

Decision Report

Industre Property Rua Limited

Application LU/0038/23
to
Waipa District Council

12 December 2023

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Appendix 1: Conditions Imposed

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1 Introduction

[001] Industre Property Rua Limited (applicant) has applied for resource consent (land use) for the construction and establishment of a purpose-built Watty Ltd paint storage and distribution facility, together with three additional warehouses and ancillary offices, at 16A Wickham Street, Hamilton. Consent has also been sought under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) for the remediation of contaminated soils.

The applications are granted for the reasons herein.

2 Appointments

[002] The Waipā District Council, acting under s34A of the Resource Management Act 1991, appointed Independent Hearing Commissioner Rob van Voorthuysen¹ to hear and decide the applications.

3 Description of the application

[003] The applications are described in the applicant's AEE² and the Council's Section 42A Report³ that was authored by Hayley Thomas. I adopt those descriptions, but note some of the more salient matters are:

- The land in question is situated at the northern tip of the Waipā District, around 200m from the district boundary with Hamilton City Council (HCC), at the southern end of Wickham Street. The land is held in one title with an area of 4.2ha and is split into two rectangular shaped areas located either side of Wickham Street. The applicant's proposal is on the western side of Wickham Street on a Site area of around 2.0ha;
- The Site is located in the Rural Zone under the Operative Waipa District Plan (OWPD);
- The Site is consented for what has been colloquially described as "yard based" industrial activities. It is flat and largely compacted with metal and asphalt paving. Industrial activities have existed on the Site for the last 16 years and the current and recent activities are:

Tenant	Business Use	Activities
Shaws Asphalt	Asphalting company	Storage of Machinery and asphalting supplies (consented)
Cambridge Construction	Homebuilders	Storage of Machinery and supplies associated with home building
ProDemo	Scrap yard	Storage of disused cars and metal
Humes	Civil Supplies	Storage of concrete pipes
JK Concrete	Civil Supplies	Container hire
Kiwi Designer Homes	Pre-fab homes	Construction materials and prefab homes (consented)

- The applicant's representative Andrew Hay advised that Kiwi Designer Homes have vacated the Site in light of the applicant's intent to develop it for warehousing;
- The Site will be developed in two stages. Stage 1 is the construction and establishment of a purpose-built facility for Watty Ltd on the most western portion of the Site for the storage and distribution of paint related products. The facility will include a dangerous goods building, breezeway, warehouse, mixing room and office. Stage 2 involves the construction of three warehouses (tenancies currently unknown) in the eastern area of the Site;

¹ Commissioner van Voorthuysen is an experienced Independent Commissioner, having sat on over 400 Hearings throughout New Zealand since 1998. He has qualifications in natural resources engineering and public policy. In 2020 he was appointed as a Freshwater Commissioner by the Minister for the Environment.

² Land Use consent for a light industrial development, 16A Wickham Street, Frankton, Assessment of Environmental Effects and Statutory Analysis, B&A Urban & Environmental, 24 March 2023; Section 3.0 "Site Context" and section 4.0 "Proposal".

³ Section 42A Hearing Report, Hayley Thomas (Project Planner), 23 November 2023; Section 3 "The Site" and section 5 "The Proposal".

- On site servicing is proposed for wastewater drainage and water supply. Water will be collected in on-site rainwater harvesting tanks. Additional water will be trucked in during dry periods. Wastewater will be collected in a central holding tank to be emptied by a commercial operator⁴;
- The applicant has obtained a resource consent from the Waikato Regional Council for the discharge of Site stormwater;
- As demonstrated in Figure 4 of the evidence of Mr Moran, the Site is predominantly surrounded by existing or proposed industrial activities as follows:
 - To the immediate north (16 Wickham Street) there is a waste management facility⁵ (HCC transfer station) and a landscaping supply business (Complete Landscaping Supplies);
 - To the north east (18 Wickham Street) is the Enviro NZ⁶ organic waste operation and to the east is land currently tenanted and used for a number of light industrial “yard based” activities;
 - To the south east (160 Higgins Road) the land is currently used for grazing, but it is consented for bulk earthworks involving the relocation of approximately 500,000m³ of clean fill from the adjoining large (9.1795 ha in size) MacDonalds clean fill site located further to the east of the applicant’s Site⁷;
 - To the south west and west (160 and 162 Higgins Road) the land is currently grazed, but it is consented⁸ to operate a clean fill operation that will enable approximately 100,000m³ of clean fill to be transferred onto the site; and
 - The land within the HCC district either side of Wickham Street at and beyond 200m to the north of the Site is within the HCC Industrial Zone and is occupied by various industrial activities.

4 Process Issues

4.1 Written approvals, notification, submissions and pre-hearing meetings

[004] No written approvals were provided.

[005] In July 2023 the application was limited notified to six parties⁹. Four submissions were received, with three in opposition¹⁰ and one in partial support¹¹. The submissions were contained and summarised in the Section 42A Report¹², and the location of the submitters in the immediate vicinity of the Site was helpfully shown on a map¹³. I adopt Hayley Thomas’ summary of submissions, but do not repeat it here for the sake of brevity.

[006] As far as I am aware, no pre-hearing meetings were held.

4.2 Officer’s recommendation

[007] In her initial Report Ms Thomas recommended that the landuse application be declined and the NES-SC consent be granted.

⁴ At the hearing the applicant’s planner Gareth Moran advised he had contacted Bains Liquid Disposal, a commercial operator based in Te Awamutu regarding such a service. Their websites states that they specialise in professional liquid waste disposal services for domestic, commercial, industrial and rural clients in the Waikato area.

⁵ Consented by Waipa District Council in 2020.

⁶ For this site HCC holds a land use consent to “operate an organic recycling dump and associated chipper”. HCC also holds a land use consent to “revise the site of the Hamilton Organic Recycling Centre” subject to various conditions. Enviro Waste Services Ltd hold discharge consents for a composting facility.

⁷ A large consented ‘clean fill operation’ (D & T MacDonald) for the disposal of construction, demolition, and industrial waste at, up to 35,000m³ per year (200m³ per day).

⁸ By Waipa District Council in 2023.

⁹ Hamilton City Council, Hamilton Organic Centre (18 Wickham Street), South Park Agricultural (20 Wickham Street), Waste Management Hamilton Transfer Station (16 Wickham Street), Complete Landscaping Supplies (16 Wickham Street), and NZ Transport Agency.

¹⁰ Hamilton City Council, Enviro NZ (operator of the Hamilton Organic Centre), and NZ Transport Agency.

¹¹ Complete Landscaping Supplies.

¹² Appendix 4.

¹³ Section 42A Council Officer’s Report, Diagram 14.

[008] At the conclusion of the Hearing Ms Thomas advised that she did not wish to amend her recommendations. I understand her reasons to be that the landuse application failed the s104D(1)(b) 'gateway' regarding the OWDP's objectives and policies. I asked Ms Thomas about her view on the s194D(1)(a) 'effects' gateway' and she said it could pass that 'gateway' as there were no traffic effects in the Waipa District. She indicated that while there were traffic safety effects in Hamilton City (the SH1C / Kahikatea Road intersection), those effects could be mitigated if the applicant's proposed Traffic Management Plan was both robust and enforceable.

4.3 Hearing, appearances and site visit

[009] I held a Hearing in the Council's chambers in Te Awamutu on Thursday 23 November 2023.

[010] Evidence¹⁴ from the applicant was pre-circulated in conformance with a procedural Minute that I issued. Legal submissions¹⁵ for the applicant were also pre-circulated. Written evidence from the submitters who wished to appear¹⁶ was pre-circulated. Legal submissions¹⁷ on behalf of HCC were provided. Copies of the written evidence are held by the Council.

[011] I do not separately summarise the matters covered here, but I refer to or quote from that material as appropriate in the remainder of this Decision. I took my own notes of any answers given to verbal questions that I posed to Hearing participants.

[012] I adjourned the hearing on 23 November 2023 following Ms Tree's verbal Reply submissions, but pending further information from submitter HCC¹⁸, which I received on 4 December 2023, and the applicant's written Reply¹⁹. I closed the Hearing on 12 December 2023, having concluded that I required no further information from any of the parties.

[013] I conducted a site visit on the afternoon of Wednesday 22 November 2023, accompanied by Quentin Budd, Council's Consents Team Leader.

4.4 Consent category

[014] It was common ground that the landuse application is a Non-Complying Activity under the provisions of the OWPD because 'industrial activities' are not listed in the Activity Status Tables for the Rural Zone. Consequently, the application falls to be considered under OWDP Rule 4.4.1.5(b).

[015] The Site also requires remediation of contaminated soils. Controlled activity consent is required for that aspect of the proposal under the NES-CS.

5 Section 104D and 104 matters

[016] Before I can proceed to assess the application under s104 of the RMA, I must first consider the s104D matters. That section provides:

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

¹⁴ Andrew Hay (applicant), Jarod Parker (architect), Simon Pattow (fire engineer), Adair Brimelow (three waters), Judith Makinson (traffic) and Gareth Moran (planning).

¹⁵ Bianca Tree.

¹⁶ Karen Rosser (Enviro NZ – planning), John van Rooy (HCC - three waters), Vinish Prakash (HCC and NZTA – traffic), Dr Mark Davey (HCC– planning). Emily Hunt (Senior Planner at NZTA) confirmed by way of email dated 23 November 2023 that Mr Parkash was also representing NZTA.

¹⁷ Lachlan Muldowney.

¹⁸ Memorandum of Counsel on Behalf of Hamilton City Council, Dated 29 November 2023

¹⁹ Reply Statement of Bianca Tree on behalf of Industre Property Rua Limited, Dated: 4 December 2023

- (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

[017] Section 104(2) states:

When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

[018] Section 104(2) refers to what is commonly called the 'permitted baseline'. This means that an application can be assessed by comparing it to the development that could take place on the Site as of right, without a resource consent, but excluding any development that is fanciful. In this case I have elected not to apply the permitted baseline, notwithstanding the fact that the site is currently occupied by 'yard based' industrial activities.

[019] Having said that, I agree with counsel²⁰ for the applicant that "*a large warehouse that is used as a packhouse or coolstore, with a similar built form and 'intensity' as the Application, would be an anticipated activity in the Rural zone, and therefore on the Site*".

5.1 Assessment approach

[020] Prior to assessing the effects of the application under s104D(1)(a), I find that the existing environment against which I should assess the proposal's effects is the physical environment as it exists today, including the 'yard based' industrial activities on the Site and the adjoining existing and consented land uses, as was described in section 3 of this Decision and the evidence of Mr Moran.

5.2 Adverse effects of the activity on the environment

[021] I firstly note that s104D(1)(a) does not enable the consideration of any positive effects that might otherwise offset adverse effects. In saying that we acknowledge that while there will be some positive effects associated with the proposal²¹, they are simply not relevant to my s104D(1)(a) assessment. Having said that, I agree with Dr Mark Davey²² that "*This proposal would clearly provide positive economic benefits to the City, adding a new business and new jobs to the local economy.*"

[022] In terms of what constitutes a 'minor' adverse effect, from the applicant's legal submissions and my own understanding gained in previous hearings, I am aware that that:

- 'Minor' is not defined in the RMA;
- In the context of s104D it can be understood that 'minor' is very much at the lower end of adverse effects, but it must be something more than de minimis;
- I can consider aspects of mitigation and outcomes of imposing conditions of consent; and
- My assessment under s104D(1)(a) requires a positive satisfaction that the adverse effects of the activity on the environment in the future will be "minor".

[023] Having considered the application documents, Ms Thomas' Section 42A Report and the evidence of witnesses for the applicant and submitters, I find that there is a narrow range of potential adverse effects that I need to consider as follows:

- Wastewater and water supply;
- Traffic safety;

²⁰ Opening Submissions, paragraph 45.

²¹ These being the private financial benefits accruing to the owners and occupiers of the Site, along with the provision of employment for staff who will work in the warehouses and the engagement of transport companies and other goods and service providers.

²² EIC Davey, paragraph 18.

- Reverse sensitivity;
- Precedent and OWDP integrity; and
- Development contributions.

[024] Having said that I record that:

- I have no concerns regarding the management of stormwater and its potential effects as the applicant has obtained resource consent for the treatment and discharge of Site stormwater from the Waikato Regional Council (WRC). I was not persuaded by the evidence of Mr van Rooy that the discharge of stormwater into the Waitawhiriwhiri Stream undertaken in compliance with the consent granted by the WRC would somehow compromise the ability of HCC to comply with their own comprehensive stormwater discharge consent. Accordingly, there is no need for me to revisit stormwater issues, although I agree with Mr Moran²³ the proposed stormwater management system will create overall positive effects in terms of stormwater water quality when compared to the existing stormwater discharges from the Site;
- I agree with Ms Thomas²⁴ that while the proposal breaches the OWDP boundary setback provisions, because the proposed new buildings are located 16.1m from the northern boundary and 3.0m from the eastern boundary, there is a more than adequate 25m separation distance between the proposed buildings and the existing activity at 18 Wickham Street; and
- Dr Davey considered²⁵ that the proposal would have adverse effects on 'rural character'. I am not persuaded that is so, because although the Site is situated in a Rural Zone it currently contains industrial activities and is surrounded on all sides by other existing or proposed industrial activities. In my view the Site exhibits no rural character²⁶ and arguably neither will the immediate surrounding area²⁷. Consequently, I find there is no adverse effect on 'rural character'.

5.2.1 Wastewater and water supply

[025] Mr van Rooy advised²⁸ that HCC has little existing capacity to accommodate additional wastewater within this part of the City's network, and no capacity to supply the Site with Three Waters services. There is also no Waipa District wastewater reticulation system in the vicinity of the Site. At this stage the applicant does not seek connections to HCC public reticulation systems for either wastewater or potable water.

[026] The proposal instead relies on an onsite private wastewater storage tank that will be periodically emptied by a commercial operator using a sucker truck and disposed of at an approved offsite licensed facility, most likely a wastewater treatment plant in Waipa. Mr Brimelow advised²⁹ that this is typically how wastewater is managed in areas that are outside municipal connections, or where there is no available space for onsite treatment and disposal and/or ground conditions prevent discharge to ground. Safety measures including a high-level alarm (visual and audible) will be installed to ensure overflows are unlikely to occur.

[027] Based on a conservative³⁰ estimate of 40 staff for the overall development (Stage 1 and 2) and a single holding tank (as identified on the applicant's Site plans), Mr Brimelow estimated that the wastewater would need to be emptied around once per week based on a 6-day working week and 10,000 L storage tank.

[028] Turning to potable water, the proposal relies on private rainwater tanks that will be fed from rainfall runoff from the warehouse roofs, to be supplemented by tanker supplies in extreme dry conditions that exceed 50 days of no rainfall. Mr Brimelow advised³¹ that such systems were very common in New Zealand for areas

²³ EIC Moran , paragraph 16.

²⁴ Section 42A Report, paragraph 10.26.

²⁵ EIC Davey, paragraphs 74 to 78.

²⁶ At the hearing Dr Davey conceded that the existing Site activities "are not typical rural activities".

²⁷ Particularly in light of the landuse consents for earthworks for the land to the west and south of the Site.

²⁸ EIC van Rooy, paragraph 7.

²⁹ EIC Brimelow, paragraph 12.

³⁰ Mr Brimelow assumed 20 Wattle staff whereas WattyI themselves anticipate only 5 employees.

