

Proposed Conditions

Waikato Regional Council Matters – Land Use (Earthworks) & Stormwater Discharge

Version 2, 1 July 2021 - DRAFT

Land Use Consent – Land disturbance (earthworks)

General

1. The soil disturbance and cleanfilling activities authorised by this resource consent shall be undertaken in general accordance with the application for this resource consent, and supporting documentation titled *Ambury Properties Limited – NZ Comfort Group Ohinewai Foam Factory – Assessment of Environmental Effects Report* prepared by Bloxam Burnett & Olliver and dated xx 13 May 2021 (xx document number xx) and all supporting information except where otherwise required in the resource consent conditions below. Where there is any discrepancy between the application documents and the resource consent conditions then the conditions below shall prevail.
2. The consent holder shall appoint a representative(s) prior to commencement of any works authorised by this resource consent, who shall be the Waikato Regional Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Waikato Regional Council of the representative's name and how they can be contacted prior to this consent being exercised. Should that person(s) change during the term of this resource consent, the consent holder shall immediately inform the Waikato Regional Council and shall also give written notice to the Waikato Regional Council of the new representative's name and how they can be contacted.
3. The consent holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this consent and ensure compliance with those conditions.
4. A copy of this resource consent shall be kept onsite at all times that the works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Waikato Regional Council.

Winter Works

5. The works authorised by this resource consent shall not be carried out during the winter period 1st May to 30th September inclusive in any year that this consent is current unless authorised by the Waikato Regional Council as per condition 7.
 6. The consent holder shall ensure that the site is appropriately stabilised by 30 April of each year unless otherwise approved in writing by the Waikato Regional Council. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural and including, pavement, metalling, hydroseeding, revegetating and mulching) that will minimise erosion of exposed soil to the extent practicable.
 7. Requests to undertake works during the period 1st May to 30th September inclusive shall be submitted in writing to the Waikato Regional Council by 1st April, and shall be in the form of amendments to the approved Earthworks and Sediment Control Plan.
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Note: In considering a request for the continuation of winter works, the Waikato Regional Council will consider a number of factors; including:

- the nature of the site and the winter soil disturbance works proposed; the quality of the existing/proposed erosion and sediment controls;
- the compliance history of the site/operator;
- seasonal/local soil and weather conditions;
- sensitivity of the receiving environment; and
- any other relevant factor.

Pre-works Requirements

8. The consent holder shall inform the Waikato Regional Council in writing, prior to commencement of any works, of the start date of the works authorised by this resource consent
9. The consent holder shall arrange and conduct a pre-construction site meeting and invite the Waikato Regional Council, the site representative nominated under condition 2 of this consent, the contractor, and any other party representing the consent holder prior to any works authorised by this consent commencing on the 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 conditions, provided the invitation requirements is met.

Haul Road

10. The consent holder may vary the finalised alignment of the haul road from Tahuna Road to the earthworks site area upon the following information requirements being provided to the Waikato Regional Council:
 - a) The site entrance location from Tahuna Road shall not change from the location outlined on the design plans submitted with the consent application;
 - b) The design width/carrageway of the haul road and associated earthworks shall not increase from the design plans submitted with the consent application;
 - c) 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 Regional Council.
 - d) Confirmation from a suitably qualified ecologist that the Fish Management Plan required under Condition 29 has accounted for the revised haul road location and any vegetation clearance has been accounted for in the Bat Management Plan and Tree Felling Protocol.
 - e) Appropriate erosion and sediment controls for the Haul Road are accounted for in the ESCP to be submitted as per Conditions 11 and 12.

Erosion and Sediment Control

11. The consent holder shall provide the Waikato Regional Council with a finalised **Erosion and Sediment Control Plan (E&SCP)**, at least 10 working days prior to the commencement of activities

authorised by this consent. The objective of the E&SCP shall be to minimise sediment discharge from the site to the extent practicable over the earthworks period.

