

# Appendix 5

Proposed Consent Conditions from Agent – 18 Oct 2023

## Hayley Thomas

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**From:** Hannah Osborne-Allen <HannahO@barker.co.nz>  
**Sent:** Wednesday, 18 October 2023 5:04 pm  
**To:** Hayley Thomas  
**Cc:** Gareth Moran  
**Subject:** External Sender: Consent Conditions  
**Attachments:** Draft Consent Conditions(901867045.3).docx

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Hi Hayley,

On behalf of Gareth;

The expert team for Industrie have prepared a number of bespoke conditions to address matters that have been raised in the submissions. The current wording of these conditions is **attached**.

These conditions may be refined further, however I thought it would be helpful for you to take these conditions into account in your assessment.

I am happy to discuss if you have any queries in respect of the proposed conditions.

Ngā mihi | Kind regards,

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**Schedule 1**

**Conditions of  
Consent**

**Resource Consent No:  
LU/0038/23**

**General**

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

**Monitoring**

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

**Note:** This advice should be emailed to: [consentmonitoring@waipadc.govt.nz](mailto:consentmonitoring@waipadc.govt.nz).

**Construction - General**

- 3 *All earthworks shall be carried out in accordance with good engineering practice and shall:*
  - a) *Be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to dust, the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows;*
  - b) *Not result in alteration to the existing landform in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems; and*
  - c) *Be carried out in accordance with the standards to the satisfaction of Council's Team Leader – Development Engineering.*

**Construction - Sediment and Erosion Control**

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

**Note:** Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities", which can be found at <http://www.waikatoregion.govt.nz>, is

*relevant to all construction sites. The design guideline covers cutting tracks, culverts, sediment control measures, such as hay bales, silt fences, detention ponds, earth bunds, guidelines for re-vegetation.*

#### **Construction – Hours of Work**

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

#### **Construction – Reinstatement**

- 6 *All areas of bare earth (no longer required for construction purposes) shall be revegetated or regrassed as soon as practicably possible.*

#### **Construction – Archaeological**

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

#### **Construction – Abandoned Works**

- 8 *If work on site is abandoned or delayed by a period of more than 6 months, adequate preventative and remedial measures shall be undertaken to control sediment discharge, dust and any adverse visual effects and shall thereafter be maintained for so long as necessary. In particular, the site shall be covered by a vegetative cover which has obtained a density of more than 80% of a normal pasture sward. All other such measures shall be of a type and to a standard which are to the satisfaction of the Council's Team Leader – Development Engineering.*

#### **Carpark – Design/Construction**

- 9 *The consent holder shall submit Design/Construction Plans for the proposed carparks shown on the approved scheme plan prepared by Stiffe Hooker, Proposed Development at 16A Wickham Street-West, dated 21-03-2023. The Design/Construction Plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. All work associated with the Carpark shall be designed, constructed and completed to the satisfaction of the Council's Team Leader – Development Engineering and at the consent holders'*

*expense. The submitted plans shall include:*

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

- 10 *All parking spaces within the parking area as shown on the approved site plan prepared by Stiffe Hooker, Proposed Development at 16A Wickham Street-West, dated 21-03-2023 shall be marked or delineated on site.*

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

#### ***Carpark - Quality Assurance Certificates***

- 11 *Following completion of the carpark areas required under Condition 9 – Carpark – Design/Construction above, Quality Assurance Certificates from a suitability qualified and experienced professional shall be completed, signed and submitted to Council’s Team Leader – Development Engineering for acceptance.*

#### ***Water Supply, and Wastewater***

- 12 *The water and wastewater systems must be designed and constructed in general accordance with the consented plans prepared by Stiffe Hooker, Engineering Infrastructure Report, dated [xx-xx-xxxx], submitted for approval to Council Development Engineering. Quality assurance certificates from a suitability qualified professional shall be completed, signed and submitted to Council’s Team Leader – Development Engineering for each system on completion of installation.*

