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07 823 3800
23 Wilson Street
Cambridge 3434

01 June 2023

LU/0279/22

Barker & Associates Ltd (Cambridge)
5/47 Alpha Street
Cambridge 3434

Digitally Delivered

Dear Sir or Madam

Decision on application for resource consent under the Resource Management Act 1991

Application number: LU/0279/22
Applicant: Southpark Agri Development Limited
Address: 160 Higgins Road, Hamilton 3204
Legal Description: Lot 2 DP 552743
Proposed activity(s): Undertake earthworks exceeding maximum permitted volume in the Rural Zone

I wish to advise you of Waipa District Council's decision to **grant** your application for resource 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.

Objections

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.

Compliance with conditions

Your resource consent permits the land use to be established at the site long as the activity complies with the stated conditions on an ongoing basis. It is important that you fully understand and comply with all the conditions of your consent.

Please notify Council's monitoring department prior to the commencement of activities associated with this consent. The role of Council's monitoring department is to monitor compliance with the conditions of consent and may involve site visits.

Council's monitoring department can be contacted on consentmonitoring@waipadc.govt.nz or 07 8233800. Please reference the consent number and address of the property when emailing or calling.

Lapsing of Consent/s

This resource consent lapses five (5) years after the commencement of the consent, unless the consent is given effect to by the end of that period.

The commencement date of a resource consent is determined by section 116 of the Resource Management Act 1991.

Yours Sincerely



Georgia King
Graduate Planner

Resource Consent

(Resource Management Act 1991)

DECISION ON APPLICATION: LU/0279/22

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 earthworks exceeding maximum permitted volume in the Rural Zone

Consent Holder: Southpark Agri Development Limited

Location Address: 160 Higgins Road, Hamilton 3204

Legal Description: Lot 1 DP 584573 as comprised in Record of Title 1100385

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 1st day of June 2023.

For and on behalf of Waipa District Council.



Quentin Budd
CONSENTS TEAM LEADER

Schedule 1

Conditions of Consent

Resource Consent No: LU/0279/22

General

- 1 The proposal must proceed in general accordance with the information submitted with the application 29 November 2022, except where another condition of this consent must be complied with. This information is entered into council records as LU/0279/22. A copy of the approved plans is attached.

Monitoring

- 2 The consent holder must notify the Waipā District Council Enforcement Team in writing prior to the commencement of activities associated with this consent.

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

- 3 The consent holder must provide written confirmation whether works are continuing under this consent to the Waipā District Council Enforcement Team Leader every six months from the commencement of the activity.

Note: Council's Enforcement Team will monitor this consent no less than every six months.

Site Management Plan

- 4 The site management plan entitled 'Site Management Plan – Cleanfill Operation, Higgins Road' dated October 2022 prepared by Barker and Associates, contained in Appendix 5 of the submitted resource consent application must be implemented and complied with for the duration of works.

Site Completion Report

- 5 Within two months of the completion of the works, the consent holder shall provide a site completion report to Council's Environmental Health Team Leader. The report shall be completed by a suitably qualified and experienced practitioner and include, but not necessarily be limited to:
 - a) Confirmation that the methods described in the SMP were followed;
 - b) A summary of the works undertaken including:
 - i) Summary of the earthworks methodology followed;
 - ii) Details of stockpile sampling undertaken in accordance with section 4 of the SMP;

- iii) Description of the deposition of soil reused on the site (if any) including location and volume;
- iv) Volume of soil removed (if any) from the site;
- c) Details of all soil samples taken, tabulated analytical results and interpretation of results;
- d) Details of any unexpected contamination encountered during the works and actions taken in respect of this;
- e) Copies of disposal receipts for any material removed from the site

Sediment and Erosion Control

- 5 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.

Quality Assurance

- 6 The consent holder must submit, from a suitably qualified and experienced Engineer, a statement of professional opinion as to the suitability of the completed earthworks.

Stockpiles

- 7 All stockpiles shall be at least 50 metres from the Hamilton City Council, Residential Zone boundaries.

Hours of Work

- 8 All earthworks and construction works shall be restricted to the hours between 7.30am to 5.00pm Monday to Friday, and 9.00am to 5.00pm Saturday and Sunday.

