

Land Use Consent (61/4/817)

Approved Documents

1. The activity shall be constructed and operated in general accordance with the application and plans, being:
 - Variation to Consent Conditions 61/4/817 and Land Use Consent for the Disturbance of Contaminated Soils, prepared by Beca, 22 September 2017
 - Site Plan 2663104-AR-101 Rev 0H, Beca, 20 March 2018

and all information submitted as part of this application and further information, except where superseded, modified by, or updated by, any other condition of this consent including, but not necessarily limited to, revisions made as a result of the detailed design of the Project in response to the conditions of consent.

- 1A. The consent holder shall ensure that all contractors carrying out works on the site are aware of the conditions of consent and that they comply with the conditions of consent.
2. The proposal may proceed in two stages as follows:

Stage 1 comprises:

- a) the first high speed 72,000 bottles/hr bottling line;
- b) the upgrade to the existing bottling line from 8,000 bottles/hr to 10,000 bottles/hr;
and
- c) all buildings and site works set out in the approved documents

Stage 2 comprises the addition of the second high speed 72,000 bottles/hr bottling line.

Advice Note 1: For the avoidance of doubt, the existing bottling line will continue to operate as far as practicable throughout the expansion and development of the site.

3. Plan Approval
 - a) Prior to site construction works commencing on the site, final site development construction plans shall be submitted to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, to certify that the works are in general accordance with the information submitted with the application.
 - b) Prior to building construction works commencing on the site, final building and landscape construction plans shall be submitted to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, to certify that the works are in general accordance with the information submitted with the application.

In the event that it is considered that the final construction plans are not in accordance with the approved documents the consent holder shall either:

- i) Amend the plans to align with the approved documents; or
- ii) Obtain a change to the conditions of consent before construction commences.

Road Upgrade Plan

4. Prior to site construction works commencing on the site, a final Road Upgrade Plan shall be submitted to Manager of Transportation or delegate, Whakatāne District Council, providing detailed design including swale and berm design, line marking, signage and timing of physical works to achieve the road upgrades recommended in the Transport Assessment Report (dated 20/9/2017) which formed part of the application, including but not limited to:
 - a) The proposed widening of Johnson Road and Hallett Road between the site and SH34, to a minimum width of 7.5m;
 - b) The Hallett Road / SH34 intersection upgrade to accommodate increased turning demands;
 - c) The pavement upgrade of Johnson Road and Hallett Road including timeframes for implementation;
 - d) The 2m wide (minimum) shared path for walkers, cyclists and horse riders along one side of Hallett Road and Johnson Road between the SH34 intersection and the site, provided that from the intersection of Hallett Road and SH34 to the intersection of Hallett Road with Johnson Road the shared path shall be located on the southern side of the roadway; and
 - e) The swale and berm upgrade on both sides of Hallett Road and Johnson Road between the site and SH34.

No road upgrade works shall be undertaken until the Council has certified that the proposed works are in accordance with the approved documents.

5. The road upgrade works to widen the road and strengthen and upgrade the pavement shall be completed prior to any site construction works commencing on site unless agreed otherwise by the Council.
- 5A. Prior to site construction works commencing on the site, the Consent Holder shall obtain written approval from the NZ Transport Agency to undertake works specified in the Road Upgrade Plan at the intersection of Hallett Road and State Highway 34 in accordance with The Transport Agency's Planning Policy Manual Diagram E Standard.

6. In the design and preparation of tender documents for the road upgrade works the consent holder shall locate water supply infrastructure and other underground services which have the potential to be affected by activities authorised by this consent. Contract plans for the road upgrade shall be provided to the Whakatāne District Council 3 Waters Department for comment prior to tender to ensure that water supply and underground services have been located and shown on the plans and adequate measures are in place for their protection.
7. The consent holder shall take all reasonable care to ensure that water supply infrastructure and other underground services are protected from the activities authorised by this consent. In the event that any water supply infrastructure or other underground services are damaged, the consent holder shall contact the Whakatāne District Council 3 Waters Department as soon as the damage is discovered and, to the extent the damage resulted from the consent holder's failure to take reasonable care, shall reimburse Whakatāne District Council for all costs associated with repairing and/or replacing the damaged water supply infrastructure and other underground services, including reasonable costs associated with any failure of water supply.

