

# APPENDIX G

DRAFT CONDITIONS

## Proposed Draft Conditions

- 1 The retail complex development shall be undertaken in general accordance with the information and Waikato District Council approved plans submitted by the consent holder in support of landuse application number WDC Ref: LUC427/19 and officially received by Waikato District Council on the and all further information received during the processing of this application except as amended by the conditions below.

In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

Copies of the Waikato District Council approved plans referenced below are attached.

The following plans produced by DDL Architecture

	<b>Plan / Drawing Title</b>	<b>Dated</b>	<b>Drawing number</b>
(a)	Te Kowhai Village Commercial Development COVER	15/02/2019	SK0 18/039 Rev I
(b)	Te Kowhai Village Commercial Development SITE PLAN	15/02/2019	SK01 18/039 Rev I
(c)	Te Kowhai Village Commercial Development ELEVATIONS A-C	15/02/2019	SK02 18/039 Rev I
(d)	Te Kowhai Village Commercial Development ELEVATIONS D-F	15/02/2019	SK03 18/039 Rev I
(e)	Signage Elevation	15/02/2019	SK04 18/039 Rev I
(f)	Earthworks	15/02/2019	SK05 18/039 Rev I

The following plans produced by Boffa Miskell

	<b>Plan / Drawing Title</b>	<b>Dated</b>	<b>Drawing number</b>
(g)	Commercial Complex – 561 Horotiu Road, Te Kowhai - Planting Plan	26 <sup>th</sup> November 2019	Figure 8
(h)	Commercial Complex – 561 Horotiu Road, Te Kowhai Landscape Palettes	26 <sup>th</sup> November 2019	Figure 9

## Monitoring Costs

- 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 Prior to commencing any construction works, the Consent Holder shall appoint appropriately qualified and competent **Developer's Representative/s**, to provide all designs, supervision, certification and final signoff, in accordance with the requirements of the Regional Infrastructure Technical Specifications (RITS).

#### Monitoring Notification and Pre Start Meeting

- 4 The Consent Holder shall arrange and attend a pre-start meeting with the Waikato District Council Monitoring Department at least 10 working days prior to the commencement of any activities associated with this consent.

The pre-start meeting shall address:

- (a) Construction Management including Traffic Management
- (b) Methods for controlling dust, erosion and sediment runoff
- (c) Construction Noise Management Plan

#### Advice note

To notify Waikato District Council Monitoring Department, email [monitoring2@waicd.govt.nz](mailto:monitoring2@waicd.govt.nz) with the consent number, address of property and date for when the works will commence.

#### Construction Management Plan (CMP)

- 5 The consent holder shall prepare and submit a Construction Management Plan (CMP) to Waikato District Council's Team Leader Monitoring for certification a minimum of 15 working days prior to the commencement of earthworks associated with this consent.

The CMP shall include the following information:

- (a) Staging of works planned and the description of works including site plans;
- (b) An erosion & sediment control plan;
- (c) Detail management procedures for material, fill placement and treatment, stockpiling and disposal of unsuitable materials;
- (d) A Dust Management Plan;
- (e) Communications Plan;
- (f) Health and Safety Plan;
- (g) Providing safe pedestrian access along Horotiu Road during construction
- (h) Address and provide a construction parking and loading management plan to ensure all parking and loading/unloading is completed within the construction site.

### Construction Noise Management Plan (CNMP)

- 6 15 working days prior to commencement of excavation construction activities on the site the consent holder shall prepare and submit a Construction Noise Management Plan (CNMP) for certification by the Team Leader, Monitoring.

The objective of the CNMP is to determine and require the adoption of the Best Practicable Option for minimising all construction noise effects and to set out the measures required to ensure compliance with the noise limits of the Waikato District Plan. The CNMP shall set out, at a minimum:

- i. a description of noise sources, including machinery, equipment and construction techniques to be used;
- ii. the identification of activities and locations that will require the design of noise mitigation measures;
- iii. the measures that will be undertaken by the Consent Holder to communicate noise management measures to affected stakeholders;
- iv. the Best Practicable Option for compliance with relevant noise levels
- v. methods for monitoring and reporting on construction noise;
- vi. methods for receiving and responding to complaints about construction noise;
- vii. contact details of the key staff responsible for the implementation of the CNMP and for the handling of complaints;
- viii. construction operator training procedures;
- ix. duration of the construction works

The CNMP shall be implemented and maintained throughout the entire construction period and shall be updated when necessary with the certification by the Council.