Reinstatement

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

Archaeological

- 10 In the event of any artefacts or remains being discovered, the applicant will cease work in the area immediately and consult with tangata whenua and other appropriate authorities in accordance with the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Any artefacts will be removed in accordance with appropriate iwi protocols and any legal requirements of the Heritage New Zealand Pouhere Taonga Act 2014 which shall be implemented prior to work recommencing in the location of the site of the artefacts or remains discovered.

Abandoned Works

- 11 If work on site is abandoned or delayed by a period of more than 3 months, adequate preventative and remedial measures shall be undertaken to control sediment discharge, dust and any adverse visual effects and shall thereafter be maintained for so long as necessary. In particular the site shall be covered by a vegetative cover which has obtained a density of more than 80% of a normal pasture sward. All other such measures shall be of a type and to a standard which are to the acceptance of the Council's Team Leader – Development Engineering.

Traffic Management Plan

- 12 Prior to construction, the consent holder shall submit a site specific traffic management plan to Council's Team Leader – Development Engineering for certification prior to the commencement of any works on the site. The traffic management plan shall at a minimum, include, but is not limited to:
- a) Control of construction access to the site and traffic control adjacent to the site;
 - b) The protection of the public;
 - c) The route that shall be used by vehicles travelling to the site;
 - d) An assessment of any issues in terms of traffic visibility, and measures proposed to improve visibility;
 - e) Details of signage to be used along the route warning local road users of increased vehicle movements and any recommended reduced speeds during the construction/event period;
 - f) The duration and likely number of vehicle movements;

The certified Traffic Management Plan shall be implemented for the duration of works. Once the traffic management plan has been approved, a copy of the certified plan shall be kept on site at all times.

Review of Conditions

- 13 Pursuant to sections 128 to 131 of the Resource Management Act 1991, Waipā District Council may serve notice on the consent holder to review any or all of the conditions of this consent for the following purposes:
- a) To review the effectiveness of the conditions of this consent in avoiding, remedying or mitigating any adverse effect on the environment that may arise from the exercise of this consent and, if necessary, avoid, remedy or mitigate such effects by way of further or amended conditions. In particular, adverse effects may relate to noise, traffic, dust and hours of work.

- b) To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including any issues arising from complaints;
- c) To review the adequacy of, or necessity for, any monitoring programmes or the Construction Management Plan and traffic management Plan that are part of the conditions of consent;
- d) To require the consent holder, if necessary and where appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment.

Waipā District Council will undertake the review in consultation with the consent holder and the actual and reasonable costs of the review must be paid pursuant to section 36 of the Resource Management Act 1991.

Schedule 2

Advisory Notes

Resource Consent No: LU/0279/22

- 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 All earthworks associated with any development of land should be undertaken in accordance with the following matters:
 - i) Carried out so as to provide sound foundations as required under NZS 4431:1989 and avoid any hazard to persons or property;
 - ii) 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.
- 3 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder may need to pay the actual and reasonable costs incurred by the Waipā District Council when monitoring the conditions of this consent.
- 4 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 silt fences, detention ponds, earth bunds, guidelines for re-vegetation.
- 5 The consent holder shall ensure that all construction activities comply with the New Zealand Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001), if necessary.

Schedule 3

Reasons for Decision

Resource Consent No: LU/0279/22

- 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. The proposal will have less than minor adverse effects on the environment and is not contrary to the relevant objectives and policies of the Waipā District Plan.
- 3 The application was processed on a non-notified basis and was approved under delegated authority without the need for a Council hearing.
- 4 Compliance with conditions relating to monitoring will avoid unnecessary site inspections being made (and inspection fees charged) by Council's Monitoring and Enforcement team.
- 5 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.