Traffic Monitoring Plan

8. Before Stage 1 commences the Consent Holder shall submit to the Manager of Transportation or delegate, Whakatāne District Council, for certification a Traffic Monitoring Plan for monitoring traffic movements at the intersection of Hallett Road and State Highway 34 and at the intersection of State Highway 34 and State Highway 2.

The Traffic Monitoring Plan shall include, but is not limited to:

- a. A monitoring regime to be undertaken annually by 30 November until three (3) years after the total operation (stages 1 and 2) is fully operational;
- b. Monitoring shall cover morning, evening and inter-peak;
- c. Annual crash analysis of all vehicle movements at the intersection of Hallett Road and State Highway 34 and at the intersection of State Highway 34 and State Highway 2;
- d. Monitoring locations identified and agreed with Whakatāne District Council in consultation with NZ Transport Agency,
- e. Comparison with the Traffic Assessment Report dated 20 September 2017 that forms part of the approved documents.

9. The consent holder shall submit the results of the monitoring undertaken in accordance with Condition 8 to the Manager of Transportation or delegate, Whakatāne District Council, within two months of the monitoring being completed each year.
10. Following receipt of the results of the monitoring submitted under condition 9, Whakatāne District Council may review the conditions of consent pursuant to Section 128 of the Resource Management Act 1991 for the purpose of determining:
 - a. whether any additional conditions or amendments to conditions are required to address the impacts of Stage 1 and Stage 2 on the State Highway 34 and Hallett Road intersection and/or address impacts of the expansion to the existing activity on the State Highway 34 and State Highway 2 intersection;
 - b. where the results of the monitoring identify that the intersection of Hallett Road and State Highway 34 is classified as 'High risk' (as defined by The Transport Agency High risk intersection guide) the Council may require the Consent Holder to consult with the NZ Transport Agency and report back to Council on the appropriate intervention, which may include a cost contribution to upgrade works, where considered appropriate, and
 - c. whether monitoring should be continued beyond the 3 year requirement in condition 8(a).
11. Notwithstanding condition 10, under any such review, as outlined above, additional mitigation shall only be required if the monitoring results demonstrate that the effects arising from the exercise of this consent exceed those contemplated by the 57 Johnson Road Water Bottling Plant – Transport Assessment report dated 20 September 2017, that forms part of the application.

Intersection Lighting

12. Prior to the commencement of Stage 1, the Consent Holder shall ensure that full intersection lighting at the intersection of State Highway 34 and Hallett Road is designed and approved in accordance with The Transport Agency's 'M30 Specification and guidelines for Road Lighting Design, 2014'.

Site Access and Parking

13. Prior to commencement of Stage 1 on site, the existing vehicle crossing shall be upgraded and constructed to comply with Standard Drawing R09 of Council's Engineering Code of Practice.

- 13A. The dimensions of all access ways within the site, all parking spaces and manoeuvring aisle widths shall meet or exceed AS/NZ 4121 requirements. Engineering design drawings for the proposed parking and loading bay areas including disabled parks shall be submitted to Council for certification that the design standards are met, prior to works commencing on site.
- 13B. All access ways, parking spaces and loading bay areas shall be sealed before the commencement of operation of Stage 1 in accordance with this consent.
- 13C. A minimum of 70 car parks, including 64 staff car parks and 6 contractors parks, shall be provided on site. Disabled parking shall be provided in accordance with AS/NZ 4121.
- 13D. All car parking spaces shall be clearly marked on site in accordance with the certified plan and AS/NZ 4121.

Staff Travel Plan

14. Prior to commencement of Stage 1 the consent holder shall prepare and submit to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, for certification a staff travel plan to be implemented as staff numbers on site increase. The staff travel plan shall include but not be limited to:
- a. A description of how staff will travel to the site and arrangements for shared transportation
 - b. Staged implementation according to numbers of staff on site
 - c. Process for amendment and certification by Whakatāne District Council.
15. The Staff Travel Plan shall be reviewed 12 months following the commencement of Stage 2 on site and at 5 yearly intervals thereafter in accordance with the plan.

