

1.0 Regional Council Conditions of Consent – Land Disturbance

To undertake earthworks and cleanfilling in association with the establishment of the Ashbourne Retirement Village

Consent Duration: 5 years

Lapse Period: 5 years

1.1 General Conditions

- (1) The earthworks and cleanfilling activities authorised by this resource consent shall be undertaken in general accordance with the application documentation as listed in XXX dated XXX recorded as document number XXXXXX in the Waikato Regional Council's document recorder system unless inconsistent with the conditions below, which must prevail.
- (2) 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 their requirement to comply with those conditions.
- (3) A copy of this resource consent and any certified management plans shall be kept onsite at all times that the works authorised by this resource consent are being undertaken and shall be produced without unreasonable delay upon request from an agent of the WRC.
- (4) Any reference in these conditions to a New Zealand Standard includes any later New Zealand standard that amends or replaces it.

1.1.1 Fees and Charges

- (5) The Consent Holder must pay to the consent authority any administrative charge fixed in accordance with Section 36 of the *RMA*, or any charge prescribed in accordance with regulations made under Section 360 of the *RMA*.

1.1.2 Consent Lapse

- (6) Pursuant to clause 26(2) of Schedule 5 to the *FTAA*, the consents numbered RCXX shall lapse five (5) years from the date of commencement unless it has been given effect to, surrendered, or been cancelled at an earlier date.

1.2 Pre- Start Requirements

- (7) Prior to the commencement of activities authorised by this consent, the Consent Holder must hold a pre-construction meeting that:
 - (a) Is scheduled within a minimum of ten (10) working days notice, and .
 - (b) Includes invitations to representatives from:
 - i. Waikato Regional Council monitoring officer(s)
 - ii. the site representative,

- iii. the contractor, and
- iv. any other party representing the consent holder.

Advice Note 1: *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.*

Advice Note 2: *Notifications required by condition 5 can be provided to the Waikato Regional Council by emailing consentmonitoringqueries@waikatoregion.govt.nz and including site detail and the resource consent reference number.*

1.2.1 Complaints Management

- (8) If any complaints are received by the consent holder regarding the effects of activities authorised by this consent, the consent holder must notify the Waikato Regional Council of those complaints as soon as practicable and within no longer than one working day. When complaints are received, the consent holder must record the following details in a Complaints Log:
- a. Time and type of complaint, including details of the incident, e.g. duration, any effects noted;
 - b. Name, address and contact phone number of the complainant (if provided);
 - c. Location from which the complaint arose;
 - d. The weather conditions and wind direction at the time of any dust complaint;
 - e. The likely cause of the complaint;
 - f. The response made by the consent holder including any corrective action undertaken by the consent holder in response to the complaint; and
 - g. Future actions proposed as a result of the complaint.
- (9) All earthworks activities carried out on site must be conducted and managed in such a manner as to ensure that all dust and particulate emissions are kept to a practicable minimum to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect.

1.2.2 Cultural Impact Assessment (CIA)

The following Mana Whenua groups have endorsed the **CIA** referenced in **Condition [12]**:

- o Ngāti Hauā Iwi Trust, representing Ngāti Hauā
- o Te Puāwaitanga o Ngāti Hinerangi Iwi Trust, representing Ngāti Hinerangi
- o Raukawa Charitable, representing Raukawa
- o Te Whakakitenga o Waikato, representing Waikato-Tainui.

(10) The Project (including all works) shall be undertaken in accordance with the following, to reflect and implement the recommendations in the **CIA**:

- (a) A Memorandum of Partnership or Kawenata that records a commitment to establishing a collaborative, interactive, positive, and balanced relationship exercising good faith, co-operation and flexibility and responsiveness between **the Consent Holder(s)** and Mana

Whenua entities shall be confirmed and signed within twelve (12) months of this consent commencing;

- (b) Cultural monitors shall be engaged during the project's inception and construction phases;
- (c) Any contractors involved in earthworks shall receive guidance on Ngā Iwi tikanga and protocols, including an understanding of the Accidental Discovery Protocol, which may be provided by a Mana Whenua representative or designate;
- (d) An Accidental Discovery Protocol shall be established in accordance with **Condition [9(b)]** prior to any land disturbance activities commencing;
- (e) Prior to the commencement of any construction works the Consent Holder will invite representatives from Ngāti Hauā, Ngāti Hinerangi, and Raukawa, to discuss the implementation of the relevant recommendations within the CIA.
- (f) The outcomes of the engagement described above in Condition [(13)] shall be reported to WRC, prior to construction commencing.