### Engineering Design Plans

- 7 At least 15 working days prior to construction starting, engineering design reports and plans for Roding, Stormwater, Water Supply and Wastewater shall be submitted to, and approved by, the Waikato District Council's Senior Land Development Engineer. Engineering designs for the overall project shall be undertaken in general accordance with the following documents and shall address the specific design matters set out in conditions 7 to 9 below:

- a) The Operative Waikato District Plan (Waikato Section);
- b) Regional Infrastructure Technical Specifications (RITS),
- c) The Approved Plans (referenced at condition 1); and
- d) Any proposed departures from the RITS shall be noted in a design Statement accompanying the engineering approval plans, for approval by Waikato District Council's Senior Land Development Engineer.

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

## Roading

- 8 The Consent Holder shall prepare and submit Engineering Detailed Design Plans for roading and accesses/vehicle crossings (including geometric standards for the new signage, road markings, footpath design). The works shall be designed in general accordance with the approved plans and RITS except where changed by conditions of consent. The Engineering Design Plans shall be submitted to the Waikato District Council's Senior Land Development Engineer for approval. The works shall include:
- a. Installation of a 1.5m wide flush median in general accordance with MOTSAM, Part 2 Markings, Figure 3.28 at the northern vehicle crossing, except that the 1.5m wide flush median shall extend at least 10m south of the northern vehicle crossing before tying to the existing flush median. (no seal widening is required).
  - b. Formation of a two-way vehicle crossing and an exit only service vehicle crossing as shown on DDL Architecture (Job No. 18-039 dated 15-02-2019) concept plans. The design and construction of the vehicle crossings shall be in general accordance with the Regional Infrastructure Technical Specification (RITS) diagram D3.3.4 for commercial vehicle crossings except the width shall be modified to accommodate movements by a 17.9m semi-trailer.
  - c. Extension of the existing footpath to the proposed pedestrian access to the site.
  - d. Signs and markings restricting the southern vehicle crossing to exit only movements for service vehicles.

## Independent Road Safety Audit (RSA)

- 9 At the time of submitting the detailed design required by **Condition 8** above, the consent holder shall provide an Independent Road Safety Audit (RSA) of the detailed design for roading and accesses/vehicle crossings in accordance with NZTA guidelines for Independent Road Safety Audits.

The Audit shall address:

- (a) Pedestrian access and safety in the immediate vicinity of the subject site.
- (b) Ingress and egress of Large vehicles from Horotiu Road

**Commented [MC1]:** Yet to work through and gain agreement from Traffic engineers on this matter.

The Road Safety Audit shall separate out the decision tracking between designer, client – developer, WDC safety engineer and WDC as road controlling authority client role (final decision).

The design shall be amended until all significant and serious concerns identified in the safety audit have been addressed to the satisfaction of WDC as road controlling authority, and where any safety concerns have not been addressed, engineering drawings shall be accompanied by a statement explaining why those safety concerns have not been addressed.

### Stormwater and Water Supply

- 10 The Consent Holder shall prepare and submit Engineering Detailed Design Plans and a design report for stormwater treatment and management, and for Water Supply. The engineering design plans and design report shall be in accordance with the report Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4<sup>th</sup> April 2019 Ref: WE1919-01 and shall include:
- a. Evidence of a contract with a local water contractor to provide water to the development if required.
  - b. Details of the location of water tanks for potable water and tanks for firefighting supply to be positioned outside of yard requirements and details of screening , or alternatively earthworks volumes if the tanks are to be fully buried.
  - c. Details on site specific limitations, load capacity and methods to measure and monitor activities.
  - d. The location of the tanks shall not conflict with the approved Planting and Landscaping Plan or with the dedicated service areas (such as rubbish disposal and loading zones)

### Wastewater

- 11 The Consent Holder shall prepare and submit Engineering Detailed Design Plans and a design report for onsite wastewater and maximum design loadings. The engineering design plans and design report shall be in accordance with the report Proposed Commercial Development, 561 Horotiu Road, Te Kowhai – Three Waters Management Plan by Wainui Environmental dated 4<sup>th</sup> April 2019 Ref: WE1919-01 and shall include:
- a. The site-specific limitations, load capacity and methods to measure and monitor activities
  - b. Ongoing Monitoring considerations.

