relax.

1.6 This will help with noise reduction from trucks accessing the site.

1.7 We don't want dust being transported up the access road and onto Kaipaki road and then past our property.

1.8 As above, reduce dust distribution

1.9 This is so dust monitoring is "proactive" and not reactive and becomes our job.

1.10 As above, reduce dust distribution

1.11 There will be additional dust from the site then there is now and it is highly likely that it will land on our house and vehicles. Washing of these will help keep our property from being contaminated with dust.

1.12 As our property is only 160m from the main site entrance we will most likely have noise from engine braking which is much louder than normal truck brakes.

1.13 We are very concerned about traffic safety as most of the daily traffic is in the peak times. There will be dangerous vehicle scenarios if there is are HVC movements during these times.

1.14 Even if the road is widened as suggested in the application there is no mention of the power pole located directly opposite the site entrance and it will be dangerous if left there.

1.15 We don't want any potential resource consents restrictions because of the quarry location to our property.

1.16 A fixed time frame to give us some piece of mind for our life and impact to the property.

1.17 Quarry work any closer to our property boundary would have major a impact on our property and lifestyle. Written exclusion would give certainty to a buffer zone between our property and the quarry.

Section 2.2

APPLICATION DISCREPANCIES

- Section 3.7 figure 20 vs Drawing 16002-01
  Cogswell survey section 4 notes 13ha, however the application shows 11 stages covering 35ha of the 49ha site. This has since been clarified. However, this is a significant difference in what the application suggests, and what will actually be taken.
  Eg: From 900,000m3 to 2,200,000m3 of sand take and clean fill required.
  This will dramatically extend the total time from 7-10yrs to more like 15-20yrs.

- Section 2.8.2:
  Total daily traffic data seems to be an "Estimate" according to the mobile.org website. When was the last actual recording of traffic flow? This has increased over the past 7 years we have lived here at this property. This also doesn't allow for the increasing residential development proposed for the Leamington/Cambridge area.

- Section 2.8.4:
  The "clear site line" measurement for the south-east direction states 640m. Measured on google maps it is only 430m.

Section 3.
Personal Opposition

Our opposition to this application are based on our property being the nearest dwelling apart from the quarry's own dwelling and our concerns are the following:

3.1 Direct effect to our property value and ability to sell as the rural character of the area will be negatively impacted. The area is "premium" grazing land for equine and other prime rural activities. We have spoken with multiple Estate agents who agreed that the acceptance of this application will directly result in our property being "less" desirable and most likely decrease the market value and become more challenging to sell due to the close proximity to the sand quarry.

3.2 Dust is a major concern. We have witnessed dust being blown around the Monovale quarry only a short drive from the proposed site. This can have major effects on the health and wellbeing of us and our 11 year old son, plus our property and vehicles which are parked outside. This will also be a major concern if/when we try to sell our property.

3.3 As mentioned in the Gray Matter documents 3.5. The increase in HVC is "minor" as it relates to the daily number of traffic movements, however there is NO mention of the noise created from the trucks accelerating and decelerating into the access drive located approximately 160m from our property. We have requested no engine braking into the site as this creates significate noise. Also, in section 5.6 of the Mitchell Daysh report there is NO specific mention of the noise produced from this activity. We will be affected by the noise from HVC movements on the access road and the site itself as there is no natural screen on this side of the property. The maintenance of the roads is key, as un-loaded trucks and trailers bouncing make terrible noise.

3.4 We have lived at 914 Kaipaki road for over 7 years and are very aware of how drivers use this section of road. Road safety will be compromised as there is no specific plan for peak traffic times. (6-8am and 4-6pm) Traffic at these times @ 100km will be significant if fully laden trucks are pulling out of the entrance with NO shoulder to accelerate. On top of this we are concerned that cars passing from the top of the north-west crest may not see a stationary or moving truck waiting to turn into the site entrance. Drivers often pull out to pass from the crest of the hill.

Waipā DISTRICT COUNCIL

Submission on a Notified Resource Consent Application

Form 13

Resource Management Act 1991

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

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

I ~~am~~/am not directly affected by an effect of the subject matter of the submission that—
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

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

Impact on traffic flows and roading network.

My submission is:

Support parts or all of ☐ **Oppose** parts or all of ☑ **are neutral** parts or all of ☐

include—

- *the reasons for your views.*

As attached

I seek the following decision from the consent authority:

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

Review detail of traffic movements; Direction of flows; Number of movements; Roading impacts.

