

Appendix A - Draft Conditions of WBOPDC Consent – 297 Te Puna Station Road:

General:

1. The activity shall be carried out in general accordance with the following plans and reports, except where modified by conditions of this resource consent:

Document Title	Author	Reference/Version	Date
Assessment of Environmental Effects: Industrial Activities – 297 Te Puna Station Road, Te Puna Business Park	Momentum Planning and Design	Version 4	12 th September 2023
Drawing No. 002 – Landscape Concept Plan	Momentum Planning and Design	Revision 4	5 th June 2024
Drawing No. 003 – Workshop Plan	Momentum Planning and Design	Revision 1	16 th January 2023
Drawing No. 004 – Alternative Workshop Plan	Momentum Planning and Design	Revision 1	6 th April 2023
Drawing Nos. 011 and 012 – Structure Plan and Alternative Storm and Floodwater Mitigation Plans	Momentum Planning and Design	Revision 2	17 th August 2023
Drawing Nos 013-016 Finished Contour, Cut/Fill Contour, Site Layout and Stormwater Layout Plans	Momentum Planning and Design	Revision 1	5 th June 2024
Drawing Nos. C200 (Rev E), C301 (Rev F), C310 (Rev D), C600 (Rev D)	WSP	See brackets to drawing numbers	25 th July 2023
Geotechnical Assessment Report	WSP	Revision 0	2 nd December 2022
Te Puna Industrial Ltd s.92 Response Report (Civil Engineering) (Includes Site Management Plan applying to ContainerCo activities)	WSP	Revision 5	7 th August 2023
Except where concerning pond sizing, in which case the Technical Memo – Preliminary Pond Sizing is approved	Harrison Grierson	N/A	29 th May 2024
Floodplain Assessment	Golovin	Version 1	May 2024

Transportation Assessment Report	Harrison Transportation	Revision 5	September 2023
Detailed Site Investigation – 297 Te Puna Station Road	Pennan and Co	Revision B	13 th March 2023
Operational Noise and Vibration Assessment	Earcon Acoustics	Revision E	6 th April 2023
Construction Noise and Vibrations Management Plan	Earcon Acoustics	Revision B	19 th December 2022
Landscape and Visual Assessment	Momentum Planning and Design	Revision 1	12 th April 2023
Site-wide Site Management Plan	Momentum Planning and Design	Revision 1	13 th April 2023
Technical Memo – Te Puna Station Road/Te Puna Road Intersection Constructability	Harrison Grierson	Revision 1	15 th April 2024
Temporary Traffic Management – Proposal Draft	Fulton Hogan	N/A	15 th April 2024
Drawing Nos. 592-101 and 592-102	Harrison Transportation	D	15 th May 2024

2. This consent shall lapse 5 years after commencement unless s.125(1A) of the RMA (or successor legislation equivalent) applies.

Specific:

Final Landform and Access Details

3. At least three months prior to the commencement of earthworks and construction activities on-site (excluding site investigation excavations and enabling works), the consent holder shall submit a final set of Detailed Design plans appropriate for issue for construction purposes to the WBOPDC Environmental Consents Manager or delegated nominee for certification. Detailed Design plans may be submitted for individual or multiple stages of development works.
4. The Detailed Design plans shall demonstrate the following, in accordance with approved documents, other conditions of consent, and addressing relevant provisions of the WBOPDC Development Code 2009, and ‘Stormwater Management Guidelines for the Bay of Plenty Region (2012):
 - a) Precise extent and volumes, and sequencing of earthworks to give effect to the development;
 - b) Final levels of areas to be subject earthworks or geotechnical improvements;
 - c) Surface treatment to all development surfaces;
 - d) Confirmation of stormwater drainage contouring, and sizing of stormwater swales and pond;

- e) Confirmation of design of pond base and edges, spillway, inlet/forebay and outlets into overland flowpath/wetland;
- f) Landscaping treatment to cut or fill batter slopes within the site; and
- g) Detailed construction methodology and plans for road widening and intersection improvements at the approved site entrance, and the Te Puna Station Road/Te Puna Road intersection.