³¹ EIC Brimelow, paragraph 25.

outside municipal supply. Each warehouse would be responsible for providing a water tank and small onsite treatment system to ensure potable water to staff. The water treatment would typically consist of filters and UV treatment and be of a similar size to that of a system serving a house.

- [029] Again, based on a conservative estimate of on-site employees, Mr Brimelow estimated that in dry periods the Watty warehouse might need to be serviced by tanker every 12 days whereas the Stage 2 warehouses might need to be serviced every 25 to 50 days.
- [030] In terms of firefighting water, Simon Pottow advised³² that the Site has been designed to provide a sprinkler system that complies with NZS4541:2020 and NFPA 30, and a firefighting water supply (of approximately 1,800,000 litres) is to be provided in compliance with SNZ PAS 4509:2008. There will be a dedicated firefighting water supply tank and pump, making the site self-sufficient for fire protection. The fire water tank will be filled initially by water tankers and any subsequent top-ups would be provided by rainwater harvesting tanks or by tanker. I have no concerns with that proposed approach.
- [031] Ms Thomas advised³³ that, in terms of Waipā District Council three waters services, the site is outside of any reticulated areas, and due to its Rural Zoning, is expected to have onsite servicing. She also noted that the proposed servicing had been reviewed by the Council's Development Engineer, who confirmed their support for the proposal subject to conditions of consent regarding detailed design and construction of the infrastructure.
- [032] I note that Mr van Rooy considered³⁴ that the proposed self-service arrangements were not a sustainable integrated solution. I queried him about that and I understand his concern related to possible contamination of the potable water tanks and a need to regularly test the potable water in those tanks. He also appeared to be concerned that the operation of the proposed wastewater tank required "manual intervention" (presumably when it is emptied). I found Mr van Rooy's evidence to be unconvincing and I am satisfied that the potential adverse effects of the proposed servicing of the Site in terms of wastewater and water are minor or less and more likely negligible.

5.2.2 *Traffic safety*

- [033] The most significant potential adverse effect requiring assessment is traffic safety. Evidence was provided for the applicant by Judith Makinson and for the HCC and NZ Transport Agency by Vinish Prakash.
- [034] There was a reasonable amount of common ground between the experts which I understood to include:
- The existing Site generated traffic³⁵ is approximately 20 vehicles per hour (vph) and 62 vehicles per day (vpd);
 - Based on the Institute of Transport Engineers (ITE) database for industry standard trip rates the proposal will generate 23 vph and 167 vpd;
 - However, an upper range conservative assessment of traffic generation using 85th percentile³⁶ trip rates obtained from Waka Kotahi Research Report 453: 'Trips and Parking Related to Land Use' (RR453) yields 90 vph and 215 vpd;
 - That upper range level of Site generated traffic does not trigger the need for an Integrated Traffic assessment (ITA) to be prepared under either the HCC's Operative District Plan or the OWDP. In the HCC Operative District Plan those triggers (500-1499 vpd for a Simple ITA and 1500 or more vpd for a Broad ITA) are substantially higher than the vpd estimates for the Industre Property Rua Ltd proposal;

³² EIC Pottow, paragraphs 10, 14 and 15.

³³ Section 42A report, paragraph 10.15.

³⁴ EIC van Rooy. Paragraph 10.

³⁵ Based on a 7am to 6pm survey undertaken on 3 November 2023.

³⁶ In answer to my questions Mr Parkash advised the use of the 85th percentile was an industry standard approach.

- The road safety record at the Kahikatea Drive / SH1C intersection is currently poor and would be classed as a high-risk intersection;
- A Draft Traffic Management Plan (TMP) for Stage 1 of the development has been prepared³⁷. Its primary purpose is to restrict operational Site traffic (commercial vehicles, staff and visitors) to left in and left out turns only at the Kahikatea Drive / SH1C intersection. The TMP also proposes to restrict right turns out at the Duke Street / SH1C intersection;
- The TMP proposes a range of compliance monitoring actions;
- In terms of traffic volumes, the level of increased traffic on SH1C and Killarney Road is negligible;
- Modelled crash rates at relevant intersections³⁸ are exceeded by actual crash rates. The majority of crashes occur outside peak hours; and
- The applicant proposes additional controls (give way signs and road markings) for the existing shared accessway serving the Site to define priority movements and provide effective management of non-priority traffic. This will give priority to traffic using the Hamiton City Transfer station.

[035] Regarding the last bullet point above, in answer to my questions Mr Hay advised that the accessway is owned by South Park Limited and the lots serviced by it have easements over it. Mr Hay advised that Les Harrison (owner of South Park Limited) has granted approval for the road markings. This was confirmed in an email from Mr Harrison³⁹ dated 22 December 2023 that was provided as part of the applicant's Reply.

[036] I note that Ms Rosser was concerned about low vegetation adjoining the HOC site along the accessway could impede the vision of vehicles exiting the HOC site. In response, Mr Moran's revised conditions (tabled at the hearing) included a condition that would require Industre Property Rua Limited to maintain that vegetation at a height of no more than 1m. When I put that to Mr Dolan, he indicated that dealt with the Enviro NZ concerns.

[037] I observe that if the Industre Rua Property Ltd development with its conservatively estimated vehicle generation rate of 215 vpd was located in the adjoining HCC industrial zone, it would not trigger the need for even a basic ITA under the HCC Operative District Plan⁴⁰. In my mind that does rather beg the question as to why HCC is so concerned about the level of traffic generated by this application, but I do not dwell on that any further.

[038] Ms Makinson advised⁴¹ that Wickham Street, Kahikatea Drive and Higgins Road all form part of identified freight routes under the draft Network Operating Framework and so their use by industrial traffic is an expected outcome. There was no evidence to the contrary.

[039] Ms Makinson also advised that crash rate modelling indicated that even **if** all of the additional Site traffic undertook right hand turns out at the Kahikatea Drive / SH1C intersection, the crash rate would not significantly increase. In Ms Makinson's view the modelled increase in crash rates was negligible.⁴² She helpfully put the increase in crash risk in perspective – the increase in traffic from the application may, at worst, result in one additional injury crash every 55 – 80 years at the Kahikatea Drive / SH1C intersection **if** all of the Site traffic utilised that intersection. Mr Parkash similarly considered that adding the Site's traffic⁴³ to the crash model did not significantly increase the crash rate as it resulted in only a 0.37% increase in that modelled crash rate.

[040] Nevertheless, I understand that both experts agreed that to avoid further exacerbating the safety risk at the Kahikatea Drive / SH1C intersection, the Site traffic should not turn right from Kahikatea Drive onto SH1C

³⁷ This was attached to Ms Makinson's evidence.

³⁸ Including Kahikatea Drive / Higgins Road and Higgins Road / Killarney Road.

³⁹ Les Harrison Transport Group.

⁴⁰ The trigger for a basic ITA is 500 – 1499 vpd. The proposal would trigger the need for a broad ITA if it was classified as a 'transport depot', which is unlikely given the HCC ODP's definitions.

⁴¹ EIC Makinson, paragraph 30.

⁴² Summary Statement Makinson, paragraph 6.

⁴³ 25% of the Site's traffic assumed to turn right-out, equivalent to 57 veh/day.

and the Site traffic should instead traverse Higgins Road and Killarney Road to access SH1C. The main area of disagreement was the effectiveness of the TMP to ensure that outcome.

[041] Mr Parkash was concerned about the robustness of the TMP. He stated⁴⁴ that, while in his opinion the change in traffic volume and crash risk occasioned by the proposal was low, there was an underlying crash risk at the Kahikatea Drive/SH1C intersection and the proposal increased that risk. I understand he held that view because in the absence of physical restrictions limiting right turn movements, he thought it would be difficult to ensure that all vehicles from both stages of the development did not right turn out at the intersection. In that regard he considered that the TMP enabled an inherent level of likely non-compliance.

[042] Turning to the TMP, counsel for the applicant submitted that the applicant's proposed consent conditions required compliance with the TMP. She also submitted that "*the Court in The Strand Ltd v Auckland City Council confirmed that a consent authority, when it imposes conditions, should assume that the applicant and its successors will act legally and adhere to rules and conditions.*" I accept that submission.

[043] However, I also had concerns about the robustness of the draft TMP. In particular I was concerned about some key provisions including:

- Subjective terms in the provisions on driver briefings⁴⁵;
- The proposal to undertake random spot checks of use of the Kahikatea Drive / SH1C and Duke Street / SH1C intersections by an independent and suitably qualified transportation engineer appointed by Watty NZ with what I understood to be a monthly frequency until compliance with the TMP had been confirmed and six-monthly thereafter⁴⁶; and
- Lax punitive actions proposed⁴⁷ for non-compliant drivers, which involved a reminder of TMP requirements for first and second non-compliances, a verbal warning for a third non-compliance, and a written warning for a fourth non-compliance.

[044] In my view the TMP should demonstrate a 'zero tolerance' for non-compliance and there should be a strong punitive response non-compliance. I considered that if spot checks were to be used, they should be far more frequent than monthly, at least initially. I also failed to understand why GPS tracking in Watty owned and contracted vehicles could not be required as a matter of course and thereafter used to assess compliance with the TMP.

[045] I asked Ms Makinson about those matters and she agreed that they could be addressed in an amended TMP. I asked Ms Tree to provide an amended TMP as part of her written Reply submissions. I have viewed the amended TMP and find it addresses my concerns, particularly in light of the agreed low level of traffic risk that might result at the Kahikatea Drive / SH1C even under very conservative assumptions⁴⁸.

[046] Specifically:

- Random spot checks on use of the Kahikatea Drive / SH1C and Duke Street / SH1C intersections will be undertaken by an independent and suitably qualified transportation engineer at least twice during the first month of the site becoming operational and monthly thereafter until compliance with the TMP has been confirmed. Once compliance with the TMP has been demonstrated, spot checks will be continued on an approximately 6-monthly basis unless complaints have been received, until such time that the SH1C / Kahikatea Drive and/or Duke Street / SH1C intersections are upgraded⁴⁹; and

⁴⁴ EIC Parkash, paragraphs 74 to 78.

⁴⁵ TMP clauses 4.1.1 and 4.1.2

⁴⁶ TMP clause 6.1.1

⁴⁷ TMP clause 6.1.3

⁴⁸ Those assumptions include very high vph and vpd estimates, do not take into account the proposed traffic management plan (TMP) which prohibits certain turning movements at this intersection, and do not take into account that fact that existing traffic movements to and from the Site do not have any traffic route restrictions.

⁴⁹ Revised TMP clause 6.1.1

- Drivers who fail to comply with the requirement to not use the above intersections will be given a reminder of the TMP requirements on the first non-compliance occasion. A second non-compliance by a driver will result in a written complaint to the driver's employer regarding non-compliance and if a third non-compliance occurs the driver will be banned from the Site⁵⁰.

[047] I find that:

- modelling shows that any increased traffic safety risk at the Kahikatea Drive / SH1C intersection arising from the proposal is certainly not significant and more likely negligible; and
- compliance with the amended TMP will sufficiently avoid even that negligible increased risk.

[048] Consequently, I am satisfied that the adverse effects of the proposal on traffic safety are less than minor.

5.2.3 Reverse sensitivity

[049] Enviro NZ was worried about 'reverse sensitivity' effects. Namely that complaints from the warehouse employees could lead to restrictions being placed on the Enviro NZ organic waste operation (Hamilton Organic Centre or HOC). Ms Rosser advised that the consent for the HOC included significant compliance and monitoring conditions, including remedial measures to mitigate any adverse effects in the unlikely event of adverse events being felt beyond the HOC boundary. Those effects might typically be in the form of odour emissions, but could also include effects of dust, litter, contamination and noise. Ms Rosser's evidence noted that composting is not currently being undertaken at the site.

[050] At the hearing Enviro NZ was represented by Laurence Dolan. I asked him when composting ceased and if and when it might recommence. He said it stopped in 2018 and there was no intent to resume composting for as long as Enviro NZ held the contract for the HOC. Mr Dolan advised the green waste deposited at the HOC is taken to Hamilton Downs landfill for processing. In my view the absence of composting at the HOC site largely removes the potential for adverse odour or dust to be generated from the HOC site.

[051] Regarding potential 'reverse sensitivity effects, for the applicant Jarod Parker advised⁵¹ that in response to submitter concerns, the office space referred to as 'Office 3' that is located in the northeast of the Site has been relocated further westward to provide a further 23m of separation distance between the HOC and the nearest on-Site office space. That provides a total separation distance of in excess of 46m from the boundary of the HOC site (made up of the 20m Wickham Street access leg, a 3m landscaped area and a 23m car parking space). I find that to be a more than reasonable separation buffer.

[052] Ms Thomas advised⁵² that in terms of the concern regarding odour, dust and noise from the HOC, that activity was subject to existing consents⁵³ which included conditions regarding management of the effects generated by this activity. Additionally, Rule 20.4.2.1 of the OWDP sought to ensure odour producing activities did not cause nuisance beyond their boundaries. She considered that if the HOC was acting in accordance with the granted consents, and the provisions of the OWDP, then its effects beyond the HOC property boundary should be already mitigated. I agree.

[053] The applicant had initially offered a 'no complaints covenant' to be registered on the title of the Site. However, given the advice of Ms Thomas and the relocation of 'Office 3', Mr Parker⁵⁴ did not consider that was required. I asked Ms Tree whether the applicant was still offering a 'no complaints covenant' and she advised that they were not. On the evidence I see no need for such a covenant.

[054] I note that Ms Rosser's evidence suggested that any covenant be extended to preclude residential and retail activities. However, as Ms Thomas noted, within the Rural Zone provisions of the OWDP dwellings

⁵⁰ Revised TMP clause 6.1.4

⁵¹ EIC Parker, paragraph 7.

⁵² Section 42A Report, paragraph 10.18.

⁵³ RC/1131, RC/1394 & RC/2359

⁵⁴ EIC Parker, paragraph 10.

and residential activities are a permitted activity. 'Retail activities' are not listed within the OWDP activity status tables so would require consent under Rule 4.4.1.5(b) as a Non-Complying Activity. She added that because proposal did not include residential or retail activities, she did not consider it appropriate to include conditions prohibiting those activities.

[055] Nevertheless, when I asked Mr Moran about that, he agreed that a stand-alone condition of consent could be imposed that precluded residential and retail activities on the Site⁵⁵.

[056] I am satisfied on the evidence that 'reverse sensitivity' effects will be less than minor.

5.2.4 Precedent and Plan integrity

[057] As noted by counsel⁵⁶ for the applicant, the concept of plan integrity (and issues associated with the precedent effect of granting resource consents) are a relevant consideration under s104(1)(b)(vi) and (c). I also find that in this case those effects are a relevant s104D(1)(a) matter.

[058] The Site is located in what is known as the Southern Links Land Area or "SL1". In accordance with a Strategic Boundary Agreement (SBA) between HCC and WDC that land may in the future be transferred to fall with the HCC boundary. There is no timeframe established for when that might occur.

[059] Dr Davey suggested that granting the application would be inconsistent with the strategic direction for the SL1 land as indicated in the Future Proof Partnership and Strategy⁵⁷ and the SBA. He was concerned that would set a precedent that would jeopardize the intended landuse for the SL1 area.

