

Resource Consent

(Resource Management Act 1991)



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DECISION ON APPLICATION: LUC0489/18

Pursuant to Sections 34A(1), Section 104, 104B and 108 of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants land use consent for a Discretionary Activity to

Activity: Earthworks in the Rural-Residential zone which exceed the maximum volume, area, cut/fill heights including exceeding the earthworks within 10m of a stream and for the deposition of cleanfill exceeding the maximum volume.

Applicant: Hughes Developments Limited

Location Address: 99 Escotts Road Tuakau

Legal Description: Lot 1 DP 169701 comprised in Computer Freehold Register SA102A/293

This consent is subject to the conditions detailed in the attached Schedule 3.

The reasons for this decision are detailed in the attached Schedule 4.

A handwritten signature in blue ink, appearing to read "J. Wigg", written over a horizontal line.

CONSENTS TEAM LEADER

Dated: 25 June 2018

Schedule 3

Conditions of Consent

Resource Consent No: LUC0489/18

General Conditions

- 1 The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0489/18 and officially received by Council on the 4th of April 2018 and additional information received on the 2nd of May 2018 except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.
- 2 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 3 The maximum amount of earthworks shall be no more than 34,000m³ and the maximum volume of cleanfill deposition shall be 6,000m³ over an 8.9 Ha area and maximum cut/fill height of 4.5m. In addition, the maximum earthworks volume within 10m of the stream shall be 950m³ over a 2,900m² area.
- 4 The Consent Holder shall ensure that all fill imported to the site meets the following definition of cleanfill.

Cleanfill means any material that has no potential or actual ability to adversely affect the environment. This material should be of a natural origin such as clay, rock and soil, and other material, such as clean concrete, brick and demolition products that are free of combustible and organic materials, substantially free of voids, and not subject to biological breakdown.

- 5 All construction work on the site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits in the following table. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.

Time	Weekdays (dBA)		Saturdays (dBA)	
	L _{eq}	L _{max}	L _{eq}	L _{max}
0700 - 0730	55	75	45	75
0730 - 1800	70	85	70	85

- 6 Hours of operation (including start up of machinery) is restricted to the following:
- Monday to Friday: 7am to 6pm
 - Saturday: 7am to 1pm
 - and at no time on Sundays or Public Holidays

Prior to Works

- 7 Prior to importing any cleanfill to the site, the Consent Holder shall submit a Cleanfill Management Plan to the Waikato District Council.

The Cleanfill Management Plan shall be designed to ensure that the management of the cleanfilling activities on site is undertaken in accordance with the conditions of this consent and shall set out the practices and procedures to be adopted in order to minimise the adverse effects arising from the cleanfilling activities.

The Cleanfill Management Plan shall be to the satisfaction of Waikato District Council's Team Leader: Monitoring.

The Cleanfill Management Plan shall be in accordance with 'A Guideline to the Management of Cleanfills (2002)' or any document that supersedes this document prepared by the Ministry for the Environment.

The Cleanfill Management Plan shall include at a minimum, the following:

- (i) Details of the operational procedures and monitoring that will be implemented to prevent unauthorised or contaminated material from entering the site. This shall include procedures that:
 - (a) Include a list of all material to be accepted in the cleanfill;
 - (b) Identify the source location (property address) of cleanfill imported to the site including identification of land uses carried out at the source location; and
 - (c) Ensure that fill from source locations associated with land use activities that appear on the Ministry for Environment 'Hazardous Activities and Industries List' is not brought onto the site unless investigated in accordance with the Ministry for Environment 'Contaminated Land Management Guidelines' and shown not to be contaminated.
 - (d) Ensure that no material is accepted into the site where drilling fluids have been used during excavation of such material
- (ii) Procedures to record the name and address of contractors dumping the fill on the site;
- (iii) Detail how rejected material will be stored pending disposal to an authorised landfill, including likely authorised landfill and the period of time the rejected material will be stored pending removal;
- (iv) Construction procedures to ensure the long term stability of cleanfill areas;
- (v) A testing regime in accordance with the recommendations of Ministry for the Environment's 'A Guide to the Management of Cleanfills, 2002' and with the requirements of the Regional Council consent for the cleanfilling operation
- (vi) Cleanfill loads inspection and checklist formats;

