

Appendix G

Draft Conditions

BBC TECHNOLOGIES APPLICATION

S.42A REPORT DRAFT CONSENT CONDITIONS

16 November 2020

Commentary on conditions:

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

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

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

LAND USE CONSENT

General Conditions

1. The activities shall be carried out in general accordance with the following material;
 - a) Application titled “BBC Technologies Limited & Grass Ventures Limited: New Campus for BBC Technologies, Resource Consent Application and Assessment of Environmental Effects for Landuse and Subdivision Consents”, dated 30 June 2020, prepared by Mitchell Daysh Limited;

- b) A Cultural Values Assessment from Ngati Haua dated 11 August 2020;
- c) A discussion on activity status and the nature of the proposed activity in relation to the Rural Industry definition (email from Abbie Fowler dated 4 September 2020);
- d) Noise assessment from Marshall Day Acoustics revision dated 11 November 2020;
- e) An updated addendum to the Integrated Transportation Assessment and further responses to traffic related issues dated 28 August 2020; and
- f) Revised scheme plan and correspondence – Mitchell Daysh letter dated 4 November 2020,

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

Design

- 2. The consent holder shall submit to Waipa District Council final detailed engineered design drawings and construction methodologies for the activities that are the subject of this consent at least 10 days prior to the commencement of the construction works.

Regional Consents

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

Prior to Construction

- 4. The consent holder shall notify the Waipa District Council enforcement team in writing at least two weeks prior to the commencement of activities associated with this consent.
- 5. The consent holder shall appoint a representative prior to the exercise of this consent who shall be the Waipa District Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Waipa District Council of the representative's name and contact details prior to this consent being exercised.
- 6. Prior to construction activities commencing on site, the consent holder shall prepare a Construction Management Plan to incorporate the activities authorised by this resource consent and provide to Waipa District Council for its certification. The plan shall address and/ or include:
 - a) Site management arrangements
 - b) Proposed construction programme and hours of operations
 - c) Parking arrangements
 - d) Site access and management
 - e) Anticipated truck movements and routes to and from the site during construction
 - f) Noise management measures
 - g) Dust management measures

- h) Hazardous substance management
- i) Erosion and Sediment Control Plan
- j) Temporary Traffic Management Plan

Subject to any other conditions of this consent, the Construction Management Plan shall be implemented and all activities shall be undertaken in accordance with the latest version of the Plan.

7. The consent holder shall ensure that a copy of the latest version of the Construction Management Plan is kept on site and this site copy updated within 5 working days of any amendments being certified. The Construction Management Plan shall be produced without unreasonable delay upon request from a servant or agent of the Waipa District Council.

Construction

8. All earthworks must be carried out in accordance with good engineering practice and:
 - a) The Construction Management Plan shall be implemented, and all activities shall be undertaken in accordance with the latest version of the Plan;
 - b) Be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the dust, the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows;
 - c) Not result in alteration to the existing landform in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level; and
 - d) avoid any hazard to persons or property.

Sediment and Erosion Control

9. The consent holder shall ensure that appropriate erosion and sediment control measures are adopted to minimise any sediment leaving the site and entering any stormwater drains or waterway. The measures shall be implemented and maintained for the full duration of construction works.

Advice Note: Stormwater Guidelines

Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities" which can be found at <http://www.waikatoregion.govt.nz>. This guideline is relevant to all construction sites. The design guideline covers cutting tracks, culverts, sediment control measures, such as hay bales, silt fences, detention ponds, earth bunds, guidelines for re-vegetation.

Dust

10. That as a result of activities authorised by this resource consent, there must be no discharge of dust to air that causes an objectionable or offensive effect beyond the boundary of existing Lots; Lot 2 DP 482423 and Lot 5 DPS 16200 and proposed Lots; 1 - 3. If offensive or objectionable dust emissions do occur beyond the site

boundaries, the dust-causing activity shall cease immediately and shall not recommence until appropriate measures have been put in place to prevent recurrence of a similar event.

Advice Note: Effects Assessment

That, for the purposes of this consent condition, the Waipa District Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waipa District Council determines it so after having regard to:

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

Construction Effects

11. All construction work, including maintenance and demolition work, on any site shall be designed and conducted to ensure that noise from the site does not exceed the noise limits in the table below. Sound levels shall be measured and assessed outside buildings affected by construction noise in accordance with the provisions of NZS6803: 1999 Acoustics - Construction Noise.

