

Notification and Consent Evaluation Report

Applicant: Southpark Agri Development Limited **File No.:** 61 77 78A
Address of Site: 160 Higgins Road, Hamilton **Project Code:** RC26603
Application Number: APP145374

1 Introduction

Barker and Associates on behalf of Southpark Agri Development Limited has made an application for resource consent to undertake earthworks and cleanfill activities at 160 Higgins Road, Hamilton at or about NZTM 1798362 E 5813295 N as identified in Figure 1 below.

The activities to be considered are as follows:

Reference Id	Activity Subtype	Activity Description
AUTH145374.01.01	Land - other	To deposit 101,900m ³ of cleanfill

This report assesses the application, the potential environmental effects and the relevant planning provisions in the Resource Management Act 1991 (RMA) and Waikato Regional Council policies and plans. The report recommends whether to process the consent with or without notification and whether consent should be granted.

2 Background and Description of Proposal

2.1 Background and site description

The site is located at 160 Higgins Road, Hamilton and zoned Rural under the Operative Waipa District Plan (District Plan). The site has a total area of 7.86ha with access via Higgins Road and Wickham Street. The Southern Links Transport Corridor dissects the property (Designation D156), however, it is to the east of the proposed cleanfill location.

The site is flat, with existing farm drains to the west, south and east of the proposed cleanfill location. A stormwater drain is to the north of the site that is owned and maintained by Hamilton City Council (HCC). The site contains a single dwelling and shed but does not contain any vegetation or landscaping.

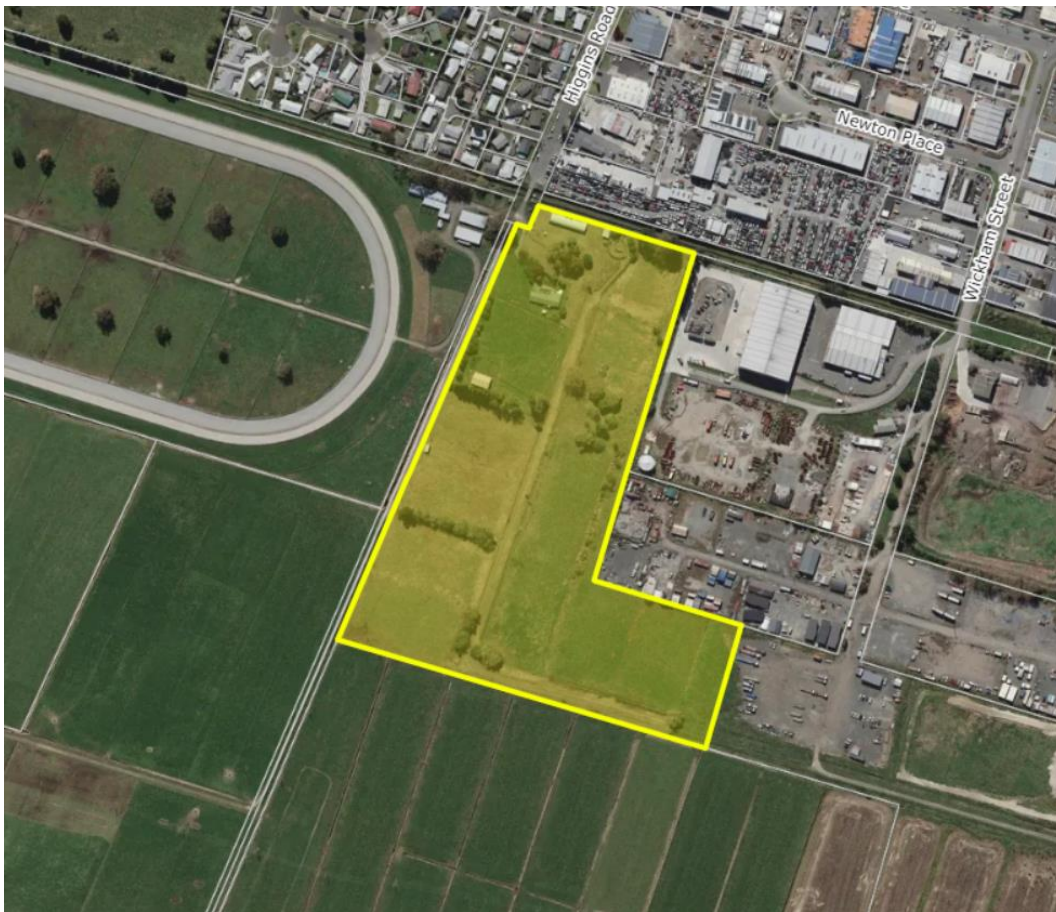


Figure 1: Site location

Cleanfill activities have been occurring adjacent to the site (to the east) since 1978. The current resource consent (AUTH132662.01.01) was issued in October 2014, is held by D & T MacDonald Limited, and authorises the discharge of cleanfill to land and associated contaminants to air. It is noted that enforcement action was taken against this consent holder, with an abatement notice issued in July 2020. I understand the cleanfill deposited at this site exceeded the maximum volume ($350,000\text{m}^3$), being a total of approximately $853,000\text{m}^3$.

Southpark Agri Development Limited (the Applicant) subsequently sought consent to discharge the surplus material ($517,000\text{m}^3$) to the adjoining property (previously part of the subject site). This consent (AUTH142376.01.02) authorised the discharge of approximately $517,000\text{m}^3$ of cleanfill including associated discharges to water and air. This consent was issued in January 2021, essentially transferring the unauthorised cleanfill from the adjacent site.

Figure 2 below (sourced from WRC Doc # 17441235) shows the consented fill areas under AUTH132662.01.01, and the fill areas under AUTH142376.01.01. Figure 3 shows the staging areas consented under AUTH142376.01.01.



Figure 2: Site layout in relation to adjoining cleanfill areas

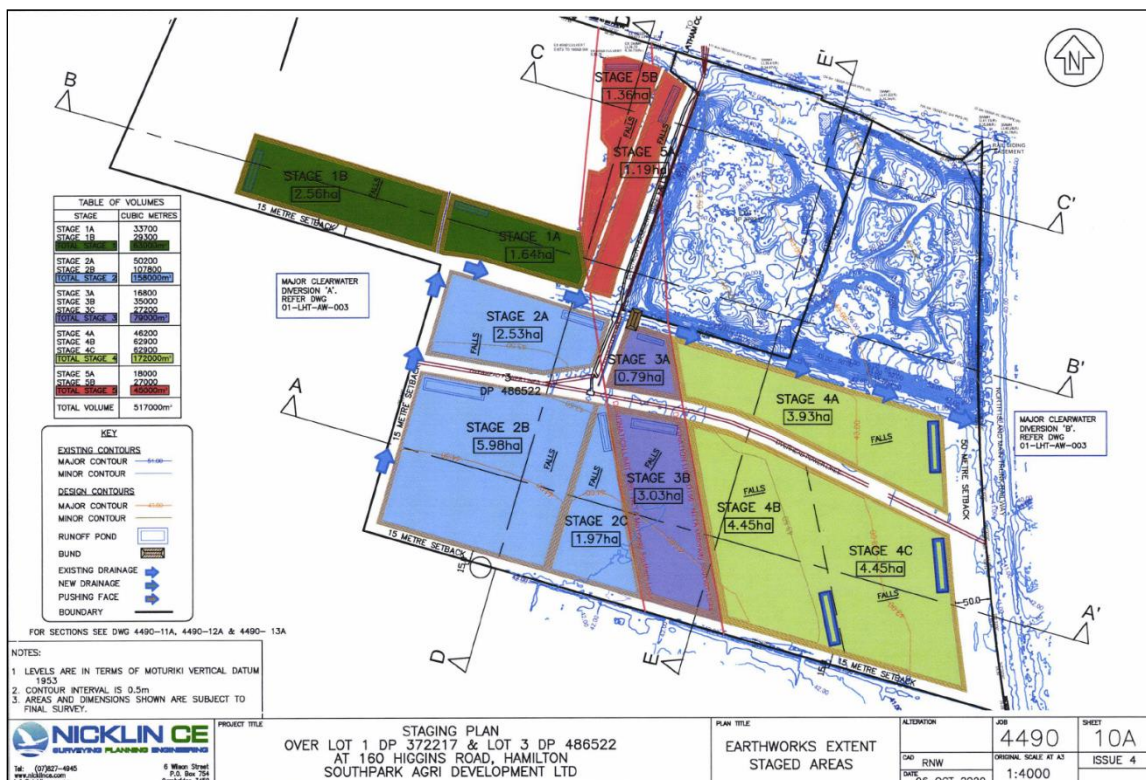


Figure 3: Staging areas consented under AUTH142376

In terms of the soil characteristics and groundwater conditions, the application includes a geotechnical report prepared by HD Geo, dated 23 October 2020 (Geotechnical Report). This report was originally submitted in support of APP132662 and includes a number of recommendations for the management of cleanfill at that site. The Geotechnical Report also included site investigation data that relates to the subject site. HD Geo provided the following in that regard (WRC Doc # 27519464):

Three flight augers (FA01, FA16 & FA17) and one hand auger (P01) were completed within the proposed cleanfill disposal area. Site investigation data and a testing plan are included in Appendix A. Peat was encountered between 4.0 m and 5.5 m below ground level (bgl) within the flight augers. The ground water was not recorded during the investigation. Peat was encountered to the depth of

testing (1.5 m bgl) within the hand auger. The hand auger was completed for groundwater monitoring, however the piezometer was removed soon after. Ground water was encountered at 0.8 m bgl within the hand auger. The measured groundwater is likely to be a seasonal maximum as the site investigation was completed during early spring. As per our report (GD Geo – HD1389 PGR, dated 23 October 2020), due to the presence of peat, the site will be subject to settlement once cleanfill have been placed. We predict low risk to assets (buried services, overhead power lines, railway and neighbouring properties) based on the conservative setbacks adopted (as shown on the plans).

