

Proposed Conditions

Waikato District Council Matters – Land Use

Version 1 May 2021 - DRAFT

- 1 The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number **xxxxxx** and officially received by **xxxx on xxxx** 2021. 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.

Earthworks

- 2 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.

Archaeological sites may be affected by the proposal

- 3 It is possible that unrecorded archaeological sites may be 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 Consent Holder is advised to immediately stop work and contact Heritage New Zealand Pouhere Taonga if the presence of an archaeological site is suspected. 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 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.

Pre-Works Notification

- 4 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.

- 5 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.
- 6 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

- 7 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) If undertaking the restoration planting, a Pest and Predator Control Plan.
 - (l) A Construction Noise and Vibration Management Plan.
 - (m) Proposed spill prevention and response measures.

- (n) Monitoring procedures and responsibilities.
 - (o) Construction Traffic Management Plan.
 - (p) Methodology for certification of Stage 1B earthworks.
 - (q) Detailed earthworks design plans.
 - (r) Detailed design of clean water diversions confirming conveyance of upstream catchments.
- 8 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

- 9 At least 5 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.
- 10 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.
- 11 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.
- 12 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 commenced to the satisfaction of a Monitoring Officer of the Waikato District Council.

Noise & Vibration

- 13 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

- 14 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.
- 15 At least 5 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.

- 16 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) 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
- 17 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.
- 18 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.

Dust Management

- 19 Activities under this consent must be in accordance with the Dust Management Plan (DMP) approved within the CMP (Condition 7). The DMP shall be based on the DMP by Woods as submitted with the application.
- 20 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.

Construction Traffic Management Plan

- 21 A Construction Traffic Management Plan (CTMP) must be submitted to Waikato District Council at least 5 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) 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

- 22 Access to the site during the Stage 1B 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.
- 23 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:
- (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 7 has accounted for the revised haul road location and any vegetation clearance has been accounted for in the BMP or vegetation removal protocol.
 - (d) Appropriate erosion and sediment controls for the Haul Road are accounted for in the ESCP to be submitted as per Condition 9.
- 24 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.
- 25 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).

- 26 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.
- 27 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.
- 28 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.
- 29 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.
- 30 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.

Rail Siding & Level Crossing Design and Approvals

- 31 Detailed design plans and drawings for the rail siding, level crossing and Lumsden Road realignment shall be provided to Waikato District Councils Roading Team Leader and KiwiRail's Senior Safety Engineer for written approval prior to any construction works commencing on the rail siding or road realignment.

The design shall be in general accordance with that shown on the Bloxam Burnett and Olliver concept design plan numbers 145860-06-1200B to 1203B and include geometric details, drainage design, level crossing and pavement design details and safety features to meet KiwiRail and Waikato District Council's infrastructure design standards. The design drawings shall address the recommendations and Safety Engineer decisions in the Road Safety Audit Report (Traffessionals, May 2020), and the recommendations of the Level Crossing Safety Impact Assessment (WSP March 2020) including but not limited to:

- a. Crossbucks on the Flashing Light and Bells (FLB) assemblies.
- b. A yellow cross hatched clear zone between the limit lines at the level crossing
- c. Correctly oriented advance PW57 steam engine signs are to show the train facing towards the road on both sides of the road. The drawings show the signs duplicated but the train facing the same way on both signs. PW57 (left) should be on the LHS and PW57 (right) should be on the RHS.
- d. A warning sign on Balemi Road of the level crossing on the side road ahead.
- e. Suitable fencing of the siding.
- f. Vegetation management plan.
- g. Confirmation from KiwiRail of the acceptance of the proposed rail siding and level crossing design.

Landscape Planting

- 32 Prior to the construction of the Foam Factory, landscape planting plans shall be submitted to WDC Team Leader Monitoring for approval. The landscape plans shall be based on the MGLA Mitigation Planting Plans, P2- P5 dated 01/01/21 and include:
- (a) Details on the staging of the planting programme.
 - (b) The species, locations and expected heights of any proposed plants.
 - (c) Details of a maintenance programme.
- 33 Within 12 months of the foam factory being operational, the landscape mitigation planting required under Condition 32 shall be implemented on site.
- 34 Prior to the construction of the rail siding and realignment of Lumsden Road and Balemi Road, landscape planting plans shall be submitted to WDC Team Leader Monitoring for approval. The landscape plans shall be based on the MGLA Mitigation Planting Plans P1- P8 included in the application.
- 35 Within 12 months of the rail siding being operational, the landscape mitigation planting required under Condition 34 shall be implemented on site.

Mitigation for loss of bat habitat

- 36 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:
- (d) 32x trees (no less than PB18 in size) planted as a hedgerow on the site boundary; OR
 - (e) 9x bat roost boxes shall be located within the remaining Japanese Cypress hedgerow.

Complaints

- 37 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