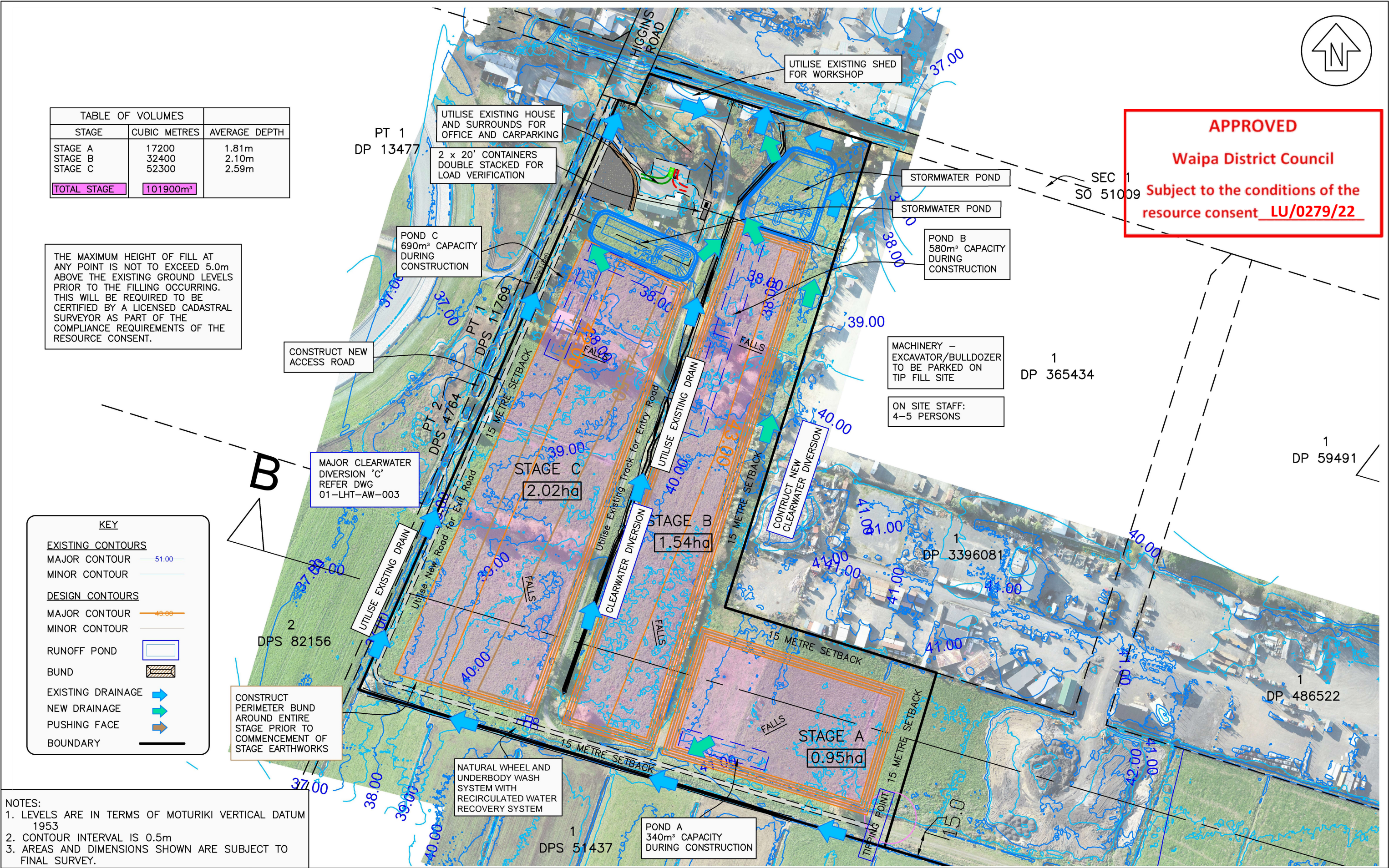


TABLE OF VOLUMES		
STAGE	CUBIC METRES	AVERAGE DEPTH
STAGE A	17200	1.81m
STAGE B	32400	2.10m
STAGE C	52300	2.59m
TOTAL STAGE	101900m³	

THE MAXIMUM HEIGHT OF FILL AT ANY POINT IS NOT TO EXCEED 5.0m ABOVE THE EXISTING GROUND LEVELS PRIOR TO THE FILLING OCCURRING. THIS WILL BE REQUIRED TO BE CERTIFIED BY A LICENSED CADASTRAL SURVEYOR AS PART OF THE COMPLIANCE REQUIREMENTS OF THE RESOURCE CONSENT.

