

Your Ref

In reply please quote
LUC0200/21

If calling, please ask for
Ella Makin

25 March 2021

Postal Address
Private Bag 544, Ngaruawahia 3742
New Zealand

0800 492 452
www.waikatodistrict.govt.nz

Bloxam Burnett & Olliver Limited
PO Box 9041
Hamilton 3240

Email: spenfold@bbo.co.nz

Digitally Delivered

Dear Sir/Madam

DECISION ON APPLICATION FOR RESOURCE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991

Application number(s):	LUC0200/21
Applicant	Ambury Properties Limited
Address:	231 Tahuna Road OHINEWAI
Legal Description	ALLOT 405 WHANGAMARINO PSH SO 4554
Proposal:	Undertake bulk earthworks and ground remediation works including the importation of fill material that is non-compliant with the earthworks and traffic movement requirements in the Rural Zone. Undertake soil disturbance on a piece of land where soil contamination exceeds the applicable standard.

I wish to advise you of Council's decision to **grant** your application for resource consent under the Resource Management Act 1991 (RMA). Please see below for the details of the decision and conditions of consent.

The following information provides you with some guidance on your rights and what to do next. It is recommended that you seek independent advice if you are in any doubt as to the processes to be followed:

Objections

If you disagree with any part of this decision or any conditions of this consent, you may lodge an objection in writing to Council within **15 working days** of the receipt of this letter. Your objection must be in accordance with section 357 of the RMA and must include the reasons for your objection.

If you decide to lodge an objection to this consent, please note that you cannot lodge a section 223/224 application for subdivision.

Compliance with conditions

Your resource consent permits the land use to be established at the site as long as the activity complies with the stated conditions on an ongoing basis. It is important that you fully understand and comply with all the conditions of your consent.

Please notify Council's monitoring team prior to the commencement of activities associated with this consent. The role of Council's monitoring team is to monitor compliance with the conditions of consent and may involve site visits.

Council's monitoring team can be contacted at monitoring@waidc.govt.nz or 07 824 8633. Please reference the consent number and address of the property when emailing or calling.

Lapsing of Consent/s

This resource consent lapses 5 years after the commencement of the consent, unless the consent is given effect to by the end of that period.

The commencement date of a resource consent is determined by section 116 of the Resource Management Act 1991.

Yours faithfully

A handwritten signature in blue ink that reads "Thomas".

Jessica Thomas

CONSENTS ADMINISTRATION

Cc: Ambury Properties Limited

Email: david.gaze@gaze.co.nz

Resource Consent

(Resource Management Act 1991)



www.waikatodistrict.govt.nz

DECISION ON APPLICATION: LUC0200/21

Pursuant to Sections 34A(1), Section 104, 104A, 104B, 108 and 108AA of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants land use consent for a Discretionary activity under the Operative District Plan AND a Controlled Activity under Regulation 9 of the National Environmental Standard – Assessing and Managing Contaminants in Soil to Protect Human Health 2011 to:

Activity: Undertake bulk earthworks and ground remediation works including the importation of fill material that is non-compliant with the earthworks and traffic movement requirements in the Rural Zone.

Undertake soil disturbance on a piece of land where soil contamination exceeds the applicable standard.

Applicant: Ambury Properties Limited

Location Address: 88 Lumsden Road, Ohinewai
52 Lumsden Road, Ohinewai (in part for Haul Road)
321 Lumsden Road, Ohinewai (in part for Haul Road)

Legal Description: Allotment 405 Parish of Whangamarino comprised in Record of Title SA42D/983 & SA6A/776
Lot 3 DP 474347 comprised in Record of Title 650547 (Haul Rd)
Lot 2 DPS 29288 comprised in Record of Title SA26D/299 (Haul Rd)

This consent is subject to the conditions detailed in the attached Schedule 1.

The reasons for this decision are detailed in the attached Schedule 2.

A handwritten signature in black ink, appearing to read "M. J. Hill".