[060] I am not persuaded by that argument for the following reasons:

- The Site is part of an existing enclave of industrial activities directly adjoining an established industrial zone. As noted in the applicant's Reply⁵⁸, industrial activities have been occurring in this location for more than twenty years for the Enviro NZ site, eighteen years for the Waste Management site, and sixteen years for the Industre Rua Property site. It is also within an area identified for future industrial use⁵⁹ and so, as stated in the applicant's Reply⁶⁰ "*the proposed development is consistent with the strategic long-term use of the area. The application is simply providing for a new industrial activity on an existing industrial site*";
- As the Site is already consented for industrial use I accept Ms Tree's submission that "*the horse has already bolted*" and the area has been allowed to become a *de facto* industrial node;
- I am unaware of any other sites of comparable size in the Waipa District Rural Zone within the SL1 area that are currently consented for industrial uses and which may in the future be subject to applications to build warehouses. At the hearing Mr Moran⁶¹ and Dr Davey were similarly unaware of any such sites in the SL1 and SL2 areas⁶²; and
- In any case, any future applications for industrial activities within the Waipa District's Rural Zone within the SL1 or SL2 envelope would presumably also be categorised as non-complying activities to be assessed on their individual merits. In that regard I agree with Mr Moran⁶³ that "*...the application can clearly be distinguished from other sites within the SL1 area and the grant of this applicant (sic) could not be used to support an application for industrial use elsewhere within the SL1 area.*"

⁵⁵ His pre-circulated conditions had included conditions wording that read "For the avoidance of doubt, any ancillary retail activities on the site are not provided for".

⁵⁶ Opening Submissions, paragraph 34.

⁵⁷ A 30-year growth management and implementation plan specific to the Hamilton, Waipā and Waikato sub-region within the context of the broader Hamilton Auckland-Corridor and Hamilton-Waikato Metropolitan areas.

⁵⁸ Paragraph 9.

⁵⁹ Opening Submissions, paragraph 15.

⁶⁰ Paragraph 14.

⁶¹ Summary Statement Moran, paragraph 12.

⁶² In their post-hearing memorandum, HCC identified seven 'industrial' sites in the Waipa District that were located in rural areas, but it was not disclosed if those sites were located in the SL1 or SL2 areas.

⁶³ Summary Statement Moran, paragraph 13.

- [061] I am also not persuaded that granting consent for the Industre Property Rua Limited Site will somehow upend the future strategic planning for, and subsequent development of, the SL1 and SL2 land areas. When I asked Dr Davey about that he suggested that approving the application would 'lock in' access from Wickham Street which in turn might adversely affect other access roads that might branch off the proposed Southern Link highway. As noted in the applicant's Reply⁶⁴, in relation to the Southern Link highway designation corridor, there is no proposed entry / exit from the corridor in the location of the Site. I find Dr Davey's suggestion regarding access to be fanciful and assign it no weight.
- [062] On the evidence I am satisfied that 'precedent and plan integrity effects' are at worst negligible and more likely non-existent.
- [063] For the record, in his post-hearing memorandum, counsel for HCC referred me to *Olliver v Marlborough District Council* where a two-lot subdivision was declined on the basis it would not connect to a Council potable reticulated water supply. He suggested that provided 'precedent' for declining the Industre Rua Property Limited application. I have viewed that case and do not find it to be an overly relevant because the factual circumstances appear to be quite different from the application before me. Firstly, The Industre Rua Property Ltd application does not involve subdivision, secondly the *Olliver* case related to residential activities, and thirdly it appears that in the *Olliver* case the primary concern related ⁶⁵ to "... drinking water protection being affected by proper septic tanks being installed rather than the establishment of a reticulated water system ...". That is not the case here.
- [064] Finally, unlike what seemed to be the key 'objectives and policies of the plan' consideration in the *Olliver* case, I do not consider that the OWDP provides 'an effective bar' for development in the Industre Rua Property Ltd industrial enclave pending the WDC providing reticulated water and wastewater services. Indeed, I understand that the WDC has no intention of providing such services, because as stated in the Section 42A Report,⁶⁶ "*In terms of the Waipā District Council three waters services, the site is outside of any reticulated areas, and due to its Rural Zoning, is expected to have onsite servicing. The application has therefore provided onsite infrastructure solutions in keeping with the zoning of the site.*"

5.2.5 Development contributions

- [065] Dr Davey opined that because the Site is outside of the HCC's administrative boundary, it was not required to provide development contributions⁶⁷ to support the delivery of infrastructure solutions, and nor would it pay rates to fund infrastructure services. I am not persuaded that is a relevant consideration because the applicant does not intend to utilise HCC wastewater or water infrastructure and, as noted previously, Mr Prakash's evidence is that the change in traffic volume associated with the proposal on roads within Hamilton City is low.
- [066] At the hearing Dr Davey expanded on his concerns and advised that because the proposal would not be required to pay wastewater and water development contributions, that would jeopardize the business case for HCC's proposed 'Southern Wastewater Treatment Plant'. I find that to be somewhat ironic given Mr van Rooy's evidence that there is no capacity in those networks to service the Site.
- [067] I am not persuaded that the issue of development contributions in this case is an adverse effect on the environment insofar as 'environment' is defined in s2 of the RMA. That definition does include the words "*all natural and physical resources*", but I do not understand that to include the funding of future physical resources whose timing of construction and operational commencement is as yet unknown. Extending the definition of 'environment' to include the funding of any such future physical resources would in all likelihood prove unworkable.

⁶⁴ Paragraph 7 and designation map in Appendix 3.

⁶⁵ At [6]

⁶⁶ Paragraph 10.15

⁶⁷ He advised stormwater, wastewater, water and transport development contributions would amount to \$1,041, 343 if the Site was within the Hamilton City jurisdiction.

- [068] Nevertheless, even if I am wrong about that, in this case the applicant offered an ‘Augier’ condition⁶⁸ such that if and when the HCC water and wastewater networks were upgraded and extended down Wickham Street, then the Site’s on-site water and wastewater systems would be decommissioned, the Site would connect to the HCC networks, and the consent holder would⁶⁹ pay whatever development contributions were applicable at that time.
- [069] In my view that addresses Dr Davey’s concern. I note Ms Thomas was concerned about the enforceability of such a condition, but all that would be needed would be proof of payment from the consent holder which in my view is neither onerous nor difficult to obtain.
- [070] The applicant also offered an ‘Augier’ condition requiring, prior to the occupancy of the buildings within the development, the consent holder to invite representatives of HCC to engage in the development and implementation of a Development Agreement regarding the following matters:
- A financial payment in acknowledgement of the daily traffic demand on the HCC roading network;
 - The future connection to HCC’s reticulated infrastructure, including but not limited to water supply, wastewater and stormwater; and
 - A financial payment in acknowledgement of any connection to the HCC reticulated networks.
- [071] While I do not consider that offered condition to be necessary from an effects perspective it nevertheless addresses Dr Davey’s concern that the applicant would escape contributing to any future upgrade of the problematic SH1C / Kahikatea Drive intersection and HCC’s three water infrastructure.
- [072] I find that the issue of ‘development contributions’ is arguably not a relevant s104D(1)(a) ‘adverse effect on the environment’, and even if I am wrong about that, the applicant’s offered ‘Development Agreement’ condition suitably avoids any such adverse effect.

5.2.6 Conclusion on effects

- [073] I am satisfied that the potential adverse effects of the proposal are minor or less. The application therefore passes the section 104D(1)(a) gateway.

5.3 Objectives and policies of the Operative District Plan

- [074] Section 104D(1)(b) refers to “the Plan” or “the proposed Plan”. That limits my assessment to the Operative Waipa District Plan. It does not involve an assessment of any national policy statement, the Bay of Plenty RPS or even directly Part 2 of the RMA. However, as the application passes through the section 104D(1)(a) gateway I do not need to undertake a section 104D(1)(b) assessment.
- [075] Turning to section 104(1)(b), I firstly note that under s104(1)(b) I must have regard to the above instruments. The obligation to “have regard to” requires me as a decision maker to give genuine attention and thought to particular matters, but I do not necessarily have to accept them⁷⁰.
- [076] I agree with counsel⁷¹ for the applicant that my s104(1)(b) assessment “cannot be divorced from the context of the existing environment.”
- [077] The Site is located in the Rural Zone. It is therefore unsurprising that the proposal finds little support in the Rural Zone objectives and policies. However, because the Site is not ‘rural’ in nature (it is industrial in nature) and has previously been consented by the WDC for a variety of ‘industrial yard activities’, I place little weight on the Rural Zone provisions. I come to the same conclusion regarding the provisions of Section 15 “Infrastructure, Hazards, Development and Subdivision” of the OWDP.

⁶⁸ Conditions 23 as tabled at the hearing by Mr Moran in his Summary Supplementary of evidence.

⁶⁹ In the absence of a Development Agreement between the consent holder and HCC that separately addressed payments.

⁷⁰ *Foodstuffs (South Island) Ltd v Christchurch City Council* [1999] NZRMA 481 at p9

⁷¹ Opening Submissions, paragraph 8.

- [078] Having said that, I consider that the Site will be 'efficiently serviced' in terms of three waters⁷² albeit in absence of any reliance on reticulated networks. It is therefore consistent with Policy 15.3.4.8 as it will '*not give rise to demand or potential demand for the uneconomical and unplanned expansion of infrastructure services, or the upgrade of existing infrastructure*'. I also note the proposal will not result in reverse sensitive on adjacent sites⁷³.
- [079] Turning to Section 16 -Transportation of the OWDP, I firstly note that any transport related effects occur outside the Waipa District. Section 16 is therefore arguably not relevant; however, I find on the evidence that the proposal will '*minimise conflict on and across arterial routes and provide appropriate access*'⁷⁴; provide '*safe and appropriate locations for vehicle entrances, driveways*'⁷⁵; and it will '*maintain the ability of the transport network to distribute people and goods safely, efficiently and effectively*'⁷⁶.
- [080] In overall terms, and particularly in light of the existing consented use of the Site and its surrounding existing and consented environment, I find that having regard to the OWDP provisions does not weigh against a grant of consent.

5.4 Other statutory instruments

- [081] Other relevant statutory instruments include the:
- National Policy Statement on Urban Development 2020 (NPS-UD)
 - National Policy Statement for Highly Productive Land 2022 (NPS-HPL)
 - Waikato Regional Policy Statement
- [082] In light of the stormwater consent granted by the Waikato Regional Council, I do not consider that an assessment is required of the National Policy Statement for Freshwater Management 2020 or the Waikato Regional Plan.
- [083] Ms Thomas and Dr Davey both considered the NPS-UD to be relevant and Dr Davey focused on Objective 6. I do not afford that particular provision much weight because on the evidence the application does not '*affect urban environments*', other than in terms of a 'low to negligible' adverse effect on traffic safety and that effect is capable of effective mitigation.
- [084] Notwithstanding the location of the Site in a Rural Zone, insofar as the Site might itself be construed as 'an urban environment' (given its existing and historical use for industrial activities), I consider that the proposal is consistent with NPS-UD Objective 4 which is that "*New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*"
- [085] I agree with counsel⁷⁷ for the applicant that the proposal enables industrial development in an area where there is high demand (NPS-UD Objective 3) and it will help to meet expected demand for business land (NPS-UD Policy 2).
- [086] I find that having regard to the NPS-UD does not weigh against a grant of consent.
- [087] In terms of the NPS-HPL, the Site is underlain by LUC2 soil. At first glance the proposal might therefore be considered contrary to Policy 6 which is that "*Highly productive land is protected from inappropriate use and development.*" However, I agree with Mr Moran⁷⁸ that the use of the Site for primary production

⁷² Objective 15.3.3.

⁷³ Policy 15.3.2.4.

⁷⁴ Policy 16.3.2.1(a).

⁷⁵ Policy 16.3.2.3(a).

⁷⁶ Objective 16.3.3.

⁷⁷ Opening Submissions, paragraph 60.

⁷⁸ EIC Moran, paragraph 12.

purposes was effectively compromised when the Site was first consented for industrial use over 1 ½ decades ago. Mr Moran advised that rehabilitating the site back to primary production would involve significant work and substantial cost. He suggested that given the size of the Site, converting the site back for primary productive purposes would not economically viable. I agree and I heard no evidence to the contrary.

[088] On that basis I am satisfied that the land in question has permanent and long-term constraints on its use for primary production purposes and therefore qualifies under the exemption set out in NPS-HPL clause 3.10(1)(a). I also find that the proposal does not offend clause 3.10(1)(b) or clause 3.10(1)(c) because:

- the proposal will not result in the ‘*significant loss*’ of the productive capacity of the land or the ‘*loss*’ of highly productive land for land-based primary production (that was all lost some time ago);
- it will not fragment any ‘*large and geographically cohesive areas of highly productive land*’, and
- it avoids potential reverse sensitivity effects on surrounding land-based primary production (noting that surrounding primary production may itself be temporary given the consented earthworks for that land).

[089] I find that having regard to the NPS-HPL does not weigh against a grant of consent.

[090] Turning to the Waikato RPS, Ms Thomas⁷⁹ drew my attention to several provisions. Of those I note that the proposal is consistent with IM-09(2) - Amenity insofar as on the evidence I am satisfied that the proposal “*results in attractive, healthy, safe and high-quality urban form which responds positively to local context.*” In terms of UFD-01(12)⁸⁰, while HCC argues on one hand (see [092] below) that the proposal may not be consistent with strategically planned growth, I assign that little weight given the existing industrial use of the Site and the applicant’s intention to make it self-sufficient in terms of wastewater and water.

[091] I find that having regard to the Waikato RPS does not weigh against a grant of consent.

5.5 Other matters

[092] Dr Davey considered a number of other non-statutory ‘strategic’ documents to be relevant, including the Hamilton-Waikato Metropolitan Spatial Plan (HWMSP), Hamilton Urban Growth Strategy (HUGS) and the Future Proof Partnership and Strategy 2022.

[093] Given the existing industrial use of the Site I do not consider those ‘strategic’ documents weigh against a grant of consent. My conclusion in that regard would be different if the Site was typical farmland in primary productive use. However, it is not and has not been so for at least 16 years. I also note counsel for HCC’s submission⁸¹ that the Site is situated in the Southern Links area which is recognised as “*a future ‘Strategic Industrial Node’ and is included as a possible future urban enablement area for industrial purposes*”. I find that intended ‘strategic’ future use of the Site for industrial purposes lends weight to my finding on those other documents.

[094] Consistent with *R J Davidson Family Trust v Marlborough District Council* I have not found it to be necessary to have recourse to Part 2 of the RMA when assessing the applications. Having said that, I agree with Ms Tree that the application comprises an efficient use and development of an existing industrial site consistent with s7(b) of the RMA.

6 Determination

[095] I am satisfied that the proposal will have potential adverse effects on the environment that are no more than minor. Although the proposal does not find support in the Rural Zone provisions of the OWDP, I find that does not weigh against the application as the Site is already used for industrial activities and the nature of the intended warehousing will improve the adverse effects currently emanating from the Site and will

⁷⁹ Section 42A Report, paragraphs 12.20 to 12.21.

⁸⁰ Also associated policies IM-P1, UFD-P1, UFD-P2 and UFD-P11 as noted by Dr Davey.

⁸¹ Paragraph 9.

generate significant benefits in terms of stormwater quality, contaminated land remediation, amenity⁸² and employment opportunities.