Time period	Weekdays (dBA)		Saturdays (dBA)		Sundays and Public Holidays (dBA)	
	<u>Leq</u>	<u>Lmax</u>	<u>Leq</u>	<u>Lmax</u>	<u>Leq</u>	<u>Lmax</u>
06:30-07:30	60*	75	45	75	45	75
07:30-18:00	75*	90*	75*	90*	55	85
18:00-06:30	45	75	45	75	45	75

12. All earthworks and construction works shall be restricted to the hours between 7:00 am to 6:00pm Monday to Friday and on Saturdays 7:30am to 6:00pm. No such work shall occur on Sundays or public holidays.
13. All areas of bare earth (no longer required for construction purposes) shall be revegetated or re-grassed as soon as practicably possible.

14. If work on site is abandoned or delayed by a period of more than 3 months, adequate preventative and remedial measures shall be undertaken to control sediment discharge, dust and any adverse visual effects and shall thereafter be maintained for so long as necessary. In particular the site shall be covered by a vegetative cover which has obtained a density of more than 80% of a normal pasture sward. All other such measures shall be of a type and to a standard which are to the acceptance of the Council's Team Leader – Development Engineering.

Archaeological Discovery Protocols and Cultural Values

15. In the event of any artefacts or remains being discovered, the applicant will cease work in the area immediately and consult with tangata whenua and other appropriate authorities in accordance with the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Any artefacts will be removed in accordance with appropriate iwi protocols and any legal requirements of the Heritage New Zealand Pouhere Taonga Act 2014 which shall be implemented prior to work recommencing in the location of the site of the artefacts or remains discovered. Works shall only recommence with the sign off of the Waipa District Council.

Advice Note:

An authority to modify, damage or destroy archaeological features/deposits may be required to be obtained from Heritage New Zealand in accordance with the Historic Places Trust Act 1993.

16. The consent holder shall be responsible for undertaking the agreed cultural mitigation measures in accordance with the Cultural Values Assessment from Ngati Haua dated 11 August 2020, including;
- a) A cultural blessing is undertaken prior to commencement of earthworks onsite;
 - b) Application of accidental discovery protocols (condition 15);
 - c) To reaffirm 'whakapapa' the traditional cultural story/narrative to support the cultural indigenous place-making. The focus on opportunities to recognise and provide for the enhancement and tangible reflection of mana whenua cultural values as a key element of this site. Examples of how this can be done include:
 - Landscaping of the site being comprised of indigenous / eco-sourced vegetation that support habitat restoration for native birds, insects, lizards, aiming to achieve biodiversity net gain for the local area;
 - Cultural designs such as artworks, landscape features such as kōwhaiwhai patterns sandblasted onto boulders, glazing, a colour palette – that acknowledges and celebrates the history, other traditional stories and whakapapa be considered; and
 - Visualisation reflect design elements which relate to the natural resources of the area and uses of those resources (i.e. weaving / hinaki – pekapeka flight patterns); and
 - d) Kaitiaki monitors be called in where cultural hotspots are identified.

NZ Transport Agency Conditions

17. The land use consent shall proceed in general accordance with the requirements and conditions set out in the letter prepared by the NZ Transport Agency dated 12 October 2020 and be subject to design approval in relation to the Lochiel Road carriage (refer condition 18). The consent holder shall provide confirmation from NZ Transport Agency to Council's Consents Team Leader that the requirements of the letter have been fulfilled. The requirements of the New Zealand Transport Agency letter include:
- a) No works shall be undertaken within State Highway 21 without the prior approval of the NZ Transport Agency pursuant to Section 51 of the Government Roading Powers Act 1989. A Traffic Management Plan and Consent to Work on the Highway shall be submitted to and approved by the Transport Agency at least seven working days prior to the commencement of any works on the state highway.
 - b) The consent holder shall submit a detailed intersection design in accordance with Austroads Guide to Road Design and the NZTA Manual of Traffic Signs and Markings (MOTSAM) for review and approval by the Transport Agency prior to construction.
 - c) The detailed intersection design is to include:
 - Left turn-in shoulder widening to be provided at the State Highway 21/Lochiel Road intersection to achieve a 2.5m wide shoulder for 90m from the centreline of Lochiel Road (Diagram E left turn-in treatment);
 - Demonstration that sight lines can be achieved for the required sightlines for the posted speed;
 - Demonstration that the land vested in the Transport Agency (Lot 4) is large enough to ensure site distances are achieved in perpetuity;
 - Stormwater design for the pavement widening based on site survey and modelling to ensure no adverse impacts on the highway;
 - Lighting to ensure the lighting is compliant at the intersection;
 - Road marking and methodology for removing ghost marking;
 - Pavement and surfacing design - the shoulder widening is to receive a second coat seal within 12 months of completing the first coat seal;
 - Signage details - the existing chevron sign is to be upgraded; and
 - Mitigation of any adverse effects on the existing cross culvert on State Highway 21.
 - d) The consent holder shall enter into a bond agreement with the NZ Transport Agency for the completion of the second coat seal for the intersection upgrade within 12 months from the completion of the first coat seal. The bond agreement is to be established as part of the corridor access request (CAR) application and the consent holder is advised to submit the application no less than 4 weeks prior to construction.