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

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



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

EARTHWORKS AND SITE LAYOUT PLAN
OVER LOT 1 DP 372217 & LOT 3 DP 486522
AT 160 HIGGINS ROAD, HAMILTON
SOUTHPARK AGRI DEVELOPMENT LTD

PLAN TITLE

EARTHWORKS EXTENT

ALTERATION

CAD RNW

DATE 14 NOV 2022

JOB

4767

ORIGINAL SCALE AT A3

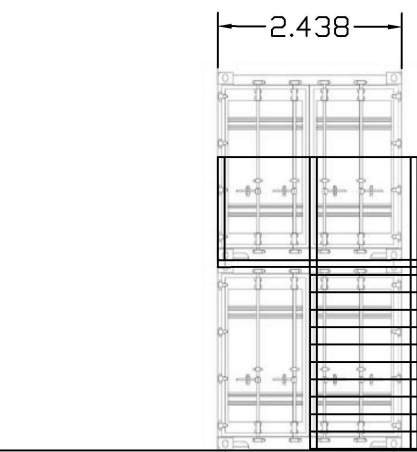
1:2000

SHEET

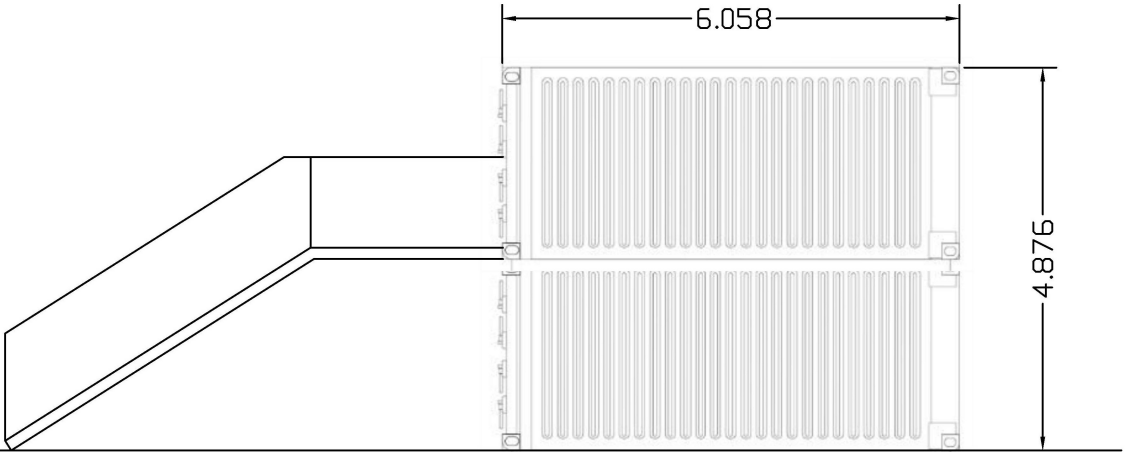
12A

ISSUE 9

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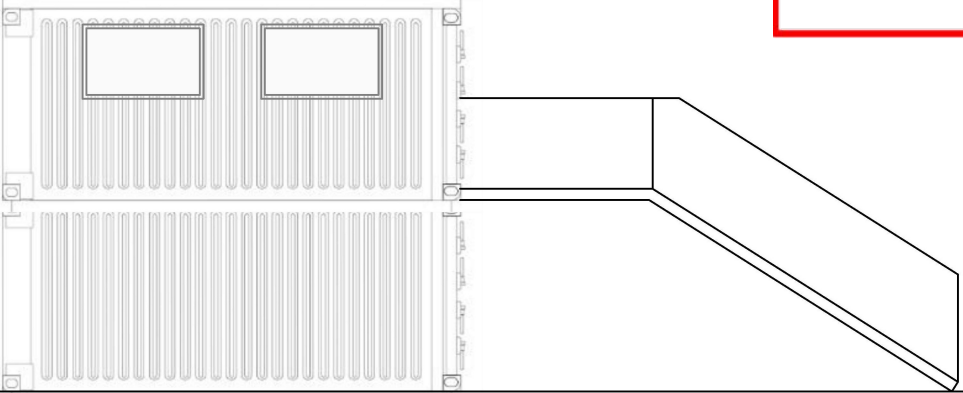