1.2.3 Discovery of Archaeological Finds or Culturally Significant Finds

(11) The consent holder must 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 must, in the vicinity of the discovery, cease immediately and the Waikato Regional Council, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Maori origin) must 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;
- (d) Any Heritage New Zealand Pouhere Taonga authorisations;
- (e) Any archaeological or scientific evidence; and
- (f) The assessment of the discovery by a registered archaeologist.

1.3 Erosion and Sediment Control Plan (ESCP)

(12) The consent holder must provide the Waikato Regional Council with an Erosion and Sediment Control Plan (ESCP), at least 10 working days prior to the proposed commencement of activities authorised by this consent. The objective of the ESCP must be to identify and implement measures necessary to minimise soil erosion and sediment discharge from the activities authorised by this consent for compliance with all relevant consent conditions. The ESCP must be prepared in accordance with the 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, including 2014 factsheets).

Advice Note: The “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” can be found on the Waikato Regional Council website: www.waikatoregion.govt.nz/earthworks. Note these guidelines were amended with the inclusion of a series of factsheets in 2014.

- (13) The ESCP required by Condition 12 must contain sufficient detail to address the following matters:
- a. Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control (including where necessary, any chemical treatments) to achieve the sediment discharge standard of this consent;
 - 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 within each of the wetland catchments and other receiving environments; and
 - ix. Any other relevant site information.
 - (g) Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
 - (h) Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
 - (i) Maintenance, monitoring and reporting procedures;
 - (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 ESCP; and
 - (l) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.
 - (m) If chemical treatment is to be used then the consent holder must provide the Waikato Regional Council with an updated ESCP including a Chemical Treatment Management Plan (CTMP), at least 10 working days prior to the commissioning of any chemical treatment system. The objective of the CTMP must be to identify and design the requirements for an appropriate chemical treatment

system for the activities authorised by this consent in compliance with all relevant consent conditions.

- (14) Prior to the commencement of earthworks activities authorised by this consent, the Consent Holder must provide the **WRC** with As-built Certification Sheets signed by an appropriately qualified and experienced person to certify that erosion and sediment controls have been constructed in accordance with the **ESCP**.

Advice Note: The As-built Certification Sheets must include all information as specified in the As-built Certification Sheets located on the Waikato Regional Council website www.waikatoregion.govt.nz/earthworks

- (15) The ESCP must be certified in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing. The Council's certification will be based on its assessment of whether the ESCP addresses the matters required by Condition 13 and is in general accordance the Waikato Regional Council document titled "Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009, including 2014 factsheets).
- (16) Prior to the commencement of the activities authorised by this consent, all required erosion and sediment control measures must be constructed and operational in accordance with the certified ESCP and must be maintained for the duration of the earthwork activities.
- (17) Any proposed amendments to the certified ESCP must be provided to the Waikato Regional Council for certification, in accordance with Condition 8, prior to the implementation of any proposed amendments.
- (18) The consent holder must ensure that a copy of the certified ESCP, including any certified amendments, is kept onsite at all times that physical works authorised by this consent are being undertaken and must be produced without unreasonable delay upon request from an agent of the Waikato Regional Council.
- (19) The consent holder must ensure that areas of the site subject to chemical treatment are treated in accordance with the Chemical Treatment Management Plan (CTMP) required by Condition 7(j).
- (20) Where it is proposed to implement chemical treatment to manage sediment runoff then the information provided under Condition 7(j) must contain sufficient detail to address the following matters:
- a. An analysis identifying which areas of the site require chemical treatment, taking into account;
 - i. The results of flocculant bench testing based on the sites soil reactivity to chemical treatment;
 - ii. The size of the contributing catchment that the sediment control device is treating;
 - iii. The likely duration a sediment control device will be used;
 - b. Specific design details of the chemical treatment system;
 - c. Detail of monitoring (including pH and any other water testing procedures), maintenance (including pre and post-rainfall event maintenance), recording and reporting procedures;

- d. Details of optimum dosage (including assumptions);
- e. Results of any initial chemical treatment trial;
- f. A spill contingency plan; and
- g. Identification and contact details of personnel responsible for the operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