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

☑ I do wish to be heard in support of my submission
(this means that you will speak at the hearing)

☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

☐ If others make a similar submission I will consider presenting a joint case with them at the hearing.

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

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

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

Signature of submitter: _____

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

Date: 27/10/2020 Contact person: Peter Nation - CEO

(name and designation, if applicant)

Postal address: Private Bag 3206, Waikato Mail Centre, Hamilton 3240

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

Notes to submitter

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

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

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

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

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

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

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

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

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

Privacy information

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

Submission to Waipa District Council

Submission of concern by NZ National Fieldays Society Inc.

125 Mystery Creek Road

Hamilton

1. SUBMITTER DETAILS

1.1	**Full name of Submitter:**	New Zealand National Fieldays Society Inc and Kaipaki Promotions Limited (together the **Society**)
1.2	**Contact name:**	Peter Nation (CEO)
1.3	**Contact phone numbers:**	07 843 4497 or 021 247 0847
1.4	**Postal address:**	Private Bag 3206
1.5	**Email:**	peter.nation@nznfs.co.nz

2. We wish to lodge a *submission of concern* in relation to application number LU/0108/20, Land use consent – Shaws Property Holdings Limited – 928 Kaipaki Road, Cambridge.

3. TRADE COMPETITION

3.1 The Society could not gain an advantage in trade competition through this submission.

3.2 The Society and its daily operations will be directly affected by an effect of the subject matter that:

(a) adversely affects the environment, traffic flows and safety

(b) does not relate to trade competition or the effects of trade competition.

4. ATTENDANCE AT COUNCIL HEARING

4.1 The Society would wish to be heard (attend and speak at the Council hearing) in support of this submission, if deemed fit

4.2 If others make a similar submission, the Society will consider presenting a joint case with them at the hearing, or in this case a piggyback submission with other affected parties.

5. SUBMISSIONS

5.1 **Executive Summary:**

5.1.1 The New Zealand National Fieldays Society Inc owns the property at 2/208 Airport Road, Ohaupo (Record of Title 664318) together with multiple other titles within the Waipa District Council's Mystery Creek Events Zone.

5.1.2 The New Zealand National Fieldays Society Inc also wholly owns the company Kaipaki Promotions Limited, which owns the property at 284 Airport Road, Ohaupo (Record of Title 467020).

5.1.3 The New Zealand National Fieldays Society Inc and Kaipaki Promotions Limited (together the **Society**) opposes the application by Shaw's Property Holdings Limited 928 Kaipaki Road, Cambridge, under application No. LU/0108/20.

5.1.4 In particular the Society is concerned by several matters concerning this application, namely in the area of impacts on the roading network (item 4.6.4), lack

of safety assessment and generalisation about the direction of traffic flow roading network impacts (refer 3.2 Development Engineering).

5.1.5 The Society has major concerns in relation to the content of this proposal and opposes the Proposal because it will have significant adverse volume, safety and traffic flow impacts on the Society, the Mystery Creek Events Centre and the Mystery Creek Events Zone. The Society also believe that this application is will have a ***major impact*** on the environmental and social/community fabrics and as such this should not be a limited notification under the Resource Act 1991

5.2 **Background:**

5.2.1 The New Zealand National Fieldays Society Inc is an incorporated society and a registered charity and Kaipaki Promotions Limited is a limited company, whose registered offices are situated at 125 Mystery Creek Road, Hamilton NZ.

5.2.2 The Society owns and operates the events facility known as the Mystery Creek Events Centre (**MCEC**), comprising approximately 114ha of freehold land and buildings, along with associated event related infrastructure bordering Mystery Creek Road, Airport Road (State Highway 21) and the Waikato River.

5.2.3 The Society owns and operates event brands such as Fieldays, Equidays and THE Expo. The MCEC also exhibits other non-owned events of national significance, including the Baptist Easter Camp and Festival One (formally Parachute), which attracts youth from around NZ. It also operates many other events (owned and non-owned) from the MCEC event platform. There are 124 events a year operated at the MCEC.

5.2.4 One event alone, Fieldays (held annually in June) attracts approximately 135,000 visitors and is growing. It is reported to contribute $538,000,000 annually to the NZ economy and $171,000,000 to the Waikato economy. It is also estimated to contribute to over 2,500 equivalent fulltime jobs.