[096] I therefore grant the applications lodged by Industre Property Rua Limited (applicant) for:

- (a) resource consent (land use) for the construction and establishment of a purpose-built Watty Ltd paint storage and distribution facility, and three warehouses and ancillary offices at 16A Wickham Street, Hamilton; and
- (b) resource consent under the NES-CS for the remediation of contaminated soils on the Site.

7 Conditions

[097] Prior to the hearing the applicant provided a suite of conditions for the land use consent and NES-CS consent⁸³. Ms Thomas provided recommended conditions for the NES-CS consent in her Section 42A Report⁸⁴.

[098] Amendments or additions to the pre-circulated conditions were recommended in the evidence of Adair Brimelow, Simon Pottow and Judith Makinson. Mr Moran included an updated suite of conditions in his evidence⁸⁵. I posed a number of questions of clarification to the applicant's witnesses at the hearing regarding the conditions and I invited Ms Tree to provide an updated suite of conditions for my consideration as part of her written Reply. I asked that those updated conditions be prepared jointly by Mr Moran and Ms Thomas, with any areas of disagreement being clearly identified.

[099] I received amended conditions from Ms Thomas on 11 December 2023. On 12 December 2023 Mr Moran advised that the amended conditions were acceptable to the applicant.

[100] I have reviewed the revised conditions and find them to be generally appropriate. However, I have made numerous amendments to them to, amongst other things:

- correct minor errors;
- improve their readability;
- use consistent language; and
- ensure the conditions impose clear and certain obligations on the consent holder.

[101] The conditions as amended by me are set out in Appendix 1. I have included two versions of the conditions. In one version the amendments are shown in 'track changes' for the benefit of the Council and the applicant. I have also prepared a 'clean' version of the conditions.

[102] Both versions should be provided to the applicant and the 'clean' version should be provide to the submitters.

[103] Ms Thomas also provided a PDF document containing the various plans referenced in the conditions. That is attached as Appendix 2. Prior to dispatching Appendix 2 to the applicant and submitters I direct the Council to amend Appendix 2 by omitting:

- the email from Les Harrison (page 4 of 15); and
- the 'Option 2' road marking plan (page 6 of 15) from Appendix 2.

[104] It is conceivable that my amended conditions may contain minor mistakes or defects. Accordingly, should the Council or the applicant identify any minor mistakes or defects in the attached conditions, then I am prepared to issue a revised schedule of conditions under s133A of the RMA correcting any such matters.

⁸² The existing s Site activities are unsightly yard-based storage activities whereas the applicant's proposal will result in the decommissioning of the existing on-site activities and the construction of 5-Star Green Build warehouses, which will modernise the site and provide a high-quality industrial development inclusive of landscaping.

⁸³ Section 42A Report, Appendix 5.

⁸⁴ Appendix 7 Draft Consent Conditions for Site Remediation under NES-CS.

⁸⁵ Appendix 1 Draft Conditions of Consent.

Consequently, any minor mistakes or defects in the amended conditions should be brought to my attention prior to the end of the 20-working day period specified in section 133A of the RMA

Signed by the commissioner:

A handwritten signature in black ink, appearing to read 'Rob van Voorthuysen', written over a light blue horizontal line.

Rob van Voorthuysen
Dated: 12 December 2023

Appendix 1 - Conditions Imposed

Resource Consent No: LU/0083/23
Land Use consent for a light industrial development

General

- 1 The proposal must proceed in general accordance with the information submitted with the application titled 'Land Use consent for a light industrial development, 16A Wickham Street, Frankton, Assessment of Environmental Effects and Statutory Analysis, prepared by Barker & Associates, dated 24 March 2023, and the information submitted through the Hearing process, except where another condition of this consent must be complied with. This information is entered into Council records as LU/0171/23.
- 2 The consent holder is responsible for all sub-contracted operations relating to the exercise of this consent and must ensure the staff and sub-contractors used by the tenants of the site are made aware of the conditions of this consent and ensure compliance with those conditions.

Construction – Construction Management Plan

- 3 Prior to construction activities commencing on site, the consent holder must provide a finalised Construction Management Plan to Council's Team Leader – Development Engineering for certification. The objective of the Construction Management Plan is to outline the construction methodology for the development and to ensure that the adverse effects of construction are appropriately managed. The Construction Management Plan must include, but is not limited to:
 - a) Site management arrangements;
 - b) Proposed construction program;
 - c) Construction methodologies;
 - d) Construction traffic Management;
 - e) Hazardous substance management;
 - f) Soil and erosion control measures;
 - g) Dust and vibration management; and
 - h) Noise management.

The Construction Management Plan must clearly address the above matters for both Stages 1 and 2 of the site's development.

- 4 The Construction Management Plan certified under Condition 3 above must be implemented by the consent holder, and all construction activities must be undertaken in accordance with the latest certified version of the Plan.

Advice Notes:

- a) *All earthworks must be carried out in accordance with good engineering practice and must:*
 - i) *Provide foundations in accordance with NZS: 4431:1989; Code of practice for earth fill for residential development, NZS:4404:2010 Land development and subdivision infrastructure*

(Schedule 2A) and Regional Infrastructure Technical Specifications (RITS): “Earthworks and Geotechnical Requirement” and demonstrate appropriate means of compliance of all cut and fill earthworks practices.

- ii) *Avoid creating a hazard to persons or property;*
 - iii) *Avoid or mitigate any generation of dust beyond the site boundary, the contamination of surface or groundwater or the diversion of surface or ground water flows;*
 - iv) *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;*
 - v) *Not obstruct or divert any stormwater overland flow path or result in changed stormwater drainage patterns on adjacent land in different ownership; and*
 - vi) *Be carried out in accordance with any other standards if so directed by the Council’s Team Leader – Development Engineering.*
- b) *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 silt fences, detention ponds, earth bunds, guidelines for re-vegetation.*
- c) *The New Zealand standard: NZS 6803:1999 Acoustics – Construction Noise sets out the appropriate limits for compliance for construction noise received beyond the boundaries of the site.*

Construction – Hours of Work

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

Construction - Notification to Neighbours

- 6 The consent holder must advise, in writing, no less than 5 working days prior to construction works commencing, the owners and occupiers of all neighbouring properties including all users of the private right of way that forms the continuation of Wickham Street. The advice must include the expected duration of construction activities, the times when any particularly noisy works are programmed to occur, the working hours and a contact phone number for queries or complaints regarding noise or vibration. A copy of the written advice must be provided to the Council’s Enforcement Team at: consentmonitoring@waipadc.govt.nz.

Construction - Archaeological

- 7 In the event of any artefacts or remains being discovered during construction earthworks, the applicant must immediately cease work in the vicinity of the artefacts or remains 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 must be removed in accordance with appropriate iwi protocols and any legal requirements of the Heritage New Zealand Pouhere Taonga Act 2014 which must be implemented prior to work recommencing in the location of the site of the artefacts or remains.

Construction - Abandoned Works

- 8 If work on site is abandoned or delayed by a period of more than 3 months, adequate preventative and remedial measures must be undertaken to control sediment and dust discharges beyond the site boundary and must thereafter be maintained until construction works recommence or as otherwise directed by the Council's Team Leader – Development Engineering. In particular the site must be covered by compacted hardfill or a metalled surface which has obtained a density of more than 80% of a normal pasture sward. Any alternative remedial measures must be of a type and to a standard which are to the acceptance of the Council's Team Leader – Development Engineering.

Construction – Reinstatement

- 9 At the completion of Stage 1, the balance of the site must be stabilised by compacted hardfill or metalled surface.

Private Way – Demonstrate or Upgrade

- 10 Prior to carrying out any construction work authorised by this consent either:
- a) The consent holder must demonstrate that the existing Private Way (labelled '16A Wickham St – West' on the Proposed Site & GL Plan) is built to the required standards, and submit completed and signed Quality Assurance Certificates for the existing Private Way from a suitably qualified and experienced professional to Council's Team Leader – Development Engineering. All costs must be at the consent holder's expense.
- Or:
- b) If so directed by the Council's Team Leader – Development Engineering, the consent holder must upgrade the existing Private Way (labelled '16A Wickham St – West' on the Proposed Site & GL Plan) to comply with Council's appropriate roading standards. All work is to be carried out and completed to the acceptance of the Council's Team Leader – Development Engineering and must be at the consent holder's expense.

Advice Notes:

- i) *If the Private Way is upgraded, the following items must be addressed:*
 - a) *Pavement design – based on testing of existing ground;*
 - b) *Test results of in-situ ground for the portion of new pavement to be constructed and for the existing formation;*
 - c) *Longitudinal sections*
 - d) *Disposal of stormwater including all structures and erosion control;*
 - e) *Provision of a common services trench*
 - f) *Surface treatment (if applicable)*
- ii) *The Council's standards are set out in the Waikato Regional Infrastructure and Technical Specification (RITS).*

Stage 1 – Carpark and Shared Driveway – Design/Construction Plan

- 11 The consent holder must prepare Design and Construction Plans for the proposed parking areas shown on 'Proposed Site & GL Plan' prepared by Stiffe Hooker Ltd, Job No. 10368, Sheet RC03, Rev 2, dated 3 November 2023. The Design and Construction Plans must be submitted to Council's Team Leader – Development Engineering for certification prior to carrying out any construction work authorised by this consent. All work associated with the parking areas must 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 must include, but are 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) Surface treatment;
 - f) Onsite lighting; and
 - g) Landscaping alongside the Private Way (labelled '16A Wickham St – West' on the Proposed Site & GL Plan).

Advice Note: *Proprietary stormwater 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.*

Stage 1 – Carpark and Shared Driveway – Quality Assurance Certificates

- 12 Following completion of the carpark areas required under Condition 11 the consent holder must submit completed and signed Quality Assurance Certificates from a suitability qualified and experienced professional to Council's Team Leader – Development Engineering.

Stage 1 – Carpark and Shared Driveway – Parking Spaces

- 13 All parking spaces within the Stage 1 parking areas as shown on the proposed site plan prepared by 'Proposed Site & GL Plan' prepared by Stiffe Hooker Ltd, Job No. 10368, Sheet RC03, Rev 2, dated 3 November 2023, must be marked or delineated on site.

Stage 1 – Water Supply

- 14 At the time of Building Consent Application, the consent holder must prepare Design and Construction Plans for the onsite water supply reticulation system that will supply the proposed buildings within Stage 1 of the development. The Design and Construction Plans must be in general accordance with the 'Proposed Drainage Plan', prepared by Stiffe Hooker Ltd, Job No 10368, Sheet SD-RC03 Rev 5, dated 8 November 2023, and the plans must be submitted to Council's Team Leader – Development Engineering for certification and must include, but not be limited to:
- a) Reticulation layout;
 - b) Pipe size, pipe material, and pipe pressure ratings;
 - c) Valves and fitting details;

- d) Bedding/service trench details; and
- e) Firefighting supply tanks and fittings in compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).

Advice Notes:

- i) *Cross boundary water connections or supply are not approved by Council (i.e. there must be no water connection to the adjoining site (Lot 1 DP 365434).*
 - ii) *The Building Code and the Waikato Regional Infrastructure and Technical Specification (RITS) sets out a means of compliance for the design and construction of all water supply infrastructure.*
 - iii) *As part of the Building Consent process As-built Plans and information of all water supply infrastructure assets must be provided to Council.*
- 15 Prior to occupancy of the Stage 1 buildings, a Water Supply Maintenance Contract must be entered into by the consent holder with an appropriately licensed company to regularly test the potable water supply. The Contract must include details of the licensed supplier, the frequency and type of testing, safety measures used within the buildings such as the use of low use facilities (i.e. dual flush toilets, aerated taps and no garbage in-sink grinders) and details of the maintenance that will be undertaken. A copy of the contract and all testing results must be provided to Councils Enforcement Team at: consentmonitoring@waipadc.govt.nz.

Stage 1 – Wastewater

- 16 At the time of Building Consent Application, the consent holder must submit Design and Construction Plans for the onsite wastewater supply reticulation system to service the proposed buildings within Stage 1 of the development to Council's Team Leader – Development Engineering for certification. The Design and Construction Plans must be in general accordance with the 'Proposed Drainage Plan', prepared by Stiffe Hooker Ltd, Job No 10368, Sheet SD-RC03 Rev 5, dated 8 November 2023, and the plans must include, but not be limited to:
- a) A holding tank sized to provide a minimum of 7 days storage;
 - b) The holding tank is to be fitted with a high-level alarm system which must be set to provide 2-full days additional reserve storage; and
 - c) The holding tank must be located for easy access via a pump-out vehicle, should have no overflow, and be designed to resist flotation caused by high groundwater levels when the tank is empty.

Notes:

- i) *The Building Code and the Waikato Regional Infrastructure and Technical Specification (RITS) sets out a means of compliance for the design and construction of all wastewater supply infrastructure.*
 - ii) *As part of the Building Consent process As-built Plans and information of all wastewater infrastructure assets must be provided to Council.*
- 17 Prior to occupancy of the Stage 1 buildings, a Wastewater Maintenance Contract must be entered into by the consent holder with an appropriately licensed company to remove wastewater from the site to a licensed facility for disposal. The Contract must include that the final disposal location for wastewater from the site must not be to any wastewater treatment plant held under Hamilton City Council jurisdiction. A copy of the contract must be provided to Councils Enforcement Team at: consentmonitoring@waipadc.govt.nz.

Stage 1 - Stormwater

- 18 At the time of Building Consent Application, the consent holder must submit Design and Construction Plans for the onsite stormwater reticulation system to service the proposed buildings within Stage 1 of the development to Council's Team Leader – Development Engineering for certification. The Design and Construction Plans must be in general accordance with the 'Proposed Drainage Plan', prepared by Stiffe Hooker Ltd, Job No 10368, Sheet SD-RC03 Rev 5, dated 8 November 2023, must include, but not be limited to:
- a) Reticulation layout;
 - b) Pipe sizing and pipe material;
 - c) Detention Tank details;
 - d) Longitudinal sections;
 - e) Overland flow paths;
 - f) Receiving network outlet details; and
 - g) Manhole sizing and details;
- 19 Site stormwater and drainage systems must be designed, constructed and operated in a manner that prevents the entry or discharge of hazardous substances into the stormwater system. Prior to the use of the buildings within Stage 1 of the development, a detailed plan showing hazardous substances controls, together with written proof of their installation, must be provided to Council's Environmental Health Team Leader.
- 20 All stormwater grates on the site must be clearly labelled "Stormwater Only".

