

# APPENDIX L

## SUGGESTED CONSENT CONDITIONS

**LUC0123/19**  
**Suggested Consent Conditions-**

**General**

1. The quarrying and filling activities at the site shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0123/19 and officially received on the 1<sup>st</sup> October 2018 and further information provided on 12<sup>th</sup> October 2018, 18<sup>th</sup> February 2019 and 7<sup>th</sup> October 2020 except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of this consent shall prevail.

2. The following definitions are applicable to this consent:

Quarrying activities means the extraction, blasting, processing, storage and distribution of rock from the site and includes ancillary activities such as overburden removal and the treatment of stormwater together with ancillary buildings and structures.

Cleanfill means materials such as clay, soil and inert materials such as concrete, brick or demolition materials, which are free of combustible materials and are not subject to biological and chemical breakdown.

Filling activities means the deposition of cleanfill and overburden on the site.

Commencement of this consent has the same meaning as section 116 of the Resource Management Act 1991.

**Extraction**

3. The total volume of aggregate extracted shall not exceed 490,000 tonne per annum and the total volume of cleanfill material deposited shall not exceed 100,000m<sup>3</sup> per annum.

**Indigenous Vegetation Removal**

4. The total area of Indigenous Vegetation Removal shall not exceed 2.45ha (2.08ha SNA in Stage 1 and 0.37ha indigenous vegetation in Stage 3).
5. Earthworks within the SNA shall not exceed 1,249,468m<sup>3</sup>.

**Administration**

6. 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.

### **Management Plans**

7. A copy of this consent and the approved Management Plans shall be kept on site at all times the activities are being undertaken and shall be produced without unreasonable delay upon request from any authorised officer of the Waikato District Council.

### **Developers Representative**

8. Prior to commencing any engineering designs or construction works, the Consent Holder shall appoint an appropriately qualified and competent Developer's Representative(s), acceptable to the Waikato District Council.
9. The Consent Holder's representative/s shall be responsible for:
  - (a) project management of the quarrying and filling activities during the planning, construction and operational phases of the development;
  - (b) arranging design, and obtaining necessary geotechnical investigation and reports for the quarrying and filling activities, including the preparation of engineering documents and obtaining any necessary approvals from Waikato District Council;
  - (c) supervision of the works;
  - (d) arranging the necessary testing and inspections;
  - (e) identifying any non-compliant work and arranging for correction; and
  - (f) certification upon completion that the works have been carried out in accordance with the approved documents and sound engineering practice.

### **Prior to Giving Effect to the Consent**

10. The Consent Holder shall notify the Waikato District Council Monitoring Team Leader at least 10 days prior to the commencement of any activities associated with this consent. Such notification shall include the following details:
  - (a) names and telephone number/s of the consent holder's representative/s;
  - (b) site address to which the consent relates;
  - (c) the Waikato District Council land use consent reference number;
  - (d) works to be undertaken; and
  - (e) expected duration of the entrance upgrade works.

## **Site Management Plan**

11. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to Waikato District Council's Monitoring Team Leader for certification, a Site Management Plan (SMP).

The objective of the SMP is to set out practices and procedures to be undertaken during the quarrying and filling activities in order to avoid, remedy or mitigate adverse effects of the extraction activities and to comply with the conditions of this consent.

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

- (a) Quarry extraction areas including alignment, maximum quarry face length and approximate RL, and, approximate maximum depth RL;
  - (b) Aggregate processing areas including site locations and areas;
  - (c) Stockpile areas including site locations and areas;
  - (d) Drainage plans for the areas identified in a) to c) above;
  - (e) Erosion and Sediment Control Plan (ESCP);
  - (f) Overburden Management Plan (OMP);
  - (g) Cleanfill Management Plan (CMP);
  - (h) Dust Management Plan (DMP);
  - (i) Quarry Circulation and Loading Management Plan (QCLMP)
  - (j) Ecological Mitigation and Monitoring Plan (EMMP);
  - (k) Landscape Mitigation and Management Plan (LMMP).
  - (l) Conceptual Site Closure Plan (CSCP);
  - (m) Site Rehabilitation Plan (SRP);
12. The Consent Holder shall exercise this consent in accordance with the Site Management Plan certified in Condition 11. Any subsequent changes to the Site Management Plan must only be made with the written approval of Waikato District Council's Monitoring Team Leader. In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Site Management Plan, then the conditions of this consent shall prevail.

