

12 February 2021

LU/0263/20

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

Digitally Delivered

Dear Gareth

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

Application number: LU/0263/20
Applicant: Southpark Agri Development Limited
Address: Higgins Road Hamilton 3204
Legal Description: Lot 3 DP 486522 as comprised in RT 704263; and
Lot 1 DP 372217 and Lot 9 DPS 24057, Lot 1 DPS 35874, Lot 2 DPS 24057
as comprised in RT 292029
Proposed activity(s): Undertake bulk earthworks in 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 Council under section 224 of the RMA within 3 years of the plan first being submitted to Council under section 223.

Yours sincerely



Quentin Budd

CONSENTS TEAM LEADER

DECISION ON APPLICATION: LU/0263/20

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

Activity: Undertake bulk earthworks in Rural Zone

Consent Holder: Southpark Agri Development Limited

Location Address: 160 Higgins Road, Hamilton

Legal Description: Lot 3 DP 486522 as comprised in RT 704263; and
Lot 1 DP 372217 and Lot 9 DPS 24057, Lot 1 DPS 35874, Lot 2 DPS 24057 as comprised in RT 292029

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 12th day of February 2021.

For and on behalf of Waipa District Council.



Quentin Budd

CONSENTS TEAM LEADER

Schedule 1

Conditions of Consent

Resource Consent No: LU/0263/20

General

- 1 The proposal must proceed in general accordance with the information and plans submitted with the application 28 October 2020, the further information received 18th December 2020, including:
 - a. The plan prepared by Nicklin CE dated 6/10/2020, referenced Job Number 4490, sheet 10A
 - b. The plans prepared by Nicklin CE dated 7/10/2020, referenced Job Number 4490, sheet 10B and 10C

Monitoring

- 2 The consent holder must notify the Waipa District Council enforcement team in writing two weeks prior to the commencement of activities associated with this consent.

Note: This advice should be emailed to:- consentmonitoring@waipadc.govt.nz.

Hours of Operation

- 3 Hours of Operation for Stages 1, 3 and 5, are limited to:
 - a. Between 7am and 5.30pm Monday to Friday
 - b. Between 7am and 3pm on SaturdaysNo works are to occur on Sundays or Public Holidays.

- 4 Hours of Operation of Stages 2 and 4, are limited to:
 - a. Between 8am and 5pm Monday to FridayNo works are to occur on weekends or Public Holidays.

Noise

- 5 All activities shall be conducted so as to ensure noise does not exceed 50dBA (Leq).
- 6 For the purpose of ensuring all reasonable and practicable steps are taken to minimise noise, a Noise Management Plan (NMP) must be submitted to Council's Environmental Health

Officer for certification prior to the commencement of works on site. The Noise Management Plan NMP should include, but not be limited to:

- a. How and when bunding will take place.
Note: Bunding is required along the eastern boundary of Stage 4 works (parallel to the railway line), along the southern boundary of Stage 4C and 4B and the western boundary of Stage 1B works. All bunds shall be at least one third higher than the line of sight from dwellings to the top of the machines working in the area.
- b. Detail best practices to maintain vehicles and machinery and conduct the works to avoid any unnecessary noise.
- c. Training of personnel on site to minimise noise.
- d. A procedure for recording and responding to any concerns or complaints received and implementing resolution to any issues identified.
- e. The person(s) responsible for implementing NMP to be identified.
- f. A procedure for updating the NMP as necessary to respond to any changes in operation.

Note: This Management Plan can be combined with the Construction Management Plan in Condition 9 if desired.

- 7 The NMP approved under condition 6 above shall be implemented and complied with for the duration of works.

Contaminated Site Management Plan

- 8 The Contaminated Site Management Plan (CSMP) prepared by Barker and Associates, dated August 2020, reference 18044 must be implemented and complied with for the duration of works.

Construction Management Plan

- 9 Prior to construction activities commencing on site, the consent holder shall provide a finalised Construction Management Plan (CMP) to Council's Team Leader – Development Engineering for certification. The purpose of the plan shall be to avoid, reduce or manage adverse effects and shall include, but is not limited to:
 - a. Site management arrangements;
 - b. Proposed construction program;
 - c. Construction methodologies;
 - d. Stormwater management plan;

- e. Water sourcing methodology;
- f. Access, Manoeuvring and parking arrangements;
- g. Hazardous substance management;
- h. Contaminated Site Management; and
- i. Dust management measures.