On this basis, the ground conditions of the site are considered to be similar to that of the adjoining site that is the subject of cleanfill operations authorised under AUTH142376.01.02. On this basis, and as advised by HD Geo, I accept that the Geotechnical Report generally applies to the subject site.

2.2 Proposal

The proposal seeks to import additional cleanfill from numerous external sources. The application states the rationale behind receiving the cleanfill is to top-shot the existing Peat soils to make the site more suitable for future development. However, the future use of the site is still undetermined, and this application for resource consent does not ordain its future use, which will remain rural for the reasonably foreseeable future. It is anticipated that the clean fill will be received from a variety of different sources, depending on availability.

The Applicant intends to manage the site via a Site Management Plan (SMP). The purpose of the SMP is to set out the procedures and protocols for day-to-day managing of the earthworks operation pertaining to the proposal, to ensure no adverse environmental effects occur as a result of the operation. The SMP details the following protocols that need to be adhered to on a daily basis:

- Acceptable clean fill material
- Unacceptable clean fill material
- Clean fill delivery processes
- Monitoring requirements
- Site rehabilitation
- Dust management
- Earthworks and sediment control
- Spill response and management
- Emergency response
- Traffic
- Review process
- Complaints process

The application seeks to authorise a total of 101,900m³ of cleanfill to be disposed of onsite. The maximum fill height proposed is 5m, with an average height of 1.5m above ground level. The earthworks are proposed to be separated into stages as follows:

Stage	Earthworks Area (ha)
6A	0.95
6B	1.54
6C	2.02
TOTAL	4.51 (Stage 6)

The application includes a draft Erosion and Sediment Control Plan (ESCP), and a basic erosion and sediment control methodology, noting that a detailed methodology is proposed to be provided as a part

of an ESCP to be submitted prior to works commencing. The following table (sourced from the ESCP) sets out the methodology.

STAGE 6	
1.0	Access to Stage 6 will be via Higgins Road. A stabilised construction entry will be maintained into the site.
2.0	Clearwater diversions will be maintained as indicated on the Nicklin CE drawings - these run from south to north and into the existing open drain to the north.
3.0	Stages 6A, 6B, and 6C will be created sequentially, with the creation of a bund around the perimeter of each fill area.
4.0	Ponds will be created at the low points to intercept any silt laden run-off and decanting to the adjacent open drains (see Section 3.2 for pond catchment areas and pond size). The outlets will be stabilised with geotextile material to reduce scour.
5.0	Upon completion of each stage, surfaces will be reinstated with hydroseeding/mulching. The final shape of the fill placement will be shaped such that the fall towards the reinstated drainage paths is generally as it was prior to earthworks.

Further details in relation to the erosion and sediment controls are provided in the Draft ESCP. It is noted that the Draft ESCP has been peer reviewed by WRC's consultant erosion and sediment control specialist, Mr Kerry Pearce. His review comments are presented in Section 6.2 below.

3 Status of Activities under the Plans

The Waikato Regional Plan (WRP) contains objectives, policies and rules to address issues of use, development and protection of land and water.

The National Environmental Standards for Freshwater (NES-FW) came into force on the 3 September 2020 and contains a number of regulations relating to activities that may impact natural wetlands. An assessment of the proposal against the rules of the WRP and NES-FW has been completed, with the relevant non-compliances identified below.

3.1 Waikato Regional Plan

The proposal includes the disposal of cleanfill outside of a high risk location, requiring consent under Rule 5.2.5.5 as a **Controlled Activity**.

3.2 NES-FW

There are no wetlands or watercourses that are impacted by the proposal. No structures that are provided for in the NES-FW are proposed. Therefore, the NES-FW is not relevant.

3.3 Activity status

Overall, resource consent is required for the earthworks as a controlled activity under the WRP. As a controlled activity, sections 104A of the Resource Management Act 1991 (RMA) apply.

3.4 Other Activities

3.4.1 Waipa District Plan

The Applicant has obtained earthworks and cleanfill consent from the Waipa District Council.

4 Consultation/Affected Party Approvals

4.1 Iwi

No consultation with iwi is noted in the application.

4.2 Other Parties

No other consultation is noted in the application.

5 Process Matters

Date	Process Detail
23/01/2023	Lodged
24/01/2023	Active
24/02/2023	On Hold – s92(1) further information request issued
19/10/2023	Active – s92(1) information received
6/11/2023	S37 extension to 6/11/2023
6/11/2023	S36(7) hold for insufficient funds/lack of payment of outstanding invoices
20/11/2023	Confirmation of invoices paid and removal of s36(7) hold
20/11/2023	Notification and s42a report signed off.

6 Assessment for the purpose of notification

6.1 Adequacy of information

It is my opinion that the information contained within the application is substantially suitable and reliable for the purpose of making a recommendation and decision on notification. The information within the application is sufficient to understand the characteristics of the proposed activity as it relates to provisions of the WRP, for identifying the scope and extent of any adverse effects on the environment, and to identify persons who may be affected by the activity's adverse effects.

6.2 S95A: Determining whether the application should be publicly notified

Step 1(a): Has the applicant requested public notification? (s95A(3)(a))

The applicant has not requested public notification.

Step 1(b): Is public notice required under s95C due to required information not being provided? (s95A(3)(b))

There are no further information requests (s92(1)) or reports to be commissioned (s92(2)) that have not been responded to or provided.

Step 2(a): Is there a Rule or NES that precludes public notification? (s95A(5)(a))

There are no rules in the WRP or national environmental standard relevant to this proposal that preclude public notification.

Step 2(b): Is public notice precluded on the basis that the application is for a controlled activity under the Regional Plan? (s95A(5)(b)(i))

The activity is a controlled activity. Go to Step 4.

Step 4: Are there special circumstances that warrant public notification (s95A(9))?

There are no other matters or special circumstances that warrant public notification.

Conclusion

The application does not require public notification.

6.3 S95B: Determining whether the application should be limited notified

Step 1: Is there a Statutory Acknowledgment Area under s95E? (s95B(3)(a))

There is no statutory acknowledgement applicable to the site.

Step 2: Is there a rule or NES that precludes limited notification? (s95B(6)(a))

There are no rules in the WRP or national environmental standard relevant to this proposal that preclude limited notification.

Step 3: Is limited notification required on the basis that there are persons who are affected to a “minor or more than minor” extent? (s95B(8))

In forming this opinion, I have had appropriate regard to the matters in s95E which I assess as follows:

- (a) There are no rules in the WRP or national environmental standard relevant to this proposal that permit an activity with this effect on a person;
- (b) There are no controlled or restricted discretionary activities which limit the effects that may be considered;
- (c) No written approvals have been provided with the application;
- (d) There are no persons whose approval it is unreasonable to seek.

Assessment

This assessment is captured in section 9.1 of this report below. There are no persons considered affected.

Conclusion

The application does not require limited notification on the basis of Step 3.

Step 4: Are there Special Circumstances? (s95B(10))

There are no special circumstances existing that warrant notification to any other persons not already determined to be eligible for limited notification.

Conclusion

The application does not require limited notification.

7 Section 95 notification recommendation and decision under delegated authority

It is recommended the application proceed on a non-notified basis for the reasons discussed above:

Reporting Officer:



Tim Wilson
Consultant Planner

Date: 3 November 2023

Approved By:



Mark Row
Team Leader
Resource Use Directorate

Date: 20 November 2023

Acting under authority delegated subject to the provisions of the RMA 1991 which at the time of decision had not been revoked.

8 Statutory Considerations

The application was lodged on 23 January 2023 and therefore all amendments to the RMA apply. For the purposes of decision making, the application is assessed as a controlled activity. It is also considered in accordance with section 104A of the RMA which has regard to the determination of applications for controlled activities.

Section 105 RMA

When considering an application for a discharge consent that would otherwise contravene section 15 of the RMA, section 105(1) of the RMA requires the consent authority have regard to the nature of the discharge and the sensitivity of the receiving environment to adverse effects. Section 105(1) also requires the consent authority to have regard to the applicant's reasons for the proposed choice and any possible alternative methods of discharge, including discharge into any other receiving environment. Due regard has been given to section 105 considerations when evaluating the application.