## **Erosion and Sediment Control Plan**

13. Within two (2) months of the commencement of this consent the Consent Holder shall submit to the Waikato District Council's Monitoring Team Leader for certification an Erosion and Sediment Control Plan (E&SCP). The E&SCP shall as a minimum be based upon and incorporate all the relevant principles and practices for the activity authorised by this consent and contained within the Waikato Regional Council document titled

“Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009), and shall include, but not be limited to, the following;

- (a) Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation if required;
  - (b) The design criteria and dimensions of all key erosion and sediment control structures;
  - (c) A site plan of a suitable scale to identify;
    - i. The locations of waterways;
    - ii. The extent of soil disturbance and vegetation removal;
    - iii. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses;
    - iv. Areas of cut and fill;
    - v. Locations of topsoil stockpiles;
    - vi. All key erosion and sediment control structures;
    - vii. The boundaries and area of catchments contributing to all stormwater impoundment structures;
    - viii. The locations of all specific points of discharge to the environment;
    - ix. The location and details of stream stabilisation works in areas of damming, diversion or clearing; and,
    - x. Any other relevant site information.
  - (d) Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
  - (e) Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
  - (f) Maintenance, monitoring and reporting procedures;
  - (g) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
  - (h) Procedures and timing for review and/or amendment to the erosion and sediment control measures listed in the E&SCP; and,
  - (i) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.
14. The Consent Holder shall ensure that the E&SCP is implemented on site in accordance with the methods and timeframes outlined for the various components within the E&SCP certified in Condition 13 to the satisfaction of Waikato District Councils Monitoring Team Leader. Any changes to the E&SCP must only be made with the written approval of Waikato District Councils Monitoring Team Leader.

### **Overburden Management Plan**

15. Within two (2) months of commencement of this consent, the Consent Holder shall submit to Waikato District Council’s Monitoring Team Leader for certification, an Overburden Management Plan (OMP).

The objective of the OMP is to set out the detail and procedures that will be implemented to manage overburden removal and placement and to comply with the conditions of this consent.

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

- (a) A description of the methodology for overburden stripping and disposal;
- (b) Areas to be quarried over the next 12 months;
- (c) Plans for overburden stripping and disposal over the next 12 months;
- (d) Details of maintenance activities undertaken in the previous 12 months, and maintenance activities proposed over the next 12 months;
- (e) The specific location of the placement area;
- (f) The design and construction procedures;
- (g) How sediment losses to natural water will be avoided;
- (h) Earthworks procedures to be adopted during overburden stripping and disposal;
- (i) Measures to avoid the over compaction of soils;
- (j) Timetable of works and re-vegetation;
- (k) Maintenance and inspection procedures;
- (l) Monitoring; and
- (m) Contingency and mitigation measures.

16. The OMP plan shall be updated on the 1 April each year or as otherwise agreed in writing with Waikato District Councils Monitoring Team Leader. Any changes to the OMP shall be to the satisfaction of Waikato District Council's Monitoring Team Leader.

17. The Consent Holder shall undertake the placement of overburden in accordance with the OMP certified in Condition 15.

### **Cleanfill Management Plan**

18. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to Waikato District Council's Monitoring Team Leader for certification, a Cleanfill Management Plan (CMP).

The objective of the CMP is to set out practices and procedures to be undertaken to manage the receipt and disposal of cleanfill at the site and to comply with the conditions of this consent.

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

- (a) procedures to record the name and address of contractors dumping cleanfill at the site;
- (b) the specific location of the cleanfill placement areas;
- (c) cleanfill Acceptance Criteria for cleanfill to be disposed on site;
- (d) a description of operational procedures and monitoring that will be implemented to prevent unauthorised material from entering the site;

- (e) quarantine area and contingency measures for addressing unacceptable fill;
  - (f) specific design details, construction and certification procedures to ensure long term stability of cleanfill areas;
  - (g) description of the stormwater management system (including design specification, location and management of all structures; and
  - (h) procedures for improving and/or reviewing the CMP.
19. The Consent Holder shall operate the site in accordance with the CMP certified in Condition 18. Any changes to the CMP must only be made with the written approval of Waikato District Council's Monitoring Team Leader.

### **Quarry Circulation and Loading Management Plan**

20. Within two (2) months of the commencement of this consent, the Consent Holder shall prepare and submit a Quarry Circulation and Loading Management Plan (QCLMP) to Waikato District Council's Senior Land Development Engineer for certification.

The objective of the QCLMP is to demonstrate that the internal vehicle circulation avoids any impacts on McPherson Road such as queuing or parking within the shoulders/berm. The QCLMP shall include but not be limited to the following:

- (a) swept paths to demonstrate two-way movements through the gate;
  - (b) identify holding/waiting areas for trucks waiting for the weighbridge;
  - (c) weighbridge location;
  - (d) loading areas and arrangements;
  - (e) internal circulation roads including any passing bays; and
  - (f) internal parking arrangements for staff and visitors.
21. The Consent Holder shall operate the site in accordance with the QCLMP certified in Condition 20. Any changes to the QCLMP must only be made with the written approval of Waikato District Council's Senior Land Development Engineer.