CONSENTS TEAM LEADER

Dated: 25 March 2021

Schedule I

Conditions of Consent

Resource Consent No: LUC0200/21

- I The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0200/21 and officially received by Council on 25 November 2020 and further information received 10 March 2021 except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

The following technical documentation was received in support of the application and the activity shall be operated in general accordance with the following documents unless otherwise altered by these consent conditions:

- (a) Bloxham Burnett & Oliver Ltd, Ambury Properties Limited, Bulk earthworks and ground remediation 88 Lumsden Road, Ohinewai, Assessment of Environmental Effects Report, Job Number 145860-19, dated November 2020.
- (b) Bloxham Burnett & Oliver Ltd, Ambury Properties Limited Stage IA Bulk Earthworks 88 Lumsden Road, Ohinewai, Contract number/s: 145860.14, Draft Construction Traffic Management Plan, dated 25 May 2020.\
- (c) Wood & Partners Consultants Ltd, Earthworks Methodology Report, NZ Comfort Group Factory – Stage IA Earthworks 88 Lumsden Road, Ohinewai, Ambury Properties Ltd, dated 6/06/2020.
- (d) Initia Ltd, Ambury Properties, Sleepyhead Ohinewai - Stage 1 & 2 Sleepyhead Factory Development, Geotechnical Interpretative Report, Initia REF P-000529 REV I dated MAY 2020.
- (e) Bloxham Burnett & Oliver Ltd, Ambury Properties Limited, NZ Comfort Group Factory - Stages 1 & 2 88 Lumsden Road, Ohinewai, Contract number/s: 145860.14, Traffic Impact Assessment, 6 August 2020.
- (f) Marshall Day Acoustics, Sleepyhead Ohinewai – Earthworks Stage I Acoustic Assessment Rp 001 R06 20190798, November 2020. Geosciences Ltd, Preliminary Site Investigation (PSI), 231 Tahuna Road & 52 Lumsden Road, Ohinewai, Waikato, Reference Number: REP-1352A/PSI/JUN19, 11 June 2019.
- (g) Geosciences Ltd, Remediation Action and Site Management Plan (RAP-SMP), Stage IA Earthworks, 231 Tahuna Road, Ohinewai, Waikato, Reference Number: REP-1352A/RAP-SMP/AUG19, 14 August 2019.
- (h) Geosciences Ltd, Remediation Action and Site Management Plan (RAP-SMP), Stage IA Earthworks, 231 Tahuna Road, Ohinewai, Waikato, Reference Number: REP-1352A/RAP-SMP/AUG19, 14 August 2019.
- (i) W Gumbley Ltd, Archaeological assessment of effects, Ambury Properties Limited, Ohinewai, Matthew Gainsford & Warren Gumbley, June 2019
- (j) Ecology New Zealand, Ecological Impact Assessment, Stage I Earthworks, Foam Factory and Haul Road, Sleepyhead Estate, 88 Lumsden Road, Prepared for Ambury Properties Ltd, 5 June 2020, Report Number 1708247.1-001.V3.

- 2 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 3 The hours of operation for the earthwork activities shall be:
 - (a) 7am to 6pm Monday to Saturday.No earthwork activities shall be undertaken outside of these hours or occur on Sundays or public holidays.
- 4 The importation of fill shall not exceed 280,000m³ compacted on site, or 465,000m³ of loose volume.

Archaeological sites may be affected by the proposal

- 5 It is possible that archaeological sites or human remains may be exposed or affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

The applicant is advised to immediately stop work and contact Heritage New Zealand Pouhere Taonga and Kaumatua representing the local Tangata Whenua if the presence of an archaeological site is suspected, or if human remains, contact Heritage New Zealand Pouhere Taonga, Kaumatua representing the local Tangata Whenua and The Police. Work affecting archaeological sites is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

In addition to contacting Heritage New Zealand Pouhere Taonga, it is required that you also contact Council's Monitoring Department at monitoring@waidc.govt.nz with the consent number, address of property and date of when works ceased.

- 6 The Consent Holder must notify the Waikato District Council Monitoring Department at least 5 working days prior to the commencement of activities associated with this consent.

Advice note:

To notify Waikato District Council Monitoring Department, email monitoring@waidc.govt.nz with the consent number, address of property and date for when the works will commence.