The Detailed Design plans shall be prepared by a suitably qualified civil engineer and endorsed as appropriate to the geotechnical conditions by a suitably qualified geotechnical engineer.

- 5. The consent holder shall be entitled to undertake site works demonstrated within the Detailed Design plans in the following circumstances:
 - a) WBOPDC has provided certification of the submitted Detailed Design plans within 20 working days (as defined under the RMA) of the information being submitted; or
 - b) WBOPDC has not provided any response within 20 working days of the information being submitted.
- 6. The consent holder shall construct the development in accordance with the Detailed Design plans.

Earthworks and Construction Management

- 7. At least two months prior to commencement of earthworks and construction activities on-site (excluding site investigation excavations and enabling works), the consent holder shall submit an Earthworks and Construction Management Plan (ECMP) to the WBOPDC Environmental Consents Manager or delegated nominee for certification. ECMP's may be submitted for individual or multiple stages of earthworks and construction works.
- 8. The objective of the ECMP is to provide a framework to be adopted by the consent holder to avoid, remedy, or mitigate any potential adverse effects generated during earthworks and construction activities, and shall include, but is not limited to, the following details:
 - a) Planned cutting and filling locations (conforming to Detailed Design plans) within the site (including any borrow locations within the site), intended earthworks and construction schedule, sequencing and stages, and hours of operation.
 - b) Quality assurance/quality control including but not limited to;
 - i. contact details of the person in charge of construction works or other person responsible for implementing this Plan;
 - ii. staff and contractors' responsibilities;
 - iii. training requirements for employees, sub-contractors and visitors;
 - iv. environmental incident and emergency management (including the
 - v. procedures required under regional consent conditions);
 - vi. communication procedures;
 - vii. complaints management;
 - viii. compliance monitoring;
 - ix. environmental reporting;

- x. corrective action mitigation options;
 - xi. any construction lighting;
 - xii. methods to mitigate erosion and sediment/silt loss during earthworks, including control of debris on roads and silt laden runoff during earthworks and construction;
 - xiii. methods to clean and inspect all machinery to be used in undertaking earthworks and construction activities;
 - xiv. measures for the protection of treatment and soakage systems during earthworks periods to ensure sedimentation does not reduce device effectiveness, as consented under the Regional Council consents; and
 - xv. protecting any existing network utilities during earthworks and construction.
- c) The methods to engage with stakeholders, including:
- i. how the community will be kept informed of progress with works, including proposed hours of operation outside normal working hours and project construction personnel contact details;
 - ii. identifying necessary communications to parties such as landowners, road users, local community, hapū and iwi, regulatory authorities, network utility operators, road maintenance contractors, emergency services; and
 - iii. responding to queries and complaints.
- d) Any necessary health and safety requirements.
9. The consent holder shall be entitled to undertake site works, and submit applications for any necessary building consents or engineering approvals in tandem with commencing construction and earthworks, in accordance with the submitted ECMP in the following circumstances:
- c) WBOPDC has provided certification of the submitted ECMP within 20 working days (as defined under the RMA) of the information being submitted; or
 - d) WBOPDC has not provided any response within 20 working days of the information being submitted.
10. The consent holder shall implement and keep in good working order all mitigation measures specified within the ECMP at all times for the duration of all earthworks and construction activities and any others determined necessary during earthworks and construction activities by either the consent holder or the consent authority.

Earthworks and Construction Traffic Management

11. Adverse traffic effects, including effects on safety, and adverse effects associated with access to the site, must be avoided or otherwise remedied and mitigated, through compliance with conditions 12-15 below, to ensure that the transport network functions at an acceptable level of service during the earthworks and construction phases of development, across all stages of development.
12. At least two months prior to commencement of earthworks and construction activities on-site (excluding site investigation excavations and enabling works), the consent holder shall submit an Earthworks and Construction Traffic Management Plan (ECTMP)

to the WBOPDC Environmental Consents Manager or delegated nominee for certification. ECTMP's may be submitted for individual or multiple stages of earthworks and construction works.