12. 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;
 - b. The design criteria and dimensions of all key erosion and sediment control structures;
 - c. A site plan of a suitable scale to identify;
 - ii. The locations of waterways;
 - iii. The extent of soil disturbance and vegetation removal;
 - iv. 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. Erosion control methods;
 - viii. The boundaries and area of catchments contributing to all stormwater impoundment structures;
 - ix. The locations of all specific points of discharge to the environment; and
 - x. Any other relevant site information.
 - d. Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
 - e. A detailed staging plan for the works including details of how the extent of exposed works will be minimised on site;
 - f. Dewatering methodology;
 - g. Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
 - h. Maintenance, monitoring and reporting procedures;
 - i. Provision of all weather access for machinery to all sediment control devices;
 - j. 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;
 - k. Procedures and timing for review and/or amendment to the E&SCP; and
 - l. Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.

The E&SCP shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing and the consent holder shall undertake all earthworks authorised by this consent in accordance with the approved E&SCP.

13. Any changes proposed to the E&SCP shall be confirmed in writing by the consent holder and approved in writing by the Waikato Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.

14. The consent holder shall ensure that a copy of the approved E&SCP, including any approved amendments, is kept onsite and this copy is updated within 5 working days of any amendments being approved.
15. Prior to bulk earthworks commencing on any area, the consent holder shall submit to the Waikato Regional Council a certificate signed by an appropriately qualified and experienced erosion and sediment control practitioner to certify that the erosion and sediment controls have been constructed in accordance with the approved erosion and sediment control plans and in accordance with the document titled "*Erosion and Sediment Control Guidelines for Soil Disturbing Activities January 2009*". Certified controls shall include any sediment retention ponds, decanting earth bunds, silt fences and diversion channels/bunds. The certification for these measures shall be supplied within five working days of completion of construction of those measures.

Information supplied if applicable shall include:

- a) Contributing catchment area; and
 - b) Retention volume of structure (dead storage and live storage measured to the top of the primary spillway); and
 - c) Shape and dimensions of structure; and
 - d) Position of inlets/outlets; and
 - e) Stabilisation of the structure; and
 - f) Compliance with the Waikato Regional Council document titled "Erosion and Sediment Control Guidelines for Soil Disturbing Activities January 2009" (Technical Report No. 2009/02); and
 - g) Compliance with any relevant conditions of this consent.
16. The consent holder shall ensure that all sediment laden run-off from the site is treated by sediment retention structures. These structures are to be fully operational before bulk earthworks commence and shall be maintained to perform at least at 80% of their full operational capacity.
 17. The consent holder shall ensure that all clean water run-off from stabilised surfaces including catchment areas above and around the site shall be diverted away from the earthworks area via a stabilised diversion system.
 18. The consent holder shall ensure that all runoff diversion systems are designed and installed to convey flows from contributing catchment areas up to the 20% AEP rainfall event without overtopping and shall also ensure that these systems incorporate adequate protection against erosion.
 19. The consent holder shall ensure that all erosion and sediment controls are inspected and in good working order prior to, and immediately after rain events. The consent holder shall further ensure that all erosion and sediment controls are maintained such that optimal sediment capture efficiency is achieved at all times.
 20. The erosion and sediment controls specified in the approved ESCP, shall not be disestablished without the prior written approval of the Waikato Regional Council, acting in a technical certification capacity.

21. The consent holder shall construct a stabilised construction entrance at the site entrance point and shall manage all traffic leaving the site to prevent the tracking of sediment onto the public road surface. In the event that adverse sediment tracking effects are identified, the consent holder shall implement a suitable wheel wash system to the satisfaction of the Waikato Regional Council to prevent any further sediment tracking effects onto the public road.

Staging

22. The earthworks shall be planned, programmed and implemented to occur in a staged manner to ensure the extent of exposed surfaces at any one time is minimised to the satisfaction of the Waikato Regional Council over the duration of the earthworks.

Flocculation

23. Prior to the commencement of bulk earthworks the consent holder shall undertake flocculant bench testing to determine the reactivity of the sites soils to chemical treatment within those areas of the site where runoff is proposed to be treated by sediment retention ponds and decanting earth bunds.