Notes:

- i) *Compliance with condition 19 can be achieved using clearly identified stormwater grates and access holes, roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems*
- ii) *All private stormwater infrastructure must 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.*
- iii) *The Building Code and the Waikato Regional Infrastructure and Technical Specification (RITS) sets out a means of compliance for the design and construction of all stormwater infrastructure assets.*
- iv) *All private stormwater discharge is required to comply with the approved discharge permit from Waikato Regional Council (AUTH105279.01.01).*

Stage 1 - Watty Warehouse

- 21 The consent holder must ensure that paint, hazardous substances, flammable liquids and aerosols stored in the proposed buildings shown as 'Watty Development (Stage 1)' on 'Proposed Site & GL Plan' prepared by Stiffe Hooker Ltd, Job No. 10368, Sheet RC03, Rev 2, dated 3 November 2023 annotated 'Storage and distribution of paint and paint related products, including an ancillary office and paint-mixing room' do not exceed the following volumetric limits:

- a) Storage of 544,000 litres of paint (Class 3's) in the 'DG store' building;
 - b) Unloading, dispatch and temporary storage of up to 150,000 litres of Class 3 hazardous substances within the 'Breezeway';
 - c) A 'mixing room' located within the 'Breezeway' and outside the 'DG store' for blending or decanting paint into containers, for up to 450 litres of Class 3.1B and 3.1C flammable liquids; and
 - d) Storage of up to 2,800 litres of aerosols (Class 2.1.2) within a caged area of the 'warehouse'.
- 22 At the time of building consent application, certification from a suitable qualified person must be included confirming the design for the 'DG store' building meets the specifications for a Type B store including framing with non-combustible cladding materials and with secondary containment capacity for 136,000 litres.
- 23 The Class 3 hazardous substances unloaded within the 'Breezeway' must only be stored in the Breezeway for periods of up to 72 hours.
- 24 All the flammable liquids held in the 'DG store' must be sealed in closed containers.
- 25 Any energy source capable of igniting flammable substances or incompatible substances must be excluded from DG store and its secondary containment.
- 26 The 'Warehouse' building must be located no closer than 3.0 metres from the southern property boundary as measured from the outermost part of the building.

Stage 1 - Watty Warehouse – Hazardous Substances Environmental Management Plan

- 27 One month prior to occupancy of the 'Watty Development (Stage 1)' buildings, the consent holder must submit a Hazardous Substances Environmental Management Plan ('HSEMP') to Council's Environmental Health Team Leader for certification. The objective of the HSEMP is to outline the hazardous substances on site and to identify protocols for the management of hazardous substances to minimise environmental risks. The HSEMP must be prepared by a suitably qualified person, and must include, but is not limited to:
- a) The detail of managing risks posed by hazardous substances to:
 - i) Waterways (if applicable),
 - ii) Stormwater systems (if applicable),
 - iii) Soakage to ground (if applicable),
 - b) Waste management (if applicable),
 - c) Emergency planning (i.e. Emergency Response Plan (ERP)),
 - d) Monitoring and maintenance schedules,
 - e) Associated equipment on-site,
 - f) Identifying:
 - i) staff training for managing hazardous substances,
 - ii) roles and responsibilities for managing hazardous substances,
 - iii) hazardous substances controlled zones,

- iv) hazardous substances secondary containment measures, and
- v) standard operating procedures for managing hazardous substances.

Advisory Notes:

- i) *Any process waste or waste containing hazardous substances must be managed in accordance with Rules 19.4.2.15 to 19.4.2.17 of the Operative Waipā District Plan.*
- ii) *All storage and management activities of hazardous wastes must at all times comply with all relevant performance standards specified for hazardous facilities and activities.*
- iii) *The storage of any waste containing hazardous substances must be in a manner that prevents:*
 - a) *the exposure to ignition sources;*
 - b) *the corrosion or other alteration of the containers used for the storage of the waste; and*
 - c) *the unintentional release of the waste.*

Stage 1 - Watty Warehouse – Hazardous Facilities Signage

- 28 The Hazardous Facilities within the 'Watty Development (Stage 1)' buildings must be adequately signposted to indicate the nature of the substances stored, used or otherwise handled within the site.

Stage 1 - Watty Warehouse – Hazardous Substances Waste Disposal

- 29 Any waste generated from the 'Watty Development (Stage 1)' buildings containing, or likely to contain, hazardous substances must be disposed of to authorised facilities.

Stage 1 – Watty Warehouse – Spill Response Management Plan

- 30 Prior to occupancy of the 'Watty Development (Stage 1)' buildings, a Spill Response Management Plan ('SRMP') prepared by a suitably qualified person, must be submitted to Council's Environmental Health Team Leader for certification. The objective of the SRMP 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 must include but not be limited to:
- a) A protocol or method for identifying and stopping the unauthorised discharge of hazardous substances and avoiding future such discharges;
 - b) Emergency containment and clean-up procedures;
 - c) A list of appropriate spill kit contents to enable the containment and/or absorption of spilt material.
 - d) A requirement for appropriate signage to identify the location of spill kits and the actions to be taken in the event of a spill;
 - e) Actions to remedy or mitigate any adverse effects on the environment or public health and safety arising from the discharge;
 - f) Methods for the disposal of spilt environmental hazardous substances and any other contaminant materials used in the spill clean-up;
 - g) A schedule of hazardous substances spill training protocols for staff.
 - h) Up to date and accurate copies of drainage plans showing the location of any final off-site discharge points;

- i) 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; and
 - j) Methods for disposing of any spills captured in a secondary containment device. The plan must set out how it will be disposed of in an appropriate and authorised manner.
- 31 Should a spill occur, then the material must be collected by a licensed operator and disposed off-site at an approved facility. As soon as practicable after a spill occurs, the consent holder must submit a report to Council in relation to the spill. As a minimum, the report must include:
- a) Description of what the spilled material consisted of, how the spill occurred, and a plan showing the area of the spill;
 - b) Description of how the spill was managed and where and how the spilt material was disposed of;
 - c) Description of any off-site adverse environmental effects and any remedial actions undertaken;
 - d) Corrective actions for operation of the site to avoid any repeat spills (if applicable); and
 - e) A requirement that any variations or amendments to the Spill Response Management Plan are to be provided to Council's Team Leader - Environmental Health for certification.

Stage 1 - Watty Warehouse – Landscaping

- 32 Prior to occupancy of the 'Watty Development (Stage 1)' buildings, the areas shown as 'Landscaping Strips' within Stage 1 of the development on 'Proposed Site & GL Plan' prepared by Stiffe Hooker Ltd, Job No. 10368, Sheet RC03, Rev 2, dated 3 November 2023 must be planted and landscaped. The landscaping strip must:
- a) Have a minimum depth of:
 - i) 1m along the northern property boundary; and
 - ii) 4m along the western and southern property boundaries.
 - b) Include a range of plant species that vary in height and density to screen the bulk form of the buildings;
 - c) Be maintained by the consent holder including the replacement of any dead or dying plants must be replaced as soon as practicable; and
 - d) Be maintained to ensure sight lines at the entrance to the site are retained.

To demonstrate compliance with parts (a) and (b) of this condition, the consent holder must provide photographic evidence to the Waipā District Council enforcement team.

Note: Photos should be emailed to: consentmonitoring@waipadc.govt.nz. Please include the consent number in the subject line (i.e. LU/0038/23).

Stage 1 - Watty Warehouse – Travel Management Plan

- 33 One month prior to occupancy of the 'Watty Development (Stage 1)' buildings, the consent holder must submit a site-specific Travel Management Plan ('TMP') to Council's Development Engineering Team Leader for their information. The objective of the TMP is to minimise any potential adverse transportation effects, particularly in relation to the intersections of Kahikatea Drive/State Highway 1C and Duke Street/State

Highway 1C. The TMP must be generally in accordance with the draft TMP prepared by CKL dated 2 November 2023 and include, but is not limited to, the following:

- a) Specification of daily and hourly vehicle movements to and from the site and restrictions to be followed by those vehicles with regard to the intersections of Kahikatea Drive and Duke Street with State Highway 1C;
- b) General traffic route management, including a requirement that outgoing site traffic should turn right onto State Highway 1C via Killarney Road;
- c) Monitoring of vehicle movements at the intersections of Kahikatea Drive and Duke Street with State Highway 1C, including recording methods, frequency of monitoring, and the reporting of monitoring results to the NZ Transport Agency and Hamilton City Council;
- d) A process for receiving and responding to complaints relating to vehicle movements at the intersections of Kahikatea Drive and Duke Street with State Highway 1C; and
- e) Compliance Monitoring of vehicle movements from the site at the intersections of Kahikatea Drive and Duke Street with State Highway 1C and relevant disciplinary actions for drivers who do not comply with the TMP.

The consent holder must provide evidence of an invitation to representatives of NZ Transport Agency and Hamilton City Council to engage in the development of the TMP as the Road Controlling Authorities for State Highway 1C, Kahikatea Drive and Wickham Street.

- 34 The consent holder must ensure that all occupiers of the site comply with the provisions of the Travel Management Plan required under Condition 33.

Stage 1 - Watty Warehouse – Road Marking and Signage

- 35 Prior to occupancy of the 'Watty Development (Stage 1)' buildings, a Road Marking and Signage Plan must be submitted to Council's Development Engineering Team Leader for certification. The objective of the Road Marking and Signage Plan is to control the egress and ingress to the site. The Road Marking and Signage Plan must be prepared by a suitably qualified person and be generally in accordance with the draft 'Option 1' Access Layout prepared by CKL, dated 24 November 2023, and include, but is not limited to, the following:

- a) Centre line markings to promote vehicle priority to the Waste Management site;
- b) Give way markings on the Enviro NZ vehicle crossing and the vehicle crossing serving the right of way to the consent holder's site;
- c) Details of any supporting signage required;
- d) Details of how sight line and signage visibility is to be managed and maintained; and
- e) 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 consent holder must provide evidence of an invitation to representatives of Hamilton City Council, Waste Management Limited, Enviro NZ Limited, and Southpark Agri Development Limited, as landowners and occupiers using the entrance from the end of Wickham Street to engage in the development and implementation the Road Marking and Signage Scheme.

Stage 2 – Warehouse 1, 2 and 3

- 36 The proposed buildings shown as ‘Stage 2’ on ‘Proposed Site & GL Plan’ prepared by Stiffe Hooker Ltd, Job No. 10368, Sheet RC03, Rev 2, dated 3 November 2023 must be used only for ‘storage and distribution purposes’. There must be no retail or residential activities on the site.
- 37 The ‘Warehouse 1 and Office 1’ building must be located no closer than 3.0 metres from the southern site boundary, and 3.9m from the eastern site boundary, as measured from the outermost part of the building.
- 38 The ‘Warehouse 3’ building must be located no closer than 3.0 metres from the eastern site boundary as measured from the outermost part of the building.

Stage 2 – Carparks and Driveway – Design/Construction Plan

- 39 The consent holder must prepare Design and Construction Plans for the proposed Stage 2 parking areas shown on ‘Proposed Site & GL Plan’ prepared by Stiffe Hooker Ltd, Job No. 10368, Sheet RC03, Rev 2, dated 3 November 2023. The Design and Construction Plans must be submitted to Council’s Team Leader – Development Engineering for certification prior to carrying out any construction work authorised by this consent. All work associated with the parking areas must be constructed and completed in compliance with the certified Design and Construction Plans at the consent holder’s expense. The plans submitted for certification must include, but are not limited to:
- a) Pavement design – based on testing of existing ground conditions;
 - 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 runoff from the parking areas;
 - e) Surface treatment of the parking areas;
 - f) Onsite lighting for the parking areas; and
 - g) Landscaping alongside the Private Way (labelled ‘16A Wickham St – West’ on the Proposed Site & GL Plan).

Advice Note: *Proprietary stormwater 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.*

Stage 2 – Carparks and Driveway – Quality Assurance Certificates

- 40 Following completion of the Stage 2 parking areas required under Condition 39, the consent holder must obtain and submit completed and signed Quality Assurance Certificates from a suitability qualified and experienced professional to Council’s Team Leader – Development Engineering.

Stage 2 – Carpark and Shared Driveway – Parking Spaces

- 41 All parking spaces within the Stage 2 parking areas as shown on the proposed site plan prepared by ‘Proposed Site & GL Plan’ prepared by Stiffe Hooker Ltd, Job No. 10368, Sheet RC03, Rev 2, dated 3 November 2023, must be marked or delineated on site.

Stage 2 – Warehouses and Offices 1, 2 and 3 – Travel Management Plan

- 42 One month prior to occupancy of the 'Warehouses and Offices 1, 2 and 3' buildings, the consent holder must submit a site-specific Travel Management Plan ('TMP') prepared in conformance with condition 33 for vehicles movements associated with the 'Warehouses and Offices 1, 2 and 3' buildings to Council's Development Engineering Team Leader for their information.
- 43 The consent holder must ensure that all occupiers of the 'Warehouses and Offices 1, 2 and 3' buildings comply with the provisions of the Travel Management Plan required under Condition 42.

Stage 2 – Water Supply

- 44 At the time of Building Consent Application, the consent holder must prepare Design and Construction Plans for the onsite water supply reticulation system that will supply the proposed buildings within Stage 2 of the development. The Design and Construction Plans must be in general accordance with the 'Proposed Drainage Plan', prepared by Stiffe Hooker Ltd, Job No 10368, Sheet SD-RC03 Rev 5, dated 8 November 2023, and the plans must be submitted to Council's Team Leader – Development Engineering for certification and must include, but not be limited to:
- a) Reticulation layout;
 - b) Pipe size, pipe material, and pipe pressure ratings;
 - c) Valves and fitting details;
 - d) Bedding/service trench details; and
 - e) Firefighting supply tanks and fittings in compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008).

Advice Notes:

- i) *Cross boundary water connections or supply are not approved by Council (i.e. there must be no water connection to the adjoining site (Lot 1 DP 365434).*
 - ii) *The Building Code and the Waikato Regional Infrastructure and Technical Specification (RITS) sets out a means of compliance for the design and construction of all water supply infrastructure.*
 - iii) *As part of the Building Consent process As-built Plans and information of all water supply infrastructure assets must be provided to Council.*
- 45 Prior to occupancy of the Stage 2 buildings, a Water Supply Maintenance Contract must be entered into by the consent holder with an appropriately licensed company to regularly test the potable water supply. The Contract must include detail of the licensed supplier, the frequency and type of testing, safety measures used within the buildings such as the use of low uses facilities (i.e. dual flush toilets, aerated taps and no garbage in-sink grinders) and details of the maintenance that will be undertaken. A copy of the contract and all testing results must be provided to Councils Enforcement Team at: consentmonitoring@waipadc.govt.nz.

Stage 2 – Wastewater

- 46 At the time of Building Consent Application, the consent holder must submit Design and Construction Plans for the onsite wastewater supply reticulation system to service the proposed buildings within Stage 2 of the development to Council's Team Leader – Development Engineering for certification. The Design and

Construction Plans must be in general accordance with the 'Proposed Drainage Plan', prepared by Stiffe Hooker Ltd, Job No 10368, Sheet SD-RC03 Rev 5, dated 8 November 2023, and must include, but not be limited to:

- a) A holding tank should be sized to provide a minimum of 7 days storage;
- b) The holding tank is to be fitted with a high-level alarm system which must be set to provide 2-full days additional reserve storage; and
- c) The holding tank must be located for easy access via pump-out vehicle, should have no overflow, and designed to resist flotation caused by high groundwater levels when the tank is empty;

Note:

- i) *The Building Code and the Waikato Regional Infrastructure and Technical Specification (RITS) sets out a means of compliance for the design and construction of all wastewater supply infrastructure.*
- ii) *As part of the Building Consent process As-built Plans and information of all wastewater infrastructure assets must be provided to Council.*

- 47 Prior to occupancy of the Stage 2 buildings, a Wastewater Maintenance Contract must be entered into by the consent holder with an appropriately licensed company to remove wastewater from the site to a licensed facility for disposal. The Contract must include that the final disposal location for wastewater from the site must not be to any wastewater treatment plant held under Hamilton City Council jurisdiction. A copy of the contract must be provided to Councils Enforcement Team at: consentmonitoring@waipadc.govt.nz.