5.2.5 MCEC and its associated surrounding land have a specific Zone in the operative Waipa District Plan, known as the Mystery Creek Events Zone (**MC Zone**). This is the area shaded in yellow on the map attached as Appendix A. The MC Zone borders State Highway 21 in the area that the proposed roundabout is to be built. The MC Zone also includes an agricultural overlay which is adjacent to State Highway 21.

5.2.6 The MC Zone exists because the continued operation and further development of MCEC is important for the local and regional economy. The Plan notes that activities on surrounding sites may result in adverse sensitivity effects on the operation and development of activities within the MC Zone.

5.3 **Grounds for opposition:**

5.3.1 The Society opposes the Proposal because its effect will be more than minor and will in fact have significant adverse effects, both environmental, social and economic on the region, the Society, the MCEC and the MC Zone.

5.3.2 The adverse environmental, social and economic effects of the Proposal include the harmful transport effects, the hindrance to development and future land use

within the MC Zone, as allowed for within the Plan and the interference with established land uses of significant social utility in the area.

5.3.3 The significant adverse effects on the Society and MCEC include the effect of the Proposal on the current and future activities of the Society. It is the Society's view that the Proposal will have significant detrimental and adverse reverse sensitivity effects on the current and future operation of MCEC.

5.4 **Transport Effects:**

5.4.1 The Proposal will have significant transport impacts. This will adversely impact on the region generally and the Society specifically.

5.4.2 The proposal is likely to have significant adverse effects on traffic along State Highway 21, Mystery Creek Road and surrounding networks. No consideration has been taken by the fact that MCEC has 124 events a year. These events generate significant additional traffic on Mystery Creek Road and State Highway 21. Given the unique nature of MCEC and the significant variability of traffic caused by events, we believe we will be majorly impacted by anticipated traffic impacts of this operation.

5.4.3 As an illustrative example, the Society's biggest event, Fieldays, runs over four days. During those four days, there are 135,000 visitors, many of which access the MCEC SH21, Kaipaki Road and Mystery Creek Road. In preparation for Fieldays, there is a 45 day "pack in" period where significantly increased volumes of trucks and heavy vehicles bring equipment to the site via State Highway 21, including Gate 0. Following the event, there is also a 30-day pack out, which again has significant volumes of vehicles using State Highway 21, Mystery Creek Road and the arterial routes.

5.4.4 The increased traffic for Fieldays is significant. It is not confined to a few days but is in fact over 79 days. Furthermore, there is the possibility that Fieldays could become a five-day event in the future. In order to deal with the volume of traffic and comply with the requirements of the Plan, the Society has developed, in conjunction with its partner over the last 20 years, Traffic Management NZ Limited, a comprehensive and highly effective Traffic Management Plan (**TMP**).

5.4.5 The assessment of the effects on the MCEC have not been appropriately considered in this application as a result of being a limited notification. State Highway 21 borders the MC Zone and Section 9.3.2.3 of the Plan states that one of the policies of the MC Zone is to minimise as far as practicable, adverse traffic and parking effects associated with major events, on the wider amenity values and on the safety and efficiency of the transport network. Specific concerns include, but are not limited to:

(i) The applicant's basis of traffic impact is that most of the estimated traffic flow will travel south, via Kaipaki road to Cambridge and surrounds. Given the anticipated and planned development in the northern area of the Waikato District and Hamilton City boundaries, the sand quarried from this site will, in our opinion, be transported north.

(ii) Planned developments that are well known are: Waikato Regional Airport developments, Southern Precinct, Titanium Park and Northern Precinct.

Peacockes Development – Hamilton City Council (circa 8,000 houses), Southern Links development (New Zealand Transport Agency) and further development in Tamahere districts. Nearly all these developments will require sand for their developments.