Should this flocculant bench testing confirm improved sediment treatment efficiencies, all decanting earth bunds or sediment retention ponds established on site in accordance with the approved E&SCP shall incorporate a suitable rain activated flocculant dosing system unless otherwise approved by the Waikato Regional Council

24. Prior to the commissioning of any flocculation treatment system (confirmed by bench testing), the consent holder shall provide the Waikato Regional Council with a Flocculation Management Plan (FMP), for the written approval of the Waikato Regional Council. The FMP shall include as a minimum:
 - a) Specific design details for the flocculation system;
 - b) Monitoring, maintenance (including post-storm) and including a record system;
 - c) Details of optimum dosage (including assumptions);
 - d) Results of any initial flocculation trial;
 - e) A spill contingency plan; and
 - f) Contact details of the persons responsible for the operation and maintenance of the flocculation treatment system and the organisational structure to which this person shall report.
25. Any FMP required by condition 24 shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing.
26. Any changes proposed to the FMP required by condition 24 shall be confirmed in writing by the consent holder and approved in writing by the Waikato Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.

Machinery

27. All earthmoving machinery, pumps and generators shall be operated in a manner which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any surface water such that any spillage can be contained and does not enter any surface water.
28. Prior to entering the site all machinery shall be appropriately cleaned and inspected to minimise any 'containment and/or 'eradication' plant pest species being introduced to the site.

***Note:** For the purposes of this condition, 'containment' and 'eradication' plant pest species are those species that are listed as such in the Waikato Regional Pest Management Strategy 2014 - 2024, or any subsequent version of that publication that is published after the granting of this resource consent.*

Ecological Management

29. The consent holder shall prepare a Fish Management Plan which outlines proposed methods for capture and transfer of any fish from any areas of flowing or standing water, prior to and during the channel disturbance activities.

The Fish Management Plan shall be submitted to the Waikato Regional Council for approval at least 10 working days prior to the commencement of the drain diversion works occurring as part of earthworks activities authorised by this consent and shall be implemented prior to and during those activities.

30. Any vegetation clearance/tree felling works shall be undertaken with an appropriate Bat Management Plan/Tree Felling Protocol to ensure that any potential effects on Long Tailed Bats are minimised to the greatest extent possible.

Cleanfill

31. The consent holder shall ensure that any importation of fill from off-site sources must meet the definition of Class 4 cleanfill material as defined in the Waste Management Institute New Zealand document 'Technical Guidelines for Disposal to Land' April, 2016. More specifically, cleanfill deposition authorised by this consent shall comprise placement of quarry sourced aggregate or sand material or virgin soil material sourced from a location which has been confirmed as free of soil contamination risks and shall exclude:
 - a) material that has combustible, putrescible or degradable components
 - b) materials likely to create leachate by means of biological or chemical breakdown
 - c) any products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices
 - d) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health; and
 - e) soils or other materials contaminated with hazardous substances or pathogens.

32. To ensure that all material imported to site meets the cleanfill definition as outlined within condition 31, the consent holder shall undertake routine monitoring of all fill material imported to site and shall maintain records of the source, type and volume of all cleanfill material. These records shall be made available to the Waikato Regional Council upon request.

Monitoring and Maintenance

33. The consent holder shall ensure that the erosion and sediment controls at the site are inspected a minimum of once per week and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls.
34. The consent holder shall carry out monitoring and maintenance of erosion and sediment controls in accordance with the conditions of this consent and shall maintain records detailing;
- a) The date, time and results of the monitoring undertaken; and
 - b) The erosion and sediment controls that required maintenance; and
 - c) The time when the maintenance was undertaken; and
 - d) The type of maintenance carried out.

These records shall be provided to the Waikato Regional Council on request.

Sampling

35. If requested in writing by the Waikato Regional Council the consent holder shall take samples of the discharges from all sediment retention ponds and decanting earth bunds on the site a minimum of once per month and after all rainfall events greater than 20 millimetres in the preceding 24 hours, excepting times when there are no discharges. The consent holder shall take the samples within four hours of becoming aware of a rainfall event greater than 20 millimetres in the preceding 24 hours.