Section 107 RMA

Section 107(1) of the RMA states that a consent authority shall not grant a discharge consent where the discharge may cause any of the following effects after reasonable mixing:

- a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials*
- b) Any conspicuous change in the colour or visual clarity*
- c) Any emission of objectionable odour*
- d) The rendering of fresh water unsuitable for consumption by farm animals*
- e) Any significant adverse effects on aquatic life.*

Provided the proposed discharge activities are undertaken in general accordance with the consent application and the recommended consent conditions in the attached Resource Consent Certificate, I am satisfied that these potential effects will be avoided.

9.1 Effects of the proposal

Section 104(1)(a) of the RMA provides that when considering a consent application, the consent authority must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity. Case law has determined that the "environment" must be read as the environment which exists at the time of the assessment and as the environment may be in the future as modified by the utilisation of permitted activities under the plan and by the exercise of resource consents which are being exercised, or which are likely to be exercised in the future. It does not include the effects of resource consents which might be sought in the future nor any past reversible effects arising from the consent being considered. In this instance the existing environment have been taken into account.

Permitted baseline

Section 104(2) provides that when forming an opinion about the actual or potential effects of the activity, the consent authority may disregard an adverse effect of the activity on the environment if the regional plan permits an activity with that effect.

There are no permitted activity baseline effects relevant to the applications and as such none have been discounted.

Actual and potential effects:

The key environmental effects that are within WRC's control as per Rule 3.2.5.5 considered relevant to this proposal are:

- Water quality effects from sediment discharges during earthworks;
- Cleanfill disposal to land;
- Flooding effects;
- Effects of dust discharges;
- Exotic weed invasion;
- Cultural and archaeological effects;

The Applicant has undertaken an assessment of environmental effects, as presented in Section 6 of the application. This assessment informs key conclusions and management recommendations. Therefore, and for the purpose of this assessment, in accordance with s42A(1A) and (1B) of the RMA, I wish to generally adopt the applicant's assessment and provide the additional commentary below.

Water Quality Effects from Sediment Discharges during the Earthworks

Soil disturbance activities increase the potential for erosion and destabilisation effects and have the potential to discharge sediment into waterways both during and after the works until the ground surface is stabilised. Sediment discharges to water can cause a range of adverse effects on freshwater ecosystems including, smothering aquatic life, damaging fish and invertebrates' gills, destruction of spawning grounds, and the deposition of nutrients to waterways. Increased turbidity can interfere with aquatic animal's abilities to feed due to poor visibility and reduced light penetration can reduce photosynthetic activity.

The Applicant has proposed to manage the potential erosion and sediment effects of the earthworks through implementation of erosion and sediment controls as detailed in the Draft ESCP provided by the Applicant as a part of the s92(1) response. The ESCP proposes to use dirty and clean diversion bunds, a sediment retention pond, and decanting earth bunds.

The draft ESCP has been reviewed by WRC's Consultant earthworks specialist, Mr Kerry Pearce (Bryant Environmental Solutions Ltd). The following provides a summary of Mr Pearce's assessment contained in WRC Doc # 27522550.

- *The applicant has stated that the primary ESC measure for the earthworks will be SRPs constructed and maintained in accordance with WRC Guidelines. The applicant has also proposed staging of the earthworks to minimise the area exposed at any one time.*
- *While the SRPs have been designed and constructed in accordance with WRC Guidelines, it is proposed to lift the SRPs with each lift of filling to reduce the SRP depth as fill increases and reduce the associated gradient into the SRP as levels increase. This will require ongoing monitoring of each lift and as built to ensure that the SRP remains in general accordance with WRC Guidelines each time the SRP is changed.*
- *The clean and dirty water diversions may also be lifted as fill levels increase, to ensure runoff is directed to the SRP as it is lifted and clean water continued to flow through the site overland flowpaths unimpeded.*
- *The Application and ESCP are both silent on the use of chemical treatment of ESC measures. Chemical treatment is considered best practice on earthworks sites and the use of flocculation on the sediment treatment devices is recommended.*
- *Given the ongoing potential changes on site, it is recommended that a condition of consent be included, requiring a Finalised ESCP to be provided prior to the commencement of works, detailing the ESC measures proposed and how the lifting of the SRPs and diversions is going to be managed. Standard WRC conditions on flocculation are also recommended.*
- *It is considered that provided the ESC measures are constructed and maintained in accordance with the documentation provided, and the above recommendations are implemented, that the erosion and sediment control practices are considered suitable and best practice for the site.*
- *The applicant has proposed earthworks may potentially be undertaken in the winter months. It is well known sediment discharge risk can be greatly reduced by undertaking bulk earthworks in the summer construction season, and any works undertaken in winter should give appropriate regard to the wetter conditions that can be experienced in winter. As such, a seasonal restriction and standard winter works conditions are recommended in this instance. This will allow for the applicant to request to undertake the works in winter, and for WRC to consider winter works in regard to the earthworks required and the ESC measures implemented.*

Overall, the applicant's proposed erosion and sediment control methodology is considered to be in general accordance with WRC Guidelines and therefore appropriate for the scale of earthworks to be undertaken. Provided a Finalised Erosion and Sediment Control Plan is provided and certified prior to commencement of earthworks, chemical treatment is employed on sediment retention structures, winter works provisions are considered, and that all erosion and sediment controls are constructed and maintained in general accordance with the documentation provided and WRC Guidelines, it is considered that sediment laden flows will be treated to an appropriate standard prior to discharge off site.

It is also considered that provided the conditions of consent are complied with, the resulting effects on the environment from sediment discharges during the earthworks will be appropriately managed. Recommendations to ensure this is the case have been included in this memorandum.

In principle, the overall proposed earthworks and erosion and sediment control methodology is generally appropriate for this site.

Taking into account the assessment completed by Mr Pearce along with the recommended conditions (contained in the certificate below), it is my opinion that the ESCP measures outlined in the Draft ESCP are generally appropriate to manage erosion and sediment on site, noting that a Final ESCP should be submitted for certification prior to works commencing. On this basis, I consider that the Applicant has demonstrated that appropriate ESCP can be implemented to manage the earthworks to ensure that any potential sediment discharge effects from the earthworks will be minimised to levels to ensure that any residual effects are no more than minor within downstream receiving environments.

Cleanfill disposal to land

The proposal has the potential to introduce contaminants to the site that may enter groundwater. Cleanfill material is to meet the definition set out in the Waikato Regional Plan which is as follows:

Material that when discharged to the environment will have no adverse effect on people or the environment. This includes natural materials such as clay, soil and rock, and other inert materials such as concrete and brick, or mixtures of any of the above.

Cleanfill excludes for example:

- material that has combustible, putrescible or degradable components*
- materials likely to create leachate by means of biological or chemical breakdown*
- any products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices*
- materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health*
- soils or other materials contaminated with hazardous substances or pathogens*
- hazardous substances. “*

In the event that a sample fails to meet the cleanfill acceptance thresholds in Table 1 for one or more analysed constituents, I have recommended a condition requiring the consent holder removes the fill material from the disposal site and dispose to an authorised site.

Table 1: Cleanfill acceptance criteria

Trace elements	Acceptance criteria (mg/kg)
Arsenic	17
Boron	15
Cadmium	0.8
Chromium	56
Copper	120
Lead	78
Mercury	1
Nickel	33
Zinc	175
Organic compounds	Acceptance criteria (mg/kg)
TPH C7-C9	120
TPH C10-C14	58
Benzene	0.0054
Ethylbenzene	1.1
Toluene	1.0
Total Xylene	0.61
Benzo[a]pyrene (equivalent)	2
Total DDT	0.7

Considering that the cleanfill material will be derived from a variety of sources and contractors I recommend a condition of the consent requires periodic testing (each 1,000m³) of the deposited fill material to ensure compliance with the above relevant acceptance criteria. The sample should be a composite sample obtained from waste being deposited in the active fill areas for selected heavy metals and a discrete sample for VOCs and PAHS testing. Any contamination of the cleanfill, if it exists, is likely to be at the lower end of the scale, such that the material may not meet the standard definition of cleanfill, but still be non-hazardous, and not cause detectable adverse effect on the environment. This is a similar approach to the adjoining site which forms part of a wider cleanfill operation undertaken by the Applicant. On this basis, it is my opinion that a consistency with the consent condition requirements of the adjacent operation will result in efficiencies in implementation and compliance.

The importation and placement of the cleanfill is proposed to be managed via the draft Site Management Plan (SMP) provided with the application. As noted above, HD Geo undertook a geotechnical assessment for the adjacent site, and subsequently provided recommendations for management of cleanfill material at the subject site. These recommendations are best addressed through the certification of a finalised SMP required by the recommended conditions of consent.

On the basis of the implementation of the SMP, and adherence to the above acceptance criteria and monitoring, I consider that the effects of the earthworks and cleanfill activities proposed are likely to be less than minor.