- (vii) Maintenance, monitoring and inspection procedures;
- (viii) Incident section relating to the recording and auctioning of complaints
- (ix) Contingency and mitigation measures;

8 Prior to commencing any engineering design or construction works, the Consent Holder shall appoint appropriately qualified and competent **Developer's Representative/s**, acceptable to Waikato District Council, to provide all designs, supervision, certification and final signoff, in accordance with the requirements of the Hamilton Infrastructure Technical Specifications (ITS).

Advice Note:

The ITS can be found under the following link: <http://www.hamilton.govt.nz/our-council/council-publications/manuals/Pages/Proposed-Infrastructure-Technical-Specifications.aspx>

It is recommended that the Consent Holder and Developer's Representative/s read and understand the ITS prior to commencement of engineering design or physical works.

9 The consent holder shall notify Waikato District Council's Team Leader-Monitoring, in writing, of their intention to begin works prior to commencing works. Such notification shall include the following details:

- (a) Name/s and telephone number/s of the accepted **Developer's Representative/s**.
- (b) Site address to which the consent relates.
- (c) Works intended to be undertaken.
- (d) Expected duration of works.

Advice note

To notify Waikato District Council Monitoring Department, email monitoring@waide.govt.nz with the consent number, address of property and date for when the works will commence.

10 Prior to undertaking any soil disturbing activities, the Consent Holder shall install erosion and sediment control measures in accordance with the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009. Once the earthworks are complete, the Consent Holder shall ensure that, as soon as possible, and within a maximum of 1 month, the areas where soil disturbing activities were undertaken are revegetated (or by other approved means) to achieve a minimum 80% coverage.

Erosion and sediment controls shall be maintained and remain in place until (at least) the minimum required cover is achieved, and may only be removed once the Waikato District Council's Team Leader-Monitoring is satisfied that the risk from erosion and instability has been reduced to a less than minor risk and has provided approval in writing.

During Works

- 11 All earthworks activities carried out on site shall be conducted and managed in accordance with the Dust Management Plan prepared by CivilPlan Consultants Limited unless otherwise required through the conditions of this resource consent or those of any regional council consent for the proposed earthworks.
- 12 During earthworks, the site shall be managed in such a way that dust emissions do not cause an objectionable effect beyond the boundaries of the site to the satisfaction of Waikato District Council's Team Leader Monitoring.

Advice Note:

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

- The frequency, intensity, duration, location and effect of dust emission(s); and/or,
- Receipt of complaints from neighbours or the public; and/or,
- Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been received.

- 13 If so required by the Waikato District Council, the consent holder shall carry out immediate sealing of any problematic dust generating surfaces within the site using hydro-seed/hydro-mulch (or similar paper maché based product), polymer soil stabilisers or a similar dust control product to provide instant remediation of dust effects to the satisfaction of the Waikato District Council.
- 14 Management of the earthworks shall be in general accordance with the application document and appendices provided, unless otherwise agreed, in writing with Waikato District Council's Team Leader-Monitoring.
- 15 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. Appropriate methods of site stabilisation may include re-spreading of topsoil and grassing, hay mulching or placement of aggregate surfaces (roads/building platforms). The consent holder shall monitor and maintain the site until stabilisation is achieved to such an extent that it prevents erosion and prevents sediment from entering any watercourse.