Note: For the purposes of this condition, 'containment' and 'eradication' plant pest species are those species that are listed as such in the Environment Waikato Regional Pest Management Plan 2014-2024, or any subsequent version of that publication that is published after the granting of this resource consent.

36. Within one working day of taking any samples required, the consent holder shall have those samples analysed for suspended solids and turbidity and (if flocculants are being used to treat any sediment retention pond) pH, and soluble aluminium. The results of the analysis shall be forwarded to the Waikato Regional Council within 7 days of analysis.
37. The consent holder shall ensure that the soluble aluminium concentration of any discharge from a sediment retention pond flocculated in accordance with a Flocculation Management Plan approved in accordance with condition 24, shall not exceed 0.2 grams per cubic metre.
38. The consent holder shall ensure that the pH of any discharge from a sediment retention pond flocculated in accordance with a Flocculation Management Plan approved in accordance with condition 24, shall not be less than 5.5 or greater than 8.5 pH units.

39. Any sampling required by this resource consent, the frequency of sampling, analyses and reporting may be altered or reduced with the written agreement of the Waikato Regional Council.

Discharges

40. The concentration of suspended solids in the Balemi Road drain or any other downstream water body shall not exceed 150 grams per cubic metre suspended solids concentration as a result of the exercise of this consent. This standard shall apply, except where the suspended solids concentration in the named water body, unaffected by the activity, is greater than the standard specified. When the concentration of suspended solids in the named water body, unaffected by the activity, exceeds 150 grams per cubic metre then there shall not be any increase in the suspended solids concentration in the named water body as a result of activities authorised by this consent.

Advice Note: When assessing compliance with this condition a minimum of three water samples should be collected: (a) upstream and unaffected by the activities authorised by this consent; (b) the point source discharge from the activities authorised by this consent; and (c) downstream after reasonable mixing.

Dust

41. All earthworks activities carried out on site shall be conducted and managed in such a manner as to ensure that all dust and particulate emissions are kept to a practical minimum to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect.
42. The consent holder shall ensure that, at all times, an adequate supply of water for dust control and an effective means for applying that quantity of water, is available to ensure that the soil moisture of exposed areas is maintained at sufficient levels, under prevailing wind conditions, to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site until such time as the site is fully stabilised.
43. The consent holder shall ensure that, outside of normal working hours, staff are available on-call at all times to operate the water application system for dust suppression.
44. If so required by the Waikato Regional Council, the consent holder carry out immediate sealing of any problematic dust generating surfaces within the site using hydro-seed/hydro-mulch, polymer soil stabilisers or a similar dust control product to provide instant remediation of any areas to prevent any ongoing dust effects.
45. The consent holder shall provide the Waikato Regional Council with a detailed **Dust Management Plan** (DMP), at least 10 working days prior to the commencement of activities authorised by this consent. The objective of the DMP shall be to outline the site management methods to ensure that compliance with conditions 41 to 44 is achieved throughout the earthworks and as a minimum shall address the following items:
- a) Confirmation of the parties responsible for dust management throughout the works;
 - b) Detailed monitoring methods for weather/soil conditions to ensure that any periods of elevated dust risk are appropriately anticipated and managed;
 - c) Finalised works staging plan to ensure exposed surfaces at any one time are minimised in

- accordance with the requirements of this consent;
- d) Proposed dust control methods to ensure damp ground conditions can be maintained within the site during high dust risk periods;
 - e) Confirmation of a suitable capacity water supply for dust suppression;
 - f) Methods for targeting dust control measures within high risk works areas including works in proximity to any residential neighbours
 - g) Methods for managing dust risk outside of standard working hours e.g weekends;
 - h) Contingency methods for controlling any identified dust effects e.g cease works/site stabilisation; and
 - i) Protocols for responding to and addressing any dust complaints received.

The DMP shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing and the consent holder shall undertake all earthworks authorised by this consent in accordance with the approved DMP.