- 7 The consent holder must appoint a Developers Representative prior to the exercise of this resource consent who shall be the Waikato District Council's principal contact person in regard to matters relating to this resource consent. The consent holder shall inform the Waikato District Council of the representative's name and how they can be contacted, prior to this resource consent being exercised. Should that person change during the term of this resource consent, the consent holder must immediately inform the Waikato District Council and shall also give written notice to the Waikato District Council of the new representative's name and how they can be contacted.

- 8 The consent holder must arrange and conduct a pre-construction site meeting and invite, with a minimum of 5 working days' notice, the Waikato District Council, the Waikato Regional Council, the site representative(s) nominated, the contractor, and any other party representing the consent holder prior to any work authorised by this consent commencing on site.

Advice Note:

In the case that any of the invited parties, other than the site representative does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

Construction Management Plan

- 9 The consent holder must provide the Waikato District Council with a Construction Management Plan (CMP), at least 5 working days prior to the proposed commencement of activities authorised by this consent. The objective of the CMP is to document the measures by which the consent holder intends to comply with all conditions of resource consent during the construction phase and shall include, but not be limited to, the following:
- (a) The proposed start date of the works authorised by this resource consent;
 - (b) A schedule of construction activities;
 - (c) The commencement date and expected duration of the major cut and fill operations;
 - (d) The location of the major cut and fill operations;
 - (e) The location of topsoil stockpiles;
 - (f) The proposed construction methodology, including staging of earthworks;
 - (g) An Erosion and Sediment Control Plan (ESCP) based on the Woods ESCP provided with the application. The ESCP shall set out the proposed erosion and sediment control methodologies and practices to be implemented on site;
 - (h) A Dust Management Plan (DMP) that outlines methods and mitigation to manage dust emissions;
 - (i) A Fish Management Plan (FMP) that sets out the methods for monitoring the drain diversions and if necessary capturing and relocating fish and eels.
 - (j) A Bat Management Plan (BMP) or Vegetation Removal Protocol (VRP) that will outline the requirements for the vegetation removal across the site.
 - (k) A Construction Noise and Vibration Management Plan.
 - (l) Proposed spill prevention and response measures.
 - (m) Monitoring procedures and responsibilities.
 - (n) Construction Traffic Management Plan.
 - (o) Contaminated Site Management Plan (if works are proposed in the relevant area).
 - (p) Methodology for certification of Stage 1a earthworks.
 - (q) Detailed earthworks design plans.
 - (r) Detailed design of clean water diversions confirming conveyance of upstream catchments.
- 10 The CMP must be certified in writing (email is acceptable) by the Waikato District Council acting in a technical certification capacity prior to any works authorised by this consent commencing and the consent holder shall undertake all activities authorised by this consent in accordance with the approved CMP.

Erosion and Sediment Control

- 11 At least 10 working days prior to the commencement of activities authorised by this resource consent, the consent holder shall provide the Waikato District Council with an updated “Erosion and Sediment Control Plan” (E&SCP). The E&SCP shall as a minimum be based upon and incorporate those specific principles and practices which are appropriate for the activity authorised by this consent and contained within the Waikato Regional Council document titled “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” (Technical Report No. 2009/02 – dated January 2009), and shall include at least the following:
- (a) Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation if required;
 - (b) The design criteria and dimensions of all key erosion and sediment control structures;
 - (c) A site plan of a suitable scale to identify;
 - i. The locations of waterways;
 - ii. The extent of soil disturbance and vegetation removal;
 - iii. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses;
 - iv. Areas of cut and fill;
 - v. Locations of topsoil stockpiles;
 - vi. All key erosion and sediment control structures;
 - vii. The boundaries and area of catchments contributing to all stormwater impoundment structures;
 - viii. The locations of all specific points of discharge to the environment; and
 - ix. Any other relevant site information
 - (d) Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
 - (e) Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
 - (f) Maintenance, monitoring and reporting procedures;
 - (g) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
 - (h) Procedures and timing for review and/or amendment to the E&SCP; and
 - (i) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.
- 12 The consent holder shall ensure that a copy of the E&SCP, including any confirmed amendments, is kept onsite and this copy is updated within 5 working days of any amendments being confirmed.
- 13 At the completion of earthworks, installed erosion and sediment control measures shall not be removed until approval is obtained from a Monitoring Officer of the Waikato District Council.