### Landscaping – Onsite

- 12 Prior to commencement of works, the consent holder shall submit to Council Monitoring Officer for certification, a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a landscape architect or suitably qualified professional. The submitted information shall be consistent with the consented landscape concept. At a minimum, shall include landscape design drawings, specifications and maintenance requirements including:
- An annotated planting plan(s) which communicate the proposed location and extent of all areas of planting, including mitigation planting (if relevant).

- Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for planter boxes / garden beds.
- A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity.
- Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements.
- An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing.
- An annotated street furniture plan and related specifications which confirm the location and type of all seats, bins, lights, fences, walls and other structural landscape design elements.
- Details of screening measures required for any above ground tanks.
- A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:
  - i. Irrigation
  - ii. Weed and pest control
  - iii. Plant replacement
  - iv. Inspection timeframes
  - v. Contractor responsibilities

**Advice note:**

It is recommended that the consent holder consider a minimum three-year management / maintenance programme for plant establishment and provide, in particular, details of maintenance methodology and frequency, allowance for fertilising, weed removal / spraying, replacement of plants, including specimen trees in case plants are severely damaged / die over the first five years of the planting being established and watering to maintain soil moisture.

Lighting – Onsite

- 13 Prior to commencement of works, the consent holder shall submit for certification by the Waikato District Council Monitoring Team Leader, a lighting design plan for the outdoor areas within the site in particular but not limited to the signage, outdoor seating amenity area and security lighting within the service and parking areas. The

lighting design plan shall demonstrate how the lighting across the site will comply with the light spill/glare requirements in **condition 42** of this consent.

#### Acoustic Design of the Mechanical Plant

- 14 Prior to application for building consent for the retail complex, the consent holder shall submit for certification by the Council Monitoring Team Leader, a report from a suitably qualified acoustic expert demonstrating that any proposed mechanical services design for the Retail complex (all external mechanical plant and ventilation equipment) will comply with the permitted noise levels of Rule 27.18 of the Waikato Section of the District Plan.

#### Implementation of the Management Plans

- 15 All earthworks and construction activities carried out on site shall be conducted and managed in accordance with the certified Construction Management Plan and certified Construction Noise Management Plan throughout the duration of construction works.
- 16 Prior to operation of the retail complex, all construction shall be carried out in accordance with the approved Engineering Design Plans.
- 17 Prior to operation of the retail complex, all onsite lighting shall be installed in accordance with the approved lighting plan and in accordance with the ongoing **condition 42** for glare and lighting below.

#### Complaints

- 18 Any complaints received by the consent holder as a result of the construction activities authorised by this resource consent shall be recorded by the consent holder in the form of a complaints register. The information recorded shall include:
- (a) The date, time and nature of the complaint;
  - (b) Name, phone number and address of the complainant unless the complainant wishes to remain anonymous;
  - (c) Action taken by the Consent Holder to remedy the problem;
  - (d) Any equipment failure and remedial action taken;
  - (e) The weather conditions at the time, including wind direction, wind strength and temperature; and
  - (f) Date and Name of the person making the entry.

This complaints register shall be made available to the Waikato District Council Monitoring Department within 24 hours of a request from a Waikato District Council Monitoring Officer.



#### Hours of Operation – Construction and Earthworks

- 19 All construction works (including earthworks) on the site must only be undertaken between 7:30am – 6.00pm Monday to Saturday. This does not prevent works that comply with the relevant standards from being undertaken outside these hours, as specified in the certified Construction Noise Management Plan (CNMP).