Archaeology

46. The consent holder shall ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works shall, in the vicinity of the discovery, cease immediately and the Waikato Regional Council, Heritage New Zealand, the Project Archaeologist and representatives of local iwi (where artefacts are of maori origin) shall be notified within 24 hours. Works may recommence on the written approval of the Waikato Regional Council after considering:
- a) Tangata Whenua interests and values;
 - b) Protocols agreed upon by Tangata Whenua and the consent holder;
 - c) The consent holders interests;
 - c) Any Heritage New Zealand requirements; and
 - d) Any archaeological or scientific evidence.

Note: *The consent holder is reminded of their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 regarding any potential archaeological discoveries and requirement for archaeological authorities.*

Stabilisation/Rehabilitation

47. The site shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the site. The consent holder shall monitor and maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any watercourse.
48. The consent holder shall progressively stabilise all works within 14 days of completion, unless otherwise agreed with the Waikato Regional Council.
49. The discharge of untreated surface runoff from any area where soil has been disturbed as a result of the exercise of this resource consent shall only occur after consultation and the prior written

approval of the Waikato Regional Council acting in a technical certification capacity. In this regard, the main issues that will be considered by the Waikato Regional Council include:

- a) The quality of the stabilisation and/or covering vegetation;
 - b) The quality of the water discharged from the property; and
 - c) The quality of the receiving water.
50. If so required by the Waikato Regional Council to manage any identified adverse erosion, sedimentation or dust effects, the consent holder shall carry out immediate stabilisation of any required area of exposed earthworks surfaces on site using straw mulching, pinned geotextile or similar instant stabilisation techniques to the satisfaction of the Waikato Regional Council.

Stormwater Discharge

General

- 1 The stormwater discharge activities authorised by this resource consent shall be undertaken in general accordance with the application for this resource consent, and supporting documentation titled Ambury Properties Limited– NZ Comfort Group Ohinewai Foam Factory – Assessment of Environmental Effects Report prepared by Bloxam Burnett & Olliver and dated 13 May, 2021 (xx document number xx) and all supporting information except where otherwise required in the resource consent conditions below. Where there is any discrepancy between the application documents and the resource consent conditions then the conditions below shall prevail.
- 2 The consent holder shall appoint a representative prior to commencement of any works authorised by this resource consent, who shall be the Waikato Regional Council's principal contact person in regard to matters relating to this resource consent. The consent holder shall inform the Waikato Regional Council of the representative's name and how they can be contacted prior to this resource consent being exercised and any time after when this representative changes.
- 3 The consent holder shall be responsible for all contracted operations related to the exercise of this resource consent and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
- 4 The consent holder shall be responsible for the design, structural integrity and maintenance of the stormwater system including piped reticulation network, proprietary filter devices, stormwater wetland device, attenuation basin and inlet and outlet structures and shall operate and maintain the stormwater system to avoid and/or mitigate any adverse effects of stormwater discharges to the downstream receiving environment.
- 5 The consent holder shall not undertake any changes to the stormwater system which would fundamentally alter the stormwater quality or quantity characteristics of the stormwater discharge activities authorised by this resource consent.

Detailed Engineering Design

- 6 The consent holder shall retain an appropriately qualified and experienced person to complete the finalised/detailed stormwater design for the site. More specifically, the consent holder shall submit a detailed stormwater design report and plans for the development which confirms

provision of the following stormwater management functions for the various components of the stormwater management system in accordance with the Waikato Regional Councils Waikato Stormwater Management Guideline (WRC, 2020) and Waikato Stormwater Runoff Modelling Guideline (WRC, 2018) along with any changes made from the preliminary/consent level design plans:

- d) Stormwater reticulation network including all catchpits, pipelines and overland flowpaths;
- e) Controlled drainage system including shut off valves if required;
- f) Stage 1 treatment system comprising in-line proprietary filtration devices for runoff from ground level/rail yard surfaces;
- g) Stage 2 treatment wetlands (Wetland 2) and associated swales; and
- h) Conveyance swale and discharge outfall structures.