Complaints

- 16 If any complaints are received by the consent holder regarding the activities authorised by this consent, the consent holder shall notify the Waikato District Council's Team Leader-Monitoring of those complaints as soon as practicable and no longer than one working day. When/if complaints are received; the consent holder shall record the following details in a Complaints Log:
 - i. Time and type of complaint, including details of the incident, e.g. duration, any effects noted;
 - ii. Name, address and contact phone number of the complainant (if provided);
 - iii. Location from which the complaint arose;
 - iv. The weather conditions and wind direction at the time of any dust or noise complaint;

- v. The likely cause of the complaint;
- vi. The response made by the consent holder including any corrective action undertaken by the consent holder in response to the complaint; and
- vii. Future actions proposed as a result of the complaint.

The register shall be available to the Waikato District Council at all reasonable times. Complaints received by the consent holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Waikato District Council's Team Leader-Monitoring in writing within 24 hours of the complaint being received.

Advisory Notes

1 Lapse Date

This Resource Consent for land use lapses five years after the commencement of the consent, unless:

- (a) the Consent is given effect to prior to that date.
or
- (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

2 Other consents/permits may be required

To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Hamilton City Council Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

3 Health and Safety at Work (Asbestos) Regulations 2016

Regulation 21 of the Asbestos Regulations 2016 requires that asbestos must be identified and removed before demolition of a structure or plant.

Regulation 34(1) of the Asbestos Regulations 2016 Notification requires that notification be made to WorkSafe New Zealand at least 5 days before work commences. Under Regulation 34(2), there are circumstances where licensed asbestos removal work can begin immediately.

The form for notification of licensed asbestos removal can be found at: <http://forms.worksafe.govt.nz/asbestos-removal-notification>.

All material containing asbestos and any affected soil shall be disposed of at a suitably licensed facility.

In addition to contacting Work Safe New Zealand, it is requested that you also contact Council's Monitoring Department at monitoring@waidc.govt.nz with the consent number, address of property and date of when works ceased.

4 Archaeological sites may be **affected** by the proposal

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 immediately stop work and contact Heritage New Zealand Pouhere Taonga 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 or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

In addition to contacting Heritage New Zealand Pouhere Taonga, it is requested that you also contact Council's Monitoring Department at monitoring@waidc.govt.nz with the consent number, address of property and date of when works ceased.

5 Enforcement Action

Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act (1991).

Debris

- 6 The consent holder should take all practical measures to ensure that any debris tracking/ spillage onto any public roads as a result of the exercise of this consent shall be removed as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by the Waikato District Council's Roding Area Engineer, to the satisfaction of the Waikato District Council's Team Leader-Monitoring.

The consent holder, upon becoming aware of the need to clean up the roadway, shall advise Waikato District Council's Roding Area Engineer of the need for the road to be cleaned up, and what actions are being taken to do so.

The cost of the cleanup of the roadway and associated drainage facilities, together with all temporary traffic control, should be the responsibility of the consent holder.

Schedule 4

Reasons for Decision

Resource Consent No: LUC0489/18

- 1 The actual and potential effects created by the proposal are acceptable because:
 - The applicant proposes to undertake the earthworks between the hours of 7am to 6pm Monday to Friday and limited hours during Saturday with no works on Sundays or Public Holidays.
 - The future development of the land is anticipated by the District Plan zoning for the area and as such any effects in this regard are considered to be in keeping with those effects anticipated by the District Plan.
 - Council's Senior Land Development Engineer, Chris Gatehouse and Council's Intermediate Land Development Engineer, James Templeton, have assessed the application and have raised no issues with the dust controls that have been proposed by the applicant as a part of the DMP.
 - Conditions of consent will ensure that earthworks only occur during these times and days and that noise restrictions in terms of NZS 6803:1999 Acoustics – Construction Noise are not exceeded
 - The works are for a relatively short duration. Council's Senior Land Development Engineer, Chris Gatehouse & Council's Intermediate Land Development Engineer, James Templeton, has assessed the application and has raised no issues with the traffic movements proposed.
- 2 The proposal is consistent with the objectives and policies of the District Planning documents.
- 3 The proposal is consistent with the operative Waikato Regional Policy Statement, and all other relevant matters.
- 4 Overall the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.