- 14 All areas of earthworks (excluding any area covered by buildings or hardstand areas) shall be revegetated to achieve 80% ground cover within 12 months of the earthworks being completed to the satisfaction of a Monitoring Officer of the Waikato District Council.

Noise & Vibration

- 15 Construction noise shall be measured and assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 “Acoustics - Construction Noise”, and comply with the following Project Standards at any occupied building:

Time Period	Weekdays (dB)		Saturdays (dB)		Sundays and Public Holidays (dB)	
	L _{Aeq}	L _{AFmax}	L _{Aeq}	L _{AFmax}	L _{Aeq}	L _{AFmax}
06:30-07:30	55	75	45	75	45	75
07:30-18:00	70	85	70	85	55	85
18:00-06:30	45	75	45	75	45	75

- 16 Construction vibration shall be measured and assessed in accordance with German Standard DIN 4150-3:2016 “Structural Vibration – Part 3: Effects of Vibration on Structures” and shall comply with the limits in Tables 1 and 4 therein.

- 17 At least 10 working days prior to the commencement of construction, the consent holder shall submit a Construction Noise and Vibration Management Plan (CNVMP) to Council for certification. The objectives of the CNVMP are to:

- (a) Identify and adopt the Best Practicable Option (BPO) for the management of all construction noise and vibration in order to avoid, mitigate or remedy adverse effects;
- (b) Inform the duration, frequency and timing of works to manage disruption to neighbours; and
- (c) Require engagement with affected receivers and timely management of complaints.

- 18 The CNVMP shall include:

- (a) The relevant measures from NZS 6803:1999 "Acoustics - Construction Noise", Annex E2 “Noise management plans”;
- (b) The relevant measures from DIN 4150-3:2016 “Structural vibration - Part 3 Effects of vibration on structures”, Appendix B “Measures for limiting the effects of vibration”;
- (c) That vibration monitoring shall be undertaken during works near the south-western extent of the site to demonstrate compliance with Condition 16 and 17;
- (d) Where construction vibration is predicted to exceed 2mm/s within an occupied dwelling, the activity shall be scheduled to take place outside occupied times, or temporary relocation of the occupants shall be considered, or permission shall be provided by the dwelling occupiers; and
- (e) The occupants of 75 and 81-85 Lumsden Road shall be informed at least 1 week prior to commencement of ground improvement works.

- 19 In the event that the Project Standards in Condition 15 cannot be complied with, at least one of the following measures shall be implemented:
- (a) Scheduling the works to be carried out when the affected dwellings are unoccupied; or
 - (b) Consulting with the affected residents to obtain permission to carry out the high noise works for a fixed period; or
 - (c) Offer alternative accommodation for the duration of the high noise works.
- 20 The Consent Holder must arrange for noise measurements to be carried out by a suitably experienced and qualified acoustic expert when:
- (a) Construction work that includes equipment such as a bulldozer, compactor and articulated dump truck operates within 50m of any occupied dwelling. Measurements must be representative of a noisy period;
 - (b) At the reasonable request of the Waikato District Council's Monitoring Team Leader which may be in response to any noise related complaint(s) received by Waikato District Council.
- 21 The measurement results and methodology for any measurements shall be set out in a report to the satisfaction of the Waikato District Council's Monitoring Team Leader. The report shall be submitted to the Waikato District Council's Monitoring Team Leader within ten (10) working days of the measurements being undertaken.

Contaminants in Soil

- 22 Any Site Management Plan and/ or Remedial Action Plan as recommended within the DSI shall be submitted to Waikato District Council's Contaminated Land Specialist for approval no later than 10 working days prior to the commencement of works in the area subject to the potential contaminants.
- 23 All soil disturbance works in the area containing elevated lead identified in the report 'Remediation Action Plan and Site Management Plan (RAP-SMP), Stage 1A Earthworks, 231 Tahuna Road Ohinewai, Waikato' prepared by Geosciences Ltd, reference REP-1352A/RAP-SMP/Aug19, dated 14 August 2019 (the SMP) must be undertaken in accordance with the 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.
- 24 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.