### **Dust Management Plan**

22. Within two (2) months of the commencement of this consent, the Consent Holder shall submit a Dust Management Plan (DMP) to the Waikato District Councils Monitoring Team Leader for certification.

The objective of the DMP is to set out the methods and procedures to minimise any potential dust nuisance effects beyond the boundary of the site and comply with conditions of this consent.

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

- (a) Procedures for undertaking a daily site inspection, including summarising the outcome of the inspection in a daily environment diary. This could also include but is not limited to:
    - i. Operation of watercart;
    - ii. Any dust mitigation implemented; and
    - iii. Any exceedance of dust monitoring alert levels and the result of any investigations in to the causes of the exceedance.
  - (b) Procedures that will be adopted to ensure that fugitive dust emissions are minimised from the roadways, working areas and stockpiles, including wind speed triggers that shall initiate specific mitigation measures;
  - (c) Details of the dust mitigation measures to be used on the site, including both fixed and temporary systems;
  - (d) Identification of roles and positions of responsibility, including responsibility for ensuring the effective application of dust control measures identified in b) and c) above;
  - (e) Provision and maintenance of 20 kph speed limit signs on all unsealed access roads;
  - (f) Total Suspended Particulates (“TSP”) or PM<sub>10</sub> particulate monitoring locations, alert levels and trigger levels and actions;
  - (g) Details of how the nett TSP concentrations will be calculated.
  - (h) Maintenance procedures for the monitoring equipment and weather station;
  - (i) Shelterbelts or windbreak fences to minimise dust issues for neighbouring dwellings.
  - (j) Reporting procedures;
  - (k) Dust Management Plan review procedures;
  - (l) Complaint receipt and response procedures.
23. The Consent Holder shall undertake all works within the site in accordance with the DMP certified in Condition 22. Any subsequent changes to the Dust Management Plan shall only be made with the written approval of Waikato District Council’s Monitoring Team Leader.

### **Ecological Management and Mitigation Plan**

24. Within two (2) months of the commencement of this consent, the Consent Holder shall submit an Ecological Management and Mitigation Plan (EMMP) prepared by a suitably qualified and experienced ecologist to the Waikato District Councils Monitoring Team Leader for certification.

The objective of the EMMP is to set out the methods and procedures to remedy, mitigate and environmentally compensate or offset all ecological effects of the quarrying and associated activities with the intent of achieving net improvement and betterment of the existing environment. The EMMP objectives, among other matters, are to:

- (a) Minimise wildlife disturbance arising from the operation of the quarry and associated activities;
- (b) Provide for the restoration, revegetation, enhancement and/or protection of indigenous forest and wetland habitat to remedy, mitigate and environmentally



compensate or offset for the habitat removed or adversely affected resulting from the quarry activities.

25. The ecological mitigation measures addressed in the EMMP shall be based on the remediation, mitigation, and environmental compensation or offset measures documented in the application and further technical reviews. Without limiting the above, the ecological remediation, mitigation, and environmental compensation or offset measures shall specifically include the following:
- (a) Restoration and enhancement of a minimum (indigenous re-vegetation equivalent):
    - i. Planting of native species to form the 4.56ha ecological corridor (and any additional planting to offset historic removal of indigenous vegetation);
    - ii. Planting with native species of 10 m either side of the Waipunga Stream
    - iii. The riparian plantings shall be at least 930 linear metres of stream;
    - iv. Additional buffer planting around wetlands of at least 5 metres to those stipulated in the Ecological Management Plan submitted with the application
  - (b) Bat Management Plan, including the installation of 25 Kent style bat boxes with predator exclusion bands. To be installed at least 5 m above the ground and on trees located at the forest edge or on a linear feature. If bats are found to be present, then the Bat Management Plan (BMP) will need to be updated to ensure that suitable mitigation is provided.
  - (c) Lizard Management Plan, including the installation of minimum 5 lizard log piles within the northern corridor.
  - (d) Bird Management Plan.
  - (e) Pest and Weed Management Plan including measures and controls to prevent Kauri dieback.
  - (f) Planting Management Plan, including as a minimum:
    - i. Site plantings including species to be planted, size of plants, and where they are to be planted, density of planting, sourcing of plants and fertilising;
    - ii. Site preparation for planting including weed and pest control;
    - iii. Timeline for planting;
    - iv. Ongoing weed and pest control;
    - v. Supplementary/replacement planting plans specifications; and
    - vi. Timing of monitoring maintenance inspections; and
    - vii. Methods to ensure that the plantings are protected and maintained in perpetuity.
26. The Consent Holder shall ensure that the EMMP is implemented on site in accordance with the methods and timeframes outlined for the various components within the EMMP certified in Condition 24 to the satisfaction of Waikato District Councils Monitoring Team Leader. Any changes to the EMMP must only be made with the written approval of Waikato District Councils Monitoring Team Leader.