Signage

16. Prior to any construction works being undertaken on site, traffic directional signage shall be installed at the intersection of Hallett Road and Johnson Road including signage preventing truck access down Hallett Road.

Level Crossing Upgrade

17. Prior to the commencement of Stage 1 on site, the consent holder shall implement the recommendations in the report titled 'Level Crossing Safety Impact Assessment (LSCIA) Hallett Road, Otakiri, Bay of Plenty' dated 8 March 2018, unless otherwise required below. The upgrade shall comprise:
- Review signs and markings to comply with TCD Part 9
 - New Half Arm Barriers
 - New Flashing Lights and Bells for both approaches
 - Install new Epiflex rubber panels across crossing and reseal approaches
 - Paint yellow hatching at rail crossing, to provide adequate space to prevent large vehicles being parked over the level crossing.
 - Widen roadway to improve access for larger vehicles
 - Widen shoulders on both sides of the crossing at the intersection to use as refuge for larger vehicles
 - Hatching shall be designed to ensure that a large vehicle is not required to park on the crossing.

Detailed plans of the upgrade works shall be submitted to the Manager of Transportation, Whakatāne District Council for certification prior to the level crossing upgrade works commencing.

Advice Note 2: *Works at the level crossing require KiwiRail's' prior approval via a 'Permit to Enter'. Details of how to apply can be obtained from the KiwiRail website at: <http://www.kiwirail.co.nz/infrastructure/northern-region-rail.html.html>*

Visual

18. The colour of all buildings (including those associated with existing bottling plant as at May 2018) including the roofs shall be finished in green or brown natural colours. Reflectance values for roofs shall be no greater than 10% LRV and walls no greater than 35% LRV.
19. The existing shelter belts around the site shall be maintained at a minimum height of 10m.

Landscape Management Plan

20. Prior to commencement of Stage 1 on site, a Landscape Management Plan shall be prepared by a suitably qualified professional (such as an NZILA registered landscape architect) and submitted to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, for certification. The Landscape Management Plan shall specify, but not be limited to:
- a. Measures to achieve the recommendations in the Landscape and Visual Effects Assessment that formed part of the application documents;
 - b. The replacement of trees to fill gaps in the shelterbelt as required using *Casuarina* or *Cryptomeria* capable of reaching a minimum height of 10m;
 - c. The number and location of trees, species and timing of proposed planting on the site;
 - d. The minimum size of trees and shrubs to be planted;
 - e. Annual trimming of the inside of the hedges around the site and, where possible, annual trimming to be undertaken on the external side of the shelterbelt subject to agreement with the neighbouring landowners; and
 - f. Removal of the weed species, including privet and willow, present in the hedges around the site and their replacement with either *Casuarina* or *Cryptomeria*.
- 20A. The consent holder may submit amendments to the Landscape Management Plan for the purposes of amending the specifications provided in accordance with condition 20 to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, for their consideration for certification at any time. No changes to the Landscape Management Plan shall be implemented until the consent holder has received certification of the changes from the Whakatane District Council.
21. Landscaping shall be implemented and maintained in accordance with the certified Landscape Management Plan.

Heavy vehicle Movements

22. Hours of operation:

Truck movements to and from the site serving the water bottling plant production inputs and outputs shall be limited to:

- a) Monday to Friday: 9am – 7pm
- b) Saturday: 9am – 2pm

Container Movements within the site shall be limited to:

- a) Monday to Friday: 7am – 8pm
- b) Saturday : 7am – 5pm
- c) Sunday: 9am – 5pm

Container movements on Sundays shall occur on no more than 12 Sundays in a calendar year.

- 22A. The consent holder shall use reasonable endeavours to ensure that heavy vehicle operators serving 57 Johnson Road plant production inputs and outputs travel at no more than 60 kph between the intersection with State highway 34 and the site. Those reasonable endeavours shall include incorporating a contractual requirement on operators to comply with that limit.

Advice Note 3: For the avoidance of doubt this condition does not apply to heavy vehicle operators providing ancillary services to the activity such as waste trucks, IBC trucks, Diesel tankers and LPG tankers as identified in the Operational Summary, Appendix E, Variation to Consent Conditions 61/4/817 and Land Use Consent for the Disturbance of Contaminated Soils, prepared by Beca, 22 September 2017.

