

Schedule 1

Conditions of Consent

Resource Consent No:
LU/0038/23

General

- 1 The proposal shall proceed in general accordance with the information submitted with the application dated 28 March 2023 except where another condition of this consent must be complied with.

Monitoring

- 2 The consent holder shall notify the Waipā District Council enforcement team in writing two weeks prior to the commencement of activities associated with this consent.

Note: This advice should be emailed to: consentmonitoring@waipadc.govt.nz.

Construction - General

- 3 All earthworks shall be carried out in accordance with good engineering practice and shall:
 - a) Be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to dust, the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows;
 - b) 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; and
 - c) Be carried out in accordance with the standards to the satisfaction of Council's Team Leader – Development Engineering.

Construction - Sediment and Erosion Control

- 4 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.

Note: Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities", which can be found at

<https://www.waikatoregion.govt.nz>, 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.

Construction – Hours of Work

- 5 All earthworks and construction works shall be restricted to the hours between 7:00am to 6:00pm Monday to Friday and on Saturdays 7:30am to 6:00pm. No such work shall occur on Sundays or public holidays.

Construction – Reinstatement

- 6 At the completion of each construction stage, the areas shall be stabilised by either topsoiling and grass or compacted hardfill.

Accidental Discovery Protocol

- 7 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.

Construction – Abandoned Works

- 8 If work on site is abandoned or delayed by a period of more than 6 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 satisfaction of the Council's Team Leader – Development Engineering.

Carpark – Design/Construction

- 9 The consent holder shall submit Design/Construction Plans for the proposed carparks shown on the approved Site Plan 10368 RC03 prepared by Stiffe Hooker, dated 3 November 2023. The Design/Construction Plans shall be

submitted to Council for acceptance prior to carrying out any construction work required by this consent. All work associated with the Carpark shall be designed, constructed and completed to the satisfaction of the Council's Team Leader – Development Engineering and at the consent holders' expense. The submitted plans shall include:

- a) Pavement design – based on testing of existing or proposed ground;*
- b) Test results of in-situ ground for the portion of new pavement to be constructed;*
- c) Disposal of stormwater; and*
- d) Surface treatment.*

- 10 All parking spaces within the parking area as shown on the approved Site Plan 10368 RC03 prepared by Stiffe Hooker, dated 3 November 2023, shall be marked or delineated on site.*

Reason: *This condition is required to ensure compliance with Rule 16.4.2.19 of the Waipā District Plan.*

Carpark - Quality Assurance Certificates

- 11 Following completion of the carpark areas required under Condition 9 – Carpark – Design/Construction 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.*

Water Supply, and Wastewater

- 12 The water and wastewater systems must be designed and constructed in general accordance with the consented plans and submitted for approval to Council Development Engineering. Quality assurance certificates from a suitability qualified professional shall be completed, signed, and submitted to Council's Team Leader – Development Engineering for each system on completion of installation.*

Advisory Note

For the avoidance of doubt no connections are currently available to the Hamilton City Council's reticulated infrastructure and, no water connection to the adjoining Waste Management Development is permitted.

- 13 *Where wastewater is required to be tankered off site; the final disposal location shall not be to any wastewater treatment plant held under Hamilton City Council jurisdiction.*
- 14 *A Spill Response Management Plan for the dangerous goods facility is required prior to operating the facility. A spill containment network is provided at site by way of a recessed floor within the dangerous goods building, and two catchpits located within the breezeway. Should a spill occur, then the material will be collected by a licensed operator and disposed off-site at an approved facility.*
- 15 *A water tank(s) to provide a dedicated water supply for firefighting purposes shall be provided on site in compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).*

Stormwater

- 16 *All stormwater will be managed in accordance with plans and information prepared by Stiffe Hooker Limited and in conjunction with the approved discharge permit from Waikato Regional Council (AUTH105279.01.01).*

Traffic

- 17 *A Travel Management Plan shall be developed for each stage of development in consultation with Waka Kotahi NZ Transport Agency as Road Controlling Authorities and remain in place until such time as the State Highway 1C / Kahikatea Drive intersection is upgraded or Waka Kotahi NZ Transport Agency confirms in writing that it is no longer necessary. The Travel Management Plan is to include (but not be limited to) measures to avoid right turn manoeuvres at the following intersections:*
 - *Kahikatea Drive / State Highway 1C*
 - *Duke Street / State Highway 1C*

The Traffic Management Plan shall and be generally in accordance with the draft Traffic Management Plan prepared by CKL dated 2 November 2023, and shall be in place one month prior to occupation of the relevant development stage.