27. Within the first planting season after the commencement of this consent, the Consent Holder shall undertake planting of the ecological corridor in accordance with the recommendations of the LMMP and EMMP. The planting of the corridor (4.56 ha) cannot take more than three consecutive planting seasons.

### **Landscape Mitigation and Management Plan**

28. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to Waikato District Council's Monitoring Team Leader for certification, a Landscape Mitigation and Management Plan (LMMP) prepared by a suitably qualified landscape architect.

The objective of the LMMP is to identify those landscape features and attributes of the site which are to be maintained, and the finished form of the site to manage the visual and landscape effects of the quarrying and filling activities to an acceptable level.

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

- (a) An annotated planting plan(s) which outlines the proposed location and extent of all areas of planting, including any revegetation, reinstatement planting, mitigation planting and natural revegetation. Location of planting shall be in general accordance with the mitigation plan prepared by Mansergh Graham Landscape Architects and the updated ecological corridor planting plan dated 21 September 2020, and shall also include additional planting to:
  - (i) Mitigate the landscape and visual amenity effects of the proposal from the dwelling at 209 Pinnacle Hill Road.
  - (ii) Mitigate landscape and visual amenity effects of the proposal from views from Mt William Summit by planting to the west of stage 3.
- (b) 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.
- (c) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements.
- (d) An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing.
- (e) 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; and
  - (v) Contractor responsibilities.
- (f) A detailed staging maintenance plan prepared by a landscape architect or suitably qualified person. The staged maintenance plan should outline performance targets for proposed screening planting and should include but not be limited to:
  - (i) Minimum heights of trees;
  - (ii) Planting density; and

- (iii) Screening requirements.
29. The Consent Holder shall ensure that the LMMP is implemented on site in accordance with the methods and timeframes outlined for the various components within the LMMP certified in Condition 28 to the satisfaction of Waikato District Councils Monitoring Team Leader. Any changes to the LMMP must only be made with the written approval of Waikato District Councils Monitoring Team Leader.

### **Conceptual Site Closure Plan**

30. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to the Waikato District Council's Monitoring Team Leader for certification a Conceptual Site Closure Plan (CSCP). As a minimum, the Conceptual Site Closure Plan shall address the following:
- (a) Future landforms following all quarrying activities at the site;
  - (b) Future groundcover following all quarrying activities at the site;
  - (c) Reporting procedures; and,
  - (d) Review procedures.
31. The Consent Holder shall review and update the CSCP every five years and within six months of any decision to cease quarrying at the site. The Consent Holder shall submit any revised CSCP to the Waikato District Council's Monitoring Team Leader for certification.

### **Site Rehabilitation Plan**

32. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to the Waikato District Council's Monitoring Team Leader for certification a Site Rehabilitation Plan (SRP). The Site Rehabilitation Plan shall detail rehabilitation objectives, goals and success criteria to be followed in order to achieve the future landforms and groundcovers detailed within the Conceptual Site Closure Plan. As a minimum, the SRP shall include the following:
- (a) Procedures for progressive rehabilitation;
  - (b) Any specific measures to control erosion;
  - (c) Procedures for pest control;
  - (d) Procedures for noxious weed control;
  - (e) Land and vegetation maintenance procedures;
  - (f) Post closure maintenance methods and after care plans;
  - (g) Approximate timeframes for landscape and rehabilitation events;
  - (h) Approximate costs associated with the implementation of this plan to the stage of conceptual site closure;

- (i) Monitoring procedures; and,
  - (j) Reporting and review procedures.
33. The Consent Holder shall review and update the SRP every five years and within six months of any decision to cease quarrying at the site. The Consent Holder shall submit any revised SRP to the Waikato District Council's Monitoring Team Leader for certification
34. The rehabilitation of the Quarry shall be undertaken such that:
- (a) Where appropriate, and where subsoils and topsoils are available, these shall be used for rehabilitation and the land shall be managed to actively develop stable topsoil mantles generally consistent with topsoils on adjacent areas of land unaffected by quarrying.
  - (b) Where practical the rehabilitated land cover is generally consistent with that on adjacent land unaffected by quarrying.
35. The rehabilitation of the quarry shall be undertaken in accordance with the Site Rehabilitation Plan certified Condition 32 of this consent and shall be implemented under the supervision of persons with appropriate restoration or rehabilitation experience.

#### **Fencing of Indigenous Vegetation**

36. The consent holder shall ensure that the ecological corridor as shown on the Ecological Corridor Plan dated 21 September 2020 is fenced with a stock proof fence, generally along the covenant boundaries and in accordance with the Ecological Corridor Plan dated 21 September 2020. The consent holder's attention is drawn to the following minimum standards for fencing:

Number of wires	7
Posts	5 metres apart maximum
Battens	5 between posts minimum

The fence is to be otherwise in accordance with Clause 7 of the Second Schedule to the Fencing Act 1978.

