

Structures conditions

These conditions are draft.

The following notes guide the reader as follows:

- **Yellow highlights** require information that is not currently available and will be finalised later in the process.
- **Blue highlights** refer to lot numbers that will change with the subdivision scheme revision.
- **Greyed text** relates to the retirement village (being the conditions the Panel would have imposed if it had found that consent could have been granted for this part of the Project).

DRAFT

Resource Consent: *Insert Consent Reference*

Grants to: Matamata Development Limited

Commencement date: *Insert Decision Date*

Lapse Date: Five (5) years after commencement date

Expiry date: *Day Month Year* (35 years)

Location: Station Road, Matamata (Lot 1 Deposited Plan South Auckland 65481, Lot 2 Deposited Plan 567678, Lots 1 and 2 Deposited Plan 21055, Lots 4 and 5 Deposited Plan 384886, Lot 204 Deposited Plan 535395 and Lots 25 and 106 Deposited Plan 393306, Lot 3 Deposited Plan South Auckland 14362)

The activity: Land use consent (pursuant to section 13 of the Resource Management Act 1991 (RMA) and under the National Environmental Standards for Freshwater 2025) to place structures in waterways in association with the development of approximately 95ha for residential purposes, a neighbourhood centre, a retirement village, two solar farms and ancillary infrastructure.

This consent must be read in conjunction with:

- A. *Insert Consent Reference*
- B. *Insert Consent Reference*
- C. *Insert Consent Reference*
- D. *Insert Consent Reference*
- E. *Insert Consent Reference*
- F. *Insert Consent Reference*
- G. *Insert Consent Reference*
- H. *Insert Consent Reference*
- I. *Insert Consent Reference*
- J. *Insert Consent Reference*
- K. *Insert Consent Reference*

And must be interpreted with guidance from the following glossary:

ADP	Accidental Discovery Protocol
(The) Council	Waikato Regional Council
DOC	Department of Conservation
EcoRMP	Ecological Restoration Management Plan
FMP	Fish Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga
MP	Management Plan
RMA	Resource Management Act 1991
Site	Collectively, Lot 1 Deposited Plan South Auckland 65481, Lot 2 Deposited Plan 567678, Lots 1 and 2 Deposited Plan 21055, Lots 4 and 5 Deposited Plan 384886, Lot 204 Deposited Plan 535395 and Lots 25 and 106 Deposited Plan 393306, Lot 3 Deposited Plan South Auckland 14362.
SQEP	Suitably Qualified and Experienced Person

And is subject to the following conditions:

General conditions

1. The activity must be carried out in accordance with the application for resource consent, including any reports, plans, and further information (listed in Appendix [1]) provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions will prevail.
2. For the purposes of this consent, any reference to 'Site' means land legally described as Lot 1 Deposited Plan South Auckland 65481, Lot 2 Deposited Plan 567678, Lots 1 and 2 Deposited Plan 21055, Lots 4 and 5 Deposited Plan 384886, Lot 204 Deposited Plan 535395 and Lots 25 and 106 Deposited Plan 393306, Lot 3 Deposited Plan South Auckland 14362 prior to any further subdivision of the land.
3. The Consent Holder must advise the Waikato Regional Council (the Council) in writing, at least five (5) working days prior to the exercise of this consent, so that monitoring of the conditions of this consent can be undertaken.

*Advice note: All correspondence with the Council required by these conditions of consent should be sent via email to xxx@wrc.govt.nz with reference to consent number **Insert Consent Reference**.*

4. A copy of this land use consent and any certified Management Plans (MP) must be kept on Site at all times that the works authorised by this consent are being undertaken and must be produced without unreasonable delay upon request from the Council.
5. Any reference in these conditions to a New Zealand Standard includes any later New Zealand Standard that amends or replaces it.
6. The Consent Holder must pay to the Council 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.