Earthworks

- 10 All earthworks shall be carried out in accordance with good engineering practice and shall:
- a. Be implemented in accordance with the approved Construction Management Plan, and all activities shall be undertaken in accordance with the latest version of the Plan.
 - b. Be carried out so as to avoid or mitigate any detrimental effect on the environment particularly with regard to the dust, the unnecessary destruction of vegetation, the contamination of natural water or the diversion of surface or ground water flows;
 - c. Not result in alteration to the existing landform in such a manner that adjoining properties will be detrimentally affected particularly through changes in drainage systems or abrupt changes in ground level; and
 - d. Avoid any hazard to persons or property.

Sediment and Erosion Control

- 11 The consent holder shall ensure that appropriate erosion and sediment control measures are adopted to minimise any sediment leaving the site and entering any stormwater drains or waterway. The measures shall be implemented and maintained for the full duration of construction works.

Note: Waikato Regional Council's "Erosion & Sediment Control, Guidelines for Soil Disturbing Activities" which can be found at <http://www.waikatoregion.govt.nz>. This guideline is relevant to all construction sites. The design guideline covers cutting tracks, culverts, sediment control measures, such as hay bales, silt fences, detention ponds, earth bunds, guidelines for re-vegetation.

Stockpiles

- 12 All stockpile minimum setback requirements shall be complied with on a continuing basis. All batter slopes are to be constructed no greater than a 1 vertical: 3 horizontal slope and be at least the following for each relevant adjacent properties:
- a. 50 metres from all railway designation boundaries;
 - b. 20 metres from the WEL networks easement; and

- c. 15 metres from the adjoining rural boundaries.

Dust

- 13 That as a result of activities authorised by this resource consent, there must be no discharge of dust to air that causes an objectionable or offensive effect beyond the boundary of Lots; Lot 3 DP 486522 comprised in Record of Title 704263, Lot 1 DP 372217, Lot 9 DPS 24057, Lot 1 DPS 25874, and Lot 2 DPS 24057 comprised in Record of Title 292029. If offensive or objectionable dust emissions do occur beyond the site boundaries, the dust-causing activity shall cease immediately and shall not recommence until appropriate measures have been put in place to prevent recurrence of a similar event.

Note: *For the purposes of this consent condition, the Waipa District Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waipa District Council determines it so after having regard to:*

- a. *The frequency, intensity, duration, location and effect of the dust emissions, and/or*
- b. *Receipt of complaints from neighbours or the public, and/or*
- c. *Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been issued.*

Reinstatement

- 14 All areas of bare earth (no longer required for construction purposes) shall be revegetated or regrassed as soon as practicably possible.

Archaeology/Accidental discovery protocols

- 15 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 100m radius of the discovery immediately and contact local iwi, Heritage New Zealand Pouhere Taonga (HNZ) and Council's Consents Team Leader.
- 16 If during construction activities, any Koiwi (skeletal remains) or similar material are uncovered, works are to cease within a 100m radius of the discovery immediately, and the consent holder should notify the New Zealand Police, local iwi, Heritage New Zealand Pouhere Taonga (HNZ) and Council's Consents Team Leader.

Schedule 2

Advisory Notes

Resource Consent No: LU/0263/20

- 1 This consent is granted by the Council subject to the Council's officers and/or agents being permitted access to the property at all reasonable times for the purposes of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- 2 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waipa District Council when monitoring the conditions of this consent.
- 3 It is the Consent Holders Responsibility to ensure that all relevant consents are obtained from Waikato Regional Council prior to the commencement of works on site.

Waka Kotahi - New Zealand Transport Agency Conditions

Note: The following conditions have been agreed by Waka Kotahi and the Applicant. Council are not party to these conditions and they have been included here for information purposes only.