Flooding

There is no evidence of any ponding on neighbouring sites, nor is there any evidence of drains closing on adjacent land, indicating that there is no effect on groundwater levels. Section 1.4 of the draft ESCP includes an assessment of potential flooding effects, reproduced as follows:

A previous report completed by AECOM ("Flood Hazard Report", ref 60163957, dated 29 October 2012) summarises the Hamilton City Three Waters Modelling Programme with part of the report addressing stormwater flood hazard mapping. Stormwater models were developed by AECOM for the 100yr storm event (including climate change) using a rapid flood assessment combined with more detailed modelling. The AECOM report indicates that the greater Waitawhiriwhiri Stream catchment (where this site sits), has some modelled flooding issues in Nawton, Frankton and Dinsdale - i.e. downstream of the proposed earthworks. The report states that there is no lack of capacity in the Waitawhiriwhiri stream system, rather it outlines that predicted flooding is due to the undersizing of culverts at critical locations. The hydraulic control point for the stream is noted as the "railway culvert" and the report notes that "future development of the upstream rural catchment could incorporate additional attenuation in order to alleviate flooding as a result of this hydraulic control" (Jones & Summerhays, 2012).

The AECOM report and flood hazards maps do not show any flooding on the upstream rural part of the catchment, where this site is located.

The filling of the area in question, as described in this report, will not affect an existing flood hazard area therefore displacement of flood waters has not been considered further.

I agree and adopt this assessment. In considering the information above I do not consider that the proposal is likely to result in increased flooding on adjacent land. Therefore, flooding effects are considered less than minor.

Dust Effects

The exposure of earth surfaces associated with earthworks activities has the potential to create adverse dust effects on neighbouring properties when machinery is working during dry, windy conditions.

In this instance, there are residential properties to the west consisting of the Applicant's completed retirement village, and the under construction residential development to the south of the site. To mitigate the potential for dust effects, the Applicant has proposed the use of typical suppression measures, including wetting open areas that are not stabilised, and to progressively stage the development to reduce the extent of open areas. On this basis, the risk of dust presenting an adverse effect is considered to be less than minor. Conditions of consent are recommended.

Exotic Weed Invasion

The proposed earthworks and vegetation clearance will provide conditions for invasive weeds to become established on exposed surfaces during and after construction. Machinery brought onto the site to undertake earthworks/cleanfill and vegetation clearance could potentially carry plant matter and/or seeds, which could result in the introduction of new weed species in the area. This has the potential to have a detrimental impact as weeds may threaten the ecological integrity of the surrounding indigenous vegetation. I recommend that all machinery brought onsite is first cleaned to remove any plant matter and/or seeds. I have proposed a condition of consent in the attached certificate regarding washing of machinery. On this basis, I consider that the risk of exotic weed invasion will be adequately avoided.

Archaeological/Cultural Effects

As set out above, the Applicant approached mana whenua prior to the application being lodged, but at the time of lodgement, had not recorded any response.

Notwithstanding this, on review of both WRC and District Council planning maps, there are no known recorded archaeological sites identified on the site. However, there is potential to uncover unidentified archaeological sites during earthworks activities. Therefore, accidental discovery protocol procedures are recommended as consent conditions, should consent be granted. The inclusion of these conditions does not preclude the use of other protocols if agreed between the applicant and iwi, but rather provides a minimum standard to be followed. On this basis, the risk of disturbing archaeological sites is considered to be appropriately managed.

Taking the above into account, I consider the potential for adverse cultural effects to be less than minor and can be appropriately managed through consent conditions.

Conclusion

The actual or potential adverse effects of the proposal on the environment will be, or are likely to be, less than minor.

10 Section 104(1)(b) - relevant policies & plans

10.1 National Policy Statement for Fresh Water Management

The NPS for Freshwater Management 2020 (amended 2022) (NPS-FM) came into effect on 5 January 2023 and replaces the NPS-FM 2014 (amended 2017). The NPS-FM sets out the objectives and policies for freshwater management under the RMA to support improved freshwater management in New Zealand.

In assessing the proposal, I have had regard to the objectives and policies of the NPS-FM and consider them to be consistent with these objectives and policies. Specifically, the proposal involves the implementation of appropriate erosion and sediment control measures to effectively manage the potential for sediment from the earthworks to enter water bodies. It is therefore my opinion that should the application be granted it will not be contrary to the NPS-FM.

The NZ Coastal Policy Statement is not relevant to this application.

10.2 National Environmental Standard for Freshwater

The NES-FW commenced on 3 September 2020, and amended in December 2022 and sets standards for freshwater management under the RMA to support improved freshwater management in New Zealand.

In terms of the proposed activities, I have had regard to the NES-FW, which is specifically addressed under section 3.2 of this report, where it was found that there are no consents required under the NES-FW.

10.3 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (RPS) identifies the significant resource management issues of the region and sets out the objectives, policies and methods to address these issues and to achieve integrated management of the natural and physical resources of the Region. The RPS aims to ensure the way we use our resources does not tip the balance and compromise the ability of future generations to provide for their own needs. The RPS was made operative on 20 May 2016.

In assessing the proposed activities, the objectives and policies of the RPS have been considered and conditions have been recommended to avoid, remedy or mitigate potential adverse effects. On this basis, I am satisfied that the proposed activities are consistent with the relevant provisions of the RPS.

10.4 Vision and Strategy

As of 24 September 2010, Waikato Regional Council, in addition to any requirement specified in the RMA, must have particular regard to the vision and strategy (V&S) as per Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Claims Act. The V&S applies to applications relating to the Waikato River or activities in the catchment that affect the Waikato River.

There are no watercourses in the direct vicinity of the site, however, HCC owned stormwater asset adjoins the northern boundary of the site. As set out above, the erosion and sediment control measures proposed in the draft ESCP, along with adherence to the recommended conditions of consent, will avoid sediment entering the stormwater network which may then enter the Waikato River. On this basis, the proposal is not considered to result in adverse effects on the Waikato River. Therefore, I am satisfied the proposal is consistent with the V&S.

10.5 Waikato Regional Plan

The purpose of regional plans is to help the Council carry out its functions under s30 of the RMA.

The objectives and policies contained in the WRP which are relevant to this proposal are those relating to matters of significance to Maori and water resources. These are outlined below:

Matters of Significance to Maori

- Objective 2.3.2 (Tangata Whenua Relationship with Natural and Physical Resources);
- Policy 1: Processes for Defining Relationship;
- Policy 2: Increase Awareness.

Land and Soil

- Objective 5.1.2: (Accelerated Erosion);
- Policy 1: Managing Activities that Cause or Have the Potential to Cause Accelerated Erosion and Encouraging Appropriate Land Management Practices
- Policy 2: Use of Regulatory and Non-Regulatory Approaches of Management for Soil Disturbance/Vegetation Clearance Activities in High Risk Erosion Areas
- Objective 5.2.2: (Discharges Onto or Into Land);
- Policy 1: Low Risk Discharges Onto or Into Land;

In assessing this proposal, the objectives and policies of the WRP have been considered and conditions are recommended to avoid, remedy or mitigate actual and potential adverse effects, should consent be granted. On this basis, I am satisfied that the proposed activities are consistent with the relevant provisions of the WRP.

10.6 Waikato Regional Plan Change 1 - Waikato and Waipa River Catchments

Waikato Regional Plan Proposed Plan Change 1 (PPC1) is applicable to the Waikato and Waipa River catchments and gives effect to the NPS-FM and the V&S. The purpose of the proposed plan change is to reduce point source and non-point sources of contaminants – nitrogen, phosphorus, sediment and bacteria - entering waterbodies (including groundwater) within the Waikato and Waipa River catchments.

The “Decisions Version” of PPC1 was formally notified on 22 April 2020 and must be given regard to. The objectives and policies of PPC1 are unlikely to be in conflict with the objectives and policies of the WRP. As such, the objectives and policies should be given “considerable” (but not “full”) weight. In assessing this proposal, the relevant objectives and policies of PPC1 have been considered. However, given that the proposal is unlikely to increase the levels of nitrogen, phosphorus, sediment and bacteria in waterbodies, I am satisfied that this activity is consistent with the relevant objectives and policies of PPC1.

11 Section 104(1)(c) – any other matter considered relevant and reasonably necessary

11.1 Other Matters

11.1.1 Waikato-Tainui Environmental Plan

The Waikato-Tainui Environmental Plan provides a background to, and identifies key, resource-based issues for Waikato-Tainui. The plan sets out Waikato-Tainui’s vision statement for environmental and heritage issues and key strategic objectives such as tribal identity and integrity, including “to grow our tribal estate and manage our natural resources.” The plan is designed to enhance Waikato-Tainui participation in resource and environmental management.

I have assessed this proposal against the objectives and outcomes within this plan and overall, I consider that the proposal is consistent with this Iwi Environmental Plan.

11.2 Customary activities

There are no customary activities relevant to this consent process.

12 Part 2 Matters

The Court of Appeal decision in *R J Davidson Family Trust v Marlborough District Council* means that there is no need to assess applications against Part 2 of the RMA, unless doing so would add something beneficial to the process.

Both the RPS and the WRP give complete coverage over the proposed activities and potential effects therefore I consider that an assessment of Part 2 would not add anything over and above what the current policy provides for within the RPS and WRP.