Advice notes:

- *This includes the reasonable costs incurred by the Council arising from supervision and monitoring of this consent, e.g. routine inspection of the Site by Council officers or agents, liaison with the Consent Holder, responding to complaints or enquiries relating to the Site, and review and assessment of compliance with the conditions of consents.*
 - *That pursuant to Section 332 of the RMA, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.*
7. The Council may, once per year, on any of the last five (5) working days of either May or November, serve notice on the Consent Holder under Section 128(1) of the RMA of its intentions to review the conditions of this consent where:
 - a. A material adverse effect which was not identified in the AEE (and supporting material for the resource consent application) has arisen; or
 - b. The magnitude of adverse effects from the project are materially larger than what was indicated in the AEE (and supporting material for the resource consent application).

Permanent structures

Advice note: Refer to the following Maven plans for the location of permanent in-stream structures:

- XXX

8. All engineering/detailed design plans for permanent in-stream infrastructure (dam, culverts etc) must be submitted to the Council for review and approval at least twenty (20) working days prior to construction commencing, including detailed design on the greenway dam which must meet all relevant requirements, including the Ministry for the Environment's Dam Safety Guidelines, and demonstrate that the dam is safe, fit for purpose, and appropriate for long-term performance.

Advice note: Although building consent is not required under the Building Act 2004, written acceptance of the structure's design is required from the Matamata-Piako District Council (as the future asset owner) prior to construction.

9. The Consent Holder must be responsible for the design, structural integrity, and maintenance of the culvert and outlet. Following construction, no alterations must be made to the structures (other than to meet the requirements of this resource consent) without first submitting detailed design drawings and report(s) to the Council for approval.
10. The Consent Holder must be responsible for any erosion protection or control works, and associated maintenance, that become necessary to preserve the integrity and stability of all watercourses, structures, land and property as a result of the exercise of this consent. If/where erosion protection or control works become necessary, the Consent Holder must undertake these works after liaising with the affected parties.

Advice Note: Separate resource consents may be required to undertake erosion protection or control works. The Consent Holder is advised to obtain all such consents at its sole expense, prior to any works being undertaken.

11. The design and installation of the dam and outlet must be in accordance with New Zealand Fish Passage Guidelines for Structures up to 4 metres (Franklin et al. 2018) and must ensure that fish passage for expected native fish species is at least maintained.
12. The Consent Holder must retain the services of a suitably qualified and experienced person (SQEP) to oversee the construction of any permanent in-stream infrastructure. This person must be responsible for ensuring adherence to approved construction plans, quality systems and project completion requirements. The name and contact details of this person must be nominated on all engineering plans and associated documents when submitted to the Council.
13. The Consent Holder must retain a SQEP to prepare and sign As-built Certification Statements which certify that the greenway and all permanent in-stream infrastructure have been constructed in accordance with the certified detailed designs as required by Condition [8]. The approved As-built Certification Statements must be submitted to the Council within ninety (90) working days of completion of the construction works.

Management Plans

14. The following draft MPs are relevant to the development and must be updated/certified:

Management Plan	Author	Dated
Fish Management Pan	Ecological Solutions	July 2025

15. The following MP are also required to be prepared/completed:
 - a. Ecological Restoration Management Plan
16. The Consent Holder must ensure that all MPs are prepared by a SQEP, where the MP is an update of an existing draft, the update must be completed by a SQEP.
17. The Consent Holder must submit the listed MPs to the Council for certification at least twenty (20) working days prior to work commencing.
18. MPs may be submitted in parts or in stages to address particular activities or to reflect the staged implementation of the development. When a MP is provided in part or for a stage it must satisfy all certification requirements, including submission to the Council for certification. MPs submitted to the Council must clearly show the linkage with MPs for adjacent stages and any interrelated activities or other MPs.
19. The certification process for the MPs must be confined to confirming that the MPs:
 - a. Give effect to their objective/s (including any updated objective/s determined as part of a review provided for in Condition [7]).
 - b. Address the consent condition requirements.
 - c. Contain the required information.
 - d. Are generally consistent with the application documents (including draft MPs) listed in Appendix [1].
20. Within twenty (20) working days of receiving a MP for certification, the Council must:
 - a. Notify the Consent Holder that the MP is certified.
 - b. Or, notify the Consent Holder that the MP is not certified, including the reasons why and the matters that must be addressed before this can occur. If further information is required, the Council will have a further ten (10) working days (from receipt of the further information) to confirm whether the MP has been certified.
 - c. If no response is received from the Council within twenty (20) working days of lodgement of any MP, the relevant MP will be deemed to be certified.
21. The Consent Holder must implement all certified MPs for the duration of the works.

