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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 and the amended site plans reference 10368 RC03 REV 2, dated 03 November 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 to avoid or mitigate any adverse 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 adversely 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 Erosion and Sediment control plan, prepared by a suitably qualified person, shall be submitted to the Waipa District Council for certification prior to the undertaking any physical works associated with the consented activities.*

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The objective of the Erosion and Sediment Control Plan is to set out strategies to control soil erosion and sediment generation and thereby minimise the potential for any adverse effects on water quality.

Commented [GM1]: The commissioner may want more details on what goes in this plan.

The consent holder shall ensure that the erosion and sediment control measures certified within the Erosion and Sediment Control Plan are in place prior to physical work commencing. 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 Stage 1, the balance of the site shall be stabilised by compacted hardfill or metalled surface.*

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 stabilised by compacted hardfill or metalled surface. 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 REV 2 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.*

Advisory Note: *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

- 12 The potable water supply must be designed and constructed in general accordance with the consented plans (reference SD-RC02 3), Industry and Government standards, and submitted for certification to Council prior the lodgement of building consents.*
- 13 As-built certification and plans of the water system(s) must be provided to Council for each system on completion of installation, testing, and prior to occupation of the site.*
- 14 A maintenance contract for the ongoing maintenance of the device(s) must be entered into with an appropriate operator prior to the operation of the facility. A copy of the contract shall be provided to Council upon request. The contract will include a programme of regular ongoing water testing to ensure compliance.*
- 15 Records of the ongoing testing of the water system shall be retained and provided to Council upon request.*
- 16 Water saving fittings are to be used for the development consisting of dual flush toilets, aerated taps, and no garbage in-sink grinders.*
- 17 No water connection to the adjoining Waste Management site (Lot 1 DP 365434) is permitted*

Wastewater

- 18 The wastewater systems must be designed and constructed in general accordance with the consented plans (reference SD-RC03 5) and Auckland Regional Council Technical Publication No. 58 – On-Site Wastewater Systems (Clause 7.8.7 Holding Tanks) and submitted for certification by Council prior to lodging building consents.*
- 19 The holding tank should be sized to provide a minimum of 7 days storage.*
- 20 The holding tank is to be fitted with a high-level alarm system and set to provide 2-full days additional reserve storage.*
- 21 The holding tank shall be located for easy access via pump-out vehicle, should have no overflow, and designed to resist flotation when the tank is empty where high groundwater levels are expected.*
- 22 As-built certification and plans of the wastewater system(s) must be provided to Council for each system on completion of installation and prior to occupation of the site.*
- 23 A maintenance contract must be entered into with a licensed company to remove*

waste from the site to a licensed facility for disposal. A copy of the contract shall be provided to Council upon request. The final disposal location shall not be to any wastewater treatment plant held under Hamilton City Council jurisdiction

Spill Response Management

24 Prior to the Dangerous Goods Facility opening for trade, A Spill Response Management Plan prepared by a suitably qualified person, for the Dangerous Goods Facility shall be certified by Council.

The objective of the Spill Response Management Plan is to detail spill prevention, preparedness and response requirements to support the safe response to accidental spills, leaks or releases of both hazardous and non-hazardous materials to the environment.

The Spill Response Management Plan shall include the following details;

- A protocol/method for identifying and stopping the discharge of hazardous substances and avoiding future events of this nature.
- Emergency containment and clean-up procedures.
- A list of appropriate spill kit contents to enable the containment and/or absorption of spilt material.
- A requirement for appropriate signage to identify the location of spill kits and the actions to be taken in the event of a spill.
- Actions to remedy or mitigate any adverse effects on the environment or public health and safety arising from the discharge.
- Methods for the disposal of spilt environmental hazardous substances and any other contaminant materials used in the spill clean-up.
- A schedule of training protocols for staff.
- Up to date and accurate copies of drainage plans showing the location of the final discharge points.
- A procedure for notifying as soon as practicable Council's emergency response service (or other supplementary service) in the event of any discharge of environmentally hazardous substances that results in or is likely to result in contamination of any stormwater system, or land or water.

- *Method for disposing of any spills in a secondary containment device. The plan must set out how it will be disposed of in an appropriate and authorised manor.*

Should a spill occur, then the material will be collected by a licensed operator and disposed off-site at an approved facility. As soon as practicable after an incident, the consent holder shall submit a report to Council in relation to the spill. As a minimum, the report shall include:

- Description of what the material consisted of, how the spill occurred, and a plan showing the area of the spill.*
- Description of how it was managed, disposed of, and where.*
- Description of any adverse effects to the environment and remedy measures.*
- Corrective actions for operation of the site (if applicable).*
- Any variations or amendments to the Spill Response Management Plan shall be certified by Council.*

Advisory Note

The Warehouses 1, 2 and 3 do not provide for a Dangerous Good facility. If a Dangerous Goods Facility is to be provided in the future, further approvals may be required.

Firefighting

- 25 *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

- 26 *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

- 27 *A Travel Management Plan shall be developed for each stage of the development.*

The objective of the Travel Management Plan is to ensure any potential adverse transportation effects, particularly in relation to the ingress and egress to the site and

the Kahikatea Drive/Duke Street intersections are managed to an acceptable level.

The Travel Management Plan shall be prepared in consultation with Waka Kotahi NZ Transport Agency and Hamilton City Council as Road Controlling Authorities for certification by Waipa District Council prior to any activities authorised by way of the consent opening for business.

The Travel Management Plan shall be implemented prior to any activities authorised by way of this consent opening for business 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.

28 The consent holder must ensure that all occupiers of the site comply with the provisions of the Travel Management Plan required under Condition 27.

29 A Road Marking and Signage Scheme shall be developed by a suitably qualified person and implemented prior to activities authorised by this consent open for business.

The objective of the Road Marking and Signage Scheme is to control egress and ingress to the site and the adjoining Waste Management and Enviro NZ site.

The Road Marking and Signage Scheme 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 certification.

Once certified by Waipa District Council, it shall be implemented by the consent holder prior to any activities authorised by this consent opening for business and remain in place until it is not required due to other changes in the transport network servicing the site.

The submitted Signage 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.*

The Road Marking and Signage Scheme shall and be generally in accordance with the draft Access Layout prepared by CKL, dated 24 November 2023, and shall be in place one month prior to activities being authorised by this consent opening for business.

- 30 *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.*
- 31 *There shall be no ancillary retail or residential activities permitted on the site.*

Landscaping

- 32 *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

- 33 *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;*

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- 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)

- 34 *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 Consent Holder and Hamilton City Council that addresses the payment of development contributions for water and wastewater infrastructure.*
- 35 *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')

- 36 *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.*
- 37 *During earthworks the criteria of Regulation 3 of the NES must be complied with, namely:*

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- 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.*

- 38 *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.*