- e) The consent holder shall undertake a road safety audit at detailed design and post construction stages in accordance with NZTA Road Safety Audit Procedures for Projects. The results of the audit are to be provided to the Transport Agency for review and approval.
- f) The consent holder shall provide a stormwater management plan which demonstrates that the runoff for a 10 year ARI will be managed on-site and discharge into the state highway road reserve will be no greater than the pre-development levels.
- g) The access onto State Highway 21 (CP 67-13) that is to be retained for residential use is to be sealed to the boundary.
- h) The consent holder shall undertake a pre-construction condition survey of the intersection prior to construction and provide the results of this to the NZ Transport Agency. The consent holder shall reinstate worn intersection control markings (e.g. limit lines) as a result of the truck movements and any tracking of mud/debris on the wheels of the trucks as well as any pavement/surfacing defects (e.g. shoves, chip loss, potholes etc).
- i) Prior to construction activities commencing on site, the consent holder shall prepare a Construction Management Plan to incorporate the activities authorised by this application and provide to the NZ Transport Agency for review and approval.
- j) Signage shall be restricted to a single sign visible from the state highway. The sign is to be located outside of sight lines and be designed in accordance with the NZ Transport Agency Traffic Control Devices Manual - Part 3 Advertising Signs and the NZ Transport Agency P/24 Traffic Signs Performance Base Specification to ensure sign foundations which do not pose a safety risk if struck by an errant vehicle. Prior to construction the design shall be provided to the NZ Transport Agency for review and approval.
- k) The consent holder shall provide a Travel Demand Management (TDM) Plan to the NZ Transport Agency for review that outlines the measures to be implemented to achieve strong mode shift outcomes to alternative, non-motorised and future public transport utilisation, provision of ride sharing and minimisation of single occupant private trip making.

Advice Notes: NZ Transport Agency

This section of SH21 is currently on the maintenance forward works plan to be resurfaced with asphalt in the 22/23 financial year. The applicant is to liaise with the NZ Transport Agency on the timing of the works to allow forward planning and asset management practices to be adhered to.

The intersection improvements are to be undertaken within the construction season and any localised defects (e.g. tracking of debris, accelerated deterioration of surfacing and pavement, wearing of delineation such as the limit line etc) as a result of the construction traffic for the on-site facilities is to be rectified by the applicant at their cost to the NZ Transport Agency's satisfaction.

To apply for any necessary approvals or for confirmation that the above conditions have been met, please contact the Transport Agency directly on consentsandapprovals@nzta.govt.nz or call 07 958 7220.

Lochiel Road Upgrade and Vehicle Entrance

18. The consent holder shall submit Design/Construction plans for the Lochiel Road widening upgrade. The Design/Construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. All work associated with the council road shall be designed to the acceptance of the Council's Team Leader – Development Engineering, and at the consent holder's expense. The submitted plans shall include, but is not limited to:
 - a) Pavement design;
 - b) Traffic curve analysis;
 - c) Proposed and existing entrance details;
 - d) Longitudinal sections;
 - e) Disposal of stormwater including all structures and erosion control;
 - f) Common services trench;
 - g) Surface treatments; and
 - h) Road marking/signage.
19. The consent holder shall construct Lochiel Road upgrades as per the approved design/construction submitted under Condition 18 above and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.
20. Following completion of the road areas required under 19 above, Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed and submitted to Council's Team Leader – Development Engineering for acceptance.
21. The consent holder shall provide as-built plans of the council road, relevant quality assurance, and the structures located within the proposed road upgrade prior to the issuing of the section 224 certificate (SP/0082/20), to the acceptance of Council's Team Leader – Development Engineering.
22. Following completion of the road areas required under Condition 19 above, the consent holder shall maintain the road until such time the developments building consents completion certificate has been issued by Council and apply second seal coat layer at the consent holder's expense. The consent holder shall supply records that all maintenance has been completed to the relevant specifications, to the acceptance of Council's Team Leader – Development Engineering prior to council taking over any maintenance.