13 Discussion/Conclusions

Barkers & Associates Ltd on behalf of Southpark Agri Developments Ltd has made an application for resource consent to import cleanfill at 160 Higgins Road, Hamilton. The potential adverse environmental effects associated with the proposed works are considered to be:

- Water quality effects from sediment discharges during earthworks;

- Cleanfill disposal;
- Flooding effects;
- Effects of dust discharges;
- Exotic weed invasion;
- Cultural and archaeological effects;

For the reasons outlined in this report, I am satisfied that these adverse effects can be avoided, remedied or mitigated such that they can be managed to be less than minor.

The overall proposal has been assessed in respect to its consistency with the standards, objectives and policies of the NES-FW, Resource Management Regulations, NPS-FM, RPS, WRP, Waikato-Tainui Environmental Plan, and the statutory provisions of the RMA (1991). It has further been considered in accordance with section 104A of the RMA which has regard to the determination of applications for Controlled activities. Provided the activities are undertaken in accordance with the application for consent and subsequent supporting documentation, and the recommended consent conditions in the attached Resource Consent Certificates, I consider that they will not be inconsistent with Council's policy and plans, or the statutory provisions of the RMA.

For these reasons, I recommend that consent be granted subject to the consent conditions in the attached Resource Consent Certificate with an expiry of 31 December 2030 to align with the consent duration of the adjoining site authorised by AUTH142376.01.02.

The following considerations have been taken into account in recommending these terms:

- The temporary nature of the soil and bed disturbance activities;
- The various proposed mitigation measures and ongoing monitoring requirements;
- The actual and potential adverse effects of the proposed activities on the environment;
- Consistency with Regional Council policies, objectives and plans;
- Consistency with the purpose and principals of the RMA; and
- Waikato Regional Council's internal guidelines for consent duration.

14 Monitoring

The Waikato Regional Council has a statutory obligation under section 35 of the RMA to monitor the effects of resource consents being exercised in its region. Waikato Regional Council staff and/or its authorised agents will therefore monitor the proposed activities throughout the term of consent.

Consent conditions are recommended requiring monitoring and maintenance procedures to be implemented over the course of the consent term for the activities to ensure that the required environmental management procedures are implemented on site in accordance with the specifications outlined within the consent application documents, consent conditions and in accordance with Waikato Regional Council best practice guidelines. Accordingly, I have recommended conditions to this effect in the attached resource consent certificates. In particular, it is recommended that the consent ensures that all erosion and sediment controls at the site are regularly inspected and in good working order prior to, and immediately after rain events, and that these controls are maintained to achieve optimal sediment capture efficiency at all times.

All costs associated with monitoring are recovered from the consent holder on a reasonable and actual basis.

15 Recommended Decision

I recommend that in accordance with s104A, resource consent application be granted in accordance with the duration and conditions prescribed in the attached Resource Consent Certificate for the following reasons:

- The activities will have less than minor actual or potential adverse effects on the environment
- The activities are not contrary to any relevant plans or policies
- The activities are consistent with the purpose and principles of the Resource Management Act 1991

Reporting Officer:



Tim Wilson
Consultant Planner
Resource Use Directorate

Date: 3 November 2023

16 Decision

That the resource consent applications are granted in accordance with the above recommendations



Mark Row
Team Leader – Technical Consents Support
Resource Use Directorate

Date: 20 November 2023

RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH145374.01.01

File Number: 61 77 78A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Southpark Agri Development Limited
Level One
53 King Street
Hamilton 3204

(hereinafter referred to as the Consent Holder)

Consent Type: Discharge Permit

Consent Subtype: Land - other

Activity authorised: To deposit 101,900m³ of cleanfill

Location: 160 Higgins Road, Frankton, Hamilton 3204

Map reference: NZTM 1798362 E 5813295 N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on 31 December 2030.

Subject to the conditions overleaf:

CONDITIONS

1. The earthworks and cleanfill activities authorised by this resource consent shall be undertaken in general accordance with the application for this resource consent received by the Waikato Regional Council on 20 January 2023 (WRC Doc # 25545665), 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 must 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.

Pre-works Requirements

5. The consent holder shall inform the Waikato Regional Council in writing, at least 10 working days prior to commencement of any works, of the start date of the works authorised by this resource consent.
6. The consent holder shall arrange and conduct a pre-construction site meeting and invite with a minimum of 10 working days' notice, 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.

Note: In the case that any of the invited parties, other than the site representative does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirements is met.

Erosion and Sediment Control

7. The consent holder shall provide Waikato Regional Council with a Finalised Erosion and Sediment Control Plan (ESCP) to be used for the activities authorised by this consent prior to the commencement of activities authorised by this consent. The purpose of the ESCP is to minimise sediment and dust discharges from the site to the extent practicable over the works period. Any changes to the ESCP 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 and dust discharges 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:
 - i. The locations of waterways, including drains,
 - ii. The extent of soil disturbance and any vegetation removal,
 - iii. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to any watercourses,
 - iv. Any areas of cleanfill and any cut locations,
 - v. Any locations of any topsoil stockpiles,
 - vi. All erosion and sediment control structures, each with a unique identifier,
 - vii. The boundaries and area of catchments contributing to all stormwater impoundment structures,
 - viii. The locations of all specific points of discharge to the environment and
 - ix. Any other relevant site information.
- d) Construction timetables for erosion and sediment control works proposed,
- e) Timetable and nature of progressive site rehabilitation and re-vegetation proposed including evidence of the type of stabilisation and that it meets application rate requirements,
- f) Maintenance, monitoring and reporting procedures,
- g) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures,
- h) Dry conditions response and contingency measures including dust suppression methods to minimise adverse effects in the event of dust creation from un-stabilised areas,
- i) Procedures and timing for review and/or amendment to the ESCP,
- j) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures,
- k) A review period for updating the ESCP,
- l) Construction procedures to ensure the long term stability of earthworks and cleanfill areas,

The ESCP 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 ESCP.

- 8. Any changes proposed to the ESCP 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.
- 9. The consent holder shall ensure that a copy of the approved ESCP, including any approved amendments, is kept onsite and this copy is updated within 10 working days of any amendments being approved.
- 10. 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 engineer 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 the sediment retention pond (SRP). The certification for this measure 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 SRP structure (dead storage and live storage measured to the top of the primary spillway); and
- c) Shape and dimensions of SRP structure; and
- d) Position of outlets; and
- e) Stabilisation of the SRP 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.

Note: An example template and the information required for the As Built Certification Statements can be found on the Waikato Regional Council website www.waikatoregion.govt.nz/earthworks.

- 11. The consent holder shall ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the works and during the term of this consent. In this regard, erosion and sediment control measures shall be established and maintained in accordance with the document titled "Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009), and the certified ESCP.
- 12. 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.
- 13. Unless site specific analysis provides evidence to the contrary, as detailed in the ESCP, the consent holder shall ensure that the concentration for suspended solids of any device discharge shall not be greater than 100g/m³.
- 14. 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.
- 15. 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.
- 16. 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.
- 17. The erosion and sediment controls specified in the ESCP shall not be disestablished without the prior written approval of the Waikato Regional Council, acting in a technical certification capacity.

Winter Works

- 18. The consent holder shall ensure that earthworks are 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 including, hydro-seeding, re-vegetation and mulching) that will minimise erosion of exposed soil to the extent practicable.

19. Earthworks shall not be conducted during the period 1 May to 30 September inclusive during any year that this consent is current, apart from necessary maintenance works, unless agreed to in writing by the Waikato Regional Council.
20. Requests to undertake earthworks during the period 1 May to 30 September inclusive, for any year that this consent is current, shall be submitted in writing to the Waikato Regional Council by 1 April and shall be in the form of amendments to the certified ESCP as required by condition 7 of this consent.

Advice Note: *In considering a request for the continuation of winter earthworks, the Waikato Regional Council will consider the following:*

- *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.*

Cleanfill Management

21. All material deposited during the exercising of this resource consent shall meet the definition of cleanfill contained in the glossary of terms in the Waikato Regional Plan as copied below:

“Material that when discharged to the environment will have no adverse effect on people or the environment. This includes natural materials such as clay, soil and rock and other inert materials such as concrete and brick, or mixtures of any of the above.

Cleanfill excludes for example:

- 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;*
- e) *soils or other materials contaminated with hazardous substances or pathogens;*
- f) *hazardous substances.”*

22. For each 1000 cubic metres of material received on site, a composite sample shall be analysed for the following contaminants. Each sample will consist of six sub-samples of equal volume. Results will be compared with the cleanfill acceptance thresholds in the table below.

