

APPENDIX I

Draft Conditions

Conditions:

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 LUC0329/20 and officially received by Council on 07 April 2020 and further information received 07 June 2021, 21 September 2020, 04 November 2020, 16 November 2020, 11 March 2021, 18 March 2021, and 24 March 2021 except as amended by the conditions below. These plans are labelled below, and are prepared by Technitrades Architects Ltd:

- Overall Site and Location Plan, dated 16 December 2020, referenced 2998-B01, revision J
- Existing Site Plan, dated 10 February 2020, referenced 2998-B02, Revision A
- Proposed Site Plan, dated 16 December 2020, referenced 2998-B03, revision J
- Drainage & Levels Plan, dated 16 December 2020, referenced 2998-B04, revision G
- Storage and Dispensing Plan, dated 16 December 2020, referenced 2998-B05, revision G
- Explosive Atmosphere Areas Plan, dated 16 December 2020, referenced 2998-B06, revision G
- Explosive Atmosphere Areas Elevations, dated 09 December 2020, referenced 2998-B07, revision G
- Earthworks Plan, dated 16 December 2020, referenced 2998-B08, revision H
- Proposed Long Elevations, dated 16 December 2020, referenced 2998-09, revision E
- Gull Wing and Dispenser Plan and Elevations, dated 10 February 2020, referenced 2998-10, Revision A
- Gull ID Sign plan and Elevations, dated 09 December 2020, referenced 2998-B11, revision C
- Services Shed Plan and Elevations, dated 10 February 2020, referenced 2998-B12, revision A
- Stormwater Category Plan, dated 16 December 2020, referenced 2998-B13, revision G
- Proposed Public Drainage Plan, dated 06 March 2020, referenced 2998-B14, revision B

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 Consent Holder shall ensure that the earthworks are undertaken in accordance with the earthworks plan prepared by Technitrades Architecture Ltd, dated 10 February, referenced 2998-B08. The earthworks shall not exceed the following amounts:
 - (a) A maximum volume of 872 m³
 - (b) A maximum depth of excavation of 6.0 m.
- 4 The Consent Holder shall ensure that the pylon sign is constructed in accordance with the Gull ID Sign Plan, prepared by Technitrades Architecture Ltd, dated 12 September 2020, referenced 2998-B1 I, Revision C. The sign shall not exceed 6.0 m in height.
- 5 The Consent Holder shall ensure that the western vehicle crossing is constructed no wider than 7 m.
- 6 The Consent Holder shall ensure that the fuel dispensers labelled '5 and 6' on the approved plans shall be constructed no closer than 0.7 m from the eastern entrance on the property and 2.9 m from the western entrance.
- 7 The Consent Holder shall ensure that the constructed exterior lighting installation does not exceed the following:
 - (a) 10 Lux measured horizontally or vertically at any point along the site boundary
 - (b) 2 Lux measured horizontally or vertically at any window of a habitable room, of a legally established dwelling
 - (c) 1000 candelas measured at any window of a habitable room, of a legally established dwelling
- 8 The Consent Holder shall ensure that all construction and operation of the service station is operated in accordance with the 'Unmanned Service Station Environmental Management Plan – Gull Pokeno', prepared by Gull New Zealand Limited, as approved in the consent application.

9 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:

- a) Time and type of complaint, including details of the incident, e.g. duration, any effects noted;
- b) Name, address and contact phone number of the complainant (if provided);
- c) Location from which the complaint arose;
- d) The weather conditions and wind direction at the time of any dust or noise complaint;
- e) The likely cause of the complaint;
- f) The response made by the consent holder including any corrective action undertaken by the consent holder in response to the complaint; and
- g) 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.

Prior to Construction

10 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 Regional Infrastructure Technical Specifications (RITS).

11 The Consent Holder shall notify Waikato District Council's Team Leader-Monitoring, in writing, of their intention to begin works, a minimum of fourteen days 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.