- 25 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;
 - (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;
 - (d) Copies of disposal receipts for any material removed from the site.

Dust Management

- 26 Activities under this consent must be in accordance with the Dust Management Plan (DMP) approved within the CMP (Condition 9). The DMP shall be based on the DMP by Woods as submitted with the application.
- 27 The consent holder shall ensure that all operations on the site are carried out in such a manner as to minimise dust emissions and that no dust causes an objectionable or offensive effect beyond the boundary of the site to the satisfaction of Waikato District Council's Team Leader Monitoring.

Advice Note:

For the purposes of this condition, the Waikato District Council Monitoring Department will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council determines so after having regards to:

- (a) The frequency, intensity, duration, location and effect of dust emission(s); 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 received.

Haul Road

- 28 The location of the haul road from Tahuna Road to the earthworks area may be varied by the Consent Holder, subject to the following information requirements being provided to and accepted by Waikato District Council's Team Leader Monitoring prior to works commencing:
- (a) The site entrance from Tahuna Road shall not change.
 - (b) The written approval of any land traversed by the Haul Road not in the ownership of the Consent Holder shall be submitted to the Waikato District Council.
 - (c) Confirmation from a suitably qualified ecologist that the FMP required under Condition 6 has accounted for the revised haul road location and any vegetation clearance has been accounted for in the BMP/ VRP.
 - (d) Appropriate erosion and sediment controls for the Haul Road are accounted for in the ESCP to be submitted as per Condition 10.

Advisory Note: If the haul road is proposed to be moved closer to any properties with occupied dwellings, it will need to be demonstrated that noise standards are still able to be complied with and that there is no impact on the residents amenity as a result of the change.

Construction Traffic Management Plan

- 29 A Construction Traffic Management Plan (CTMP) must be submitted to Waikato District Council at least 10 days prior to works commencing on site. The CTMP shall be based on the draft submitted as part of the application. The CTMP shall also include the following safety improvement measures:
- (a) Vegetation trimming to improve visibility at the Lumsden Road site entry.
 - (b) Installation of static cyclist warning signs on the approaches to the Expressway and rail overbridges, as well as on the off-ramps of the Interchange.
 - (c) Only if the clean fill source is from north of the site, the installation of an electronic flashing cycle warning sign at the southbound off-ramp intersection with Tahuna Road, with activation by appropriate detector systems when cyclists are present at the top of the off-ramp or cycling over either of the overbridges.

Transportation

- 30 Prior to earthworks, the existing Lumsden Road access is to be upgraded in general accordance with the RITS standards for light commercial rural entranceways.
- 31 Prior to earthworks, the proposed Balemi Road access is to be constructed in general accordance with the RITS standards for light commercial rural entranceways.

- 32 Access to the site during the Stage IA Earthworks Operations must be as follows:
- (a) Light vehicles and fuel delivery/servicing vehicles shall enter the site via a new temporary entrance from Balemi Road and exit the site via an existing farm heavy vehicle access on Lumsden Road.
 - (b) Heavy vehicles hauling fill material and earthworks machinery shall access the site only via a temporary new access on Tahuna Road located approximately 190 m east of the Tahuna Road & Lumsden Road roundabout.
 - (c) A haul road shall be constructed internally from the earthworks site to the Tahuna Road access. The haul road shall be sealed for a minimum of 150 m from the Tahuna Road seal edge.

- 33 Prior to construction commencing, the consent holder must prepare and submit detailed design drawings of the temporary construction accesses on Balemi Road, Lumsden Road and Tahuna Road to Waikato District Council for approval.