1.4 Ecological Management Plans

- (21) The objectives of the ecological management plans are to avoid or minimise any adverse effects on absolutely protected wildlife during construction and operation of the development.
- (22) The Consent Holder shall prepare a Bat Management Plan (BMP), a Lizard Management Plan (LMP) and a Bird Management Plan for the purpose of achieving the above objectives, and generally in accordance with the Ecological Solutions Ashbourne Ecological Management Plan dated November 2025 and in sufficient detail to satisfy WRC that each plan will achieve the conditions of this consent.
- (23) Each Management Plan shall be prepared by appropriately qualified and experienced ecologist/s and submitted to WRC for certification at least twenty (20) working days prior to the commencement of any construction works.
- (24) The Management Plan(s) shall be reviewed by the Consent Holder in accordance with (a) and (b) below and if necessary updated:
- a. To be consistent with any authorisation from the Director General of the Department of Conservation under section 53 of the Wildlife Act 1953, if any such authorisation is required; and
 - b. At any time at the Consent Holder's initiation.
- Advice Note: Authorisations under the Wildlife Act 1953 may be required, separate to the Resource Management Act 1991 process. The purpose of this condition is to ensure consistency between any authorisation and the content of the Management Plans.*
- (25) The purpose of any review under Condition 67 shall be to identify whether any changes to management procedures contained within the Management Plans are required to achieve the objectives of the Management Plan.
- (26) During any review of the Management Plans, the Consent Holder shall consider:
- a. Any outcomes of survey monitoring data produced to date
 - b. Any actual or potential adverse effects identified during monitoring which are demonstrably a direct effect of the Consented activities.
 - c. Whether any adverse effects which may have arisen are already appropriately addressed in the consent conditions and Management Plans.
- (27) The consent holder shall summarise the outcomes of any Management Plan reviews that result in proposed changes/updates to the Management Plan(s). Any updated Management Plan(s) shall be certified by WRC.

1.4.1 Bat Management Plan (BMP)

(28) A Bat Management Plan to satisfy the objective in Condition 64 and address the recommendations contained in Section 4 of the Ecological Solutions Ashbourne Ecological Management Plan dated November 2025 shall be prepared and implemented by a Department of Conservation-recognised competent bat ecologist across the site. The Bat Management Plan shall include the following details:

- a. Tree removal protocols for the removal of potential bat roost trees
- b. Guidance for the elements of bat sensitive artificial lighting design
- c. Guidance for artificial roost box design, installation, maintenance and protection

1.4.2 Lizard Management Plan (LMP)

(29) A Lizard Management Plan to satisfy the objective in Condition 64 and address the recommendations contained in Section 5 of the Ecological Solutions Ashbourne Ecological Management Plan dated November 2025 shall be prepared and implemented by a Department of Conservation-recognised herpetologist across the site. The Lizard Management Plan shall include the following details:

- a. Lizard management before and during vegetation removal within any areas deemed lizard habitat.
- b. Methodology for capture and relocation of indigenous lizards
- c. Identification of a suitable lizard release site and guidance on the habitat enhancement/protection measures to be implemented at the release site.

1.4.3 Bird Management Plan (BiMP)

(30) A Bird Management Plan to satisfy the objective in Condition 64 and address the recommendations contained in Section 3 of the Ecological Solutions Ashbourne Ecological Management Plan dated November 2025 shall be prepared and implemented by a suitably qualified ecologist across the site. The Bird Management Plan shall include the following details:

- a. Vegetation removal shall take place outside of the peak bird breeding season (September to February inclusive).
- b. Methodology for vegetation clearance if cannot be achieved outside the bird breeding season.
- c. Methodology for if active bird nests of native birds are detected.

1.4.4 Fish Management Plan (FMP)

(31) A Fish Management Plan to satisfy the objective in Condition 64 and address the recommendations contained in Section 6 of the Ecological Solutions Ashbourne Ecological Management Plan dated November 2025 shall be prepared and implemented by a suitably qualified ecologist across the site. The Fish Management Plan shall include the following details:

- a. Methodology for the pre-works fish capture and relocation.
- b. Methodology for watercourse dewatering fish capture and relocation.
- c. Methodology for excavation fish capture and relocation
- d. Methodology for fish handling and transfer to release site.
- e. Identification of a suitable release site.

1.5 Construction Conditions

1.5.1 Monitoring of Erosion and Sediment Controls

- (32) The Consent Holder must ensure that all erosion and sediment control structures are inspected on a weekly basis, prior to each forecast rainfall event, and within 24 hours of each rainfall event that is likely to impair the function or performance of the controls.
- (33) The Consent Holder must carry out monitoring and maintenance of all erosion and sediment controls in accordance with the conditions of this consent and the Waikato Regional Council document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009), and must maintain records detailing:
- a. The date, time and results of the monitoring undertaken;
 - b. The erosion and sediment controls that required maintenance;
 - c. The date and time when the maintenance was completed.
- These records must be provided to the *WRC* at all reasonable times and within 72 hours of a written request to do so.
- (34) The discharge of suspended solids associated with the activities authorised by this consent must not increase the concentration of suspended solids in the Waitoa River and its associated tributaries by more than 10 percent.
- The point at which this will be determined is at a distance downstream of the discharge points which is no more than seven times the width of the Waitoa River and which in any instance does not exceed 200 metres from the point of discharge.
- To determine compliance with this Condition, a minimum of three water samples must be collected in all relevant waterways as follows:
- 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 of the activities authorised by this consent after reasonable mixing.
- (35) All earthworks must be managed to minimise any discharge of soil, silt, sediment or sediment-laden water directly to stormwater drainage systems, watercourses or receiving waters. In the event that direct discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified to the satisfaction of Waikato Regional Council.
- (36) The discharge of soluble aluminium from any area of the site that is subject to chemical treatment must not exceed 0.1 grams per cubic metre, unless site specific analysis identifies existing background levels are higher as identified within the certified ESCP.