- 12 Prior to undertaking any construction works, the Consent Holder shall submit for approval of Waikato District Council, Engineering Design Details and Plans, prepared by a suitably qualified and experienced Engineer, including but not limited to:
- (a) A Stormwater design plan, in accordance with RITS, that includes:
 - (i) The primary system shall be designed to cater for all runoff from each proposed catchment, for a 50%AEP, 10 minute storm event (with a 16.8% allowance for climate change). It is also to be demonstrated that the receiving reticulated network can accept the discharge without surcharge.
 - (ii) All flows in excess of the 50%AEP storm event and up to and including the 1%AEP storm event (with a 16.8% allowance for climate change) are to be contained within defined overland flowpaths.
 - (iii) All defined overland flowpaths crossing private property will require an easement in gross to Waikato District Council. The easement shall fully cover the extent of the 1% AEP storm (with a 16.8% allowance for climate change).
 - (iv) The location of stormwater lines and manholes and associated easements in gross in favour of Waikato District Council, shall be generally within 1.5m of any boundary or as agreed to by Waikato District Council's Land Development Engineer.
 - (b) A Design Plan for connection to a reticulated water supply that is part of the works, and shall be designed in general accordance with the plans provided with the application except where changed by conditions of consent.
- 13 The Engineering Design Details and Plans shall be in accordance shall include installation of water meters outside the property boundary in accordance with Waikato District Council drawing WDC-11 and to the satisfaction of Waikato District Council's Senior Land Development Engineer.
- 14 Engineering designs for the overall project shall be undertaken in accordance with the following documents:
- The Waikato District Plan (Franklin Section);
 - The Pokeno Structure Plan;
 - Waikato Regional Infrastructure Technical Specifications (RITS),
 - The Approved Plans (attached); and
 - Any proposed departures from the RITS shall be noted in a design Statement accompanying the engineering approval plans, for approval by the Team Leader, Land Development Engineering at Waikato District Council.

These designs/plans shall be accompanied by a completed Producer Statement Design (PSI). A copy of the form is attached with this consent.

15 Prior to commencing any construction works the Consent Holder must submit for the approval of Waikato District Council, engineering design details and plans, prepared by a suitably qualified and experienced Traffic Engineer, including but not limited to:

- (a) Vehicle crossing design, including the raised and textured coloured surfacing as indicated in Figure 9 of the Transportation Peer Review (Gray Matter, 30 July 2020), or as approved by Team Leader, Land Development Engineering, at Waikato District Council.
- (b) The location of the ID (Pylon) sign, being a minimum setback of 1m from the boundary on Great South Road, along the Market Square boundary.
- (c) Landscape planting layout, ensuring that planting does not exceed 600mm in height in the following zones:
 - (i) along the site frontage boundary with Great South Road;
 - (ii) over a 1m length along the Market Square boundary measured from the Great South Road boundary; and
 - (iii) in berm areas adjacent to the zones identified in i) to ii).
- (d) Fencing layout, for a 400 mm high white picket fence to be constructed in front of any landscape planting identified in part c) above
- (e) Removal of existing vegetation from roadside berm in front of 80 Great South Road (opposite Pokeno Road).
- (f) Relocation of the fence at 80 Great South Road onto the property boundary.
- (g) Signage and markings on site to mark Crossing B as “Exit Only”. The design plans must be in accordance with the Waikato Regional Infrastructure Technical Specifications (RITS), to the satisfaction of the Waikato District Council.
- (h) Demonstrating that at least 90 metres in sight distance is provided from Crossing B to the north.
- (i) In addition to the above, the engineering design details and plans shall also take into account the following design guidelines:
 - (i) The hardstand area comprising some variety in surface treatments beyond markings, to visually break up the space, and to also help define areas such as vehicle passageways, access, and fuelling/loading space where appropriate.
 - (ii) Use of inset pavers to highlight the vehicle crossing where it meets the footpath.
 - (iii) Surface treatments to differentiate the surface hardstand from the footpaths
 - (iv) Surface treatments for the vehicle crossing to appear visually distinct from the forecourt, but similar to the footpath
 - (v) Any other requirements in the Landscape Planting/Fencing Plan approved as part of this consent