CLEANFILL ACCEPTANCE CRITERIA

Trace elements	Acceptance criteria (mg/kg)
Arsenic	17
Boron	15
Cadmium	0.8
Chromium	56
Copper	120
Lead	78
Mercury	1

Nickel	33
Zinc	175
Organic compounds	Acceptance criteria (mg/kg)
TPH C7-C9	120
TPH C10-C14	58
Benzene	0.0054
Ethylbenzene	1.1
Toluene	1.0
Total Xylene	0.61
Benzo[a]pyrene (equivalent)	2
Total DDT	0.7

23. In the event that the fill material is found to exceed any of the contaminant threshold levels for the cleanfill acceptance criteria stipulated in condition 22, the frequency of sampling and analysis must be increased to a rate of one sample per 500 cubic metres. A rate of one sample per 1000 cubic metres may be reinstated if the consent holder is able to demonstrate to the Waikato Regional Council that consecutive samples demonstrate that the fill material meets the clean fill acceptance criteria in condition 22.
24. Unless otherwise agreed with the Waikato Regional Council in writing, the fill material shall be deemed to meet the cleanfill acceptance thresholds when the concentration of each individual constituent is less than the threshold concentration in the table above. In the event that a sample fails to meet the cleanfill acceptance thresholds for one or more analysed constituents, the consent holder shall remove the fill material from the disposal site and dispose to an authorised site.
25. Any load with obvious evidence of contamination (for example discolouration or odours), including fresh asphalt that has a distinct odour, shall not be disposed of on site.
26. The maximum volume of cleanfill which may be deposited at the site over the term of this consent is 101,900 cubic metres.

Flocculation

27. Prior to bulk earthworks commencing, the consent holder shall undertake flocculant bench testing to determine the reactivity of soils to chemical treatment within those areas of the site where runoff is proposed to be treated by sediment retention devices.
28. If the bench testing required under Condition 27 above determines that the soils are conducive for the use of flocculant, the consent holder shall incorporate a suitable rain activated dosing system unless otherwise agreed to by the Waikato Regional Council.
29. Prior to the commissioning of any flocculation treatment system, as determined by Conditions 27 and 28, 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.
30. The FMP required by Condition 29 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.
31. Any changes proposed to the FMP required by Condition 29 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.
32. Within one working day of taking any samples required as required in Condition 27 the consent holder shall have those samples analysed for suspended solids and turbidity and (if flocculants are being used to treat any sediment retention device) pH, and soluble aluminium. The results of the analysis shall be forwarded to the Waikato Regional Council within 7 days of analysis.
33. The consent holder shall ensure that the soluble aluminium concentration of any discharge from a sediment retention device flocculated in accordance with an FMP (approved in accordance with Condition 29), shall not exceed 0.2 grams per cubic metre.
34. Unless site specific analysis provides evidence to the contrary, as detailed in the approved FMP (approved in accordance with Condition 29), the consent holder shall ensure that the pH of any discharge from a sediment retention device discharge shall not be less than 5.5 or greater than 8.5 pH units.

Machinery

35. 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.
36. The consent holder shall 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: <https://waikatoregion.govt.nz/assets/WRC/Services/plant-and-animal-pests/Keepitclean.pdf>

Dust

37. All earthworks and cleanfill 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.
38. The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day or 50m³/ha to all exposed areas of the site), and an effective means for applying that quantity of water, is available at all times during construction, and until such time as the site is fully stabilised unless otherwise agreed with the Waikato Regional Council.

39. The consent holder shall ensure that, at all times, 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.
40. The consent holder shall ensure that, outside of normal working hours, the minimum number of staff required to operate the water application system are available on-call at all times to operate the water application system for dust suppression.
41. If 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 dust effects to the satisfaction of the Waikato Regional Council.
42. The consent holder shall record the following in a daily log:
 - a) Any dust control equipment malfunctions and any remedial action(s) taken;
 - b) Any visible emission of dust and the source;
 - c) Wind direction
 - d) The frequency of water cart use and the volume of water applied;
 - e) The volume of water used for dust suppression other than water cart use; and
 - f) The date and signature of the person entering the information.

Monitoring and Maintenance

43. 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.
44. 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.

45. If required by the Council in writing, the consent holder shall undertake soil testing to define the concentrations of contaminants in the cleanfill imported to the site and as a consequence may be required to remove cleanfill from the site to an authorised landfill.
46. The consent holder shall characterise the quality and variability of stormwater discharged from the site to the satisfaction of the Council. To this end, the consent holder shall, unless agreed by the Council in writing, undertake sampling after a rainfall event greater than 15 mm over the previous 24 hours and once in every three month period that a discharge occurs for the following parameters:
 - a) Suspended solids;
 - b) pH;
 - c) Five day biochemical oxygen demand; and
 - d) Conductivity.

All samples shall be collected at the discharge point of any sediment retention pond discharging at the time. The consent holder shall forward the results to the Council within seven days of having received the sampling results. The flow conditions at each sampling location shall be estimated and reported along with the sampling results.

47. The results of the stormwater discharge samples collected from shall not have a suspended solids concentration greater than 100 grams per cubic metre.
48. The exercise of this consent shall not result in the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials within the receiving railway corridor drain.

Site Management Plan

49. The consent holder shall provide an updated Site Management Plan (SMP) certified by the Council acting in a technical certification capacity, which documents how compliance will be achieved with the conditions of this consent. As a minimum the SMP shall address the following specific matters:
 - a) The specific location of the cleanfill placement areas;
 - b) Acceptance criteria for cleanfill to be disposed on site;
 - c) A description of operational procedures and monitoring that will be implemented to minimise unauthorised or contaminated material entering the site,
 - d) Specific design details and construction procedures to ensure long term stability of cleanfill areas;
 - e) Erosion and Sediment Control procedures established and maintained in accordance with the Waikato Regional Council document entitled 'Erosion and Sediment Control - Guidelines for Soil Disturbing Activities', (Technical Report No.2009/02 - dated January 2009).
 - f) Contingency and mitigation measures;
 - g) Specific dust control measures to ensure that dust emissions are kept to a minimum;
 - h) Procedures for responding to complaints including contact telephone numbers for staff of the consent holder who are responsible for responding to complaints; and
 - i) Resource consent conditions.

The SMP shall be reviewed and updated at a frequency, including following the review undertaken by the Council, to ensure the procedures reflect actual practices onsite and, in any case, the plan shall be reviewed at least once every two years.

Note:

1. *Any amendment to the certified SMP will require further certification from the Council.*
2. *Except where the Council provides notice in writing that it refuses to certify the SMP, then should certification not be provided within 20 working days, the Consent Holder shall regard the SMP as being deemed to have been certified.*
3. *Subject to any other condition of this consent the SMP shall be implemented and all activities shall be undertaken in general accordance with the latest version of the SMP certified by the Council.*
4. *If there is any inconsistency between the requirements of the SMP and any consent condition, the consent condition shall have compliance priority.*

Stabilisation/Rehabilitation

50. All construction entranceways to the site shall be stabilised with aggregate or similar non-erosive cover to the satisfaction of the Waikato Regional Council.

51. 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.
52. The discharge of untreated surface runoff from any area (post-stabilisation) 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 rehabilitated land; and
 - c) The quality of the receiving water.
53. If so required by the Waikato Regional Council, 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.

Archaeological/Accidental Discovery

54. 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 other than those sites for which specific archaeological authorities have been granted by Heritage New Zealand Pouhere Taonga. 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 Māori origin) must be notified within 24 hours. Works may recommence on the written approval of the Waikato Regional Council after considering:
 - a) Tāngata whenua interests and values;
 - b) Protocols agreed upon by Tāngata Whenua and the consent holder;
 - c) The consent holder interests;
 - d) Any Heritage New Zealand Pouhere Taonga authorisations; and
 - e) Any archaeological or scientific evidence

Complaints

55. The Consent Holder shall maintain a log of all complaints (including those received via third parties including the Council) regarding dust, odour or other contaminants. The Consent Holder shall notify the Council of each complaint as soon as practicable. The Consent Holder shall record the following details in a complaint log:
 - a) time and type of complaint including details of the incident, e.g. duration, location and any effects noted;
 - b) name, address and contact phone number of the complainant (if provided);
 - c) where practicable, the weather conditions including wind direction at the time of the incident;
 - d) the likely cause of the complaint and the response made by the Consent Holder including any corrective action undertaken;
 - e) future actions proposed as a result of the complaint; and
 - f) the response from the Consent Holder to the complainant.

The complaint log shall be made available to the Council at all reasonable times and a copy shall be forwarded to the Council annually in accordance with condition 58.

56. Where the type and number of complaints or feedback from consultation are of a nature that further dust control measures are warranted and following written direction from the Council, the consent holder shall construct bunds along the northern and eastern extents of the fill area in accordance with the design outlined in the SMP.
57. The Consent Holder shall liaise on an annual basis with all occupiers of adjacent land unless otherwise agreed in writing by the Council, with a records being maintained for the following:
 - a) The date the opportunity for liaison was provided; and
 - b) To whom the opportunity was provided; and
 - c) How the opportunity was provided; and
 - d) The comments received.

The records shall be made available to the Council on request.

Reporting

58. The consent holder shall provide to the Council a written report by 31 May each year which sets out:
 - a) the total volume of cleanfill which has been deposited in the previous 12 months up to 31 January,
 - b) the total accumulated volume of cleanfill deposited since the consent was granted,
 - c) comment on the type of cleanfill received on site,
 - d) any operational difficulties, complaints received and action taken by the site to address complaints and a summary of the consultation undertaken.
59. The consent holder shall notify the Council as soon as practicable and as a minimum requirement within 48 hours, of any accidental discharge, plant breakdown, or other circumstances which are likely to result in the limits of this resource consent being exceeded. The consent holder shall, within 7 days of the incident occurring, provide a written report to the Council, identifying the exceedance, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.