13. The objective of the ECTMP is to detail a framework to manage and mitigate any potential adverse effects to the transport network during earthworks and construction periods and shall include (but is not limited to, and in accordance with the NZTA-published Code of Practice for Temporary Traffic Management (CoPTTM)):
 - a) Measures to maintain pedestrian, cycling and vehicle access to roads and property;
 - b) Measures to maintain access for emergency vehicles, and methods to ensure that emergency service providers are regularly informed of the timing and sequencing of works, road closures and alternative routes if necessary;
 - c) How service providers are to be regularly informed of the timing and sequencing of works, any road closures and alternative routes if necessary;
 - d) The timing and sequencing of any road closures that will be required and the nature and duration of any traffic management measures that will result, including any temporary restrictions, detours or diversions;
 - e) Measures to ensure safe access to the development site;
 - f) Management and sequencing of construction works or transport of earthworks/construction materials to avoid, remedy or mitigate traffic-related adverse effects upon individual property accesses by all earthworks/construction traffic, including for through any Council roadworks site;
 - g) Implementation of the Fulton Hogan – Proposal Draft Temporary Traffic Management (TTM) measures at the Te Puna Road/Te Puna Station Road intersection, and any other bespoke TTM measures at that intersection to enable transport of earthworks and construction vehicles to site, in the event this intersection has not been permanently upgraded in accordance with conditions of consent at the time of earthworks and construction movements commencing.
 - h) Routes and timing of heavy vehicle movements during earthworks and construction periods.
 - i) Assessment and monitoring of road conditions and responses should severe and sudden deficiencies arise directly associated with development-related heavy vehicle movements; and
 - j) Identification of parties, and specification of notification thresholds and processes for communicating with identified necessary parties when those thresholds are scheduled or estimated to be exceeded.

14. The consent holder shall be entitled to undertake site works, and submit applications for any detailed Temporary Traffic Management Plans to the Rounding Authority in accordance with the submitted ECTMP (and CopTTM) in the following circumstances:
 - e) WBOPDC has provided certification of the submitted ECTMP within 20 working days (as defined under the RMA) of the information being submitted; or
 - f) WBOPDC has not provided any response within 20 working days of the information being submitted.

15. The consent holder shall implement and keep in good working order all mitigation measures specified within the ECTMP at all times for the duration of all earthworks and construction activities and related traffic movements.

Earthworks and Construction Noise and Vibration Management Plan

16. Prior to any construction or earthworks activities commencing on-site (except for any site investigations or enabling works), a final Earthworks and Construction Noise and Vibration Management Plan (ECNVMP) shall be prepared by a suitably qualified and experienced person and submitted to the WBOPDC Environmental Consents Manager or delegated nominee for certification. ECVMP's may be submitted for individual or multiple stages of earthworks and construction works. The objective of the ECVMP is to demonstrate how noise and vibration effects will be adequately mitigated during earthworks and construction activities.
17. The ECVMP shall consider mitigation options detailed within the CNVMP approved at condition 1, and shall specify any restrictions on work hours, physical noise mitigation to be employed, and limitations on the timing of specific activities, corresponding and responsive to scheduled earthworks and construction activities, including high noise generating activities. The CNVMP must, at a minimum, address the relevant measures within:
 - a) Appendix E of NZS 6803:1999 "Acoustics – Construction Noise";
 - b) Appendix B of DIN 4150-3:1999 "Structural vibration – Part 3 Effects of vibration on structures",
 - c) BS 5228-2:2009 "Management of Vibration Effects on People".
18. No construction activities shall occur on Sundays or public holidays except with the prior agreement of WBOPDC's Environmental Consents Manager or delegated nominee.
19. The consent holder must ensure that all construction activities comply with the long-term limits set out in Table 2 of NZS6803:1999 "Acoustics – Construction noise" as far as is practical. The ECVMP must include measures for higher noise generating activities that cannot practically comply with NZS6803:1999. The consent holder shall be entitled to undertake site works in accordance with the submitted ECVMP in the following circumstances:
 - a) WBOPDC has provided certification of the submitted ECVMP within 20 working days (as defined under the RMA) of the information being submitted; or
 - b) WBOPDC has not provided any response within 20 working days of the information being submitted.
20. The consent holder shall implement and keep in good working order all mitigation measures specified within the ECVMP at all times for the duration of all earthworks and construction activities and related traffic movements.