Amendments to Management Plans

22. Any changes and/or updates to a certified MP must be made in writing and submitted to the Council for certification in accordance with Condition [20].
23. While a MP is being changed/updated, a construction activity must cease unless the Council provides written confirmation that the activity may continue.

Advice note: This condition does not relate to any operational aspect of a MP.

Ecological Restoration Management Plans (EcoRMP)

24. The Consent Holder must comply with the requirements of the certified EcoRMP. The objective of the EcoRMP is to identify opportunities to maintain or enhance the ecological values of the Site. The EcoRMP must be updated as required to meet the objective. The EcoRMP must include, but is not limited to:
- a. A response to the conditions of this consent.
 - b. Evidence that engagement with the Department of Conservation (DOC) has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.
 - c. Achieving no net-loss of indigenous biodiversity values.
 - d. Enhancing biodiversity, ecological connectivity, and habitat condition across terrestrial, riparian, wetland, and stream ecosystems.
 - e. Measures to avoid, remedy or mitigate adverse effects on any Threatened or At-Risk indigenous species that may use the Site, including:
 - i. A Temporary Drain Diversion Plan that demonstrates the extent of the diversion and the methodology to divert and reconnect the artificial drains. This plan must demonstrate how fish passage must be provided (to/from the Waitoa River).
 - ii. The detailed design of relevant culverts, in stream infrastructure, embankments and greenway dam.
 - iii. The detailed fish passage/exclusion design/s for all new in-stream infrastructure including proposed culverts, the outlet from the Waitoa River and the greenway dam.
 - f. Define measurable success indicators for the areas (e.g. public spaces, including greenway) identified for ecological restoration/enhancement, including:
 - i. Minimum 80% native vegetation survival at Year 3.
 - ii. Canopy closure or vegetative cover thresholds appropriate to habitat type.
 - g. Provide spatial planting plans for all restoration and enhancement areas, including:
 - i. Plant species list/s.
 - ii. Eco-sourcing requirements.
 - iii. Planting densities and layout.
 - h. Set out implementation milestones and schedules, including indicative timing and sequencing of planting and Site works, but specifically requiring a planting schedule that requires planting to occur during the first planting season (April – September) following the completion of construction.
 - i. Identification of Site preparation and maintenance methods, including:
 - i. Weed control and management of invasive species.

- ii. Pest animal control measures.
- j. A monitoring and reporting programme, specifying:
 - i. Frequency and duration of monitoring.
 - ii. Success indicators linked to performance standards.
 - iii. Adaptive management triggers and corrective actions.
- k. Describe mechanisms for long-term protection and management, including:
 - i. Legal protection (e.g. covenants, consent notices).
 - ii. Ongoing maintenance responsibilities.
- l. The process for the ongoing review and amendment of the EcoRMP to maintain its effectiveness.