- 18 *All occupiers of the site and the consent holder must comply with the provisions of the Traffic Management Plan required under Condition 17.*
- 19 *A road marking and signage scheme to control access to the site, and adjoining Waste Management and Enviro NZ vehicle crossings shall be prepared in consultation with HCC, Waste Management Limited, Enviro NZ Limited, and*

Southpark Agri Development Limited, and submitted to the Waipa District Council Roading Manager for approval. Once approved by Waipa District Council it shall be installed by the consent holder. The submitted scheme should include the following:

- Centre line markings to promote vehicle priority to the Waste Management site;*
- Give way or stop markings on the Enviro NZ vehicle crossing and the vehicle crossing serving the right of way to the subject site;*
- Details of any supporting signage required;*
- Details of how visibility is to be managed and maintained; and*
- Details on how visibility for 24m southward along the boundary from the point where the Enviro NZ vehicle crossing meets the right of way is to be maintained such that no visual obstructions above 1m in height are present within the right of way.*

20 Any future activities to operate from the buildings established as part of Stage 2, or any alternative use of the buildings established as part of Stage 1, shall be restricted to industrial/warehousing activities until a point in time when the Kahikatea Drive/State Highway 1C intersection has been upgraded. For the avoidance of doubt, any ancillary retail activities on the site are not provided for.

Landscaping

21 Within 6 months of Code of Compliance for the building works, or within the immediate planting season following the completion of the works, whichever occurs sooner, landscaping shall be planted in accordance with the approved Site Plan 10368 RC03 prepared by Stiffe Hooker, dated 3 November 2023. The landscaping shall be maintained in perpetuity and any dead or dying plants shall be replaced.

Complaints Register

22 The consent holder shall maintain and keep a complaints register for any complaints about any activities associated with the exercise of this consent received by the consent holder in relation to noise or other environmental effects of this activity. The register shall record, where this is available, the following:

- a) The date, time and duration of the event/incident that has resulted in a complaint;*
- b) The location and contact details of the complainant when the event/incident was detected;*

- c) *The nature of the incident;*
- d) *The possible cause of the event/incident;*
- e) *Any corrective action taken by the consent holder in response to the complaint, including timing of that corrective action; and*
- f) *Any other relevant information.*

The complaints register shall be made available upon request to the Council at all reasonable times. Complaints received by the consent holder that allege or imply noncompliance with the conditions of this consent shall be forwarded to Waipā District Council as soon as practicable and no longer than one working day after the complaint has been received.

Financial (Development Contributions/Development Agreement)

- 23 *The development shall connect to Hamilton City Council's reticulated water and wastewater infrastructure once it becomes available. At this point in time, the Development Contributions for water and wastewater calculated in accordance with the Hamilton City Development Contribution Policy shall be paid to Hamilton City Council, unless a Development Agreement has already been entered into between the Applicant and Hamilton City Council that addresses the payment of development contributions for water and wastewater infrastructure.*
- 24 *A Development Contribution for Roading in accordance with the Hamilton City Development Contribution Policy and on the basis of the daily traffic demand of 215 vehicle movements per day shall be payable to Hamilton City Council prior to the occupation and commencement of activities authorised by the consent.*

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 Conditions ('NES')

- 25 *Prior to earthworks being undertaken a Site Management Plan and/or a Remediation Action Plan shall be submitted to Council. This shall include (but not be limited to):*
 - a) *Confirmation of the amount of contaminated soil disturbance to be undertaken;*
 - b) *Protocols for unexpected discovery of contamination; and*
 - c) *Evidence of the licensed facility that accepts any waste taken off site.*

- 26 *During earthworks the criteria of Regulation 3 of the NES must be complied with, namely:*
- a) *Controls to minimise the exposure of humans to mobilised contaminants must:*
 - i) *be in place when the activity begins;*
 - ii) *be effective while the activity is done;*
 - iii) *be effective until the soil is reinstated to an erosion-resistant state; and*
 - iv) *the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done.*
 - b) *Soil must not be taken away in the course of the activity, except that:*
 - i) *for the purpose of laboratory analysis, any amount of soil may be taken away as samples; and*
 - ii) *soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind.*
 - c) *The duration of the activity must be no longer than 2 months; and*
 - d) *The integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.*
- 27 *At the conclusion of earthworks a Site Validation Report shall be provided to confirm that:*
- a) *the Site Management Plan and/or a Remediation Action Plan has been complied with under Condition 24 above, and*
 - b) *there are no outstanding matters of concern in relation to the NES.*