ELEVATION A
Scale 1:100

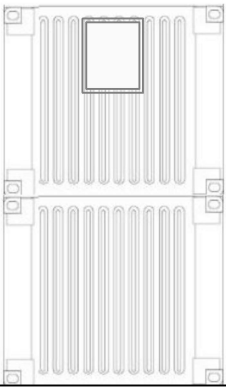


ELEVATION B
Scale 1:100

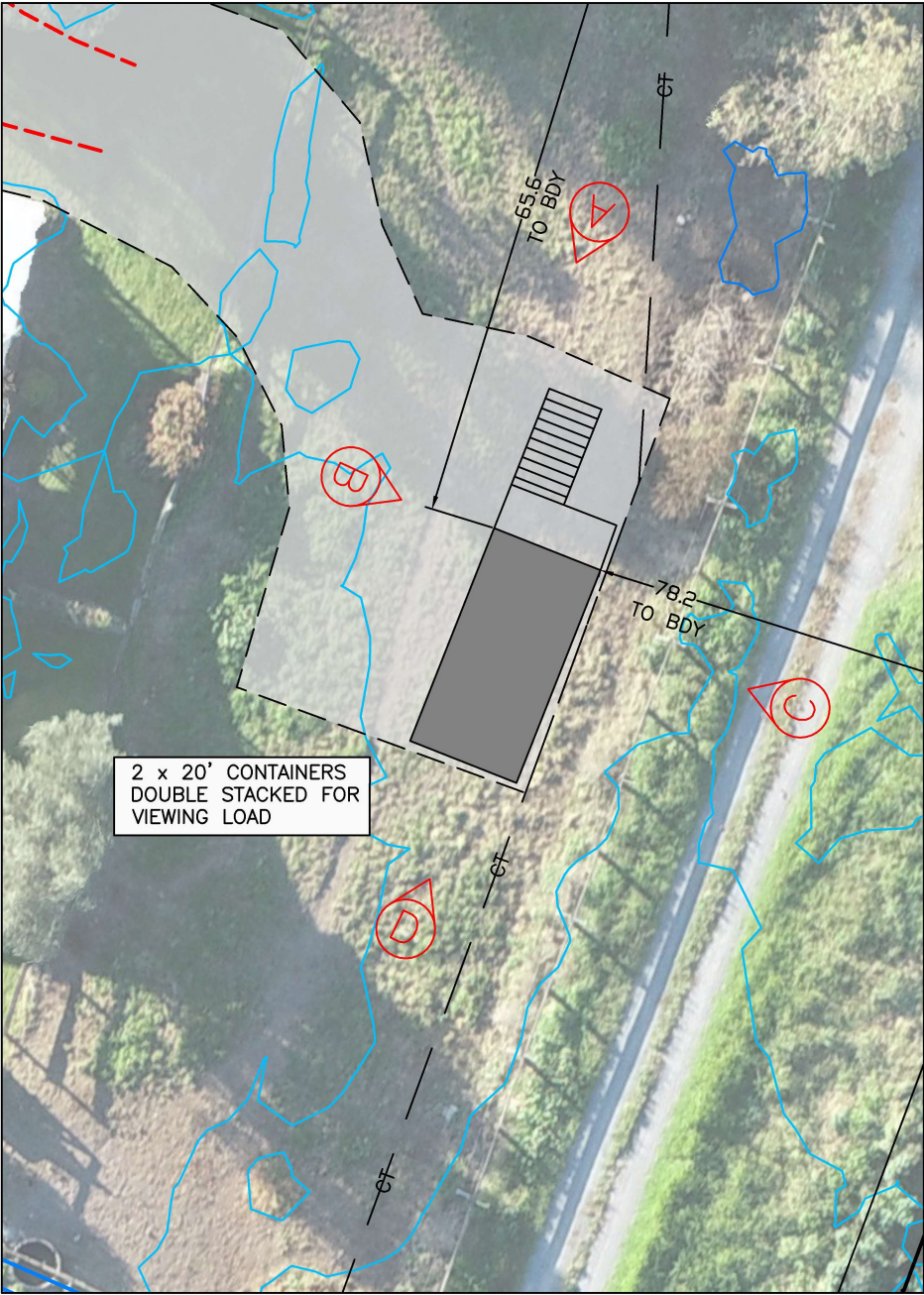
APPROVED
Waipa District Council
Subject to the conditions of the
resource consent LU/0279/22



ELEVATION C
Scale 1:100



ELEVATION D
Scale 1:100



DETAIL PLAN
SCALE 1:200



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Cambridge 3450

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EARTHWORKS AND SITE LAYOUT PLAN
OVER LOT 1 DP 372217 & LOT 3 DP 486522
AT 160 HIGGINS ROAD, HAMILTON
SOUTHPARK AGRI DEVELOPMENT LTD