Advice Notes: Lochiel Road

Any work that is required to be carried out shall be in accordance with the Regional Infrastructure and Technical Specification (RITS) and shall be at the consent holders expense.

All entrance work within the road corridor shall only be carried out by a Waipa District Council approved Contractor. A Vehicle crossing application will need to be completed. There are not additional application fees associated with this application.

All contractors or persons undertaking work in the road corridor, for which reinstatement work will be necessary, are required to make a Corridor Access Request (CAR) via the Submitica web site (www.submitica.co.nz). A Traffic Management Plan for the works shall be submitted with the CAR.

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

Entrances are required to be accurately numbered in accordance with the Rural and urban addressing standard, AS/NZS4819:2011. To conform to the above standard, the existing property numbering may need to change.

Parking and Manoeuvring Areas

23. The consent holder shall submit Design/Construction plans for the carpark shown on scheme plan LU/0154/20. The Design/Construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. All work associated with the Carpark shall be designed, constructed and completed to the acceptance of the Council's Team Leader – Development Engineering and at the consent holder's expense. The submitted plans shall include, but is not limited to:
- a) Pavement design – based on testing of existing ground;
 - b) Tracking curve analysis and parking line delineation dimensions;
 - c) Test results of in-situ ground for the portion of new pavement to be constructed;
 - d) Disposal of stormwater;
 - e) Common services trench;
 - f) Surface treatment; and
 - g) Onsite lighting.

Advice Notes: Parking and Manoeuvring Areas

Any work that is required to be carried out shall be in accordance with the Regional Infrastructure and Technical Specification (RITS) and shall be at the consent holders expense.

Following completion of the carpark areas required under Condition 23 above, Quality Assurance Certificates from a suitability qualified and experienced professional shall be completed, signed and submitted to Council's Team Leader – Development Engineering for acceptance.

Proprietary cell systems offer a far greater option in terms of long term serviceability. They allow for easier ongoing maintenance where systems can be flushed, as opposed rock lined trenches that once filled will require full replacement.

Site Perimeter Works and Landscaping

24. A consent holder shall under take the following works in general accordance with [plan] to mitigate off-site effects on 8 Lochiel Road;
- [Details to be provided]
25. The works required by condition 24 shall be completed [time frame agreed between parties or within 3 months of car park being formed] and maintained thereafter in good condition by the consent holder.
26. In addition to condition 24, a landscape plan shall be prepared and submitted to the Council's Consents Team Leader for the Airport Road/SH21 frontage and the remainder of the site for certification prior to construction commencing. The purpose of the landscape plan is to provide amenity and landscaping appropriate to the context of the site including the adjacent rural and industry activities. The landscape planting plan must contain:
- a) A plan of the planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;
 - b) A programme of establishment and post establishment protection and maintenance;
 - c) The extent, materiality and finished levels of paving;
 - d) The location, materiality, height and design of fencing; and
 - e) The details of drainage, soil preparation, tree pits, staking, irrigation where relevant.
27. The works required by condition 26 shall be completed within 3 months of the BBC Technologies building being occupied.

Operational Noise

28. Except for construction activities, all activities subject of this consent shall be conducted to ensure that the following noise limits are not exceeded at the notional boundary of any adjoining property in the Rural Zone:
- a) 55 dB L_{A10} 7am to 10pm; and
 - b) 40 dB L_{A10} 10pm to 7am the following day; and
 - c) 70 dB L_{Amax} 10pm to 7am the following day.

Noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with NZS 6802:2008 - Acoustics - Environmental Noise.

29. The consent holder shall prepare a Noise Management Plan (NMP) for operational noise which shall identify all noise sources and provide methods to manage noise in accordance with condition 28 and in accordance with Section 16 of the Resource Management Act 1991. The noise management plan shall be submitted to Council's Consents Team Leader for certification at least 6 months prior to the BBC Technologies building being occupied.