External Activities on Site

23. During the operation of the water bottling plant no activities outside the buildings may be undertaken during the period from 10pm to 7am on any night, including loading and/or unloading containers or other external operational activities, except for staff manually attending to utility services, or staff arriving and leaving the site in light vehicles, or in the case of an emergency. The external doors, including roller doors, shall be kept closed during that period.

Noise

24. All operational activities on site shall be designed and operated to comply with the following noise levels when measured within the notional boundary of any rural dwelling:
- a) Monday to Sunday 7:00am to 10:00pm: 50dB LAeq
 - b) At all other times including Public Holidays: 40dB LAeq and 70dB LAm_{ax}

The noise level shall be measured in accordance with the requirements of NZS6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6801:2008 Acoustics — Environmental Noise.

25. A solid noise barrier 2.4m in height with a surface mass of at least 10 kg/m', such as 20 mm timber, shall be constructed and maintained adjacent to the site boundaries as shown on Site Plan 2663104-AR-101 Rev 0H, Beca, 20 March 2018. The fence shall be finished in natural wood colours.
26. At the time of application for building consent an acoustic design certificate shall be provided to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, to demonstrate that the fence required by condition 25 will achieve noise attenuation in accordance with condition 24.
27. Within 3 months of each stage of the water bottling operation commencing on site, monitoring shall be undertaken and a report prepared by a suitably qualified and experienced acoustic engineer demonstrating compliance with the noise levels stated in condition 24. Where compliance cannot be demonstrated the report shall specify additional works required to achieve compliance and they shall be put into effect within 3 months of the report being submitted.

External Lighting

28. Subject to conditions 29 to 30 below, all outside lighting to be installed on site shall comply with the lighting and glare requirements in 11.2.16 Lighting and Glare in the operative District Plan.
29. For the hours:
 - a) Monday to Friday: Before 7am and after 8pm;
 - b) Saturday: Before 7am and after 5pm;
 - c) Before 9am and after 5pm on the 12 Sundays a year when container operations are undertaken otherwise at all times on a Sunday;

all external lighting shall be restricted to domestic scale internal lighting at the gate house. Localised sensor based lighting for the outside utilities and low-level way-finding lighting from the car park to the main building shall be operated by way of motion sensors. All lighting shall be directed downwards with a tilt of no more than +5 degrees.
30. Prior to building construction commencing on the site an external lighting plan shall be prepared in consultation with the Neighbourhood Liaison Group (condition 41), including, but not necessarily limited to, D Southall, K Herewini, L McKeown, G & M Fraser, M & S van der Boom, S & V Whyte, and submitted to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, for certification that it achieves the requirements of conditions 28 and 29. Evidence of consultation and agreement, or

in the event that agreement is not reached a summary of areas of disagreement, to the lighting plan shall be provided to the Whakatāne District Council at the time of submission. The lighting plan shall show the number, location, mounting height, tilt angle and specification including light distribution of all external lights. Where practical the external lights shall be screened from the direct line of site of neighbouring dwellings existing at the time of this consent.

Accidental Discovery Protocol

31. Prior to undertaking any earthworks at the site, the consent holder shall consult with Ngāti Tūwharetoa ki Kawerau, Ngāti Awa and Ngāti Rangitahi to confirm an accidental discovery protocol to be implemented during any earthworks. A record of this consultation shall be provided to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, on completion.
32. In the event of any archaeological site or koiwi being uncovered during the earthworks, activities in the vicinity of the discovery shall cease. The consent holder shall immediately inform Ngāti Tūwharetoa ki Kawerau, Ngāti Awa and Ngāti Rangitahi, Heritage New Zealand, the Whakatāne District Council and the New Zealand Police (where relevant) of the find. The consent holder shall then consult with the Iwi authorities and Heritage New Zealand and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

Construction Noise

33. Construction activities shall comply with the requirements of NZS6803:1999 Acoustics — Construction Noise with reference to the long-term construction event, except where modified by the conditions of this consent.
34. Construction noise as received at the façade of dwellings in the vicinity of the site shall not exceed the following:

Long Term Duration (dBA)			
Mon – Fri (07.30 – 18.00)		Sat (12.00 – 18.00)	
Sat (07.30 – 12.00)			
Leq	Lmax	Leq	Lmax
70	85	55	75
No construction works shall be undertaken on the site between the hours 18.00 and 07.30 or on Sundays or Public Holidays			

35. The consent holder shall undertake noise monitoring at the boundary of the site opposite the nearest dwellings to the south and east for the duration of earthworks being

undertaken on the site and shall report back to the owners of those properties adjusting for results equivalent to results within the notional boundary of the dwelling.