5.4.6 Access to all these major northern developments has to be via the routes outlined as follows:

(i) Either via Kaipaki Road, intersecting with SH3 which is a non-controlled intersection does not have a free right or left turn

(ii) Via Kaipaki Road into Mellow Road or via Mystery Creek Road which is then a non-controlled intersection at Mystery Creek Road and SH21

(iii) Access south is questionable given access via Cambridge Township with narrow roading and single lane bridges

5.4.7 Furthermore, the Applicant has not adequately addressed the potential increased volumes of traffic occurring as a result of:

(i) the construction of the 'Southern Links' project

(ii) the development of Titanium and any increase in use of the Airport

(iii) the development of land within the MC Zone as contemplated by the Agricultural Overlay; and

(iv) the continued development of housing in Cambridge West and the increased use of Mystery Creek Road and State Highway 21 to access Hamilton

5.4.8 Lastly our concern in regard to the types of transport used for this type of activity. The modern way of transporting sand is not only by truck and trailer but by large four-wheel drive tractor and tip trailers (weight in excess of 30 tonnes). This method is slow in comparison to trucks (by approx. 50%), has far more impact on roading networks given direct weight. Furthermore, damaging to the roading with large tractor lugs that damage the road, more so in the summer months when the road is soft. Slow volumes of traffic of this type will inflame the impacts of flow and safety through what are narrow country lane roads at best. The application is silent of this matter.

5.5 **Conclusion:**

5.5.1 The Proposal will have significant adverse environmental, social and economic effects on the region, the Society, the Mystery Creek Events Centre and the MC Zone. In particular the Proposal will cause significant adverse effects on Transport, development within the MC Zone and the operation of MCEC.

5.5.2 In light of the significant adverse effects on the environment the Applicants have not considered alternative routes, or methods of undertaking the work.

5.5.3 The Society strongly opposes the Proposal and is disappointed at the haste this plan change has been drafted and notified without proper consultation with a major affected party such as the Society.

Hayley Thomas

From: Warwick Hartstone
Sent: Monday, 28 September 2020 12:31 PM
To: Hayley Thomas; info; Robyn Mylchreest; Cathy Plowright; Bruce Thomas
Subject: (ECM:10475729) External Sender: Re - 928 Kaipaki Road Proposed Sand Quarry.

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. Please follow the Cybersecurity Policy and report suspicious emails to Servicedesk

Good afternoon Hayley,

As only 7 immediate neighbours to the quarry are notified with rights to submit we are writing as concerned ratepayers to ask Waipa District Council to obtain a further review of the road safety issues relating to movement of HCV trucks accessing the quarry to ensure all road safety risks are mitigated.

We live at 531 Mystery Creek Road so the quarry will have no direct affect on us and we accept that sand quarrying is a legitimate land use in this area. The Independent Road Safety Report is based on 2019 traffic volumes on Kaipaki Road of 2,500 - 3,200 vehicles per day which the report considers to be moderate, although we consider this count to be already conservative, and the HCV truck movements of 133 per day to only have minimal impact. We would disagree with both of these assessments.

Kaipaki Road/Mystery Creek Road is now the preferred route for commuters to Hamilton and airport for those living on the western side of Cambridge and points further south. There does not appear to be recognition of weekday peak traffic on Kaipaki Road, ie maximum density commuter traffic 7 - 9.30 am and 3.30 - 5.30pm and makes no mention of traffic densities over The National Field days week at the Mystery Creek Events Centre and other major events occuring at this venue. There is also no consideration given to Airport traffic or large volumes of traffic generated by National events at Lake Karapiro.

Kaipaki Road is a 100Km zone and the report gives no consideration to a speed restriction through this area. Weather conditions often include dense fog in this area restricting visibility and 100Km speed limit with HCV trucks slowing or stacking to enter the quarry will create an unacceptable risk. There is also no consideration of the effect on future peak traffic densities arising from the additional 950 dwelling subdivisions already approved and future subdivision planned in the Leamington area. It appears the likely life of the quarry will be at least 11 years and possibly longer to achieve the cleanfil operation and it is inevitable that there will be significant further traffic increases on Kaipaki Road over this period.

We also note that Kaipaki Road is regularly used as a training route by Cycling New Zealand and recreational cyclists and no consideration is given to allowing for their safety by providing a dedicated cycling lane at the entrance to the quarry.

We recommend that a review of the Independent Road Safety Report be undertaken and recommend the following be considered to mitigate risk

- Extend double yellow lines on Kaipaki Road from the right hand bend north of the Speake Road intersection to the bend south of the quarry entrance.
- Apply an appropriate speed restriction through the area covered by the double yellow lines.
- Liase with Cycling New Zealand to provide a safe cycleway
- Restrict quarry operations during periods of heavy traffic flows during National events.

Yours faithfully
Helen & Warwick Hartstone