#### **Conservation Covenant**

37. The Consent Holder shall agree to a Covenant in perpetuity under the Reserves Act 1977 or Queen Elizabeth II National Trust 1977 being registered on Allotment 22 and Allotment 139-140 Suburban Section I Parish of Maungatawhiri and Allotment 161 and Allotment 163 Parish of Maungatawhiri (RT NA2D/412), Section 164 Parish of Mangatawhiri (RT NA2D/961) to the effect that the ecological corridor referred to in this consent is fenced with a stock proof fence in accordance with conditions of this consent and is to be protected in perpetuity.

The Conservation Covenant is required to refer to the Ecological Impact Assessment prepared by Ecology NZ and dated October 2019 and the Ecological Mitigation and Management Plan certified in Condition 26.

The Conservation Covenant will be prepared by Waikato District Council's Solicitor at the consent holder's expense.

Advice Note: for the avoidance of doubt this condition shall be satisfied once planting is complete (within the first three planting seasons).

### **Hours of Operation**

38. The hours of operation, for all truck movements and for activities associated with the quarrying and filling activities shall be as follows:

Hours of Work:	Monday to Friday	0700 – 1900
	Saturday	0700 – 1900

The site shall not operate on a Sunday or on any public holidays.

39. The entrance to the site shall be securely locked outside of the above hours of operation.

### **SH2/McPherson Road Intersection**

40. The Consent Holder shall provide evidence of a Traffic Management Plan and Consent to Work on the Highway being submitted and approved by the New Zealand Transport Agency at least seven working days prior to the commencement of any works on the state highway.

Advice Note: NZTA require prior approval for works undertaken within State Highway 2 pursuant to Section 51 of the GRPA.

41. The Consent Holder shall ensure that any works undertaken within the state highway are undertaken in accordance with the Traffic Management Plan approved in Condition 40.
42. At least 20 working days prior to the commencement of this consent, the Consent Holder shall submit detailed engineering design plans for the SH2/McPherson Road intersection to the New Zealand Transport Agency for approval prior to any works associated with its construction commencing. Detailed design shall be in general accordance with Opus drawing 3-39019.00\_SK001 and shall include, but not be limited to the following:
- Superelevation and drainage for surface water on the pavement as per Austroads guidelines;
  - Heavy vehicle turning paths;
  - Cross-sectional drawings to indicate batter slopes, drainage lane width and property boundaries;
  - Traffic movement at the intersection for calculation of right turn bay length;
  - Re-alignment of guardrail;
  - An advance warning sign for heavy vehicle crossing as per MOTSAM (sign to be located to the west of the SH2/McPherson Road intersection)

43. An independent safety audit must be conducted during detailed design of the intersection with State Highway 2 and post construction. Each audit shall be carried out by an appropriately qualified auditor experienced with intersection design and appointed in consultation with the New Zealand Transport Agency. Any recommendations made by the auditor that require changes to design and construction shall be approved by the New Zealand Transport Agency.
44. The Consent Holder shall ensure that the required sight lines of 151 metres are achieved in perpetuity.

Advice Note: Batter slopes and vegetation removal may be required on part Allotment 200A Parish of Mangatawhiri to achieve the required sight lines of 151 metres in perpetuity. Written notice of any works on part Allotment 200A Parish of Mangatawhiri shall be provided to Waikato District Council's Parks and Facilities Team.

45. Prior to the commencement of this consent, the Consent Holder shall upgrade the SH2/McPherson Road intersection in accordance with the design plans for the SH2/McPherson Road intersection approved in Condition 42.

### **Site Entrance**

46. The Consent Holder shall submit engineering plans detailing the vehicle crossing and proposed haul road to Waikato District Councils Senior Land Development Engineer for approval in a technical certification capacity in advance of any construction works being undertaken. The design of the vehicle crossing should be in general accordance with the RITS diagram D3.3.4 and accommodate left turn in and right turn out movements by heavy vehicles, including:
  - (a) Tracking for the design vehicle.
  - (b) Relocating the gates to be set back at least 22m from the edge of the McPherson Road carriageway.
  - (c) Sealing the vehicle crossing (grade 3/5 chip) and the driveway for a minimum of 40m within the site.
  - (d) Removal of vegetation to improve sight distance at the vehicle crossing.

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

47. Prior to the commencement of this consent, the Consent Holder shall upgrade the site entrance in accordance with the design plans certified in Condition 46.