#### ***Advisory Note***

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

- 13 *Where wastewater is required to be tanked off site; the final disposal location shall not be to any wastewater treatment plant held under Hamilton City Council jurisdiction.*
- 14 *A Spill Response Management Plan for the dangerous goods facility is required prior to operating the facility. A spill containment network is provided at the site by way of two catch pits located within the breezeway. Should a spill occur, then the material*

*will be collected by a licensed operator and disposed off-site at an approved facility.*

- 15 *A water tank for firefighting purposes shall be provided on site in accordance with [plan reference].*

### **Stormwater**

- 16 *All stormwater shall be managed in accordance with plans and information prepared by Stiffe Hooker Limited, Engineering Infrastructure Report, dated 20-02-2023 and in conjunction with the approved consent from Waikato Regional Council reference APP145540 Dated 17-10- 2023.*

### **Traffic**

- 17 *Any future activities to operate from the buildings established as part of Stage 2, or any alternative use of the buildings established as part of Stage 1, shall be restricted to industrial/warehousing activities until a point in time when the Kahikatea Drive/State Highway 1C intersection has been upgraded. For the avoidance of doubt, any ancillary retail activities on the site are not provided for.*
- 18 *A Travel Management Plan shall be developed in consultation with Hamilton City Council and remain in place until such a time as the State Highway 1C/Kahikatea Drive Intersection is upgraded (or Hamilton City Council confirms in writing that it is no longer necessary). The Travel Management Plan is to include (but not limited to) measures to avoid right turn demand from Kahikatea Drive onto State Highway 1C and be generally in accordance with the draft Traffic Management Plan prepared by CKL dated 14-03-2023.*

### **Landscaping**

- 19 *Within 6 months of Code of Compliance for the building works, or within the immediate planting season following the completion of the works, whichever occurs sooner, landscaping shall be planted in accordance with the approved site plan prepared by Stiffe Hooker, Proposed Development at 16A Wickham Street-West, dated 21-03-2023. The landscaping shall be maintained in perpetuity and any dead or dying plants shall be replaced.*

### **Complaints Register**

- 20 *The consent holder shall maintain and keep a complaints register for any complaints about any activities associated with the exercise of this consent received by the consent holder in relation to noise or other environmental effects of this activity. The*

*register shall record, where this is available, the following:*

- a) The date, time and duration of the event/incident that has resulted in a complaint;*
- b) The location and contact details of the complainant when the event/incident was detected;*
- c) The nature of the incident;*
- d) The possible cause of the event/incident;*
- e) Any corrective action taken by the consent holder in response to the complaint, including timing of that corrective action; and*
- f) Any other relevant information.*

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

#### **No-Complaint Covenant**

- 21 The consent holder shall enter into a no-complaints covenant with the adjoining Hamilton Organic Waste Centre which shall be registered on the certificate of title for the site. The no-complaints covenant shall provide that any owners or occupiers of the site will not lodge any complaints with the Hamilton City Council regarding any odours or noise generated from the lawful operation of the existing organic waste facility.*

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

- 22 Prior to earthworks being undertaken a Site Management Plan and/or a Remediation Action Plan shall be submitted to Council. This shall include (but not be limited to):*
  - a) Confirmation of the amount of contaminated soil disturbance to be undertaken;*
  - b) Protocols for unexpected discovery of contamination; and*
  - c) Evidence of the licensed facility that accepts any waste taken off site.*
  
- 23 During earthworks the criteria of Regulation 3 of the NES must be complied with, namely:*
  - a) Controls to minimise the exposure of humans to mobilised contaminants must:*
    - i) be in place when the activity begins;*

- ii) *be effective while the activity is done;*
  - iii) *be effective until the soil is reinstated to an erosion-resistant state; and*
  - iv) *the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done.*
- d) *Soil must not be taken away in the course of the activity, except that:*
- i) *for the purpose of laboratory analysis, any amount of soil may be taken away as samples; and*
  - ii) *soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind.*
- e) *The duration of the activity must be no longer than 2 months; and*
- f) *The integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.*
- 24 *At the conclusion of earthworks a Site Validation Report shall be provided to confirm that:*
- a) *the Site Management Plan and/or a Remediation Action Plan has been complied with under Condition 20 above, and*
  - b) *there are no outstanding matters of concern in relation to the NES.*