

ATTACHMENT 1 – DRAFT CONDITIONS AS RECOMMENDED BY T MANDERSON

CONDITIONS LU5959

GENERAL ACCORDANCE

1. The Consent Holder must ensure that the activity operates in general accordance with the information provided with the application dated 5 March 2021, further information dated 12 May, and the amended application received 23 September 2021, except as required by the following conditions, and specifically including the following:
 - a. Soul Friend Pet Crematorium Resource Consent Application to Palmerston North City Council dated 5 March 2021, Project Number 5-P1403.00;
 - b. Section 92 response address to Palmerston North City Council dated 12 March 2021;
 - c. The updated set of plans (Site Plan, Landscaping Plan, Architectural Details) including Sheets C01 and C02 Revision C dated 15 September 2021.
 - d. The updated Soul Friends Pet Crematorium Management Plan dated 17 September 2021;
 - e. Soul Friends Pet Crematorium and Workshop, Ashurst: Updated Assessment of Environmental Noise Effects Report - LU5959, prepared by WSP and dated September 2021.
 - f. The updated Traffic Impact Statement prepared by Merica Prinsloo dated 22 September 2022, File reference 5-P1403.00 Soul Friends Pet Crematorium;

EXISTING USE RIGHTS

2. That Tolley Farms Cattery and Dog Kennels must be discontinued prior to the commissioning of the Pet Crematorium and Workshop and that any future establishment or reestablishment of these activities must obtain the necessary resource consent approvals.

ADVICE NOTE: *This condition was agreed to by the applicant.*

NOISE

3. The pet crematorium and workshop (including onsite vehicles) activities must not exceed the following at or within the boundary of the [following sites](#):

| Site | Time | Noise Limit |
|---|---------------------------------------|--|
| 83 Winchester Street | 7.00am to 10.00pm | 55 dB LAeq(1.5min) |
| 114 Mulgrave Street & 102 Mulgrave Street | 7.00am to 10.00pm | 60 dB LAeq(1.5min) |
| Other Rural Zoned Sites | 7.00am to 7.00pm 7.00pm to 10.00pm | 50 dB LAeq(1.5min) 45 dB LAeq(1.5min) |
| All Rural Zoned Sites | 10.00pm to 7.00am | 40 dB LAeq(1.5min) 70 dB L _{max} |

[As shown on the on the noise monitoring map attached to and forming part of these conditions](#)

4. The pet crematorium and workshop (including onsite vehicles) activities must not exceed the following at or within any residentially zoned site:

| | |
|-------------------|-------------------------|
| 7.00am to 7.00pm | 50 dB LAeq(1.5min) |
| 7.00pm to 10.00pm | 45 dB LAeq(1.5min) |
| 10.00pm to 7.00am | 40 dB LAeq(1.5min) |
| 10.00pm to 7.00am | 70 dBA L _{max} |

[As shown on the noise monitoring map attached to and forming part of these conditions](#)

5. Sound levels must be measured in accordance with New Zealand Standard NZS 6801:2008 *Acoustics – Measurement of environmental sound* and assessed in accordance with NZS 6802:2008 *Acoustics – Environmental noise*.
6. The hours of operation of the workshop must be limited to 7.00am to 7.00pm Monday to Friday and the pet crematorium shall be limited to 7.00am to 10.00pm Monday to Friday. [Hours of operation on Saturday and Sunday must be limited to 11am and 3pm, during Saturday times the pet crematorium and workshop must not operate concurrently, the workshop must not operate on Sundays.](#) The pet crematorium and workshop must not operate on public holidays. This would not prevent access for administrative reasons or cleaning and maintenance nor for visits by the public to the memorial garden between the hours of 9am and 5pm Monday to Sunday provided Conditions 3 and 4 are met.

7. An acoustic fence shall be installed on the boundary of 98 Mulgrave Street in accordance with the recommendations of the WSP *Soul Friends Pet Crematorium and Workshop, Ashurst, Assessment of Environmental Noise Effects Report - LU5959 Revision 3 dated 22 September 2021* prior to the commencement of crematorium activities on the site.
8. A Noise Management Plan ("**NMP**") shall be prepared by a suitably qualified and experienced acoustic consultant, in association with the consent holder, prior to the start of the pet crematorium and/or workshop operating. The NMP shall be submitted to the Palmerston North City Council for review 20 working days prior to the commencement of the activity. The NMP shall include but be not limited to:
 - i. The relevant noise limits as specified in conditions 3 and 4 of this consent,
 - ii. noise mitigation and maintenance requirements for plant and machinery in order to adopt the best practicable option to control noise,
 - iii. general operating procedures,
 - iv. training of staff,
 - v. complaints handling and recording, and
 - vi. noise monitoring.
9. The Noise Management Plan must be certified that it meets the requirements of Conditions 3 and 4 and the consent holder shall operate the pet crematorium and workshop in compliance with the Noise Management Plan at all times. Should no comments be received on the Noise Management Plan within 20 working days of submission of the Plan it shall be taken that the Plan as submitted is certified.
10. Noise monitoring must be undertaken within 6 weeks of the initial commencement of the pet crematorium and/or workshop to demonstrate compliance with Conditions 3 and 4. A copy of the results of each period of monitoring must be provided to Council within 20 working days of undertaking the monitoring.
11. The Council may under section 128 RMA initiate a review of the conditions of the consent 12 months after granting the consent in relation to noise and hours of operation to:
 - i. Assess the adequacy of (and, if necessary, change) the noise conditions controlling activities on the sites

- ii. Deal with any significant adverse effects from noise on the environment that may arise from the exercise of the consent.