### **Traffic Movements and Vehicle Register**

48. The Consent Holder shall ensure that heavy vehicle movements to and from the site occur only within the site's hours of operation and do not exceed the following levels:
  - (a) Daily maximum of 210 HCV movements/day; and
  - (b) Daily average of 165 HCV movements/day (calculated over a three-month period).
49. The Consent Holder must keep a register of daily truck movements, daily aggregate volume leaving the site and daily cleanfill material entering the site. The register shall contain the following:
  - (a) registration number of vehicle;
  - (b) time of arrival;
  - (c) approximate size of the load deposited;
  - (d) source and type of material to be deposited; and
  - (e) comments on whether the material is accepted or not.
50. The daily incoming and outgoing logs shall be retained on site at all times and be made available for Waikato District Council inspection during working hours. A copy of the logged information shall be forwarded to the Waikato District Council's Monitoring Team Leader on a six (6) monthly basis from the commencement of this consent.

### **Heavy Vehicle Impact Fee**

51. The Consent Holder shall pay the Waikato District Council a pavement impact fee of \$58,492 plus GST. The pavement impact fee shall be paid within three years from the commencement of this consent.
52. The Consent Holder shall, within ten (10) working days of payment, provide Waikato District Council's Monitoring Team Leader with written notice of the date on which the payment of the pavement impact fee is paid to Council, the amount that was paid, and how the amount was calculated.

Advice Note: the Consent Holder is advised that should a period of 13 or more months pass between payments the Council may start enforcement proceedings against the consent holder, which may include, but is not limited to debt collection.

### **Noise Management and Compliance Monitoring**

53. The Consent Holder shall ensure that all activities on the site, measure at or within the notional boundary of any other site in the Rural Zone, shall not exceed the following noise limits:
  - (a) 50 dBL<sub>Aeq</sub> 0700 to 1900 all days
  - (b) 45 dBL<sub>Aeq</sub> 1900 to 2200 all days

(c) 40 dBL<sub>Aeq</sub> and 65 dB<sub>AFmax</sub> 2200 to 0700 all days

Advice Note: Notional boundary means a line 20 metres from any side of a dwelling, or the legal boundary where this is closer to the dwelling.

54. Noise shall 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*.
55. Within three (3) months of giving effect to this consent, and at any other time when requested by Waikato District Council, the Consent Holder shall engage a suitably qualified acoustic engineer to undertake noise level monitoring from all activities on the site to confirm compliance with Condition 53. The results of this monitoring shall be reported to the Waikato District Council Monitoring Team Leader within 10 working days of the completion of the monitoring.
56. Where the monitoring of noise levels required by Condition 55 demonstrates a non-compliance with Condition 53, the Consent Holder shall take action within five (5) working days to ensure that compliance is achieved and shall report to the Waikato District Council's Monitoring Team Leader, the mitigation actions to be implemented. Following implementation of such mitigation measures a further noise level survey shall be undertaken confirming that compliance with the relevant noise criteria has been achieved, and those results forwarded to the Waikato District Council's Monitoring Team Leader within ten (10) working days of the completion of the monitoring.

### **Vibration and Blasting for Quarry Activities**

57. All blasting and resultant vibration occurring on the site shall comply with the following:
  - (a) The noise created by the use of explosives for any blasting activity within the quarry measured at or within the notional boundary of any other site shall not exceed a peak sound pressure of 128dB<sub>Zpeak</sub>; and
  - (b) All blasting shall be restricted to between 1000 and 1600 hours Monday to Saturday, except where blasting is required for safety reasons; and
  - (c) Blasting shall be confined to two occasions per day, except where necessary for safety reasons; and
  - (d) The vibration created by the use of explosives for any blasting activity within the quarry shall not exceed 5mm/s PPV at any building not on the same site; and
  - (e) Each blast shall be notified [to relevant parties via siren/text message] 30 minutes and again 1 minute prior to the blast occurring; and
58. Blast records and monitoring results of two (2) blasts, over the calendar year, shall be submitted to Waikato District Council Monitoring Team Leader within the Annual Report to confirm compliance with Condition 57.



## **Dust and Debris Mitigation**

59. The Consent Holder shall ensure that no particulate matter resulting from activities authorised by this resource consent causes an objectionable or offensive effect beyond the boundary of the site being that land described as: CT NA2D/412: Allot 22 PSH of Mangatawhiri , Allot 139 and 140 PSH “ , Allot 161 and 163 PSH “.; CT NA2D/497: Allot 162 PSH “; CT NA2D/961 Allot 164 PSH “; CT NA423/102 Allot 159 and 160 PSH of Mangatawhiri; CT NA577/25 Allot 23, 24, 26, 130, 132, 133 Sbrn Sec 1 PSH of Mangatawhiri.