Review

60. The Council may, within three months of November 2024 and at three yearly intervals thereafter serve notice on the consent holder under section 128 (1) of the Resource Management Act 1991, of its intention to review the conditions of this resource consent for the following purposes:
 - a) To review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions, or,
 - b) If necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the placement of cleanfill and any subsequent contaminated stormwater discharges or,

- c) To review the adequacy of and the necessity for monitoring undertaken by the consent holder, or,
- d) To take account of any changes to the Waikato Regional Plan or Policies.

Administration

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

Advice Notes - General

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
3. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
4. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
5. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional 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.
6. Note that pursuant to s332 of the RMA 1991, 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. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.
8. If at any time during the resource consent period, you no longer require your consent, it may be surrendered, in whole or part, by giving written notice of such to the consent authority. Alternatively, please contact Resource Use staff on 0800 800 402 and we can provide you with a surrender form. Note that the surrender takes formal effect when you receive a notice of acceptance of the surrender from the Council.

12 September 2022

Barker & Associates (Hamilton)
PO Box 9342
Waikato Mail Centre
Hamilton 3240

Digitally Delivered

Dear Sir or Madam,

Decision on an application for subdivision consent under the Resource Management Act 1991

Application number: SP/0104/22
Applicant: Southpark Agri Development Limited
Address: 160 Higgins Road Hamilton 3204
Legal Description: LOT 2 DP 552743
Proposed activity(s): Boundary Relocation in the Rural Zone

I wish to advise you of Waipa District Council's decision to **grant** your application for subdivision consent under the Resource Management Act 1991 (RMA). Please see below for the details of the decision and conditions of consent.

The following information provides you with some guidance on your rights and what to do next. It is recommended that you seek independent advice if you are in any doubt as to the processes to be followed.

Objection

If you disagree with any part of this decision or any conditions of this consent, you may lodge an objection in writing to Council within **15 working days** of the receipt of this letter. Your objection must be in accordance with section 357 of the RMA and must include the reasons for your objection.

If you decide to lodge an objection to this consent, please note that you cannot lodge a section 223/224 application for subdivision.

Next Steps

When you're ready to start your subdivision talk to your surveyor/consultant about compliance with conditions of subdivision consent and the next steps in the process.

Lapsing of Consent

This subdivision consent lapses if:

- A survey plan is not submitted to Council under section 223 of the RMA within 5 years of the commencement of the consent; and
- The survey plan is not then deposited with Land Information New Zealand under section 224 of the RMA within 3 years of the plan first being submitted to Council under section 223.

Yours sincerely

Marne Lomas

Marne Lomas

PLANNER

Email: [REDACTED]

DECISION ON APPLICATION

Pursuant to Sections 34A(1), Section 104, 104A/104B and 108 of the Resource Management Act 1991, the Waipa District Council, under delegated authority, grants Subdivision Consent for a Discretionary to:

Activity: Boundary relocation in the Rural Zone

Consent Holder: Barker & Associates

Location Address: 160 & 162 Higgins Road Hamilton 3204

Legal Description: LOT 1 DP 552743 (RT 957619) & Lot 2 DP 552743 (RT 957620)

This consent is subject to the conditions attached in Schedule 1.

Advisory notes for this consent are attached in Schedule 2.

The reasons for this decision are attached in Schedule 3.

Dated at Cambridge this 18th day of August 2022

For and on behalf of Waipa District Council.



Quentin Budd
CONSENTS TEAM LEADER

Schedule 1

Conditions of Consent

Resource Consent No: SP/0104/22

General

- 1 The Land Transfer Plan to give effect to this subdivision consent must be in general accordance with the approved plan prepared by Nicklin CE reference 4767-10B dated 6th July 2022 submitted with application SP/0104/22, unless otherwise altered by the consent conditions. A copy of the approved plan is attached.

Power

- 2 The consent holder must arrange with a local network electricity operator for the reticulation of electricity to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resiting, repositioning or removal of any electric power lines which exist on the land being subdivided.

Where electric power lines are crossing the boundary of any lots registered easements must be created for such services.

Telecommunications

- 3 The consent holder must either:
 - a) Arrange with a telecommunications company for the reticulation of telecommunication or fibre optic cables to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the telecommunications provider that the reticulation of the service to all lots in the subdivision has been provided. This is to include if necessary the resiting, repositioning or removal of any telecommunication cables which exist on the land being subdivided.

Or:

- b) The consent holder must:

- i) Submit to the Council written and signed confirmation from a telecommunications provider that all lots can be serviced via wireless or satellite solutions to provide internet and VoIP telephone services; and
- ii) Arrange to have Council issue a consent notice pursuant to Section 221 of the Resource Management Act 1991, advising future owners that no reticulated telecommunication connections are provided to all lots. Such consent notice shall be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and shall be registered against the relevant titles.

Where telecommunication or fibre optic cables serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.

All work shall be undertaken at the consent holders expense.

Note: *Where telecommunications are to be provided as stated under Condition 3(b), for the avoidance of doubt, both components (Parts i to ii) must be met.*

Easements

- 4 The easements shown on the scheme plan of subdivision SP/0104/22 shall be created and duly granted or reserved.

Consent Notice – Rural Firefighting Supply

- 5 The registered proprietor of Lots 1 and 2 shall ensure that new dwelling complies with Rule 15.4.2.23 of the Waipa District Plan (access to an adequate water supply for firefighting purposes, where water is not supplied by Council), or any rule enacted in variation or substitution of that rule.

Reason: *It is important that any prospective purchaser of Lots 1 and 2 are made aware of this requirement when undertaking building work on Lots 1 and 2. Rule 15.4.2.23 of the District Plan requires all lots to provide access to an adequate water supply for firefighting purposes where infrastructure services are not provided by Council.*

Schedule 2

Advisory Notes

Resource Consent No: SP/0104/22

- 1 All earthworks associated with any development of land should be undertaken in accordance with the following matters:
 - i) All earthworks be carried out so as to provide sound foundations as required under NZS 4431:1989 and avoid any hazard to persons or property;
 - ii) All earthworks be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows;
 - iii) The existing landform not be altered in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level.
- 2 If taonga (treasured or prized possessions, including Maori artefacts) or archaeological sites are discovered in any area being earth-worked, the consent holder should cease work within a 5m radius of the discovery immediately and contact local iwi, Heritage New Zealand (HNZ) and Council's Consents Team Leader.
- 3 If during construction activities, any Koiwi (skeletal remains) or similar material are uncovered, works are to cease within a 5m radius of the discovery immediately, and the consent holder notify the New Zealand Police, local iwi, Heritage New Zealand (HNZ) and Council's Consents Team Leader.