PLAN TITLE
CONTAINER ELEVATIONS
ENTRANCEWAY & OFFICE

ALTERATION
CAD RNW
DATE 14 NOV 2022

JOB
4767
ORIGINAL SCALE AT A3
AS SHOWN

SHEET
12C
ISSUE 9



SURFACE TYPES		
SHOWN	IMPERMEABLE	DESCRIPTION
①	253m²	BUILDING FOOTPRINT
②	263m²	WORKSHOP
③	19m²	CONTAINERS
④	750m²	CARPARKING/DRIVE
⑤	1700m²	NEW ACCESS ROAD
⑤a	600m²	NEW HARDSTAND
⑥	1100m²	EXISTING ACCESS ROAD
⑦	9500m²	FILL 'A'
⑧	720m²	POND 'A'
⑨	15440m²	FILL 'B'
⑩	1440m²	POND 'B'
⑪	20200m²	FILL 'C'
⑫	1220m²	POND 'C'
⑬	1980m²	STORMWATER POND
⑭	1330m²	STORMWATER POND
	22350m²	GRASS/DRAINS
LOT 1 TOTAL : 7.8866 ha		

KEY	
EXISTING CONTOURS	
MAJOR CONTOUR	51.00
MINOR CONTOUR	
DESIGN CONTOURS	
MAJOR CONTOUR	40.00
MINOR CONTOUR	
RUNOFF POND	
BUND	
EXISTING DRAINAGE	
NEW DRAINAGE	
PUSHING FACE	
BOUNDARY	

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.



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EARTHWORKS AND SITE LAYOUT PLAN
OVER LOT 1 DP 372217 & LOT 3 DP 486522
AT 160 HIGGINS ROAD, HAMILTON
SOUTHPARK AGRI DEVELOPMENT LTD

PLAN TITLE
PERMEABLE SURFACES

ALTERATION
CAD RNW
DATE 14 NOV 2022

JOB 4767
ORIGINAL SCALE AT A3 1:2000

SHEET 12D
ISSUE 9

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RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH142376.01.02

File Number: 61 77 78A

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

Southpark Agri Development Limited
C/- Gareth Moran - Barker & Associates Limited
PO Box 9342
Waikato Mail Centre
Hamilton 3240

(hereinafter referred to as the Consent Holder)

Consent Type: Land Use Consent

Consent Subtype: Land - disturbance

Activity authorised: To undertake approximately 517,000m³ of earthworks and cleanfill activities including associated discharges to water and air.

Location: 160 Higgins Road, Frankton, Hamilton 3204

Map reference: NZTM 1798701.2600 E 5813199.0300 N

Consent duration: This consent will commence on the date of decision notification 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 12 October 2020 (WRC Doc # 17408990), 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 the Waikato Regional Council with an updated Erosion and Sediment Control Plan (ESCP), at least 10 working days prior to the commencement of activities authorised by this consent. The objective of the ESCP shall be to minimise sediment discharge from the site to the extent practicable over the earthworks period.

8. 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 discharge from the site;
 - b) The design criteria and dimensions of all key erosion and sediment control structures;
 - c) A site plan of a suitable scale to identify;
 - i. The locations of waterways;
 - ii. The extent of soil disturbance and vegetation removal;
 - iii. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses;
 - iv. Areas of cut and fill;
 - v. Locations of topsoil stockpiles;
 - vi. All key erosion and sediment control structures;
 - vii. The boundaries and area of catchments contributing to all stormwater impoundment structures;
 - viii. The locations of all specific points of discharge to the environment; and
 - ix. Any other relevant site information.
 - d) Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
 - e) Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
 - 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) Procedures and timing for review and/or amendment to the E&SCP; and
 - i) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.

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.

9. 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.
10. 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.
11. 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. 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 structure (dead storage and live storage measured to the top of the primary spillway); and
- c) Shape and dimensions of structure; and
- d) Position of outlets; and
- e) Stabilisation of the structure; and
- f) Compliance with the Waikato Regional Council document titled "Erosion and Sediment Control Guidelines for Soil Disturbing Activities January 2009" (Technical Report No. 2009/02); and
- g) Compliance with any relevant conditions of this consent.

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.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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

19. The consent holder shall ensure that the site is appropriately stabilised by 30 April of each year unless otherwise approved in writing by the Waikato Regional Council. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural and including, pavement, metalling, hydro-seeding, re-vegetation and mulching) that will minimise erosion of exposed soil to the extent practical.
20. Earthworks and cleanfill discharge 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.
21. 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 at least 10 working days before works commencement for the year 2020 and by 1 April for any subsequent year that this consent is current and shall be in the form of amendments to the E&SCP in accordance with condition 7 of this consent.