#### Accidental Discovery Protocols

- 20 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, Heritage New Zealand Pouhere Taonga 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 District Council after considering:
- a) Tangata Whenua interests and values;
  - b) Protocols agreed upon by Tangata Whenua and the consent holder, where required;
  - c) The consent holders interests;
  - d) Any approvals from Heritage New Zealand Pouhere Taonga; and
  - e) Any archaeological or scientific evidence.

#### Dust Control

- 21 All earthwork 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 reasonable practical minimum.
- 22 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site during the winter period, and a minimum of 10 mm/day to all exposed areas of the site during the summer period), 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.
- 23 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.

#### Debris on the Road

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

#### Earthworks and Cleanfill Activities

- 25 Any fill areas shall be undertaken in accordance with NZS4431:1989 (Code of Practice for Earthfill for Residential Development) unless otherwise approved by the Waikato District Council's Senior Land Development Engineer. Any fill areas shall be certified by a Geo-professional as meeting the approved standard prior to any further development in those areas.
- 26 Any underfill drainage systems shall be designed by, and their installation supervised by, a suitably qualified and experienced Chartered Professional Engineer (CPEng) and their position recorded by a Registered Surveyor.
- 27 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.

#### Geotechnical Completion Report

- 28 After completion of the earthworks, and prior to undertaking any building works, the consent holder shall provide a "Statement of Professional Opinion as to Suitability of Completed Earthworks" completed and signed by a Geo-professional (who carries appropriate professional indemnity insurance for the works being supervised/certified) to certify that the site is suitable for:

- (a) Erection of commercial buildings, and;
- (b) Provide details of any specific foundation design considerations/limitations necessary for the construction of commercial buildings.

The format for the "Statement of Professional Opinion as to Suitability of Completed Earthworks" shall be as per Volume 4, Part 2 checklist 2.2 of the Hamilton City Council Development Manual.

The Statement is to be accompanied by the following:

- (a) A schedule with dates/results etc of all supervision and testing undertaken to certify the areas of cut/fill, and
- (b) An as-built plan of the earthworks, clearly showing the areas/depths of cut and fill, and defining areas of fill which have been engineered, and those areas

of fill which have not been engineered.

The above is to be submitted to, and gain the approval of, the Waikato District Council's Team Leader-Monitoring prior to undertaking any building works on site.

#### Landscaping Design Implementation

- 29 In the planting season (May to Sept) following completion of site works, all landscaping designs and planting included in the Landscaping plan approved under **condition 12** shall be implemented in accordance with the approved methodologies schedules and Landscaping Plans.

#### Acoustic Fence

- 30 Prior to the operation of the retail complex, acoustic screening shall replace the proposed horizontal slatted fences around each 18m<sup>2</sup> outdoor service area. The acoustic fences shall be installed in the location shown currently as proposed horizontal slatted fences on the Site Plan SK01 and Elevations D-F SK03. The acoustic screens shall be 1.8m high and constructed of close-boarded timber with a minimum surface mass of 10 kg/m<sup>2</sup>, such as 20-25mm thick timber palings or 17mm plywood.

#### As Built Information

- 31 As Built information for all works covered in the approved Engineering Design Plans shall be provided to Council for acceptance. As Built information shall be in accordance with Section 1.7.3 of the requirements of the RITS and shall also include all details of street lighting installed, in a format suitable for entering into Council's RAMM database.
- 32 The Consent Holder shall:
- (a) Appoint a suitably qualified and competent person, to the satisfaction of Waikato District Council's Roading Compliance Officer who shall be responsible for gathering all information necessary for RAMM data collection for the works to Horotiu Road .
  - (b) This representative shall gather and submit RAMM data, which shall conform to Waikato District Council's ROAD ASSET DATA STANDARD SPECIFICATION, to the Waikato District Council's Roading Compliance Officer for assessment and technical certification. All RAMM data shall be provided on the prescribed forms.

#### Construction Certification

- 33 A 'Contractors Certificate – construction', for each separate work undertaken by each individual contractor as part of the consent, shall be provided to the satisfaction of the Land Development Engineer, Waikato District Council.