- 1 Earthworks and geotechnical works shall be implemented in accordance with the recommendations in the Preliminary Geotech Report by HD Geo dated 23 October 2020, including Appendix E of the report (specifications for earthworks and settlement monitoring). Waka Kotahi shall be notified of and shall sign off any deviations.
- 2 Fill placed in Waka Kotahi designated land shall be cleanfill, in accordance with the recommendations in the Site Management Plan for the site - Barker & Associates, Site Management Plan - Clean Fill Operation, Latham Court, dated August 2020.
- 3 The consent holder shall ensure that earthworks, geotechnical works, stormwater, sediment and erosion control shall comply with Waikato Regional Council guidelines, including WRC Erosion & Sediment Control Guidelines for Soil Disturbing Activities, dated January 2009.
- 4 The consent holder shall be liable for adverse geotechnical and stormwater effects (damage) to Waka Kotahi designated land and shall be responsible for any remediation measures that will be required.

- 5 Drainage works and sediment and erosion control shall be implemented in accordance with the recommendations in the Sediment and Erosion Control Plan by Above Water, titled Sediment and Erosion Control Plan - Les Harrison Transport Ltd - 160 Higgins Road, Hamilton, dated 05 October 2020. Waka Kotahi shall be notified of and shall sign off any deviations.
- 6 Prior to construction, the applicant shall provide Waka Kotahi with the final design and construction documents for the proposed works for review and sign off.
- 7 Prior to construction, Waka Kotahi shall be provided a construction timetable which includes the estimated start date of the filling, the duration of the works and the date of removal of the fill.
- 8 In the event Waka Kotahi acquires the land within the designation, the site shall be reinstated and the cleanfill removed. Prior to construction, plans to undertake these works shall be provided to Waka Kotahi for review and approval unless a suitable agreement can be made between the two parties.
- 9 The consent holder shall provide Waka Kotahi with all construction records/documents, including earthworks and geotechnical records, that would be required for the future development of the site by Waka Kotahi.

Schedule 3

Reasons for Decision

Resource Consent No: LU/0263/20

- 1 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 of the Act). Overall, the application would not offend any of the matters contained within Part 2 of the Act.
- 2 The proposal is a Discretionary Activity under the Waipā District Plan.
- 3 Any adverse environmental effects resulting from the proposal are deemed to be temporary and less than minor, or can be mitigated by the imposition of appropriate consent conditions.
- 4 The proposal is not contrary to the objectives and policies of the Operative Waipā District Plan.
- 5 The application was processed on a non-notified basis and was approved under delegated authority without the need for a Council hearing. Written approval has been obtained from Waka Kotahi – New Zealand Transport Agency, as the owner of the designation for Southern Links, which traverses the site.
- 6 Management Plan conditions will ensure that all practical and reasonable measures to reduce adverse effects are implemented.
- 7 Erosion and Sediment control measures are required to ensure there are no adverse effects on waterways.
- 8 Geotechnical advice has been provided which demonstrates that the proposal will not result in any alteration to the water table, adverse flooding effects or land instability effects beyond the boundaries of the site.
- 9 Compliance with conditions relating to monitoring will avoid unnecessary site inspections being made (and inspection fees charged) by Council's Monitoring and Enforcement team.
- 10 The accidental discovery protocol conditions are required to ensure the consent holder is aware of their obligations in regards to the discovery of taonga (treasured or prized possessions, including Maori artefacts), archaeological sites, or skeletal remains.