Advice Note: In considering a request for the continuation of winter earthworks, the Waikato Regional Council will consider a number of factors; including:

- The nature of the site and the winter soil disturbance works proposed;
- The quality of the existing/proposed erosion and sediment controls;
- The compliance history of the site/operator;
- Seasonal/local soil and weather conditions;
- Sensitivity of the receiving environment; and
- Any other relevant factor

Cleanfill Management

22. 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.”

23. 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

- 23A. 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 23, 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 23.
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 517,000 cubic metres.

Flocculation

27. If the discharge standard in Condition 22 is not met, the consent holder shall include flocculation treatment in all sediment retention devices (i.e. sediment retention pond or decanting earth bund) for the purpose of reducing sediment discharges from the site, unless the Waikato Regional Council approves otherwise in writing.
28. Prior to the commissioning of any flocculation treatment system, the consent holder shall provide the Waikato Regional Council with a draft Flocculation Management Plan (FMP). The FMP shall be submitted to the Waikato Regional Council for approval – acting in a technical certification capacity - prior to bulk earthworks commencing. The FMP shall include as a minimum:
 - a) An analysis identifying which devices require flocculation, this analysis taking into account;
 - i. The soil's reactivity to flocculants based on soil tests;
 - ii. The size of the contributing catchment that the device is treating;
 - iii. The likely duration of the device's use;
 - b) Specific design details of the flocculation system;
 - c) Monitoring (including pH and any other testing procedures), maintenance (including post storm) and including a record system;
 - d) Details of optimum dosage (including assumptions);
 - e) Results of any initial flocculation trial;
 - f) A spill contingency plan;
 - g) Contact details of the person responsible for the operation and maintenance of the flocculation treatment system and the organisational structure to which this person shall report.
29. Any changes proposed to the FMP 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.
30. Unless site specific analysis provides evidence to the contrary, as detailed in the FMP, the consent holder shall ensure that:
 - a) The soluble aluminium concentration of any device discharge shall not exceed 0.2 grams per cubic metre;
 - b) The pH of any device discharge shall not be less than 6.5 or greater than 8.5 pH units
31. The consent holder shall undertake all activities authorised by this consent in accordance with the certified FMP and any certified changes.

Machinery

32. 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.
33. 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

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
- a) The consent holder shall record the following in a daily log:
 - b) Any dust control equipment malfunctions and any remedial action(s) taken;
 - c) Any visible emission of dust and the source;
 - d) Wind direction
 - e) The frequency of water cart use and the volume of water applied;
 - f) The volume of water used for dust suppression other than water cart use; and
 - g) The date and signature of the person entering the information.

Monitoring and Maintenance

39. 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.
40. 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.

41. 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.
42. 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.

43. The results of the stormwater discharge samples collected from shall not have a suspended solids concentration greater than 100 grams per cubic metre.
44. 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

45. 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

- 46. All construction entranceways to the site shall be stabilised with aggregate or similar non-erosive cover to the satisfaction of the Waikato Regional Council.
- 47. The site shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the site. The consent holder shall monitor and maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any watercourse.
- 48. The 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.
- 49. 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

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

Complaints

51. 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 54.

52. 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.
53. 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

- 54. 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.
- 55. 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

Review

- 56. The Council may, within three months of January 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 Plans or Policies.

Advice Notes

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 written notice to Waikato Regional Council, on the same conditions and for the same use as originally granted (s.137 RMA).
4. The consent holder may apply to change the conditions of the resource consent (except for the duration) at any time (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. "Non-routine" inspections will be made on other occasions if there is reason to believe (e.g. following a complaint from the public or from a monitoring inspection) that the consent holder is in breach of the conditions of the resource consent. The cost of non-routine inspections and analyses will be charged to the consent holder in the event that non-compliance is determined, or if the consent holder is deemed to not be fulfilling the obligations specified in section 17(1) RMA as shown below: "Every person has the duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried out, by or on behalf of that person, whether or not the activity is in accordance with a rule in a plan, a resource consent, section 10, section 10a or section 20."
7. 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.
8. 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.
9. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact Heritage New Zealand if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological sites(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

In terms of s116 of the Resource Management Act 1991, this consent commences on 25 January 2021.