LANDSCAPING PLAN

12. Prior to the commissioning of the crematorium and operation of the workshop, the consent holder must submit a final Landscaping Plan to Council's Monitoring and Enforcement Officer for technical certification for the site. This plan must include, but is not limited to, the following:

Planting

- a. The location of all plant species to be installed, including a full schedule of quantities indicating all botanical names, common names, PB size and quantities;
 - b. A planting specification that shall cover all method of site soil preparation, type and quality of all plant materials e.g. plants, soils, mulch, stakes, ties, method of physical planting installation, defects and maintenance period of 24 months;
 - c. Details of the proposed specimen trees including what heights are expected to be achieved within 3 years of planting and at mature height.
13. Prior to commissioning of the crematorium and operation of the workshop, the consent holder must ensure that the landscaping plan certified pursuant to conditions 12 above is fully planted and completed in accordance with the approved plan. Where this is not seasonally practicable, the planting must be completed within the first planting season after the commissioning of the crematorium and workshop.
 14. The consent holder must contact Council's Monitoring and Enforcement Officer within 2 weeks of the completion of planting so that the initial monitoring visit can occur.

Advice Notes:

- *The plantings will be monitored by Council's Monitoring and Enforcement Officer on 2 occasions as follows:*
 - *At the completion of the physical installation of the planting and associated works.*
 - *24 months after the planting is first installed and completed.*
- *Any plants that fail must be immediately replaced at the expense of the consent holder.*
- *All plantings must continue to be maintained by the consent holder thereafter.*

~~15. The consent holder shall continue to maintain all landscape planting required by condition 12, in the event that the plants do not achieve the mitigation intended by the plan the landscaping or part thereof must be replanted within 6 months. The landscaping would be deemed to be not achieving the specified mitigation purpose should plants not have established to the expected height as detailed in condition 12(c) or mortality of more than 20% for shrubs or mortality of any tree has occurred. At any time should the landscape planting required under condition 12 not achieved its required mitigation purpose, the landscaping or part thereof must be established within 6 months at the cost of the consent holder.~~

Commented [MT1]: Understand the intent of this condition is to ensure that the landscape planting is maintained over time. Have amended condition to provide more certainty.

CONTAMINATED SOILS

~~16-15.~~ The consent holder shall undertake the following testing prior to the construction of any building authorised by this resource consent:

- a. Five OCP7 and metals analysis of near surface soils within the proposed footprint of the development and car park area.
- b. One hand auger to 1m depth downstream of the old above ground storage tank with analysis for TPH.
- ~~c. A surface soil sample for % w/w asbestos in the car park footprint near to the chemical storage shed that was renovated in 2010.~~

Commented [MT2]: Deleted at this stage on the basis the car park no longer going in near the chemical storage shed, Will provide update at hearing though.

16. The Consent Holder/contractor shall have all contaminated land earthworks and validation supervised by a suitably qualified and experienced professional (SQEP) land contamination specialist. Reporting shall be prepared by the SQEP.

~~17. Advice Note: Should the sampling required by Condition 15 demonstrate that the soil is below the relevant threshold for contaminated land, no SQEP would be required to supervise earthworks.~~

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~~18-17.~~ An adequate Post-earthworks Land Contamination Planning and Management report to verify the site's immediate and ongoing safety shall be prepared in accordance with Contaminated Land Management Guidelines No's 1 and 5 (2016 edition) by a SQEP land contamination specialist, and include the following:

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- a) Evidence (for example photographs and weigh bridge receipts) that any further contaminated soil required to be removed and disposed offsite at a landfill facility consented to receive such material;

- b) The statement that "it is highly unlikely that there will be a risk to human health" to all future occupants, users and neighbouring occupants;
- c) An updated 'SLUR' site plan with polygons for each SLUR classification of soil and a specific legend describing each element on the plan;
- d) Soil Validation reporting requirements including field sampling, lab and general analysis (Contaminated Land Management Guidelines No 1, page. 14);
- e) Site Management and Monitoring reporting requirements including an assessment of what monitoring procedures are required to maintain the safety of the site regardless of its usage (Contaminated Land Management Guidelines No 1, page. 15).

UPGRADE EXISTING VEHICLE CROSSING

~~19-18.~~ Prior to the ~~arberist base~~crematorium activity commencing at the site the consent holder must upgrade the existing vehicle crossing servicing 94 Mulgrave Street to meet PNCC District Plan Appendix 20H/NZTA's Diagram C standard, or as approved by the Council Roding / Infrastructure Manager.

Note: A vehicle crossing consent will be required.

REVIEW CONDITION

~~20-19.~~ Palmerston North City Council may serve notice of its intentions to review the conditions of consent in accordance with Sections 128 and 129 of the Resource Management Act 1991, if there is documented evidence that adverse effects relating to noise, hours of operation and traffic effects that are beyond the limits contemplated by the granting of this consent have been generated by activities associated with the use of the site.

MONITORING FEES

~~21-20.~~ The Consent Holder shall pay a monitoring fee of \$348 (GST incl.) at the time the resource consent is granted for the monitoring associated with the development. Upon completion of the works required by these conditions, the consent holder shall give written notice to the Head of Planning that the conditions have been complied with. On receipt of this notice, the Head of Planning or nominee shall carry out an inspection to ensure all conditions have been complied with.

The fees will be payable by the consent holder for any subsequent monitoring of the conditions of this consent. This fee is set in accordance with Section 36(1) (c) of the Resource Management Act 1991.

Note: The current fee for monitoring is set at \$174 per hour. This amount may alter in the future if fees are reviewed. The monitoring fee charged will be the fee applicable at the time of monitoring and will be charged on each additional inspection or hour of work undertaken until full compliance with consent conditions is achieved.

22-21. A fee will be payable by the consent holder if any non-compliance with the conditions of this consent are discovered as a result of monitoring. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991 and Section 690A of the Local Government Act 1974.