The proposed accesses shall be designed and constructed to meet the requirements specified in the Waikato Regional Infrastructure Technical Specifications (RITS), the recommendations within the Gray Matter Ltd, Ambury Properties – Stage IA Earthworks – Transportation Review, Ref 17_152, dated 12 January 2021. The detailed design shall include:

- (a) Information related to the dimensions of the vehicle crossing as per the provisions in RITS.
 - (b) An assessment of the vehicle swept path at the site access. The access design is to accommodate the turning path of an over-dimension vehicle coming to site and a truck and trailer vehicle simultaneously exiting.
 - (c) Pavement materials and details of the “all-weather” surface of the vehicle crossing.
- 34 The detailed design of the temporary haul road access on Tahuna Road shall be in general accordance with the standards specified for heavy commercial rural entranceways in the RITS.
- 35 A left-turn treatment shall be included at the temporary haul road access as per Figure 8.2 in Part 4A of the Austroads Guide to Road Design manual. No works shall commence without WDC engineering design approval for the accesses, and approved TMPs for construction.
- 36 An automated wheel wash facility shall be installed immediately before the sealed surface of the Tahuna Road access and all trucks departing the facility shall be required to wash their tyres to prevent the tracking of mud and debris on to Council Roads.
- 37 Heavy vehicle movements associated with imported fill and transporter trucks shall be restricted to using the Tahuna Road access and the haul road only. The proposed heavy vehicle route will be formalised in the Construction Traffic Management Plan and enforced by the site manager and contract obligations.
- 38 Heavy vehicle movements on the haul road shall be managed by the earthwork’s contractor through a CTMP. The maximum daily total movements on the haul road shall be 300 movements per day, while the average shall not exceed 200 movements per day (two-way movements) over a rolling 14-day period (i.e. two working weeks).

- 39 Daily monitoring by the Consent Holder of construction traffic, including a daily record of truck movements, shall occur over the course of the construction activity, and available at the request of the WDC Team Leader Monitoring.
- 40 Prior to construction commencing, specific temporary traffic management plans (TMP) shall also be prepared and submitted to WDC for approval for the works associated with the construction of the proposed construction site accesses. The TMPs shall be designed in accordance with NZTA CoPTTM requirements and no works shall commence without WDC approval.
- 41 The consent holder must maintain the Tahuna Road and Lumsden Road sealed pavements adjacent to the construction entrances to the satisfaction of Waikato District Councils Team Leader Monitoring, for the duration of the earthworks activities.
- 42 A pre and post-construction pavement inspection of Lumsden Road and Balemi Road be carried out. Any remedial work attributed to the activities approved by this consent shall be remedied by the consent holder within 20 working day of the inspection to the satisfaction of Waikato District Council.
- 43 A pavement impact fee of \$5,940 is to be paid by the Consent Holder (paid as a lump sum) at completion of the approved earthworks.

Mitigation for loss of bat habitat

- 44 If the monitoring undertaken as part of the BMP finds bats located within vegetation felled as part of the works, mitigation is required to be undertaken within 3 months of the vegetation removal. The mitigation shall comprise the following:
 - (a) 32x trees (no less than PB18 in size) planted as a hedgerow on the site boundary; OR
 - (b) 9x bat roost boxes shall be located within the remaining Japanese Cypress hedgerow.

Productivity of land

- 45 If after three years from completion of the earthworks, the zoning has not changed to Industrial, or a consent for Industrial development has not been granted, confirmation must be provided from a suitably qualified and experienced person in the field of soil science that the land has been returned to productive grazing land.

Review of Conditions

- 46 Pursuant to section 128 to 131 of the Resource Management Act 1991, the Waikato District Council may review any or all of the conditions of this consent 3 months from the commencement of this consent.

The Council shall serve notice on the Consent Holder of its intention to review any or all of the conditions of this consent for any of 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 resource consent (in particular the potential adverse environmental effects in relation to noise, dust, hours of operation, traffic, archaeological/cultural, vibration and erosion and sediment control and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;
- (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 addressing any issues arising out of complaints;
- (c) To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent;

The Council will undertake the review in consultation with the Consent Holder and the Consent Holder shall implement any changes/measures required. The Consent Holder shall pay the actual and reasonable costs of the review.

- 47 Any complaints received by the consent holder as a result of the operation of the activities authorised by this consent shall be recorded by the consent holder in the form of a written complaints register. The information recorded shall include:

- (a) The date, time and nature of the complaint
- (b) Name, phone number and address of the complainant unless the complainant wishes to remain anonymous;
- (c) Action taken by the Consent holder to remedy the problem;
- (d) Any equipment failure and remedial action taken
- (e) The weather conditions at the time, including wind direction, wind strength and temperature, and;
- (f) Date and Name of the person making the entry.