- 16 The Consent Holder shall provide a Landscape Planting/Fencing Plan to the satisfaction of the Team Leader, Monitoring, at Waikato District Council. The Landscape Planting/Fencing Plan shall be prepared by a suitably qualified and experienced Landscape Architect or Urban Design Expert, and take into account the design elements of the Landscape Planting/Fencing Plan included in the application, prepared by Technitrades Architecture, dated 16 December 2020, referenced 2998-B03, including:
- (a) Hedge planting no more than 600 mm high on the Great South Road frontage, and also on the boundaries of Market Street and Church Street where necessary to provide site visibility per the approved engineering detailed design plans.
 - (b) Hedge planting no less than 1.0 m high on all other boundaries, with the exception of the location of the ID (pylon) sign.
 - (c) A 400 mm high white picket fence to be constructed in front of hedge planting subject to the 600 mm height restriction.
 - (d) A 900 mm high white picket fence to be constructed in front of all other hedges.
- 17 The Consent Holder shall arrange for an independent detailed design road safety audit of the proposed vehicle crossings to be undertaken in accordance with the 'Road Safety Audit Procedures for Project Guidelines, May 2013'. A copy of the road safety audit shall be provided to the Team Leader, Land Development Engineering, Waikato District Council. Any audit recommendations and design changes arising from the road safety audit shall be agreed with the Team Leader, Land Development Engineering, Waikato District Council, prior to construction being undertaken.

Construction Management Plan (CMP).

18 The Consent Holder must submit a Construction Management Plan (CMP) to the Monitoring Team Leader, Waikato District Council for approval a minimum of 10 working days prior to the commencement of activities associated with this consent.

The objectives of the CMP are to:

- (a) Establish procedures to identify, control and manage any adverse effects from earthworks within the site;
- (b) To ensure the integrated management of these activities to ensure compliance with earthworks consent conditions; and
- (c) To minimise the potential for off-site nuisance or adverse effects associated with earthworks and construction traffic.

The CMP shall include, but not be limited to, the following:

- (a) The staging of works planned and the description of works including site plans.
- (b) Communications Plan.
- (c) Detailed management procedures for fill placement, treatment and/or stockpiling.
- (d) Detailed management procedures for erosion & sediment control.
- (e) Dust control plan.
- (f) Machinery to be used on site.
- (g) Clarification of number of persons to be engaged in site works.
- (h) Hours of work.
- (i) Noise management.

Construction Traffic Management Plan

- 19 At least twenty (20) working days prior to the Commencement of Construction, the consent holder shall prepare a Construction Traffic Management Plan (CTMP) relative to the construction being undertaken and submit it to the Team Leader, Land Development Engineering, at Waikato District Council for certification.

The objectives of the CTMP are to:

- (a) Establish procedures to identify, control and manage any adverse effects from earthworks and construction traffic within the site;
- (b) To ensure the integrated management of these activities to ensure compliance with earthworks consent conditions; and
- (c) To minimise the potential for off-site nuisance or adverse effects associated with earthworks and construction traffic.

The CTMP shall include (but not be limited to) the following matters:

- (a) Details of the works, intended construction timetable and hours of operation;
- (b) An approved temporary traffic management plan in accordance with COPTTM;
- (c) Details of a single access point from Great South Road for construction vehicles and measures to be adopted at the access point to ensure a safe traffic environment for other road users, including pedestrians and cyclists.
- (d) Specific construction site traffic management measures (such as ensuring sufficient space is maintained within construction site(s) to prevent vehicles queuing on the street (or other publicly accessible spaces) and avoiding deliveries and heavy vehicles during peak traffic periods) to ensure that construction traffic does not affect the efficiency and safety of other vehicles, pedestrians, cyclists and other users within the vicinity of the works;
- (e) Methods to provide for the safe movement of vehicles and pedestrians to and from all surrounding properties on Church Street (north) and Market Street (north);
- (f) Measures to manage vehicle traffic and reduce parking demands associated with construction staff. Contractor parking shall not take place on Great South Road;
- (g) Methods to control dust, debris on roads and silt laden runoff from construction traffic, such as the erection of silt fence, stabilised entranceways and cut off drains as necessary.