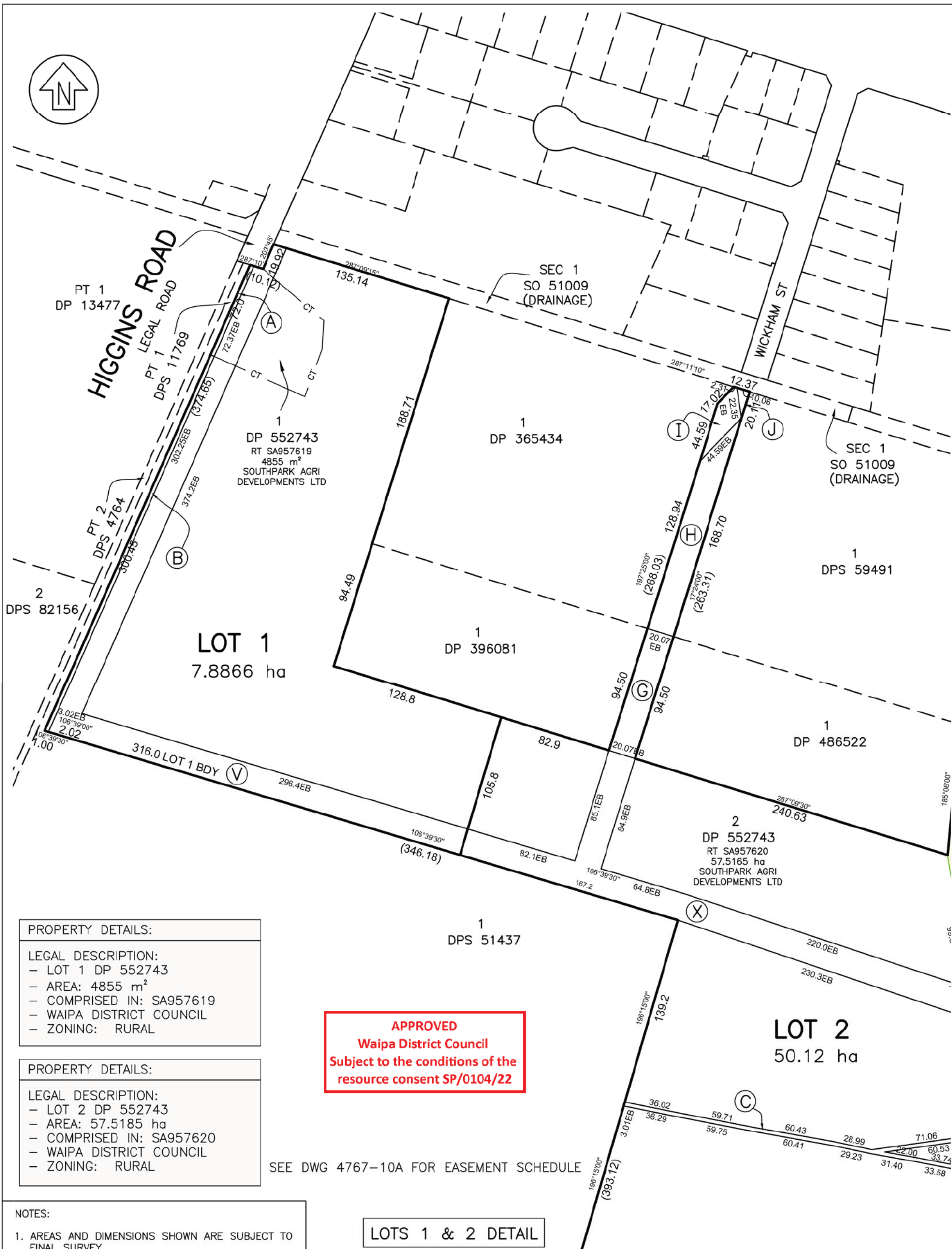
Schedule 3

Reasons for Decision

Resource Consent No: SP/0104/22

- 1 All considerations under Section 104 are subject to Part 2 of the Resource Management Act 1991 ('the Act'), which sets out the purpose and principles of the legislation. The proposal is not contrary to Section 5, 6 or 7 of the Act. There is nothing in the proposal that would conflict with the principles of the Treaty of Waitangi (Section 8). Overall, the application would not offend any of the matters contained within Part 2.
- 2 The application is not contrary to the relevant objectives and policies of the Waipa District Plan.
- 3 The application has not been publicly notified as the adverse effects of the proposal on the wider environment are not more than minor. The application has not been limited notified as the adverse effects on any persons will be less than minor. Accordingly, the application was processed on a non-notified basis.
- 4 Engineering requirements will ensure that the subdivision is adequately provided with services when the site is developed.





PROPERTY DETAILS:
LEGAL DESCRIPTION:
- LOT 1 DP 552743
- AREA: 4855 m ²
- COMPRISED IN: SA957619
- WAIPA DISTRICT COUNCIL
- ZONING: RURAL

PROPERTY DETAILS:
LEGAL DESCRIPTION:
- LOT 2 DP 552743
- AREA: 57.5185 ha
- COMPRISED IN: SA957620
- WAIPA DISTRICT COUNCIL
- ZONING: RURAL

APPROVED
Waipa District Council
Subject to the conditions of the
resource consent SP/0104/22

SEE DWG 4767-10A FOR EASEMENT SCHEDULE

LOTS 1 & 2 DETAIL

NOTES:
1. AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO FINAL SURVEY.



Tel: (07)827-4945
www.nicklince.com
info@nicklince.co.nz

6 Wilson Street
P.O. Box 754
Cambridge 3450

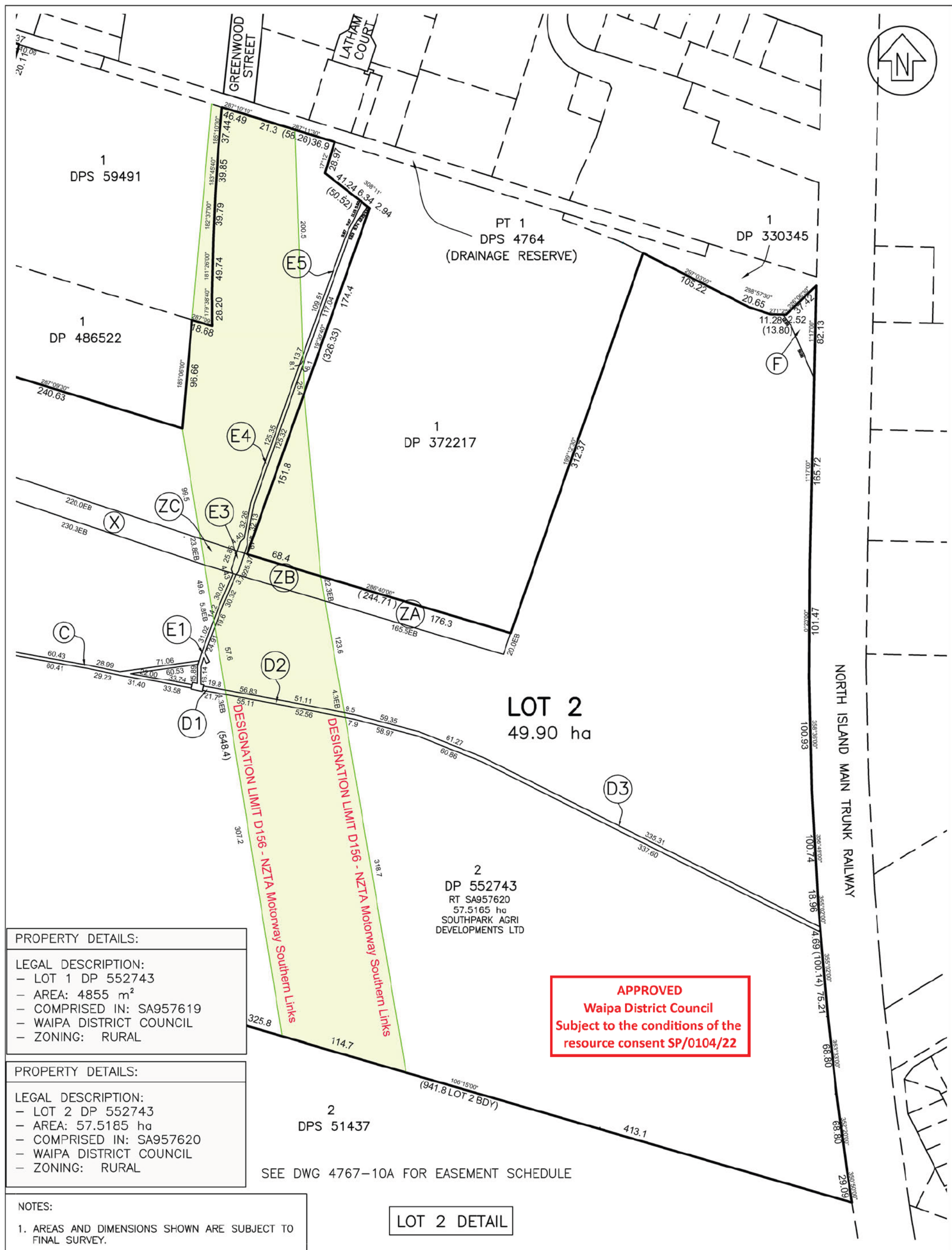
PROJECT TITLE
SUBDIVISION CONSENT APPLICATION
LOTS 1 & 2 BEING SUBDIVISION OF
LOTS 1 & 2 DP 552743
AT 160 & 162 HIGGINS ROAD, HAMILTON
SOUTHPARK AGRI DEVELOPMENT LTD

ALTERATION
CAD RNW
DATE 06 JUL 2022

JOB
4767
ORIGINAL SCALE AT A3
1:2500

SHEET
11
ISSUE 1

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NICKLIN CE
SURVEYING PLANNING ENGINEERING

Tel: (07)827-4945
www.nicklince.com
info@nicklince.co.nz

6 Wilson Street
P.O. Box 754
Cambridge 3450

PROJECT TITLE

SUBDIVISION CONSENT APPLICATION
LOTS 1 & 2 BEING SUBDIVISION OF
LOTS 1 & 2 DP 552743
AT 160 & 162 HIGGINS ROAD, HAMILTON
SOUTHPARK AGRI DEVELOPMENT LTD

ALTERATION

CAD RNW

DATE 06 JUL 2022

JOB

4767

ORIGINAL SCALE AT A3

1:3000

SHEET

11A

ISSUE 1



PROPERTY DETAILS:

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- AREA: 4855 m²
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PROJECT TITLE
SUBDIVISION CONSENT APPLICATION
LOTS 1 & 2 BEING SUBDIVISION OF LOTS 1 & 2 DP 552743
AT 160 & 162 HIGGINS ROAD, HAMILTON
SOUTHPARK AGRI DEVELOPMENT LTD

PLAN TITLE
CONSENT PLAN
AERIAL UNDERLAY

ALTERATION	JOB	SHEET
CAD RNW	4767	11B
DATE 06 JUL 2022	ORIGINAL SCALE AT A3 1:750	ISSUE 1

APPROVED
Waipa District Council
Subject to the conditions of the
resource consent SP/0104/22