Construction Management Plan

36. Prior to the commencement of earthworks on the site the consent holder shall prepare and submit a Construction Management Plan to the Manager Building & Monitoring, Whakatāne District Council, for certification. The Construction Management Plan shall comprise and may be certified in whole or in accordance with its constituent sub-plans being:

- A Construction Management – General Plan
- A Construction Noise Plan
- A Construction Vibration Plan
- A Construction Traffic Management Plan

36A. The purpose of the Construction Management Plan shall be to manage the actual and potential effects of construction including, but not limited to:

1. Construction programme;
2. Managing, refuelling, maintaining and storing vehicles or equipment on site and the location of any temporary site accommodation;
3. Site security;
4. Emergency response;
5. Noise;
6. Vibration;
7. Erosion and Sediment Control; and
8. Traffic management.

The Construction Management Plan shall address as a minimum the requirements of conditions 36B to 36F.

Construction Management – General

36B. The Construction Management Plan – General, shall include a copy of these conditions and shall address the following requirements:

- a. An outline of the detailed construction programme for the duration of the works

- b. A Construction Management Site Plan showing the location of any refuelling, vehicle or equipment storage, security fencing and temporary site accommodation areas as well as the vehicle washdown area and any temporary erosion and sediment control ponds as required by the Erosion and Sediment Control Plan. The refuelling area must be bunded to an extent sufficient to contain any fuel that may be spilt from the equipment or fuel storage tanks on the site. Provision shall be made for vehicle and equipment washdown to minimise the uncontrolled transfer of material from the site to the surrounding area
- c. Details of site security measures to be implemented to ensure the exclusion of unauthorised personnel including security fencing or other means of securing the boundary of the site, entry management measures and measures to be implemented when construction activities are not being undertaken.
- d. An Emergency Response Plan in the event that there is a fuel spill or other emergency on the site.

Construction Management – Noise

36C. The Construction Noise Management Plan shall, as a minimum, address the following:

- i. Compliance with conditions 33-35 Construction Noise;
- ii. The recommendation of Annex E, Project Management of NZS6803:1999 Acoustics – Construction Noise, including the following matters;
- iii. Description of the works, anticipated equipment/processes and their scheduled durations;
- iv. Hours of operation, including times and days when activities causing noise and/or vibration would occur;
- v. The construction noise and vibration criteria for the project;
- vi. Identification of affected houses and other sensitive locations where noise criteria apply including a list of Noise Sensitive Receivers (as defined in NZS 6803:1999 'Acoustics — Construction Noise');
- vii. Mitigation options including alternative strategies where full compliance with the relevant noise criteria cannot be achieved;
- viii. Methods and frequency for monitoring and reporting on construction noise;
- ix. Stakeholder communications;

- x. Complaints processes; and
- xi. Operator training procedures and expected behaviours.

The complaints processes will be available to the neighbours 24 hours a day 7 days a week for the duration of the construction period.

Construction Management – Vibration

36D. The Construction Vibration Management Plan shall address the actual and potential effects of vibration generated by the equipment being utilised on site on the foundations of buildings and structures within the vicinity of the site. The Plan may include:

- i. A preliminary survey of the foundations of all buildings and structures within 200m of the boundary of the site;
- ii. Visual surveys of foundations of the buildings initially inspected at the request of the owners throughout the earthworks period;
- iii. A final survey of all the buildings and structures initially inspected prior to the commencement of Stage 1; and
- iv. The findings of all surveys are to be recorded and reported to the owners of the buildings and the Plan shall outline the actions to be taken in the event that any damage to buildings or structures is identified.