Site-Wide Operational Noise Management

21. A Master Noise Management Plan (MNMP) shall be prepared by a suitably qualified and experienced person and be submitted to the WBOPDC Environmental Consents

Manager or delegated nominee for certification at least two months prior to any industrial uses commencing from the developed site. .

22. The MNMP shall be prepared in accordance with the recommendations of the Operational Noise and Vibration Assessment (section 10.2) prepared by Earcon Acoustics. and in particular allocate noise levels across the site to ensure compliance with the following noise limits (reflecting Operative District Plan noise limits) at neighbouring receivers (as measured at notional boundary for Rural-zoned properties, within boundaries of Industrial properties):

All dwellings within Rural-zoned properties:

Time Period		Sound Level Not To Be Exceeded	
Day	Hours	LA _{eq}	LA _{max}
Monday to Saturday	7am-10pm	50dB	N/A
Sunday	7am-6pm	50dB	N/A
At all other times and on public holidays		40dB	65dB

Inside any Industrial-zoned property boundary:

Time Period		Sound Level Not To Be Exceeded	
Day / Hours		LA _{eq}	LA _{max}
Daytime 7am-10pm		65dB	N/A
Night time 10pm-7am		65dB	85dB

23. The consent holder shall be entitled to commence industrial operations upon any part of the site covered by the submitted Master Noise Management Plan, in accordance with that plan, in the following circumstances:
- g) WBOPDC has provided certification of the submitted Master Noise Management Plan within 20 working days (as defined under the RMA) of the information being submitted; or
 - h) WBOPDC has not provided any response within 20 working days of the information being submitted.
24. The consent holder shall implement and keep in good working order at all times all mitigation measures specified within the MNMP for the site.

Individual Activity Noise Management

25. Individual Noise Management Plans (NMP) relative to each individual tenancy or separate activity seeking to base within the developed site, shall be prepared by a suitably qualified and experienced expert prior to that activity locating at the site. The purpose of these individual NMP's is to demonstrate how the allocation detailed within the MNMP for the site will not be exceeded or compromised by an incoming tenant and shall detail mechanisms specific to each operation that would result in compliance.

The individual NMP's shall be prepared in accordance with the recommendations at section 10.4 the Operational Noise and Vibration Assessment prepared by Earcon Acoustics approved at condition 1 above.

The individual NMP's shall be approved and then held by the consent holder, and made available to the Western Bay of Plenty District Council upon request.

Stormwater and Floodwater Management

26. The 7.5ha of land marked within 'Immediate Development Stormwater Catchment' inclusive of 5.25ha of filling to a maximum permitted height of RL3.0m (MVD) / RL2.78m (NZVD16) on approved drawing 017 by Momentum Planning and Design at condition 1 above, is permitted to be utilised for industrial purposes. This 7.5ha of land shall be utilised for industrial purposes only after the completion of all stormwater management and treatment features within the plans approved under condition 1, including:
- Permanent stormwater treatment pond at eastern end of site constructed;
 - Wetland and overland flowpath formed at the eastern edge of the site and traversing third-party land at 245 Te Puna Station Road to conform to the Structure Plan overland flowpath route requirement;
 - Internal stormwater swales constructed;
 - Replacement roadside drain parallel to Te Puna Station Road constructed inside property boundary;
 - Two separate culverts connecting internal swale network, and replacement culvert connecting replacement roadside drain, beneath the private road into the site;
 - Construction of a third 1600mm-diameter culvert under Teihana Road.
27. The 'Future Development Area' shall not be formed and utilised for industrial purposes until the following has occurred:
- a) Detailed Design plans have been submitted to and certified by WBOPDC and BOPRC of final formation, levels, and stormwater servicing of this area and integration with the performance of site-wide stormwater management features and the wetland/OLFP at the eastern edge of the site;
 - b) Written confirmation from a suitably qualified flood modeller is provided confirming that, in combination with the development and use of the rest of the site as approved by this consent, the flooding 'baseline' scenario levels specified within the Golovin report approved at condition 1 are not exceeded; and
 - c) Either all off-site measures as required by condition 26 above and demonstrated on approved MPAD Drawing 011 are implemented, or the superior and additional off-site measures as demonstrated on approved MPAD Drawing 012 are implemented.