As-builts

- 7 The consent holder shall submit final "as built" details and drawings of the stormwater management system for each development stage including the stormwater reticulation system and the stormwater treatment and attenuation systems associated with the stormwater discharge activities authorised by this resource consent. The "as built" details and drawings shall be submitted to the Waikato Regional Council within 1 month of final completion of construction works associated with the stormwater management devices for each development stage. The as built plans shall be certified by an appropriately qualified engineer as a true record of the completed stormwater management system and that the completed stormwater management system is in accordance with the detailed design plans approved in accordance with condition 6 above.
- 8 The as-built details and drawings shall confirm that any stormwater discharges to the Balemi Road drain from the Ohinewai Foam Factory have been disestablished.

Erosion Protection

- 9 All stormwater discharge outlet structures shall include provision of appropriate outlet erosion protection to prevent any adverse erosion or scouring effects at these discharge points. Design details of these provisions shall be in accordance with the Waikato Stormwater Management Guidelines, 2018.
- 10 The consent holder shall be held responsible for maintaining the discharge outlet structures from the stormwater network and the site outlet clear of debris and other obstructions.
- 11 The discharge outlet structures from any part of the stormwater system shall not cause any conspicuous scouring or erosion effects at the point of discharge. In the event that effects do occur they shall be remedied without undue delay.
- 12 The consent holder shall be responsible for monitoring the discharge outlet structures and any future protection and/or erosion control works or associated maintenance that becomes necessary as a result of the exercise of this consent shall be the responsibility of the consent holder and shall be carried out to the satisfaction of the Waikato Regional Council.

Advice Note: A separate resource consent may be required as a result of the need to undertake

installation of or erosion control works for any outlet structure that may be required to satisfy condition 11. Any such consent shall be obtained by the consent holder at their sole expense prior to any works being undertaken.

Stormwater Quality

- 13 The consent holder shall manage the stormwater network to avoid the discharge of any substance that is likely to cause the production of conspicuous oil, or grease films, scums or foams, or floatable suspended materials in stormwater receiving water bodies after reasonable mixing.
- 14 The consent holder shall manage the stormwater network to avoid the discharge of suspended solids and any other substances that are likely to cause the following effects in stormwater receiving water bodies after reasonable mixing:
 - a) Conspicuous changes in colour or visual clarity;
 - b) Increases in suspended solids concentrations by more than 10 percent;
 - c) 100 grams per cubic metre suspended solids concentrations or greater.

Advice Note: For the purposes of this condition, the suspended solids discharge parameters referenced above shall only apply to the post development stormwater discharges authorised by this resource consent and do not apply to the earthworks activities which are authorised under a separate land disturbance resource consent.

- 15 The consent holder shall manage the stormwater network to avoid the discharge of hazardous substances in concentrations that are likely to adversely affect aquatic life, or the suitability of water for human consumption after treatment. Where a question arises as to whether the concentration of any particular hazardous substance is causing these effects, it shall be determined through the application of the United States Environmental Protection Agency National Recommended Water Quality Criteria (USEPA, 2009) – Criteria Maximum Concentration, or any other technical publication approved in advance by the Waikato Regional Council in a technical certification capacity.
- 16 All stormwater treatment devices which form part of the stormwater network and are designed to treat contaminated stormwater shall be operated and maintained by the consent holder to provide best practicable stormwater treatment efficiency at all times. Stormwater Quantity
- 17 The consent holder shall manage the stormwater network to avoid the following stormwater quantity effects:
 - a) Adverse scour, erosion and sediment deposition on land, property and within the beds of stormwater receiving water bodies;
 - b) Adverse flooding of land and property;
 - c) Adverse effects on aquatic ecosystems.

Advice Note: Stormwater diversion and discharge activities in conjunction with urban land-use, can adversely affect flood potential by either limiting the rate at which stormwater drains from a catchment, or by increasing the rate and volume of discharge to downstream catchments.

Whilst such effects are the subject of this consent, it is also recognised that 'levels of service' for flood alleviation in urban catchments are established by territorial authorities through separate statutory procedures and community consultation. The 'levels of service' that are established between the territorial authority and the community are not the subject of this resource consent.