- 20 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.

- 21 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 Construction

- 22 The Consent Holder shall ensure that all construction shall take place in accordance with the below plans approved as part of this consent:
- a) The engineering detailed design and plans for Stormwater management, water supply connection, and traffic/vehicle crossing design and detail.
 - b) The Construction Management Plan.
 - c) The Construction Traffic Management Plan.
- 23 All earthworks 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.

Management of the Earthworks shall be in general accordance with the application document and the approved Dust Management methods in the approved Construction Management Plan, unless otherwise agreed, in writing with 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.

- 24 The consent holder shall 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 Roading 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 Roading 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 clean-up of the roadway and associated drainage facilities, together with all temporary traffic control, shall be the responsibility of the consent holder.

- 25 Any works undertaken within the Great South Road road reserve area shall be managed to ensure that the surface of the Great South Road (including any temporary road diversions) is maintained in a suitable, trafficable condition to minimise any adverse effects upon local road users and to the satisfaction of the Team Leader, Land Development Engineering, at Waikato District Council.
- 26 Any fill areas shall be undertaken in accordance with NZS4431:1989 (Code of Practice for Earthfill for Residential Development) unless otherwise approved by the Team Leader, Land Development Engineering, at Waikato District Council.
- 27 Earthworks shall be within the hours of 7.00 am – 5.00 pm Monday to Friday, and 7.30 am – 1.30 pm on Saturdays. There shall be no earthworks on Sundays or Public Holidays.
- 28 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.

29 In the event of any archaeological artefacts being discovered the works shall, in the vicinity of the discovery, cease immediately and the Waikato District Council, New Zealand Historic Place Trust and representatives of local iwi (where artefacts are of Maaori origin) shall be notified within 24 hours. Works may recommence on the written approval of the Waikato District Council after considering:

- (a) Tangata Whenua interests and values;
- (b) Protocols agreed upon by Tangata Whenua and the consent holder;
- (c) The consent holders interests;
- (d) Any Historical Places Trust authorisations; and
- (e) Any archaeological or scientific evidence.

30 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}
0630 - 0730	60	75	45	75
0730 - 1800	75	90	75	90
1800 - 2000	70	85	45	75
2000 - 0630	45	75	45	75

Post Construction and Prior to Operation

31 Erosion and sediment controls must be maintained and remain in place until the Waikato District Council’s Team Leader Monitoring is satisfied that the risk from erosion has been reduced to less than minor, and the consent holder is advised of this in writing.

32 The Consent Holder shall provide evidence to the Team Leader, Monitoring, as Waikato District Council that the trees in the Church Street Road Reserve immediately to the northwest of the site have been removed, and also the fencing within this space.

- 33 A “Producer Statement – Construction” shall be provided for each separate works undertaken by each individual Contractor.
- (An acceptable format for “Producer Statement – Construction” can be found in the Waikato Regional Infrastructure Technical Specifications. A copy of the form is attached with this consent.).
- 34 A “Certificate of Completion of Development Works” prepared and signed by a Chartered Professional Engineer, shall be provided to confirm that all works in terms of the design plans submitted and approved by Council have been carried out in accordance with the approved plans, appropriate standards and all relevant reports.
- 35 In the next planting season following completion of site works, the Consent Holder shall undertake landscape planting and construct fencing in accordance with the Landscape Planting/Fencing Plan approved as part of this consent, to the satisfaction of the Team Leader, Monitoring, at Waikato District Council.