Permanent Traffic Management

28. Within two years of the commencement of consent, upgrades to the intersection of Te Puna Road/Te Puna Station Road, in general accordance with the plans and construction information contained within Technical Memo – Te Puna Station Road/Te Puna Road Intersection Constructability prepared by Harrison Grierson and Harrison Transportation consultants approved at condition 1 and pursuant to conditions 3-6 above, shall be constructed and operational.

29. Prior to construction of the upgrades to the intersection of Te Puna Road/Te Puna Station Road occurring, an independent safety audit of the intersection is to be undertaken and revised design plans responding to the safety audit to be certified by Council and to be the basis of detailed design plans for the intersection as subject to conditions 3-6 above.
30. Prior to the commencement of industrial activities operating from the site, the site access Te Puna Station Road, and internal roads must be constructed in general accordance with the plans approved in condition 1 and pursuant to conditions 3-6 above.
31. At least two months prior to the commencement of industrial use of the site, a Site Travel Management Plan (STMP) shall be prepared and submitted to the WBOPDC Environmental Consents Manager or delegated nominee for certification. If the WBOPDC does not either accept or decline to certify the STMP within 20 working days of receipt of the STMP, the STMP is deemed to be certified in accordance with this condition. The purpose of the STMP is to manage transport movements in accordance with the intent of the Structure Plan, whilst also responding to the changing use patterns of Te Puna Station Road signalled by Council and concerns held by Pirirakau concerning sites of significance east of the site, and shall include the following controls:
- a) All operational heavy vehicle movements are to be controlled to ensure routes to and from the site are via Te Puna Road only (right in, left out of site and left out at Te Puna Road back to SH2); and
 - b) All light vehicle movements are to be controlled; and
 - c) How the maximum number of permitted vehicle movements of 774 movements per day will be met prior to the opening of Takitimu North Link.

Landscape and Wetland Establishment and Maintenance

32. Prior to the establishment of the wetland and stormwater treatment pond, a final Wetland Establishment Plan shall be prepared by a suitably qualified landscape architect or ecologist and submitted to the WBOPDC Environmental Consents Manager or delegated nominee for certification. If the WBOPDC does not either accept or decline to certify the Wetland Establishment Plan within 20 working days of receipt of the Wetland Establishment Plan, the Wetland Establishment Plan is deemed to be certified in accordance with this condition.
33. The purpose of the final Wetland Establishment Plan is to ensure a high-quality functioning wetland as envisioned by the Structure Plan is delivered at the eastern edge of the site. The final Wetland Establishment Plan shall be in general accordance with the Outline Wetland Establishment Plan approved within the Landscape and Visual Impact Assessment at condition 1 above. The final Wetland Establishment Plan shall be prepared in consultation with Pirirākau.
34. All on-site landscaping measures shall be established in general accordance with the planting and landscaping measures detailed within approved plans and documents at condition 1 above, and the detailed plan approved pursuant to conditions 32 and 33 above. The consent holder shall ensure all landscaping is maintained in general

accordance with the provisions of the Outline Soft Landscaping Establishment and Maintenance Schedule appended to the Landscape and Visual Impact Assessment approved at condition 1 above.

35. Prior to industrial uses commencing at the site, a Right of Way Easement in Gross is to be registered on the title for the site in favour of WBOPDC over the paths within the wetland for access and maintenance purposes. The consent holder must meet the costs for the preparation, review, approvals and registration of the easement instrument on the title.

Cultural Mitigation

To follow separately.

Advice Notes:

'Earthworks' has the same meaning as in the WBOPDC District Plan, however for completeness excludes site investigations, 'enabling works', or earthworks incidental to continued cultivation or use of land for farming purposes as currently occurs.

'Enabling Works' means the following and similar activities: demolition and/or removal of existing structures, fencing, undertaking of tree felling, removal or alteration of private on-site under or above-ground services, the use, accommodation, storage and management of vehicles, equipment and staff at the site for the aforementioned purposes, and establishment of temporary boundary fencing/hoarding.

'Stages' refers to the extent of works undertaken at any one time.