Signs

30. Proposed signage shall be limited to one free standing sign on the Airport Road/SH21 frontage and one at the site entrance. The Airport Road/SH21 sign shall be located outside the sight lines for the upgraded Lochiel Road intersection and be in general accordance with the Cullen Keiser Architecture Plan Ref 17882Drw A13 Signage. The entrance signage shall be no higher than 4m and have a maximum area of 8m². All signage shall not contain any moving parts or be internally illuminated.

Building Works

31. That for subsequent development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Council's Team Leader – Development Engineering for acceptance, at the time of building consent, design details on the proposed on-site stormwater disposal system.

Advice Notes: Building Works

Stormwater generated from the development on Lot 1 is wholly disposed of on site. The design shall reflect the results outlined in the site suitability report supplied by Harrison Grierson dated 02/03/2020 (Council Reference: 10426959, Appendix G (Sub-appendix B), Pages 320 – 353 of 366) Section 2.0 Stormwater assessment.

All private stormwater infrastructure shall comply with Waipa District Council's Stormwater Bylaw 2019; Section 7: Protection of Land Drainage Systems – Item 7.5 and Section 9: Private Stormwater Systems - All items

32. That for development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Council for acceptance, at the time of building consent, design details on the proposed on-site wastewater disposal system.
33. That for development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Waipa District Council for acceptance, at the time of building consent, design details on the foundations of the buildings.
34. The consent holder of Lot 1 shall ensure that any new building is supplied with electricity complying with Rule 15.4.2.22(b) of the Waipa District Plan, (access to an adequate water supply for firefighting purposes, where water is not supplied by Council) or any Rule enacted in variation or substitution of that rule.

Section 128 Review Condition

35. A review under S.128 of the Resource Management Act 1991 may be commenced on the one year anniversary of the occupation of the BBC Technologies building, and thereafter on every second year anniversary. In particular, the review process may consider the adverse effects of the interface of the BBC Technologies site with surrounding properties and the mitigation of off-site effects. The review process may amend or impose new conditions to ensure that the adverse effects of the proposed activity are mitigated during the exercise of the consent.

SUBDIVISION CONSENT

General Conditions

1. The Land Transfer Plan to give effect to this subdivision consent shall be carried out in general accordance with the following material;
 - (a) Application titled “BBC Technologies Limited & Grass Ventures Limited: New Campus for BBC Technologies, Resource Consent Application and Assessment of Environmental Effects for Landuse and Subdivision Consents”, dated 30 June 2020, prepared by Mitchell Daysh Limited;
 - (b) A Cultural Values Assessment from Ngati Haua dated 11 August 2020; and
 - (c) Revised scheme plan (Cogswell Surveys Ref 4950 dated 13/10/2020 Revision 2).unless otherwise altered by these consent conditions, which shall take precedence.
2. The S.224 certificate shall not be granted until such time as the land use consent has been implemented and all conditions met for a minimum of 2 years.
3. Lot 4 shall be shown as road to vest.
4. That a consent notice pursuant to S.221 of the Resource Management Act be registered on the title of Lot 1 to impose the following conditions:
 - (i) That for subsequent development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Council’s Team Leader – Development Engineering for acceptance, at the time of building consent, design details on the proposed on-site stormwater disposal system.
 - (ii) That for development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Waipa District Council for acceptance, at the time of building consent, design details on the proposed on-site wastewater disposal system.
 - (iii) That for development of Lot 1 a suitably qualified and experienced Engineer will be required to inspect the site and submit to Waipa District Council for acceptance, at the time of building consent, design details on the foundations of the buildings.
 - (iv) The consent holder of Lot 1 shall ensure that any new building is supplied with electricity complying with Rule 15.4.2.22(b) of the Waipa District Plan, (access to an adequate water supply for firefighting purposes, where water is not supplied by Council) or any Rule enacted in variation or substitution of that rule.

Advice Notes: Building Works

Stormwater generated from the development on Lot 1 is wholly disposed of on site. The design shall reflect the results outlined in the site suitability report supplied by

Harrison Grierson dated 02/03/2020 (Council Reference: 10426959, Appendix G (Sub-appendix B), Pages 320 – 353 of 366) Section 2.0 Stormwater assessment.

All private stormwater infrastructure shall comply with Waipa District Council's Stormwater Bylaw 2019; Section 7: Protection of Land Drainage Systems – Item 7.5 and Section 9: Private Stormwater Systems - All items