During Operation of the Service Station

- 36 Pursuant to section 128 to 131 of the Resource Management Act 1991, the Waikato District Council may review any or all of the conditions of this consent after six months from the commencement of this consent and during the month of May annually, serve notice on the Consent Holder of its intention to review any or all of the conditions of this consent for any of the following purposes:
- (a) To review the effectiveness of the conditions of this consent in avoiding, remedying, or mitigating adverse effects on the environment in relation to lighting, traffic safety, noise, and visual amenity that may arise from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to), and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;
 - (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 addressing any issues arising out of complaints;
 - (c) To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent;

The Council will undertake the review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review pursuant to section 36 of the Resource Management Act 1991.

- 37 The Consent Holder shall ensure that that all fencing and landscape planting on the site is maintained in accordance with the approved Landscape Planting/Fencing Plan. Should any planting damaged or die, it shall be replaced in the next planting season.

- 38 The Consent Holder shall ensure that on ANZAC day, no fuel deliveries shall take place during any ANZAC ceremonies in Pokeno.
- 39 The Consent Holder shall carry out on site measurement on all relevant site boundaries to confirm that lighting is compliant with the relevant conditions for light spill and glare. This shall be undertaken by an appropriately qualified lighting professional with recently (within 5 years) calibrated (from an ILAC accredited test facility) illuminance and luminance meter. This process shall be carried out during the first 2 weeks of operation and repeated after 6 months of first use to confirm no change has been made and at each instance a report detailing the results shall be submitted to council for approval. All measurements shall be undertaken in dry conditions and during the hours of darkness, at least 1 hour after sunset.
- 40 In the event that there is a non-compliance with the consented light spill and glare limits, as identified by the Team Leader, Monitoring, Waikato District Council, the ongoing operation of the relevant lighting fixtures must cease and not resume until:
- (a) Further light spill and glare mitigation measures are implemented and tested. Times and dates for operating the lighting for brightness testing must be agreed with Team Leader, Monitoring, Waikato District Council in writing before the testing is undertaken; and
 - (b) The consent holder has provided a lighting report to the satisfaction of Waikato District Council demonstrating compliance with the consented light spill and glare limits at the discretion of Team Leader, Monitoring, Waikato District Council; and
 - (c) Waikato District Council provides the consent holder approval in writing for the ongoing operation of the relevant lighting fixtures.

Advice Note: If any lighting fixtures are subject to this condition, only those failing onsite testing shall be required to cease operating. Any other fixtures that are compliant with light spill and glare requirements can continue operating provided all associated lighting fixtures are also compliant.

Advisory Notes:

Other consents/permits may be required

- I 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, Regional Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

Corridor Access Request

- 2 Prior to undertaking any works within the Council road reserve, a Corridor Access Request (CAR), including traffic management plan, for the works to be carried out in the road reserve, and submitted to the Waikato District Council for approval not less than fifteen (15) working days before starting these works.

Debris & Tracking

- 3 The Consent Holder is to be advised that any debris that is tracked or spilled onto any public road as a result of the exercise of this consent is to 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 Roading Operations Engineer.

The Consent Holder, upon becoming aware of the need to clean up the roadway, must advise Waikato District Council's Roading Operations Engineer of the need for the road to be cleaned up, and what actions are being taken to do so.

The cost associated with the clean-up of the roadway and any associated drainage facilities, including all temporary traffic control, shall be the responsibility of the Consent Holder.

Earthworks management

- 4 The Consent Holder is to be advised that any earthworks required for the proposed subdivision are to be undertaken in accordance with the Waikato District Plan(Franklin Section)) and erosion and sediment control measures are to be installed in accordance with the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009.
- 5 It is recommended that all the exterior lighting luminaires (including integral illuminated sign fittings) have dimmable controls to enable immediate changes to be made to the lighting levels to ensure compliance with the District Plan limits.