- 18 As soon as practicable after becoming aware of any of the adverse effects of the nature specified in Condition 17 that are more than minor, the consent holder shall submit a report to the Waikato Regional Council in relation to the adverse effects. As a minimum, the report shall include:
- a) A description of the adverse effects;
 - b) A description of the cause of the adverse effects;
 - c) An explanation of any measures taken to remedy or mitigate the adverse effects, the outcome of those measures, and whether further measures are necessary and reasonably practicable;
 - d) If no measures have been taken in accordance with (c), a description of any reasonably
 - e) practicable measures that could be taken to remedy or mitigate the adverse effects and a recommendation as to whether those measures are necessary.

The consent holder shall liaise with the Waikato Regional Council with a view to determining any reasonably practicable measures which should be taken to remedy or mitigate the adverse effects.

Advice Note: Separate resource consents may be required to undertake remedial or mitigation works. The consent holder is advised to obtain all such consents at its sole expense, prior to any works being undertaken.

Stormwater Device Planting Management

- 19 A detailed Stormwater Device Planting Management Plan shall be prepared for the design and implementation of the plantings within the stormwater wetland device which forms part of the stormwater management system. This plan shall include but not be limited to:
- a) Device planting details including species to be planted, size/number of plants, density of planting, sourcing of plants and fertilising;
 - b) Ongoing weed and pest control requirements;
 - c) Supplementary/replacement planting plans specifications; and
 - d) Timing of monitoring maintenance inspections;

The Stormwater Device Planting Management Plan shall be to a standard acceptable to the Waikato Regional Council and shall be submitted to the Waikato Regional Council for written approval in a technical certification capacity in accordance with the Detailed Engineering Design timeframes specified in Condition 6. The approved Stormwater Device Planting Management Plans shall be implemented on site to ensure the successful establishment of the required plantings.

Advice Note: It is accepted that generic planting plans can be submitted which will be applicable to all of the raingarden devices, however individual planting plans are required for each of the

basin/wetland devices. It is recommended that the planting plans can be submitted in conjunction with the detailed engineering design plans required by condition 6.

Hazardous Substances Management

20 The consent holder shall provide the Waikato Regional Council with a finalised Stormwater Emergency Management Plan (SEMP) which shall be based upon the preliminary emergency management design details and risk management procedures outlined within the following preliminary documents included within the consent application:

- Ohinewai Development Hazardous Substances Qualitative Risk Assessment, Jacobs, March, 2021;
- Hazardous Substances Technical Assessment, Tonkin & Taylor, July, 2020;
- Emergency Plan, The Comfort Group, September 2020, or its latest iteration.

The objective of the SEMP shall be to outline the specific design and management procedures to be implemented at the site to minimise the potential for any hazardous substances including all process chemicals and other industrial process contaminants from entering the site stormwater system. The SEMP shall include but not be limited to:

- a. Identification of all hazardous substances to be held and used on site;
- b. Identification of all industrial site processes which present a risk for these substances to enter the stormwater system;
- c. Drainage design details (containment measures and shut off valves) and hazardous substance management procedures to be implemented at the site to minimise the potential for any hazardous substances to enter the stormwater system;
- d. System monitoring and maintenance to ensure optimum and effective performance in the event of any unforeseen spillage of any hazardous substance;
- e. Spill management/response procedures including reporting of any spill events to the Waikato Regional Council;

The SEMP shall be submitted to the Waikato Regional Council for approval prior to the commencement of the stormwater discharge activities within the site and shall be implemented on site for the duration of the stormwater diversion and discharge activities authorised through this consent.

Operation and Maintenance

21 The Consent Holder shall provide the Waikato Regional Council with a Stormwater Operation and Maintenance Plan (SOMP) for the stormwater management systems to be implemented within the site. The objective of the SOMP shall be to outline specific operation and maintenance procedures to be implemented to ensure the long term effectiveness of the stormwater system in achieving the design stormwater management functions as outlined within the application for this consent and in accordance with the Waikato Stormwater Management Guidelines 2018. The SOMP shall provide for all operational, maintenance, planting management and monitoring measures associated with the stormwater management system authorised by this resource consent and may include but not be limited to:

- a) A programme for regular monitoring and inspection of the stormwater management