Stage 2 - Stormwater

- 48 At the time of Building Consent Application, the consent holder must submit Design and Construction Plans for the onsite stormwater reticulation system to service the proposed buildings within Stage 2 of the development to Council's Team Leader – Development Engineering for certification. The Design and Construction Plans must be in general accordance with the 'Proposed Drainage Plan', prepared by Stiffe Hooker Ltd, Job No 10368, Sheet SD-RC03 Rev 5, dated 8 November 2023, and must include, but not be limited to:

- a) Reticulation layout;
- b) Pipe sizing and pipe material;
- c) Detention Tank details;
- d) Longitudinal sections;
- e) Overland flow paths;
- f) Receiving network outlet details; and
- g) Manhole sizing and details;

Notes:

- i) *All private stormwater infrastructure must 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.*
- ii) *The Building Code and the Waikato Regional Infrastructure and Technical Specification (RITS) sets out a means of compliance for the design and construction of all stormwater infrastructure assets.*

- iii) *All private stormwater discharge is required to comply with the approved discharge permit from Waikato Regional Council (AUTH105279.01.01).*

Stage 2 – Landscaping

- 49 Prior to occupancy of the 'Warehouse and Office 1, 2 and 3' buildings, the areas shown as 'Landscaping Strips' within Stage 2 of the development on 'Proposed Site & GL Plan' prepared by Stiffe Hooker Ltd, Job No. 10368, Sheet RC03, Rev 2, dated 3 November 2023 must be planted and landscaped. The landscaping strip must:
- a) Have a minimum depth of:
 - i) 3m along the eastern property boundary; and
 - ii) 3m along the southern property boundary.
 - b) Include a range of plant species that vary in height and density to screen the bulk form of the buildings;
 - c) Be maintained by the consent holder including the replacement of any dead or dying plants as soon as practicable; and
 - d) Be maintained to ensure sight lines at the entrance to the site are retained.

To demonstrate compliance with parts (a) and (b) of this condition, the consent holder must provide photographic evidence to the Waipā District Council enforcement team.

Note: *Photos should be emailed to: consentmonitoring@waipadc.govt.nz. Please include the consent number in the subject line (i.e. LU/0038/23).*

Stage 1 and 2 - Complaints Register

- 50 The consent holder must maintain and keep a complaints register both Stage 1 and 2 for any complaints about any activities associated with the exercise of this consent received by the consent holder or an occupier of the site in relation to noise or other adverse environmental effects. The register must 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 must 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 must be forwarded to Waipā District Council Enforcement Team Leader as soon as practicable and no longer than one working day after the complaint has been received.

Stage 1 and 2 - Review

- 51 Pursuant to Sections 128 to 131 of the Resource Management Act 1991, Waipā District Council may, during the months June to August after the first year of the exercise of each stage of this consent, and during the same months every three years after (so long as the consent is current), serve notice on the consent holder to review any or all of the conditions of this consent for the following purposes:
- a) To review the effectiveness of the conditions of this consent in avoiding, remedying or mitigating any adverse effect on the environment that may arise from the exercise of this consent and, if necessary, avoid, remedy or mitigate such effects by way of further or amended conditions. In particular, adverse effects may relate to:
 - i) Traffic volumes and the routes used by vehicles travelling to and from the site;
 - ii) Noise;
 - iii) Dust;
 - iv) Odour;
 - v) Hazardous Substance and Dangerous Goods management.
 - b) To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including any issues arising out of complaints;
 - c) To review the adequacy of, or necessity for, any monitoring programmes or the Site Management Plan that are part of the conditions of this consent;
 - d) To require the consent holder, if necessary and where appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment.

Waipā District Council will undertake the review in consultation with the consent holder and the actual and reasonable costs of the review must be paid pursuant to section 36 of the Resource Management Act 1991.

Stage 1 and 2 – Development Agreement

- 52 Prior to the occupancy of the buildings within Stage 1 of the development, the consent holder must invite representatives of Hamilton City Council to engage in the development and implementation of a Development Agreement regarding the following matters:
- a) A financial payment in acknowledgement of the daily traffic demand on the Hamilton City Council roading network;
 - b) The future connection to Hamilton City Council's reticulated infrastructure, including but not limited to water supply, wastewater and stormwater; and
 - c) A financial payment in acknowledgement of any connection to the Hamilton City Council's reticulated networks.
- 53 A copy of the invitation to enter into a Development Agreement must be provided to Councils Enforcement Team at: consentmonitoring@waipadc.govt.nz.
- 54 Should a legally binding Development Agreement be agreed between the consent holder and the Hamilton City Council, a copy of that Agreement must be provided to Waipā District Council.

Conditions of Consent

Resource Consent No: LU/0083/23

Remediation of the site with regard to heavy metals and hydrocarbons as a Controlled Activity pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)**Contaminated Soil - Site Management Plan ('SMP')**

1. Prior to any soil disturbance works commencing the consent holder must submit for certification by Environmental Health Team Leader a site management plan (SMP) prepared by a suitably qualified and experienced practitioner in accordance with the current edition of the Ministry for Environment Contaminated Land Management Guidelines No.1 – *Reporting on Contaminated Sites in New Zealand*. The SMP must detail the procedures, controls and contingency measures that must be implemented for the duration of the works in order to protect human health by ensuring exposure pathways are minimized for the duration of the soil disturbance works and must include, but not be limited to:
 - a) Erosion and sediment controls;
 - b) Environmental controls for stockpiling;
 - c) Procedures to minimise on-site contaminant dispersal;
 - d) Unexpected contamination discovery protocols; and
 - e) Transport and disposal of any material transported off-site.
2. Soil disturbance works must be undertaken in accordance with the approved SMP. The procedures, controls and contingency measures outlined in the SMP must be implemented for the duration of the soil disturbance works to ensure minimal adverse effects on human health and the environment.

Contaminated Soil - Material removed from site

3. All material removed from the site in the course of the soil disturbance works must be disposed to a suitably licensed facility authorised for receipt of material of that kind.

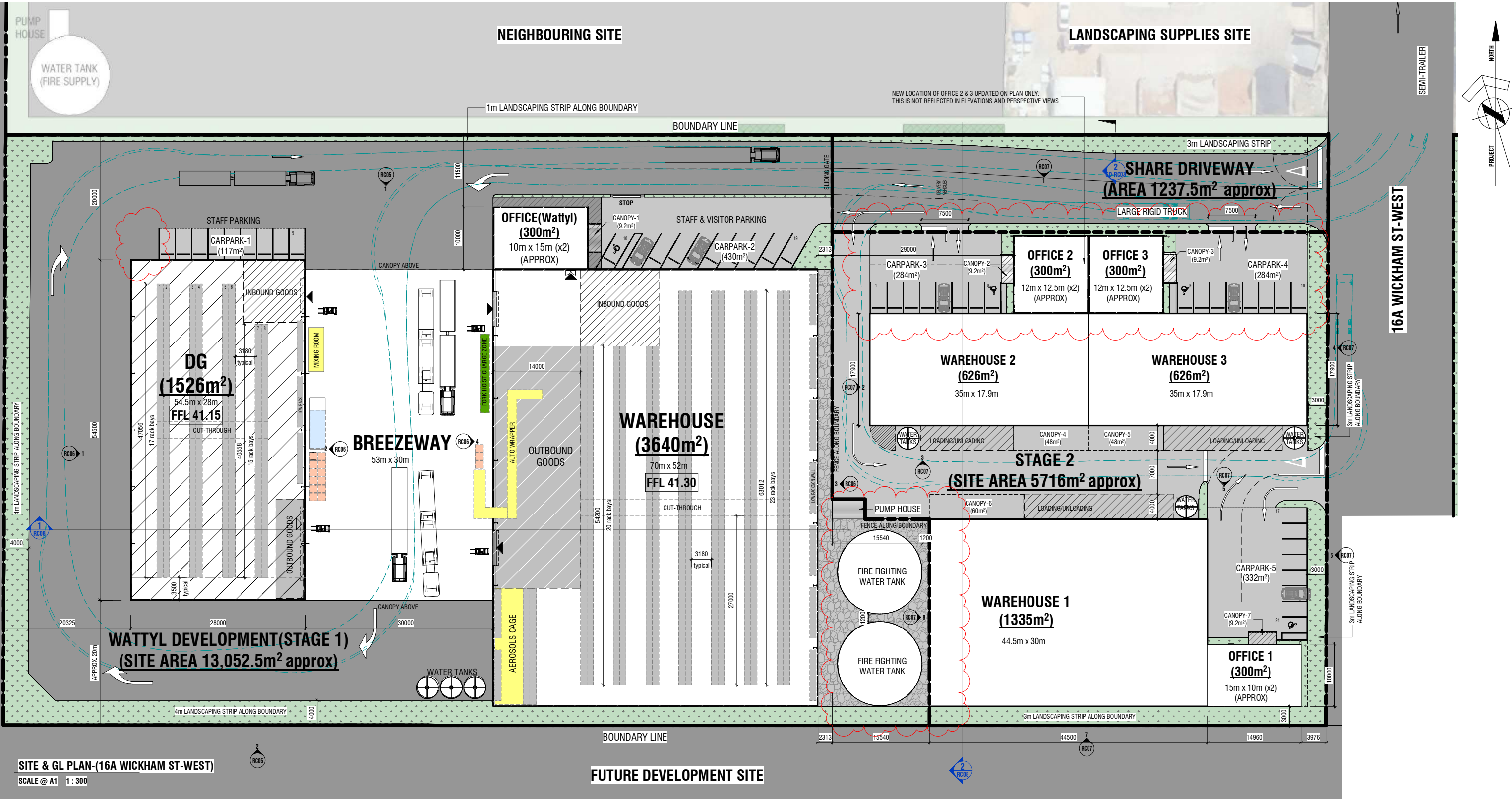
Contaminated Soil - Unidentified Contamination

4. If any previously unidentified contaminated soil is discovered in any exposed or excavated soil during the redevelopment activities:
 - a) Works in the area where contamination is identified must cease, the area isolated and unexpected contamination protocols in the SMP implemented.
 - b) The potential contamination must be investigated by a SQEP as required by the NES-CS; and
 - c) Should management outside the scope of methods provided in the SMP or remediation be required then proposed methods for remediation and management must be developed in accordance with the current editions of the Ministry for the Environment Contaminated land management guidelines No.1 Reporting on Contaminated Sites in New Zealand, No.2 Hierarchy and Application of Environmental guidelines values and No 5 – Site investigation and analysis of soils, and provided to Council's Environmental Health Team Leader for approval prior to works recommencing in the area concerned.

Contaminated Soil - Works Completion Report

5. Within two months of soil disturbance works being completed the consent holder must provide a works completion report to confirm that the methods outlined in the Site Management Plan were enforced for the period required, and that the measures were successful in ensuring the potential risks were adequately managed. The works completion report must include, but not be limited to:
 - a) Confirmation that the methods described in the SMP were followed;
 - b) A summary of the works undertaken including:
 - i) summary of the earthworks methodology followed; and
 - ii) volume of soil removed (if any) from the site;
 - c) Details of any unexpected contamination encountered during the works and actions taken in respect of this; and
 - d) Copies of disposal receipts for any material removed from the site.

Appendix 2: Plans



SITE & GL PLAN-(16A WICKHAM ST-WEST)

SCALE @ A1 1:300

FUTURE DEVELOPMENT SITE

LOT DESCRIPTION	
16A WICKHAM STREET-WEST, HAMILTON	
LOT 1 - DP 396081	
SITE INFORMATION	
TOTAL SITE AREA:	20,006.5 m ²
AREA	SITE COVERAGE
TOTAL BUILDING AREA:	10,150.8m ² (50.7%)
TOTAL IMPERMEABLE AREA:	7,691.7m ² (38.5%)
TOTAL PERMEABLE AREA:	2,164m ² (10.8%)

WATTYL DEVELOPMENT (STAGE 1)	
SITE AREA	13,052.5 m ²
CARPARK SCHEDULE	
CARPARK-1	9 SPACES 117m ²
CARPARK-2	10 SPACES 430m ²
TOTAL CARPARKS	19 547m²
CANOPY 1	9.2m ²
BREEZEWAY	1590m ²
GROSS FLOOR AREAS	
WAREHOUSE	3,640m ²
OFFICE	300m ²
DANGEROUS GOODS	1,526m ²
PUMP HOUSE	15.0m ²
TOTAL	5,481m²

STAGE 2	
SITE AREA	5,716m ²
CARPARK SCHEDULE	
CARPARK-3	8 SPACES 284m ²
CARPARK-4	8 SPACES 284m ²
CARPARK-5	8 SPACES 332m ²
TOTAL CARPARKS	24 SPACES 900m²
CANOPY 2	9.2m ²
CANOPY 3	9.2m ²
CANOPY 4	48m ²
CANOPY 5	48m ²
CANOPY 6	60m ²
CANOPY 7	9.2m ²
TOTAL	183.6m²

SHARE DRIVEWAY	
AREA	1237.5 m ²
GROSS FLOOR AREAS	
WAREHOUSE 1	1,335m ²
OFFICE 1	300m ²
TOTAL	1,635m²
WAREHOUSE 2	626m ²
OFFICE 2	300m ²
TOTAL	926m²
WAREHOUSE 3	626m ²
OFFICE 3	300m ²
TOTAL	926m²

APPROVED

Waipa District Council

Subject to the conditions of the resource consent LU/0038/23

2	03-11-2023	RC - Fire water tanks added, future development allocated offices
1	21-03-2023	Resource Consent
REV	DATE	DESCRIPTION

stiffe hooker
architects - engineers - interiors

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PROJECT
PROPOSED DEVELOPMENT AT 16A WICKHAM STREET-WEST

FOR
STRIDE PROPERTY

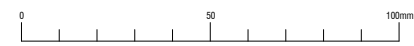
DRAWING
PROPOSED SITE & GL PLAN-(16A WICKHAM ST-WEST)

CAD FILE
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Wattyl Development - Wickham Street - Central - v02_mixed
20231019.rvt