Construction Management – Traffic Management

36E. A Construction Traffic Management Plan shall be prepared in accordance with Whakatāne District Council Traffic Management Plan and shall address the actual and potential effects of construction traffic accessing the site including, but not limited to:

- i. Hours of operation;
- ii. Access route to the site;
- iii. Speed along Hallett Road and Johnson Road;
- iv. Circulation within the site;
- v. Procedures for refuelling within the site (if relevant); and
- vi. Procedures for washdown before returning to the public road.

Construction Management – Reporting

- 36G. During the course of construction the consent holder shall provide weekly updates to the neighbours identified for limited notification, other directly adjoining landowners and the owners of the properties in Moody Road immediately opposite the site across the Tarawera River, by email or in hard copy delivered to the property where email is not available, on activities proposed for the week following including:
- a) Programmed activities and their timing;
 - b) Traffic generation resulting from those activities;
 - c) Potential effects, such as dust or noise effects, that may result from those activities; and
 - d) Contact details for a person in charge of activities on the site who may be contacted 24 hours a day, 7 days a week, for the duration of the works.
37. The consent holder shall maintain a record of all contacts received and corresponding responses to those contacts and shall provide copies of this record to the Whakatāne District Council on request.
- 37A. The consent holder may submit amendments to the Construction Management Plan, including its constituent plans, to the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, for the purposes of amending the specifications provided in accordance with conditions 36 – 37, for certification at any time. No changes to the Construction Management Plan, or its constituent plans, shall be implemented until the consent holder has received certification of the changes from the Whakatāne District Council.
38. The consent holder shall undertake all construction works in accordance with the certified Construction Management Plan, or its constituent plan, or any subsequent certified changes.

Water Supply Quality

39. The consent holder shall notify the Whakatāne District Council 3 Waters Department at least five working days prior and again at least 48 hours prior to undertaking any purging or cleaning of either bore on the site. ~~for the purpose of coordinating the timing of those activities to ensure that any potential adverse effects, including increased turbidity, on the Council water supply may be avoided. In the event that the Whakatāne District Council 3 Waters Department advises the consent holder that the purging or cleaning of either bore may have the potential to unacceptably compromise the Council water~~

~~supply, the consent holder shall ensure that there is an alternative water supply available for Council use during the purging or cleaning.~~

~~**Advice Note 4:** For the avoidance of doubt, should the consent holder be prohibited from purging or cleaning either bore for any reason, the consent holder may at any subsequent time seek to undertake purging or cleaning of either bore by notifying the Whakatāne District Council 3 Waters Department in accordance with the requirements of Condition 37.~~

[Condition 39 corrected pursuant to section 133A of the RMA on 14 June 2018 to provide consistency with Condition 5.2 of Groundwater Take Consent RM17-0424-WT.0. Refer to paragraph [273] of the Commissioner's decision.]

Neighbourhood Liaison Group

40. Prior to the commencement of earthworks on the site, the consent holder shall appoint a neighbourhood liaison person with the responsibility of on-going engagement with the residents along Johnson Road and Hallett Road, including arranging any neighbourhood liaison group meetings as required by condition 41.

The consent holder shall notify the Whakatāne District Council, Bay of Plenty Regional Council and all residents along Johnson Road and Hallett Road of the name and contact details of the person appointed.

41. The consent holder shall invite all residents along Johnson Road and Hallett Road to be part of the Neighbourhood Liaison Group (NLG).

The purpose of the NLG will be to provide a regular forum or channel through which neighbours and the consent holder can discuss the construction and operation of the plant. The NLG will also enable opportunities for any concerns and issues of the neighbours to be reported to, and responded to, by the consent holder.

Topics that the NLG may choose to discuss include:

- a) The construction and operation of the plant including any concerns and issues the neighbours have; and
- b) Monitoring of the effects of the project on the neighbourhood, including but not limited to effects on and opportunities to enhance amenity (e.g. during construction, development, operation and planting).

The consent holder shall provide the NLG with copies of all monitoring undertaken including; construction noise, vibration surveys, ecological, sediment and water quality monitoring of Hallett Drain and shall discuss the monitoring results with the group. Any

comment or recommendation from the NLG shall be incorporated into the reporting to WDC required in condition 42 and the report shall include a record of any actions taken, or proposed, and reasons for those actions. All actions shall be undertaken in accordance with the conditions of this consent.