- (37) The pH of the discharge from any area of the site that is subject to chemical treatment must not be less than 6.5, or greater than 8.0 pH units, unless site specific analysis identifies existing background levels are higher or lower as detailed within the certified ESCP.

1.6 Sampling

- (38) The consent holder must undertake a visual assessment and take water samples to determine compliance with conditions 19 and 20 respectively within 10 hours of becoming aware of a rainfall event greater than 20 millimetres in any 24-hour period. If this timeframe involves sampling at night and cannot be achieved for associated health and safety reasons, the consent holder must undertake the visual assessment and sampling as early as practicable the following morning.

To determine compliance with condition 21 a minimum of three water samples must be collected representative of each discharge point: (1) upstream and unaffected by the activities authorised by this consent; (2) the point source discharge from the activities authorised by this consent; and (3) downstream after reasonable mixing.

- (39) Within one working day of water samples being taken, the consent holder must ensure that the samples are sent to an accredited laboratory and analysed for suspended solids. The results of the analysis must be provided to the Waikato Regional Council within seven days of analysis by an accredited laboratory.
- (40) The consent holder must have all samples associated with sediment retention ponds or decanting earth bunds which are subject to any necessary chemical treatment analysed for pH and soluble aluminium.
- (41) There must be no vehicles or earthmoving machinery in the bed of any flowing water body at any time.
- (42) All disturbed or cut vegetation, soil or debris must be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any waterway.

1.7 Construction Conditions

- (43) All earthmoving machinery, pumps, generators and ancillary equipment must be operated in a manner which ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities must be carried out away from any water body, ephemeral water body, or overland flow path, such that any spillage can be contained so that it does not enter surface water.
- (44) The consent holder must ensure that all machinery used in the exercising of this consent is cleaned prior to being transported to/from the site to ensure that all seed and/or plant matter has been removed and documented in accordance with the National Pest Control Agencies A series, best practice (Code A16) guidelines, available to download from [Keep it clean - machinery cleaning guidelines and handbook](#) | Waikato Regional Council
- (45) The consent holder must ensure that all runoff diversion systems are designed and installed to convey flows from contributing catchment areas up to the 5% AEP rainfall event (plus 300 mm freeboard after settling), without overtopping and must also ensure that these systems incorporate adequate protection against erosion.

(46) The consent holder must ensure that, as far as practicable, all clean water run-off from stabilised surfaces including catchment areas above the site will be diverted away from the exposed areas via a stabilised system to prevent erosion. The consent holder must also ensure the outfall(s) of these systems are protected against erosion.

(47) All diverted water must be directed to its original catchment.

Advice note: This is to ensure surface flow hydrology is maintained to the wetland

(48) Prior to commencing any earth disturbance or vegetation removal works within 20m of the wetland, the consent holder must clearly demarcate and fence off parts of these wetlands that are located within 20m of any disturbance areas to prevent machinery from entering the wetland during any adjacent works.

1.8 Dust

(49) All earthworks activities carried out on site must be conducted and managed in such a manner as to ensure that all dust and particulate emissions are kept to a practicable minimum to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect.

1.9 Site Restoration

(50) The removal of any erosion and sediment control measures from any area where soil has been disturbed as a result of the exercise of this consent must only occur after consultation and written approval has been obtained from the Waikato Regional Council acting in a technical certification capacity. In this respect, the main issues that will be considered by the Waikato Regional Council include:

- i. The quality of the soil stabilisation and/or covering vegetation;
- ii. The quality of the water discharged from the rehabilitated land; and
- iii. The quality of the receiving water.

Re-vegetation and/or stabilisation of all disturbed areas is to be completed in accordance with the measures detailed in the document titled "Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009).

(51) The consent holder must ensure those areas of the site where earthworks have been completed are stabilised against erosion as soon as practically possible and within a period not exceeding 14 days after completion of any works authorised by this consent. Stabilisation must be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion. The consent holder must monitor and maintain the site until vegetation is established to such an extent that as far as practicable it prevents erosion and prevents sediment from entering any water body.

(52) All disturbed streambanks that result from the earthworks and culvert placement activities must be stabilised immediately on completion of the works.

(53) The re-vegetation and/or stabilisation of all disturbed areas caused by the construction of the culvert and associated access track over the culvert must be completed in accordance with the measures detailed in the document titled "Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009).