JOB NO
10368

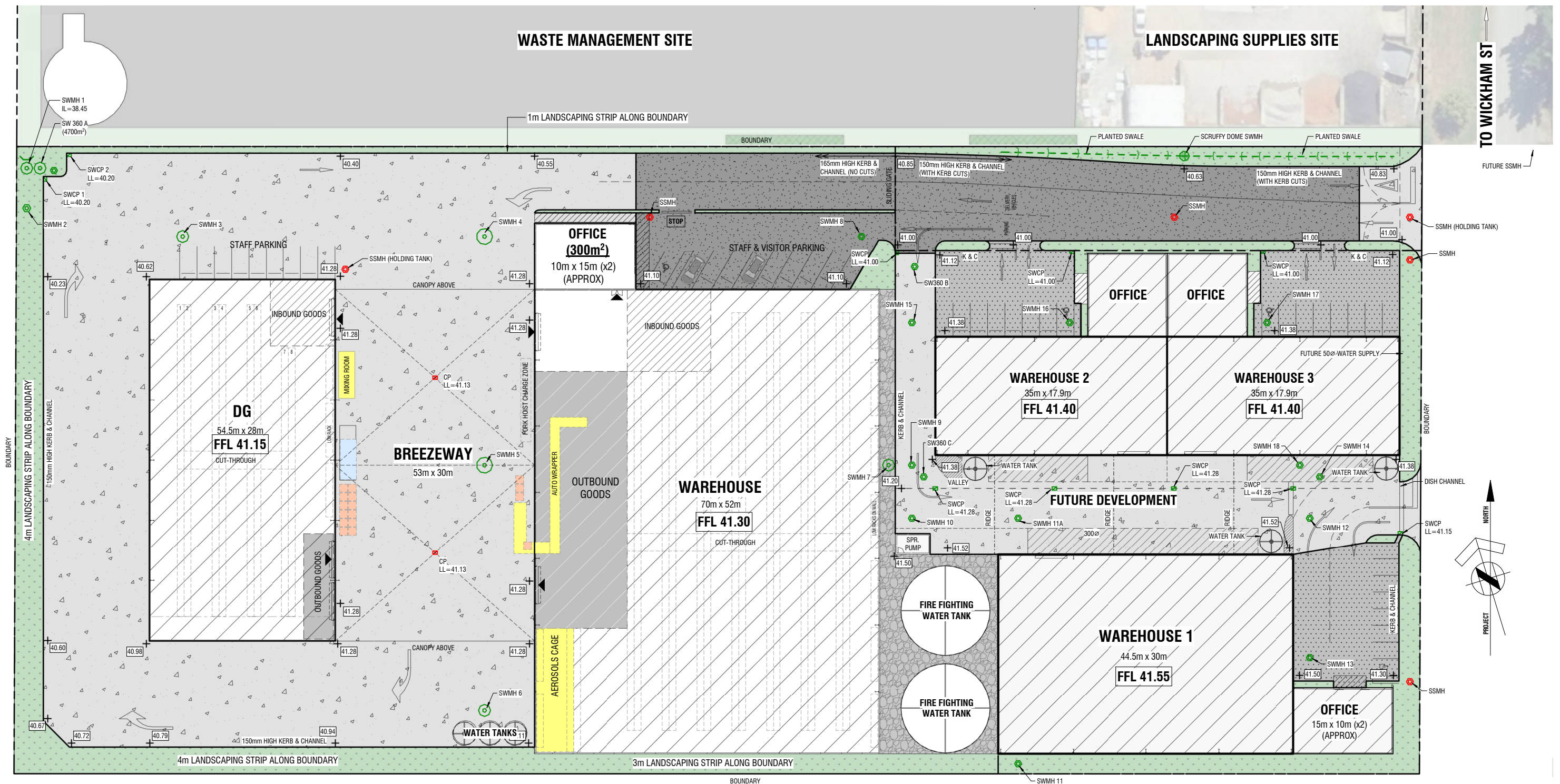
SCALE AT A1 As indicated SHEET
SCALE AT A3 **RC03** REV
2

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FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE
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WASTE MANAGEMENT SITE

LANDSCAPING SUPPLIES SITE



FUTURE DEVELOPMENT SITE

APPROVED
PROPOSED SITE PLAN
 SCALE @ A1 1 : 300
Waipa District Council
 Subject to the conditions of the
 resource consent LU/0038/23

SITE FINISHES LEGEND

LANDSCAPED / GRASSED AREA	
150 THK. REINFORCED CONCRETE SLAB ON GAP40 BASECOURSE	
50mm THK. AC14 ON GAP40 BASECOURSE	
25mm THK. AC10 ON GAP40 BASECOURSE	
METALLED AREA - EXISTING / NEW COMPACTED BASECOURSE	

SITE AREAS SCHEDULE - POST-DEVELOPMENT (m²)

FINISHES / SITES	WATYLL DEVELOPMENT	FUTURE DEVELOPMENT	SHARED DRIVEWAY	TOTAL
PERMEABLE AREAS: LANDSCAPING	1,106	465	261	1,832
SEMI-IMPERMEABLE AREAS: COMPACTED METAL	628	0	0	628
IMPERMEABLE AREAS: PERMANENT BUILDINGS	6,926	3,037	0	9,963
IMPERMEABLE AREAS: PAVEMENT / HARDSTAND	4,392	2,214	977	7,583
TOTAL	13,052	5,716	1,238	20,006

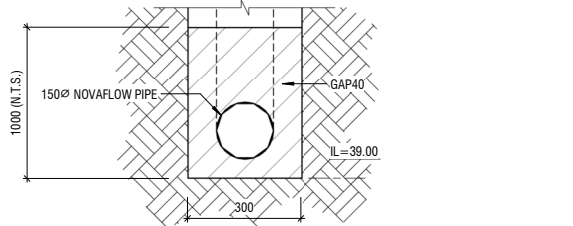
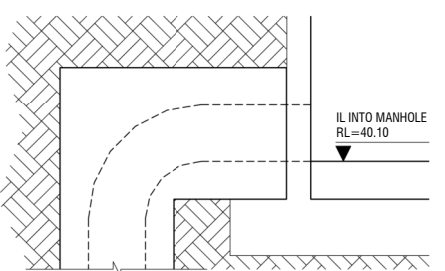
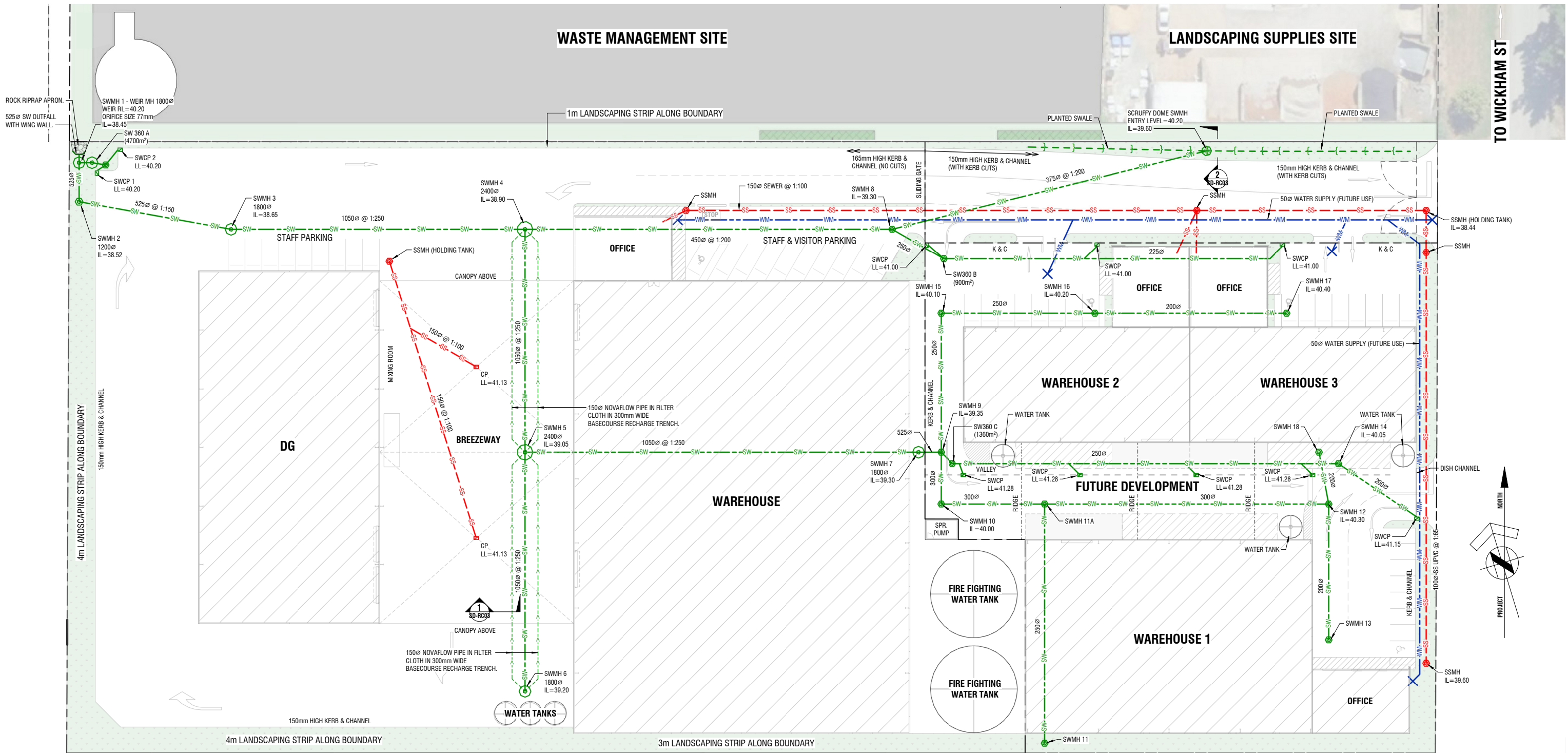
3	03-11-2023	RC - Fire water tanks added, future development relocated offices
2	29-06-2023	RC - South & West Landscaping Strip Widened
1	21-03-2023	Resource Consent
REV	DATE	DESCRIPTION

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PROJECT
PROPOSED DEVELOPMENT AT 16A WICKHAM STREET-WEST
 FOR
 STRIDE PROPERTY
 DRAWING
PROPOSED SITE & FINISHED LEVELS PLAN

CAD FILE
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 JOB NO **10368**
 SCALE AT A1 As indicated SHEET **SD-RC02 3**
 SCALE AT A3
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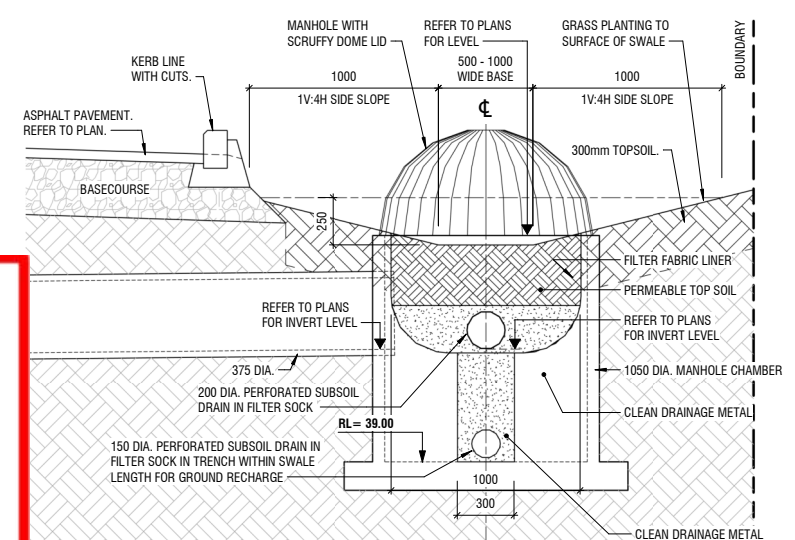
1 SECTION THRU GROUNDWATER RECHARGE TRENCH
SCALE @ A1 1:10

FUTURE DEVELOPMENT SITE

PROPOSED DRAINAGE PLAN
SCALE @ A1 1:300

- NOTES**
- ALL CATCHPITS TO BE FITTED WITH LITTA TRAPS

APPROVED
Waipa District Council
 Subject to the conditions of the
 resource consent LU/0038/23



2 SECTION - SWALE AT SCRUFFY DOME
SCALE @ A1 1:20

REV	DATE	DESCRIPTION
5	03-11-2023	RC - Fire water tanks added, future development relocated offices
4	29-06-2023	RC - South & West Landscaping Strip Widened
3	23-06-2023	Resource Consent
2	09-05-2023	Resource Consent
1	21-03-2023	Resource Consent

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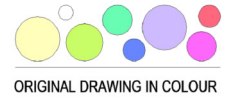
PROJECT
PROPOSED DEVELOPMENT AT 16A WICKHAM STREET-WEST

FOR
STRIDE PROPERTY
DRAWING
PROPOSED DRAINAGE PLAN

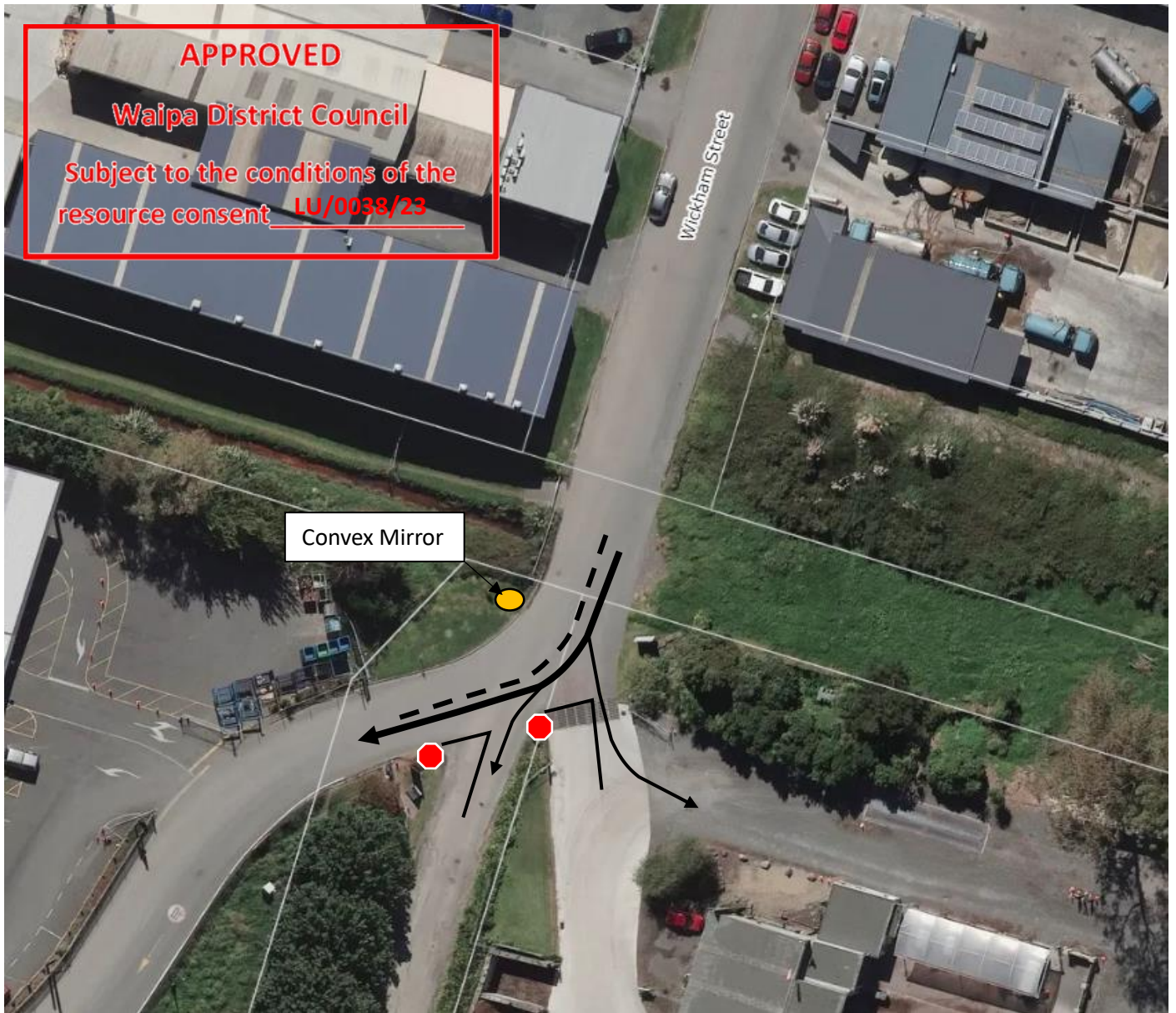
CAD FILE
JOB NO **10368**

SCALE AT A1 As indicated SHEET **SD-RC03 5**

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ORIGINAL DRAWING IN COLOUR



Option 1: Priority To Waste Management



Planning | Surveying | Engineering | Environmental

Travel Management Plan

Wattyl NZ

16A Wickham Street, Hamilton

DOCUMENT CONTROL



CKL REFERENCE	B22188
DOCUMENT STATUS	Draft
REVISION NO.	2
DATE	23 November 2023
FILE NAME	
AUTHOR	Michael Hall Transportation Engineering Manager 
REVIEWED BY	Judith Makinson Director 
VERIFIED BY
APPROVED BY	_____ Waipa District Council
OFFICE OF ORIGIN	Hamilton

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1 Introduction

- 1.1.1 This Travel Management Plan (TMP) relates to Watty! NZ's facility at 16A Wickham Street in Hamilton which was granted resource consent by Waipa District Council (WDC) on ##/##/## (Consent number ###). A condition of that consent states that a TMP is to be prepared in consultation with Hamilton City Council (HCC) and Waka Kotahi NZ Transport Agency (WK) as the road controlling authorities (RCA), to manage the traffic associated with the site.
- 1.1.2 This document has been prepared to comply with the above consent condition. It considers the movements by Watty! NZ's heavy vehicles and staff and commercial visitors. Consideration has also been given as to when any vehicle restrictions should apply, how information will be conveyed and when the TMP should be reviewed.