The frequency of NLG meetings shall be discussed and agreed to by the NLG.

42. The consent holder shall maintain a record of the meetings of the NLG and provide copies of these to the Whakatāne District Council, within one month of any meetings being held.

Monitoring Charge

43. A monitoring fee of \$320.00 shall be paid to the Council as a single charge for the administration, monitoring and supervision of this consent. Notwithstanding the above, where there is good and reasonable cause for un-programmed monitoring and additional site inspections, then the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.

Further Advice Notes:

- 5 *The nature, scale and scope of the building works to be undertaken as part of this development is such that it will be outside the parameters of the non-specific building design codes. Accordingly the building works will be subject to specific design by appropriately qualified engineers.*
- 6 *This consent does not authorise the use and storage of hazardous substances on site that is not permitted under the Whakatāne District Plan. An application for resource consent will be required unless compliance can be demonstrated with the requirements of the District Plan. The Manager of Building and Compliance will require appropriate certification to be supplied demonstrating that the relevant provisions of the HASNO legislation are complied with before the facilities for Stage 1 are commissioned.*

Conditions of consent: National Environmental Standard for Assessing and Managing Contaminants in Soil 2011 (NESCS)

Approved Documents

1. The activity shall be carried out in accordance with the following documents and information submitted as part of the application:
 - a) The Detailed Site Investigation undertaken by Beca dated 12 May 2017;
 - b) The Contaminated Soils Management Plan prepared by Beca dated 16 May 2017 or any update certified under the conditions below; and
 - c) The Erosion and Sediment Control Plan specified in the BOPRC consents pertaining to the proposal.

Final Contaminated Soils Management Plan

- 2 A final Contaminated Soils Management Plan shall be provided to and certified by the General Manager Planning and Infrastructure or delegate, Whakatāne District Council, prior to works commencing on site.

Compliance with the Contaminated Soils Management Plan

3. Predevelopment site set-up, soil excavation and soil disturbance procedures shall be undertaken in accordance with the final Contaminated Soils Management Plan submitted under condition 2.
4. Revisions of the Contaminated Soils Management Plan shall only be for the purpose of improving the efficacy of the mitigation measures, complying with best practice guidelines and/or legislation or maintaining the schedule of properties covered by this consent. All revisions shall be in accordance with the conditions of this consent and shall be provided to, and certified by, the General Manager Planning and Infrastructure or delegate, Whakatāne District Council. A copy of the certified plan shall be provided to the Bay of Plenty Regional Council, prior to being implemented.
5. The consent holder shall ensure that material imported to the site for the purpose of filling and landscaping shall be certified cleanfill. For the purpose of this consent, cleanfill material shall meet the definition in the Ministry for the Environment's Guide to the Management of Cleanfills (2002) and as defined in the Bay of Plenty Regional Council Regional Water and Land Plan.
6. The consent holder shall ensure that all excavated contaminated soil to be disposed off-site is disposed of at a facility appropriately authorised for the type and level of contaminants identified.

Conditions of Consent for Earthworks within 60m of the Toe of the Stopbank

Authorised Documents

1. The activity shall be carried out in accordance with the following documents and information submitted as part of the application:
 - a) Any authorisation provided by the Bay of Plenty Regional Council under the Floodway and Drainage Bylaw 2008;
 - b) The BOPRC consent authorising earthworks on the site;
 - c) Site Plan 2663104-AR-101 Rev 0H, Beca, 20 March 2018; and
 - d) Geotechnical Stopbank Assessment Report, prepared by Beca, dated 6 March 2018.

Rehabilitation

2. Except for the formation of the swale, all excavated areas shall be refilled in accordance with the detailed design plans for that part of the site within 2 weeks of the excavation being undertaken. All bare surfaces shall be grassed or re-vegetated.

Geotechnical Assessment

3. On completion of all works within 60m of the toe of the stopbank a geotechnical assessment shall be undertaken to confirm the ongoing stability of the stopbank post-construction.
4. The assessment report shall be submitted to the Whakatāne District Council for comment prior to finalising and lodging with the Council to be held on the property file.
5. Any works identified as necessary to maintain stability shall be undertaken within 3 months of the report being prepared.