Note: For the purpose of condition 3 of this resource condition, the Waikato District Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council deems it so after having regard to:

- (a) The frequency, intensity, duration, amount, effect and location of the suspended or particulate matter; and/or
  - (b) receipt of complaints from neighbours or the public: or
  - (c) relevant written advice or a report from an Environmental Health Officer of a territorial authority or health authority.
60. Should an emission of particulate matter occur that has an objectionable or offensive effect, the consent holder shall inform the Waikato District Council within 24 hours of the incident and provide a written report to the Waikato District Council within five days of being notified of the incident. The report shall specify:
- (a) the cause or likely cause of the event and any factors that influenced its severity;
  - (b) the nature and timing of any measures implemented by the consent holder to avoid, remedy or mitigate any adverse effects; and
  - (c) the steps to be taken in future to prevent recurrence of similar events.
61. The Consent Holder must ensure that any debris tracking/spillage onto any McPherson Road as a result of the exercise of this consent shall be removed as soon as practical, and with a maximum of 24 hours after the occurrence, or as otherwise directed by a Waikato District Council's staff member, to the satisfaction of the Waikato District Council's Team Leader Monitoring. The cost of the cleanup of the roadway and associated drainage facilities, together with all temporary traffic control, shall be the responsibility of the consent holder.
62. The consent holder, upon becoming aware of the need to clean up the roadway, shall advise Waikato District Council's Monitoring Team Leader of the need for the road to be cleaned up, and what actions are being taken to do so.
63. The consent holder shall maintain a truck wheel wash facility in an appropriate location near the site weighbridge and shall require all trucks leaving the site to travel over the site wheel wash.

### **Additional Engineering Requirements**

64. All works forming part of the consent which require engineering design, supervision, and testing shall be certified by the Certifying Engineer and/or a Geo-professional (who is one of the consent holder's representatives) who shall be a Chartered Professional Engineer. Once appointed, the Certifying Engineer shall not be changed without the approval of the Waikato District Council's Senior Land Development Engineer.
65. Geotechnical investigations, completion and site stability/suitability reports shall be prepared and signed by a Geo-professional (as defined in NZS4404:2010), who shall provide evidence of suitable professional indemnity insurance cover for the works being investigated, supervised and certified.
66. Where subsoil drainage measures or toe bunds are recommended by a Geo-professional, these are to be installed and inspected, recorded and verified by the Geo-professional prior to burial. The Consent Holder shall provide evidence of this certification to Council in the Annual Report required by Condition 75.
67. Rock and soil slopes shall be inspected annually by a Geo-professional, to confirm compliance with the EDMP and confirm whether any changes to the EDMP are required. A report detailing the findings of the inspection shall be provided to Council in the Annual Report required by Condition 75.
68. All stormwater runoff management, drainage, and erosion and sediment control measures shall be constructed and maintained in good working order at all times to the satisfaction of Waikato District Council's Team Leader Monitoring and in accordance with the Waikato Regional Council's Erosion and Sediment Control-Guidelines for Soil Disturbing Activities: January 2009.
69. The Consent Holder shall ensure that, as soon as possible, and within a maximum of 12 months, the areas where filling activities have been undertaken are covered with topsoil and revegetated (or by other approved means) to achieve a minimum 80% coverage and ensure that the total open area across the site does not exceed 5 hectares. This work shall be undertaken to the satisfaction of the Waikato District Council's Team Leader-Monitoring.
70. Erosion and sediment controls shall be maintained and remain in place until (at least) the minimum required cover is achieved, and may only be removed once the Waikato District Council's Monitoring Team Leader is satisfied that the risk from erosion and instability has been reduced to a less than minor risk, and has provided approval in writing.

### **Community Liaison Group**

71. Within three (3) months of the commencement of this consent the Consent Holder shall establish a Community Liaison Group. Members of this group shall include two representatives of the Consent Holder, local residents (from Pinnacle Hill Road, McPherson Road, Irish Road and SH2) Ngati Tamaoho, Ngati Te Ata and Waikato District Council to discuss any issues associated with the operation of the site. The prime purpose of meetings with the Community Liaison Group will be to:
  - a) Explain the progress of the quarry and filling;

- b) Listen to and discuss as far as practicable any community and cultural concerns with the quarry and filling operation; and
  - c) Present and discuss the complaints register and results of any monitoring and/or reporting as required by the conditions of this consent.
72. The Community Liaison Group shall meet on a monthly basis after the commencement of this consent, for the first year of the operation, and thereafter six (6) monthly unless the members of the Community Liaison Group wishes to have the meetings at a more regular interval. A copy of the minutes of each meeting shall be sent to Waikato District Councils Monitoring Team Leader within 20 working days from the date of the meeting.

### **Complaints register**

73. The Consent Holder shall maintain and keep a complaints register for substantiated complaints about the activity received by them. The register shall record:
- (a) the date, time and duration stated by the complainant as to when the event/incident (if possible, specify nature of incident e.g. dust nuisance) was detected;
  - (b) the possible cause of the event/incident;
  - (c) the weather conditions and wind direction at the site when the event/incident allegedly occurred;
  - (d) any corrective action undertaken by the consent holder in response to the complaint; and
  - (e) any other relevant information.