Fish Management Plan (FMP)

25. As part of the EcoRMP, the Consent Holder must also submit an FMP for certification. The objective of the FMP is to provide for all fish management requirements throughout the works. The FMP must be updated as required to meet the objective. The FMP must include, but is not limited to:
- a. A response to the conditions of this consent.
 - b. Evidence that engagement with the Department of Conservation (DOC) has occurred, including evidence that any concerns raised by DOC have been addressed or provide reasons why they have not been addressed.
 - c. A brief description of the known fish community within and around the Waitoa River Catchment.
 - d. Protocols and methods to ensure that all watercourses/drains and other surface water features beyond the subject site are fully isolated and protected from the works, including (but not limited to):
 - i. Surface water diversion and groundwater drawdown effects.
 - ii. Earthworks, sediment and other types of contaminant discharges.
 - iii. Physical disturbance of any nature (such as from site access, vehicles and works machinery).
 - e. A construction methodology which includes a works schedule for undertaking mitigation in respect of the proposed watercourse/drain diversion and dewatering (such as fish capture and relocation).
 - f. Avoid, remedy or mitigate the planned dewatering of areas of fish habitat and, where such dewatering occurs, undertake fish capture and relocation.
 - g. Protocols and methods for the capture and transfer of indigenous fish, including the timing, required weather conditions, extent of fishing effort and release points.
 - h. A methodology for best practice indigenous fish relocation by requiring the following:
 - i. Netting nodes to consist of one (1) fyke net and two (2) minnow traps.

- ii. Netting nodes to be set on average 10m apart.
- iii. Once three (3) nights of netting have reduced the catch to a maximum average of <1 fish per trap per night the standard is deemed to have been achieved.
- iv. A SQEP be on site during the dewatering and mucking out of watercourses to capture and relocate as many remaining indigenous fish as possible and to humanely euthanised any pest fish.
- i. A detailed description of the staged approach for relocating fish i.e. Stage 1 – pre-works fish relocations, Stage 2 – dewatering fish relocations, Stage 3 – excavation fish relocations.
- j. Ensure fish relocations are carried out by SQEP who are responsible for implementing all aspects of the FMP including the installation and maintenance of temporary exclusion nets along the drain.
- k. Protocols and methods to either provide or preclude fish passage (as appropriate) through the design of temporary diversion channels and new in-stream infrastructure culverts.
- l. Protocols and methods for recording and reporting to the Council, the numbers, diversity and size range of all fish removed from watercourses/drains (recovered or accidentally injured or killed).
- m. Measures to ensure that captured fish do not re-enter the active works area for the duration of the works.
- n. Requirements for permits and certificates to handle native fish from the relevant authorities.
- o. Defined roles and responsibilities for all those involved (Consent Holder, contractor, ecologist) and the details of who must be responsible for overseeing the FMP.
- p. Notification and reporting procedures.
- q. The process for the ongoing review and amendment of the FMP to maintain its effectiveness.

Advice note: When implementing these conditions, the Consent Holder is advised to consult with the DOC and the Ministry of Primary Industries to determine if fish handling and/or relocation permits are required from these authorities.

Construction conditions

Pre- Start Requirements

- 26. The Consent Holder must appoint a single Site Manager prior to commencement of any works who must be the Council's principal contact person in regard to matters relating to this consent. The Consent Holder must inform the 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 must immediately give written notice to the Council of the new representative's name and mobile phone number.
- 27. The following pre-start requirements must take place for each stage of development:
 - a. With respect to cultural finds, the Consent Holder must, at least twenty (20) working days prior to commencement of each stage of earthworks (identified in the EMP), give written notice to:

- i. Representatives from Ngāti Hauā, Ngāti Hinerangi, and Raukawa to enable them to:
 - A. Clarify with the contractor the accidental discovery protocol (set out in Condition [28]).
 - B. Provide the names and contact details of their representatives who are to be contacted for cultural advice and guidance in the event of a discovery of any buried archaeological deposits found during the project.
 - C. Arrange for the inspection/s (should they so desire) of the area (before and during construction works).
 - ii. The Project Archaeologist (if required) of the planned works and the site representatives and contractors details.
- b. At least ten (10) working days prior to commencement of construction on Site, the Consent Holder must provide to the Council:
- i. An invitation to attend a pre-start meeting.
 - ii. The name and contact details of the Site Manager and contractor.
 - iii. The planned date, staging, and duration of construction.
- c. The Consent Holder must, at least ten (10) working days prior to the commencement of construction, invite a representative(s) of Ngāti Hinerangi, Raukawa, and Ngāti Hauā to:
- i. Attend the pre-start meeting.
 - ii. Provide a karakia prior to the commencement of Site works.
 - iii. Undertake a cultural induction for key Site personnel.
 - iv. Monitor earthworks. If the invitation to monitor earthworks is accepted, the Consent Holder must ensure that the monitoring office is provided with all bulk earthworks timetabling.
- d. Prior to the commencement of activities on Site, the Consent Holder must hold a pre-start meeting that:
- i. Is located on the subject Site.
 - ii. Is scheduled not less than five (5) working days prior to the commencement of activities.
 - iii. Includes:
 - A. Representatives of the contractor/s who must undertake operations on Site.
 - B. All technical specialists who need to be present on Site during the works to manage/monitor works (e.g. engineer/s, ecologist etc).

Accidental Discovery Protocol (ADP)

28. In the event that any archaeological Sites, remains, artefacts, taonga (Māori artefacts) or kōiwi are unearthed, dislodged, uncovered or otherwise found or discovered during the earthworks ('the discovery'), the Consent Holder must implement an ADP which must consist of the following actions:
- a. Cease works immediately in all parts of the Site affected by the discovery.
 - b. Advise Ngāti Hinerangi, Raukawa, Ngāti Hauā, and Waikato-Tainui and Council within one (1) day of the discovery.
 - c. Arrange for a SQEP archaeologist to attend Site to confirm if the material is archaeological in nature or involves kōiwi.
 - d. Contact the NZ Police, Coroner and HNZPH as appropriate.
 - e. Undertake specific preservation measures to address any discovery that includes water-logged or wet archaeological materials.
 - f. Not recommence works in the parts of the project Site affected by the discovery until all necessary statutory authorisations or consents have been obtained.

Complaints

29. If any complaints are received by the Consent Holder regarding the works authorised by this consent, the Consent Holder must record the following details in a Complaints Log:
- a. Date, 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 or noise complaint.
 - e. The likely cause of the complaint.
 - f. Any (corrective) action undertaken by the Consent Holder in response to the complaint.
 - g. Future actions proposed as a result of the complaint so as to avoid reoccurrence.
30. The Consent Holder must notify the Council of any complaint received that relates to the activities authorised by this resource consent as soon as reasonably practicable and no longer than two (2) working days after receiving the complaint.
31. The Consent Holder must respond to any complainant as soon as is reasonably practicable and, within five (5) working days, advise the Council and the complainant of the outcome of the Consent Holder's investigation and all measures taken, or proposed to be taken, to respond to the complaint.

Managing in-stream works

32. During any diversions or installation of in-stream structures, the Consent Holder must take all practicable steps to minimise sedimentation and increased turbidity of the stream during and following completion of the works, including:
- a. Completing all works in the minimum time practicable.

- b. Undertaking works in dry weather and low flow conditions, as far as practicable.
 - c. Avoiding placement of construction material or excavated material in the flowing channel, except as required for the construction of the diversion and the installation of in-stream structures.
 - d. Separating construction activities from flowing water.
 - e. Installing and maintaining appropriate erosion control and sediment control measures.
 - f. Rapidly and progressively stabilising all disturbed areas.
33. All machinery used to complete the works must be operated in a manner that 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 surface water such that any spillage can be contained and does not enter any surface water.
34. The Consent Holder must ensure that all machinery used in the exercise of this consent is cleaned prior to being transported to the site to ensure that all seed and/or plant matter has been removed and documented in accordance with the Council document titled *'KEEP IT CLEAN – Machinery hygiene guidelines and logbook to prevent the spread of pests and weeds'* (June 2013).

DRAFT