**Advice Note:** An acceptable format for certification upon completion of works can be found in the NZS4404-2010 Schedule 1B (Contractor's certificate upon completion of land development).

- 34 A 'Certificate of Completion of Development Works' prepared and signed by the Developers Representative/ a suitably qualified professional, shall be provided to the satisfaction of the Land Development Engineer, Waikato District Council, to confirm that all works have been carried out in accordance with the approved plans and appropriate standards.

**Advice Note:** An acceptable format for a 'Certificate of Completion of Development Works' can be found NZS4404-2010 Schedule 1C (Certification upon completion of land development).

#### Onsite Parking

- 35 Prior to occupation and during operation of the retail complex, the consent holder shall provide car parking generally in accordance with site plans from DDL Architecture, Job No. 18-039 Dated 15-02-2019, and shall meet the following:
- a. Provision shall be made for a minimum of 36 parking spaces including two accessible parking spaces.
  - b. Provision shall be made for a minimum of four cycle parking spaces.
  - c. Parking and manoeuvring areas shall be maintained on site in a weed free, dust free, with a permanent surface.
  - d. Vehicle parking spaces shall be delineated with white painted lines with the exception of the accessible needs and loading spaces, which shall be delineated with yellow painted lines and have appropriate signage in accordance with NZS 4121 requirements. Spaces are to be appropriately identified by numbering or other means. Markings shall be regularly maintained.

#### Hours of Operation

- 36 The hours of trading shall seven days a week (Monday to Sunday) as follows:
- One Takeaway / pizza outlet – 10am to 10pm
  - Retail and hairdressers - 8am to 6pm
  - One Superette - 7am to 10pm
- 37 Delivery of goods, loading dock use, heavy vehicle movements and waste collection shall be limited to between 7am and 7pm, seven days a week. Loading and unloading and rubbish removal shall be restricted to within the rubbish and loading service area shown on the approved plans.

#### Acoustic Mitigation to be maintained

- 38 The acoustic fences required to be installed in accordance with **condition 30** shall be maintained for the duration of the activity and any damages repaired in accordance with the design specifications listed in the condition 30.

#### Landscaping / Planting to be maintained

- 39 Landscaping and planting located within the site as approved and undertaken in accordance with the approved Landscaping Design shall be implemented and maintained on an ongoing basis.

#### Signage

- 40 There shall be a maximum of one free-standing sign associated with the retail complex located on the subject site, this shall be in the design and location shown on the approved site plan and be in accordance with the SK04 Signage elevation. The free-standing sign shall have a maximum height of 7 metres and width of 2.6 metres with a maximum number of two sign faces. The sign shall be installed prior to operation of the retail complex.

Advisory Note: For clarity this condition excludes small scale directional signage and other small scale signs such as bicycle parking signs

- 41 During the operation of the retail complex, the consent holder shall ensure that all signs associated with the activity are maintained to a high standard and ensure that signage does not fall into a state of disrepair.

#### Glare and Lighting

- 42 All outdoor lighting shall be positioned, mounted and directed in such a way that light coming directly or indirectly from it:
- (a) Is not a serious distraction or danger to motorists, and
  - (b) Is not a serious distraction or annoyance to occupants of other sites at any time, which shall be deemed to be the case where once an effect is brought to the Council's attention the condition continues for more than 30 minutes in any 24 hour period and the affected person/s have no ready means of relief from it.
  - (c) All artificial lighting shall be installed and operated such that the luminous intensity of any light source is less than 1000 candelas in the direction of any affected property or road.

#### **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.
- (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 with all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Hamilton City Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

3 Corridor Access request

Prior to any works within road reserve, the consent holder shall attain an approved Corridor Access Request (CAR), including traffic management plan. The application is to be completed by a qualified Site Management Traffic Supervisor (STMS), and provided to the Waikato District Council's Traffic Management Co-ordinator for approval not less than 15 working days prior to any works within the road corridor being undertaken. No works may be undertaken until approval for the CAR is obtained in writing.

4 Enforcement Action

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