- system including details of monitoring and inspection frequency;
- b) A programme for the regular collection and disposal of debris and sediment collected by the stormwater management devices to ensure that storage/soakage are not compromised and that appropriate contaminant removal procedures are established;
 - c) A programme for the monitoring, maintenance and replacement of all proprietary stormwater treatment device filtration units;
 - d) Inspection checklists for all aspects of the stormwater management system including monitoring and maintenance of water quality and vegetation and all inlet/outlet structures;
 - e) Details of who will be responsible for the operation and maintenance works;
 - f) Details of recording and reporting of operation and maintenance activities to the WRC.
- 22 Any changes to the approved SOMP shall be confirmed in writing by the consent holder and approved in writing by the Waikato Regional Council prior to the implementation of any changes proposed.
- 23 The SOMP shall be submitted to the Waikato Regional Council for approval prior to the commencement of the stormwater discharge activities within the site and shall be implemented on site for the duration of the stormwater diversion and discharge activities.

Water Permit (Water Take)

General

- 1 The watertake activities authorised by this resource consent shall be undertaken in general accordance with the application for this resource consent, and supporting documentation titled Ambury Properties Limited – NZ Comfort Group Ohinewai Foam Factory – Assessment of Environmental Effects Report prepared by Bloxam Burnett & Olliver and dated xx 13 May 2021 (xx document number xx) (document number xxx) and all supporting information except where otherwise required in the resource consent conditions below. Where there is any discrepancy between the application documents and the resource consent conditions then the conditions below shall prevail.
- 2 The consent holder shall appoint a representative(s) prior to commencement of any works authorised by this resource consent, who shall be the Waikato Regional Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Waikato Regional Council of the representative's name and how they can be contacted prior to this consent being exercised. Should that person(s) change during the term of this resource consent, the consent holder shall immediately inform the Waikato Regional Council and shall also give written notice to the Waikato Regional Council of the new representatives name and how they can be contacted.
- 3 The consent holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this consent and ensure compliance with those conditions.

- 4 A copy of this resource consent shall be kept onsite at all times that the works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Waikato Regional Council.

Take Volume

- 5 The daily take volume authorised by this consent must not exceed 2000 cubic metres.

Water Management

- 6 Any water taken in accordance with this consent shall not be subject to any usage for construction purposes or any other activities within the site and shall be discharged immediately to the receiving environment directly below the point of take following appropriate treatment (if required).
- 7 7. A water measuring system must quantify the volume of water taken on a continuous basis. The system must have a reliable calibration to flow and must be maintained to an accuracy of +/- 5%.
- 8 Prior to first commencing to take groundwater under this consent, evidence of the water measuring system's calibration to an accuracy of +/- 5% must be provided to the Waikato Regional Council.
- 9 Additional calibration of the water measuring system to ensure that the water measuring system has an accuracy of +/- 5% must be undertaken by the consent holder at the written request of the Waikato Regional Council. Evidence documenting each respective additional calibration must be forwarded to the Waikato Regional Council within one month of the calibration being completed.
- 10 The consent holder must maintain a continuous record of water taken through this consent. The record must:
 - a) Specify the date on which the record was taken;
 - b) Include total daily volume of water abstracted (m³);
 - c) Include cumulative total of water abstracted (m³);
 - d) Specify zero values when no water is being taken;
 - e) Include pumping hours per day;
 - f) Be reported to Waikato Regional Council via email within the first 10 working days of each month for the preceding month.

Administrative

- 11 The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act.

Water Permit (Water diversion)

General

- 1 The floodplain filling/diversion activities authorised by this resource consent shall be undertaken in general accordance with the application for this resource consent, and supporting documentation titled Ambury Properties Limited – NZ Comfort Group Ohinewai Foam Factory – Assessment of Environmental Effects Report prepared by Bloxam Burnett & Olliver and dated xx 13 May 2021 (xx document number xx) and all supporting information except where otherwise required in the resource consent conditions below. Where there is any discrepancy between the application documents and the resource consent conditions then the conditions below shall prevail.
- 2 The consent holder shall be responsible for all contracted operations related to the exercise of this resource consent and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Administrative

- 3 The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act.