A copy of this complaints register shall be made available to the Waikato District Council within 24 hours upon request from Waikato District Council's Monitoring Team

Advisory Notes

1 Lapse Date

This Resource Consent for land use lapses five years after the commencement of the consent, unless:

- (a) the Consent is given effect to prior to that date.
or
- (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

2 Other consents/permits may be required

To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Hamilton City Council Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

3 Health and Safety at Work (Asbestos) Regulations 2016

Regulation 21 of the Asbestos Regulations 2016 requires that asbestos must be identified and removed before demolition of a structure or plant.

Regulation 34(1) of the Asbestos Regulations 2016 Notification requires that notification be made to WorkSafe New Zealand at least 5 days before work commences. Under Regulation 34(2), there are circumstances where licensed asbestos removal work can begin immediately.

The form for notification of licensed asbestos removal can be found at: <http://forms.worksafe.govt.nz/asbestos-removal-notification>.

All material containing asbestos and any affected soil shall be disposed of at a suitably licensed facility.

In addition to contacting Work Safe New Zealand, it is requested that you also contact Council's Monitoring Department at monitoring@waidc.govt.nz with the consent number, address of property and date of when works ceased.

4 Enforcement Action

Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act (1991).

Erosion and Sediment Control

- 6 The Consent Holder is to be advised that erosion and sediment control measures should be in place in accordance with the requirements of the Waikato District Plan and the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009, prior to undertaking any soil disturbing activity.

Debris Tracking

- 7 The Consent Holder is to be advised that any debris tracking/ spillage onto any public roads as a result of the exercise of this consent to be removed as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by the Waikato District Council's Roading Operations Engineer, to the satisfaction of the Waikato District Council's Team Leader Development Engineering.

The Consent Holder, upon becoming aware of the need to clean up the roadway, shall advise Waikato District Council's Roading Operations Engineer of the need for the road to be cleaned up, and what actions are being taken to do so.

The cost of the clean-up of the roadway and associated drainage facilities, together with all temporary traffic control, shall be the responsibility of the Consent Holder.

Corridor Access Request

- 8 The Consent Holder is to be advised that for any consented works within the road reserve requires an approved Corridor Access Request (CAR) and the CAR application is to be made to the Waikato District Council's Roading Compliance Officer including appropriate Traffic Management Plan.

Schedule 2

Reasons for Decision

Resource Consent No: LUC0200/21

- 1 The proposed earthworks will provide for geotechnical remediation in anticipation of a change in zone / consent to undertake future industrial development. If the zone change or consent is not granted, the land will be able to be returned to rural use after the geotechnical remediation has been completed.
- 2 The proposal is assessed as a Discretionary Activity under the Operative Waikato District Plan (Waikato Section). Any potential adverse effects are considered to be acceptable with regards to the environment and is assessed as consistent with the relevant objectives and policies of the Operative District Plan (Waikato Section).
- 3 Erosion and sediment control works will be implemented throughout the duration of the works, and will mitigate any adverse effects on the environment.
- 4 The earthworks will not create any adverse noise or dust effects that cannot be suitably mitigated via methods of construction outlined in the proposal, or via conditions that have been imposed on the consent.
- 5 Conditions have been recommended to ensure that construction methods, techniques and monitoring procedures are undertaken in accordance with best geotechnical practice.
- 6 Conditions have been recommended to ensure that the identified areas of contaminated land are appropriately managed in accordance with the NES – Soil Contamination.
- 7 Tangata whenua have been consulted and have confirmed their acceptance to the works.
- 8 The necessary Regional Council Consents have been obtained by the applicant. The Regional Council consents address matters relating to land disturbance (earthworks, ecological management, dust management, sediment and erosion controls etc.). There are also Regional Consents for discharge of contaminants to air, stormwater to water, diversion of surface water and a surface water take, all associated with the first stage of the industrial development, however the industrial development aspect is not included in this District Council consent. Any potential effects are considered to be less than minor and are able to be sufficiently managed by the conditions of these consents.
- 9 The proposal is consistent with the operative Waikato Regional Policy Statement and all other relevant matters.
- 10 Overall the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.