The consent holder shall ensure that the appropriate contact details of the site manager and/or staff member of equivalent position shall be supplied to all people who could be affected by this activity.

74. The complaints register shall be made available to the Waikato District Council at all reasonable times. Complaints received by the consent holder or sub-contractor shall be forwarded to the Waikato District Council, Monitoring Team Leader as soon as practicable and within at most 24 hours of the complaint being received.

### **Annual Report**

75. The Consent Holder shall submit to the satisfaction of Waikato District Council's Team Leader Monitoring, an Annual Performance Report for each year that the consent is exercised. The Annual Performance Report shall include details of the following:
- (a) daily and monthly truck movements;
  - (b) monthly volumes of rock extracted and cleanfill accepted;
  - (c) pavement impact fees paid;
  - (d) geotechnical monitoring undertaken; and

- (e) general compliance with the conditions of this consent
76. The first Annual Report shall be submitted twelve (12) months after the consent holder has given effect to this consent, and all further reports shall be submitted by 31 July for each following year.

### **Archaeological Discovery**

77. In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking works to give effect to the conditions of this consent, the works in the area of the discovery shall cease immediately, and Iwi (Ngati Te Ata and Ngati Tamaoho) and the Waikato District Council shall be notified within 48 hours. Works may recommence with the written approval of the Waikato District Council. Such approval shall be given after the Waikato District Council has considered:
- (a) Tangata Whenua interests and values;
  - (b) the consent holder's interests; and
  - (c) any archaeological or scientific evidence.

### **Review Condition**

78. The Waikato District Council may, by giving notice to the consent holder of its intention to do so under section 128 of the Resource Management Act 1991, review the conditions of this consent 12 months after the date of the commencement of the consent and at the expiry of every 12 months thereafter for the following purposes:
- (a) to review the effectiveness of the conditions of this consent in avoiding, remedying or mitigating any adverse effect on the environment that may arise from the exercise of this consent and, if necessary, avoid, remedy or mitigate such effects by way of further or amended conditions. In particular, adverse effects in relation to:
    - i) noise arising from quarrying and filling activities;
    - ii) dust arising from quarrying and filling activities and/or vehicle movements;
    - iii) traffic effects and pavement effects on McPherson Road;
    - iv) the value of the pavement impact fee; and
    - v) the performance and success of any rehabilitation and the site's geotechnical stability.
  - (b) to address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints;
  - (c) to review the adequacy of, and necessity for, any monitoring programmes or Management Plans that are part of the conditions of this consent;

- (d) to require the Consent Holder, if necessary and where appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment.

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

## **Advisory Notes**

### **1 Lapse Date**

This Resource Consent for land use lapses five years after the commencement of the consent, unless:

1 the Consent is given effect to prior to that date.

or

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

### **Cultural Monitoring**

3 The Consent Holder is advised of the recommendations which are set out in the Cultural Values Assessment prepared by Ngati Te Ata and Ngati Tamaoho in the which are generally as follows:

- That where the ponds/wetlands are requested the second pond is to be a wetland with raupo to give a final polish (cleanse) and remove any fine sediments found in overburden and clean fill.
- That a third pond/wetland is established for a final polish prior to discharge to the tributary of the Waiponga stream, and ultimately the Waikato River.
- That at a minimum there is a two pond/wetland system for the proposed overburden site regarding Stages 2 and 3, especially above the flat land.
- That the mitigation native ecological corridor is to be provided for as discussed at the onsite up the back behind the large farm wetland.

- That the native ecological corridor is to be fenced which will exclude stock from gaining access and doing irretrievable damage.
- That Iwi (Ngati Tamaoho and Ngati Te Ata) are to receive a copy of the planting proposal and associated management plan once available.
- That where the ponds/wetlands are requested the second pond is to be a wetland with raupo to give a final polish (cleanse) and remove any fine sediments found in overburden and clean fill.
- That a third pond/wetland is established for a final polish prior to discharge to the tributary of the Waiponga stream, and ultimately the Waikato River.
- That at a minimum there is a two pond/wetland system for the proposed overburden site regarding Stages 2 and 3, especially above the flat land.
- That the mitigation native ecological corridor is to be provided for as discussed at the onsite up the back behind the large farm wetland.
- That the native ecological corridor is to be fenced which will exclude stock from gaining access and doing irretrievable damage.
- That Iwi (Ngati Tamaoho and Ngati Te Ata) are to receive a copy of the planting proposal and associated management plan once available.
- That Iwi are engaged directly with the applicant, their agents and the site manager regarding any further required consultation requirements, are informed of the results of all monitoring and consent related assessments relating to the proposed quarry development and expansion.

#### 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).