2 Purpose

- 2.1.1 The purpose of this TMP is to promote safe and appropriate road access, avoiding the known issues of turning right at the State Highway 1C (SH1C) / Kahikatea Drive intersection and use of the Duke Street / SH1C intersection through using Watty! NZ's operational process to keep staff, commercial visitors and commercial drivers informed of appropriate route choice to support their own Health and Safety and that of other road users.
- 2.1.2 This TMP remains in force until such time that either the Duke Street or Kahikatea Drive intersections with SH1C are improved such that right turns can be safely undertaken or are physically prohibited.

3 Vehicle Restrictions

- 3.1.1 No right turns into or out of Kahikatea Drive will be permitted at any time for any Watty! NZ vehicles, including staff vehicles (private and work related), commercial visitors and Heavy Commercial Vehicles (HCVs).
- 3.1.2 Vehicles that are not able to turn right at the intersection due to the above restrictions are to use Higgins Road and Killarney Road to access SH1C. The signalised intersection at the SH1C / Killarney Road intersection will enable right turns to be made to and from SH1C in a safe manner. Similarly, right turns are not to be undertaken at the Duke Street / SH1C intersection until such time that appropriate safety upgrades have been delivered by the RCA. Figure 1 below illustrates the route restrictions that apply to all Watty! NZ.

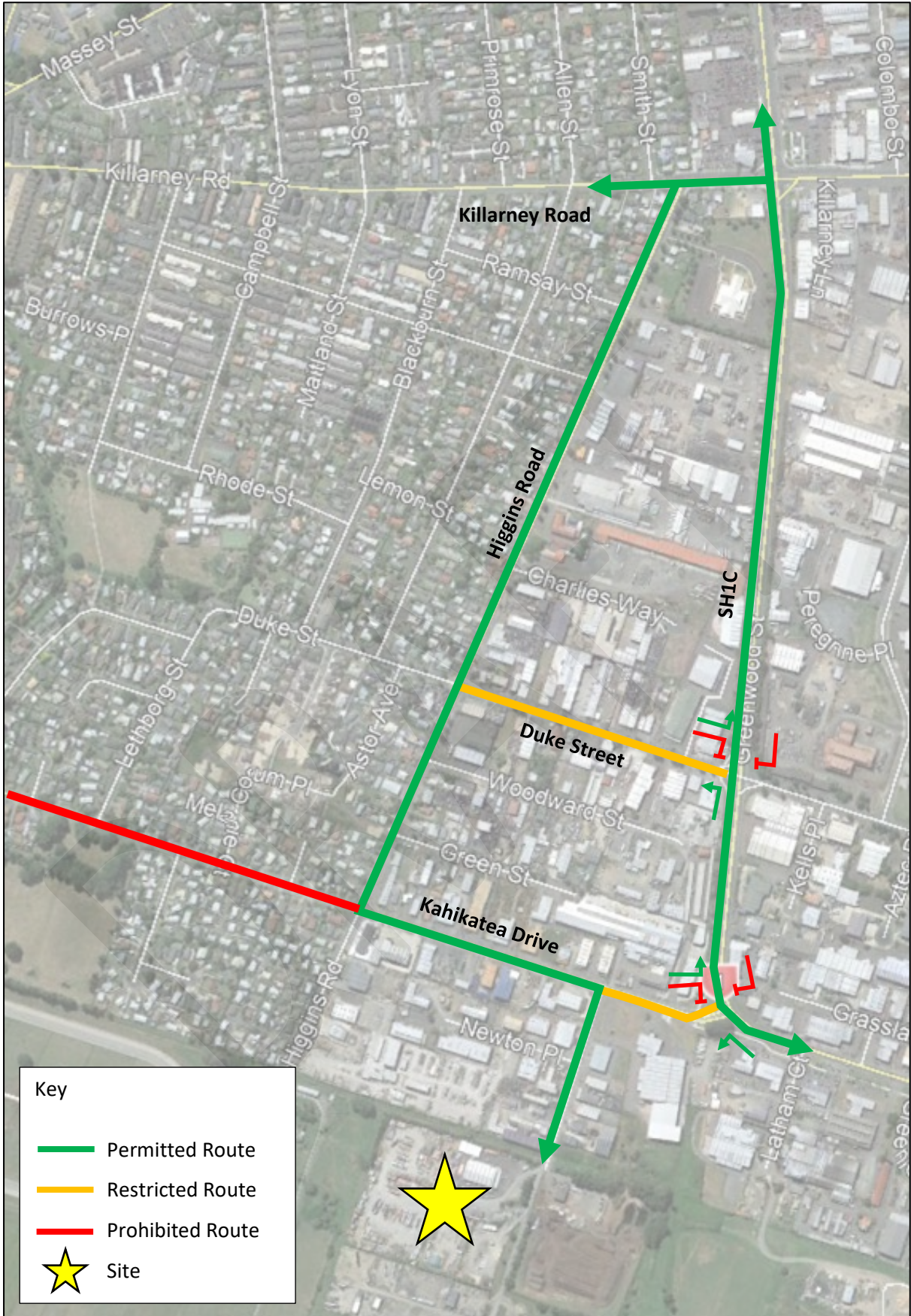


Figure 1: Traffic Restrictions - SH1C Intersection

3.1.3 Kahikatea Drive to the west of Higgins Road runs through a residential area. No HCVs will be permitted to use this at any time. Light vehicles will be able to use this route if desired and will not be restricted.

3.1.4 The Higgins Road / Killarney Road corridors will be used as the route by vehicles that are not permitted to use Kahikatea Drive to the west. This is illustrated in Figure 2.

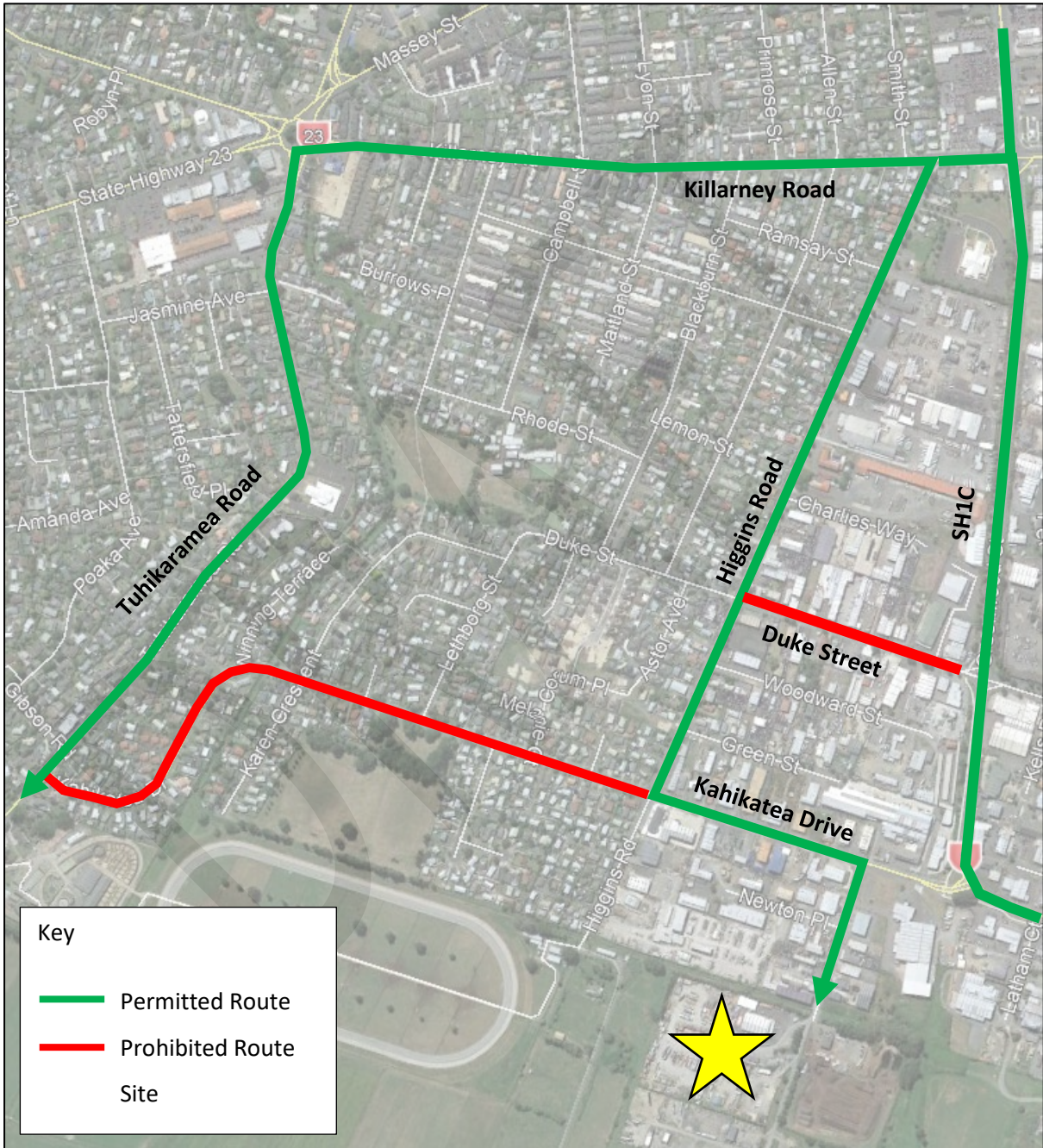


Figure 2: Heavy Vehicle Traffic Restrictions – Kahikatea Drive Extension

4 Briefings

- 4.1.1 This TMP is to form part of the Watty NZ Health and Safety Plan.
- 4.1.2 As part of Watty NZ Health and Safety processes, drivers and staff will be informed and regularly reminded of the requirements and route restrictions outlined in this TMP.
- 4.1.3 This will include providing information about travel route restrictions as part of:
- staff and contractor induction activities,
 - staff training,
 - staff meetings; and
 - routine HSE programmes such as toolbox talks.
- 4.1.4 Staff are to be informed of the TMP requirements at least weekly for the first month of site operation and at least monthly thereafter.
- 4.1.5 Information to be provided includes:
- a map of the permitted and restricted routes (as shown in Figure 1 and Figure 2) to be kept in company and commercial vehicles that also details the enforcement measures that will be undertaken for non-compliance.
 - on-site signage showing the permitted, and safe routes for travel,
 - physical and electronic noticeboards,
 - company website and intranet pages, and
 - appointment / meeting booking systems.

5 Complaints Process

- 5.1.1 Any complaints received by Watty NZ from members of the public, HCC, WDC or WK in relation to Watty NZ driver behaviour will be investigated within 24 hours and appropriate action taken in accordance with Watty NZ Health and Safety policies and disciplinary processes.
- 5.1.2 All complainants will receive a response from Watty NZ confirming that the matter has been addressed. WDC, HCC and WK will also be kept informed of all complaints raised in relation

to this TMP. There will be a named contact person and information on the Watty NZ website on how to register a complaint. This person will be XXXXX. Their contact details are as follows:

- Name
- email
- Phone

6 Compliance Monitoring and Review

6.1.1 Random spot checks of use of the Kahikatea Drive / SH1C and Duke Street / SH1C intersections will be undertaken by an independent and suitably qualified transportation engineer appointed by Watty NZ as follows, without any prior warning being given to staff and truck drivers:

- At least twice during the first month of the site becoming operational;
- Monthly thereafter until compliance with the TMP has been confirmed;
- Once compliance with the TMP has been demonstrated, spot checks will be continued on an approximately 6-monthly basis unless complaints have been received, until such time that the SH1C / Kahikatea Drive and /or Duke Street SH1C intersection is upgraded.
- Upon receipt of any complaint, a spot check will be undertaken within one month of the complaint being received and will be continued on a monthly basis until compliance has been re-established.

6.1.2 The spot check will be undertaken either during the AM or PM peak hour and will involve a number plate survey of right turning vehicles at the intersections in question together with a number plate survey of vehicles entering site. The date and time of the spot check is to be provided to WDC, HCC, and WK and is to be agreed with those parties in advance of the spot check being undertaken.

6.1.3 Non-complying staff drivers will be identified through the daily Health and Safety briefings. Watty NZ will provide in their employment contracts a requirement to comply with the Health and Safety Plan, including the TMP, and disciplinary processes will occur in accordance with those agreements.

- 6.1.4 Any commercial drivers who access the site who are not employed directly by Watty NZ will be required to acknowledge that they understand and will comply with the route restrictions in the TMP. Drivers who fail to comply will be dealt with as follows:
- First non-compliance by a driver – reminder of the TMP requirements;
 - Second non-compliance by a driver – written complaint to employer regarding non-compliance; and
 - Third non-compliance by a driver – banned from site.
- 6.1.5 A copy of the Watty NZ Health and Safety Policy is to be provided as part of the TMP and this TMP will form part of the Watty NZ Health and Safety Plan.
- 6.1.6 The results from the spot checks will be provided to WDC, HCC, and WK within one month of them being completed. This will include the number of vehicles accessing site on the day of the spot check and how many were observed to turn right at Duke Street or Kahikatea Drive. Any repeat offenders will also be identified. Compliance reporting will also include a log of any complaints received by Watty NZ and how they have been addressed.
- 6.1.7 Following submission of the spot check report, Watty NZ will consult with WDC, HCC and WK and Waipa DC to discuss the findings.
- 6.1.8 This TMP will remain in force until such time there is a fundamental change to the on-site activities or the nearby road network (such as an upgrade to the Kahikatea Drive / SH1C intersection). At that time, the TMP shall be reviewed, and discontinued if appropriate through consultation with WK, Waipa DC and HCC. Any or all of this TMP may also be discontinued if all parties agree that it is no longer warranted.

CKL