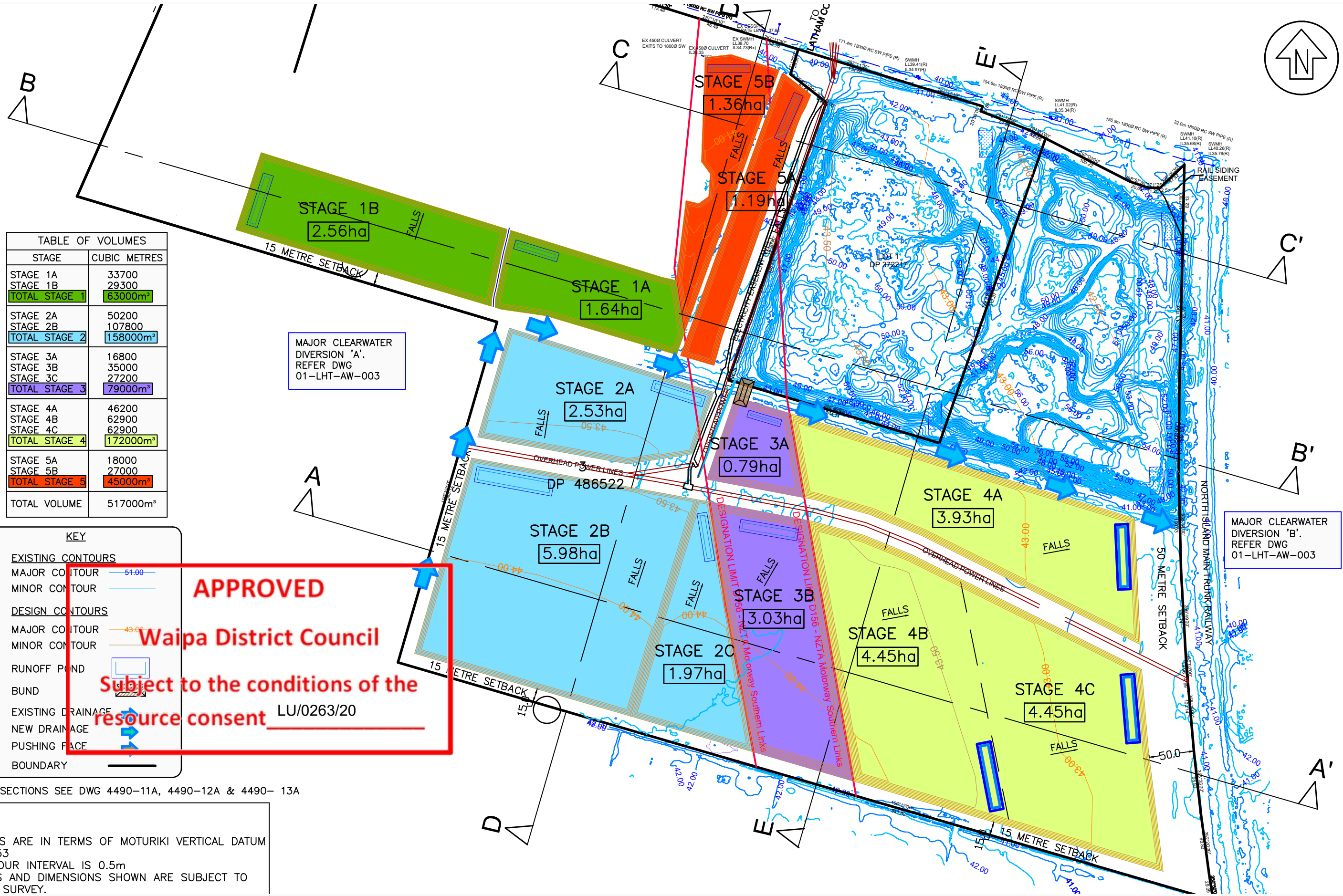


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STAGE	CUBIC METRES
STAGE 1A	33700
STAGE 1B	29300
TOTAL STAGE 1	63000m³
STAGE 2A	50200
STAGE 2B	107800
TOTAL STAGE 2	158000m³
STAGE 3A	16800
STAGE 3B	35000
STAGE 3C	27200
TOTAL STAGE 3	79000m³
STAGE 4A	46200
STAGE 4B	62900
STAGE 4C	62900
TOTAL STAGE 4	172000m³
STAGE 5A	18000
STAGE 5B	27000
TOTAL STAGE 5	45000m³
TOTAL VOLUME	517000m³

KEY	
EXISTING CONTOURS	
MAJOR CONTOUR	51.00
MINOR CONTOUR	
DESIGN CONTOURS	
MAJOR CONTOUR	43.00
MINOR CONTOUR	
RUNOFF POND	
BUND	
EXISTING DRAINAGE	
NEW DRAINAGE	
PUSHING FACE	
BOUNDARY	

APPROVED
Waipa District Council
Subject to the conditions of the
resource consent LU/0263/20

FOR SECTIONS SEE DWG 4490-11A, 4490-12A & 4490-13A

- NOTES:
1. LEVELS ARE IN TERMS OF MOTURIKI VERTICAL DATUM 1953
 2. CONTOUR INTERVAL IS 0.5m
 3. AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO FINAL SURVEY.



NICKLIN CE
SURVEYING PLANNING ENGINEERING

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Cambridge 3450

PROJECT TITLE

STAGING PLAN
OVER LOT 1 DP 372217 & LOT 3 DP 486522
AT 160 HIGGINS ROAD, HAMILTON
SOUTHPARK AGRI DEVELOPMENT LTD

PLAN TITLE

EARTHWORKS EXTENT
STAGED AREAS

ALTERATION

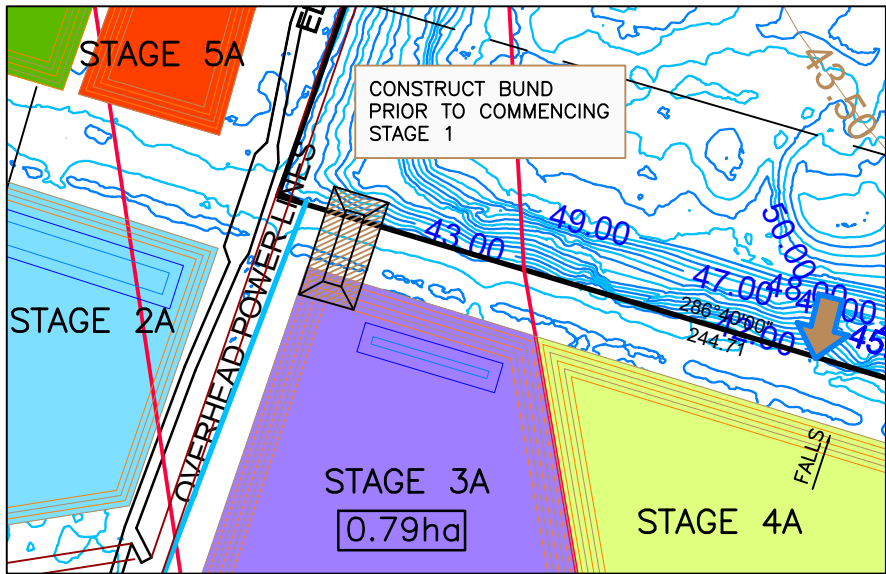
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DATE 06 OCT 2020

JOB

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SHEET

10A
ISSUE 4



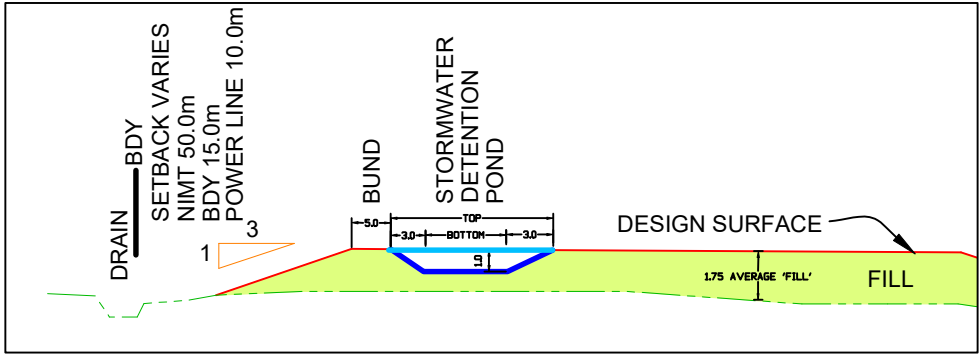
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KEY	
EXISTING CONTOURS	
MAJOR CONTOUR	51.00
MINOR CONTOUR	
DESIGN CONTOURS	
MAJOR CONTOUR	43.00
MINOR CONTOUR	
RUNOFF POND	
BUND	
EXISTING DRAINAGE	
NEW DRAINAGE	
PUSHING FACE	
BOUNDARY	

APPROVED

Waipa District Council

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NOTES:

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PLAN TITLE

EARTHWORKS EXTENT
STAGE 4

ALTERATION

CAD RNW
DATE 07 OCT 2020

JOB

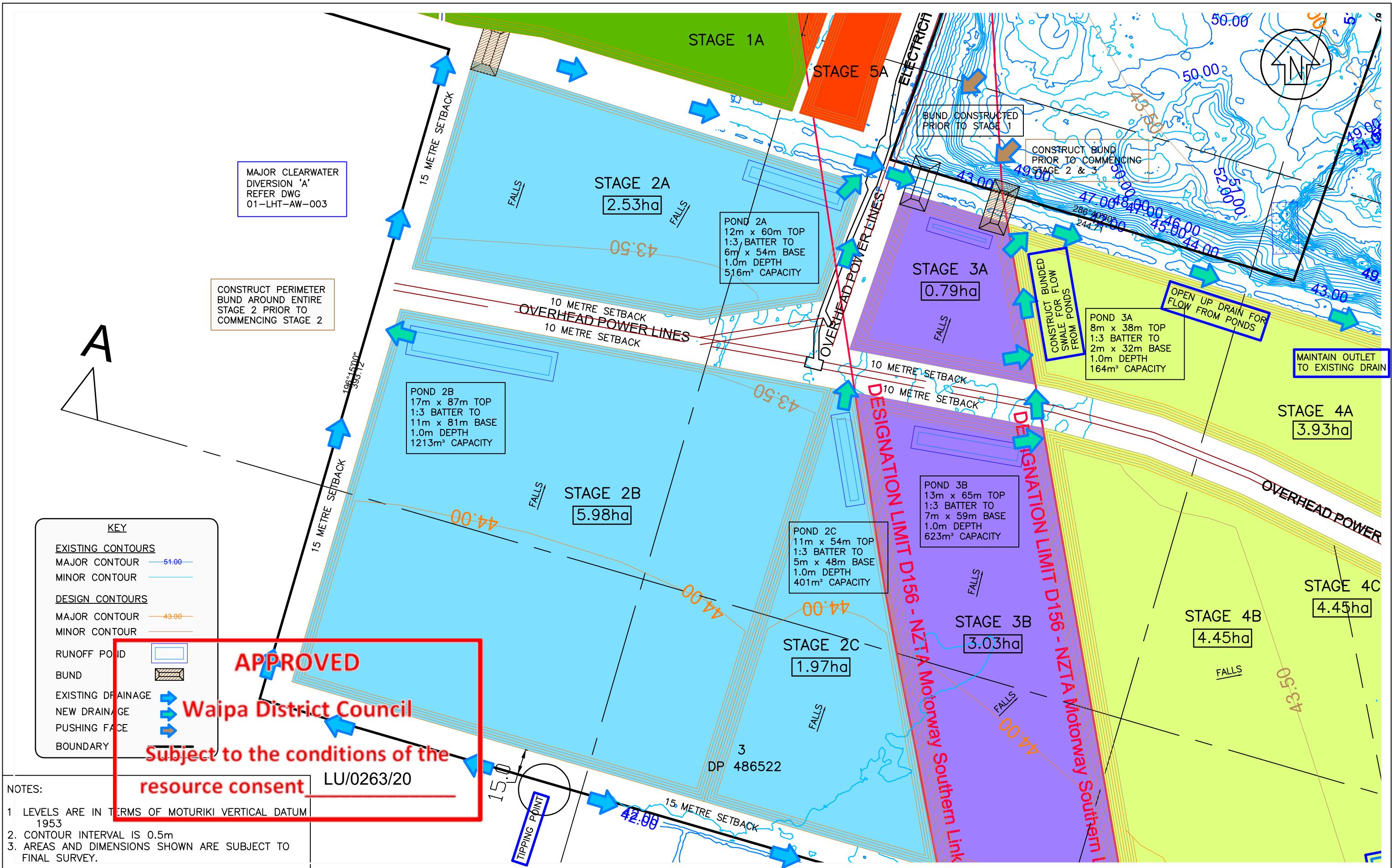
4490
ORIGINAL SCALE AT A3
1:2000

SHEET

10B
ISSUE 4

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C:\USERS\RUSSELL\NICKLIN CE\TEAM SITE - DOCUMENTS\4490 BARKER & ASSOCIATES (160 HIGGINS ROAD)\CAD\ENGINEERING PLANS\RW\4490-10A,10B,10C,10D STAGE EW FOR SW ISSUE 4.DWG



 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 STAGING PLAN OVER LOT 1 DP 372217 & LOT 3 DP 486522 AT 160 HIGGINS ROAD, HAMILTON SOUTHPARK AGRI DEVELOPMENT LTD	PLAN TITLE EARTHWORKS EXTENT STAGE 2 & STAGE 3	ALTERATION	JOB 4490	SHEET 10C
			CAD RNW	ORIGINAL SCALE AT A3 1:2000	ISSUE 4
			DATE 07 OCT 2020		
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