

Appendix 6

Draft Consent Conditions

Schedule 1

Conditions of Consent

Resource Consent No: LU/0108/20

General

- 1 The mineral extraction activity and associated cleanfilling shall proceed in general accordance with the *"Resource Consent Application and Assessment of Environmental Effects: Kaipaki Road - Sand Quarry"* document dated 26 April 2020 prepared by Mitchell Daysh Limited, and the clarification information dated 9 September 2020 and 15 September 2020, except where another condition of this consent must be complied with. This information is entered into Council records as LU/0108/20. A copy of the approved plans are attached.
- 2 Where there is any inconsistency between the resource consent application documentation, the details in an approved Quarry and Cleanfill Management Plan or the conditions, the consent conditions shall prevail.

Consent Compliance for Sub-Contractors

- 3 The consent holder shall be responsible for all sub-contracted operations relating to the exercise of this resource consent, and shall ensure staff and sub-contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Consent Documentation Onsite

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

Pre-Start

- 5 The consent holder shall inform the Waipa District Council in writing at least 5 working days prior to the commencement of activities of the start date of the works authorised by this consent.

Consent Holder Representative

- 6 The consent holder shall appoint a representative prior to the commencement of any physical works associated with this resource consent that shall be the Waipa District Council's principal contact person in regards to matters relating to this resource consent.

The consent holder shall inform the Waipa District Council enforcement team of the representative's name and how they can be contacted prior to the exercise of this consent. Should that person change during the term of this resource consent, the consent holder shall immediately inform the Waipa District Council's enforcement team in writing of the new representative's name and how they can be contacted.

Pre-Construction Site Meeting

- 7 The consent holder shall arrange and conduct a pre-construction site meeting and invite, with a minimum of 5 working days' notice, the Waipa District Council, the site representative(s) nominated under condition 12 of this consent, the contractor and any other party representing the consent holder prior to any work authorised by this consent commencing on site.

Advice note: *In the case that any of the invited parties, other than the site representative does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.*

Dust and Sand spillage

- 8 All truck and trailer units departing the site with sand must be covered to minimise dust and sand spillage.
- 9 There shall be no particulate matter as a result of the activities authorised by this resource consent that causes an objectionable or offensive effect beyond the boundaries of the site, being that land described as Lot 2 DP 444992 and Lot 3 DP 424105 comprised in Certificate of Titles 558891 and 493900.

Advice Note: *For the purposes of this condition, the Waipa District Council will consider an emission to be objectionable or offensive having regard to:*

- a) Its frequency, intensity, duration, location and effects of the dust emission(s); and*
 - b) Receipt of complaints from neighbours or members of the public; and*
 - c) Where relevant, written advice from an experienced officer of the Waikato Regional Council or Waikato District Health Board has been issued.*
- 10 A maximum vehicle speed limit of 20kph shall be maintained on site at all times. The consent holder shall erect and maintain signs advising this vehicle speed limit near the entrance to the property and on the site access.
- 11 All areas of bare earth shall be re-vegetated or re-grassed as soon as practicable.

- 12 The consent holder shall ensure that any sand spillage onto Kaipaki Road within 300m of the access into the site as a result of the activities authorised by this resource consent shall be removed as soon as practicable.

Tangata Whenua, Accidental Discovery and Archaeological

- 13 If taonga, koiwi or any archaeological artefacts are discovered in any area of earthworks, the consent holder shall cease work within a 50-metre radius of the discovery immediately and contact local iwi, Heritage New Zealand (HNZ) and the Waipa District Council within 48 hours. Works shall not recommence within this area until a site inspection is carried out by iwi, HNZ and/or the Waipa District Council (if any consider this necessary) and appropriate action has been taken. Works may recommence on the written advice of the Waipa District Council after considering:
- a) The interests and values of Tangata Whenua; and
 - b) The consent holder's interests; and
 - c) Any archaeological or scientific evidence; and
 - d) Any Heritage New Zealand authorisations.

Quarry and Cleanfill Management Plan

- 14 The consent holder shall submit to Waipa District Council's Consents Team Leader a "Quarry and Cleanfill Management Plan" ('QCMP'), at least twenty (20) working days prior to the commencement of activities authorised by this consent. The information presented in the QCMP shall be of a similar scope and standard to that within the Draft QCMP provided in Appendix D of the application. The QCMP shall be certified by the Waipa District Council's Consents Team Leader as incorporating all the outcomes listed in Condition 14 in writing, prior to any mineral extraction works authorised by this consent commencing.

Note: *The objective of the QCMP is to set out practices and procedures to be undertaken during the mineral extraction activities in order to avoid, remedy or mitigate adverse effects of the extraction activities and to comply with the conditions of this consent.*

- 15 The QCMP shall include, but may not be limited to, the following:
- a) acceptance criteria for cleanfill to be disposed on site;
 - b) a description of operational procedures and monitoring that will be implemented to;
 - i) record truck movements;
 - ii) record sand volumes extracted;
 - iii) record cleanfill volumes entering the site; and
 - iv) minimise unauthorised or contaminated material entering the site;

- c) a site staging plan;
- d) specific design details, construction and certification procedures to ensure long term stability of cleanfill areas;
- e) erosion and sediment control plans for quarry stages (as relevant);
- f) timetable and nature of progressive site rehabilitation and re-vegetation to ensure the cumulative area of unstabilised earth on site does not exceed 3 hectares;
- g) an indicative final rehabilitated contour plan;
- h) contingency and mitigation measures;
- i) maintenance, monitoring, and inspection procedures;
- j) specific dust control measures to ensure that dust emissions are kept to a practicable minimum;
- k) procedures for recording and dealing with complaints;
- l) site plan showing the location of infrastructure and all other relevant information;
- m) description of operational measures to;
 - i) minimise noise, including the use of non-tonal alarms where possible;
 - ii) comply with the noise limits prescribed in this consent; and
 - iii) address the operational constraints recommended in the Noise Effects Assessment report prepared by Marshall Day Acoustics, provided in Appendix G of the application for this consent described in Condition 1;
- n) traffic management protocols;
- o) a description, including locations, of the recorded archaeological sites within the activity footprint and details of any Heritage New Zealand authorisations or requirements associated with the protection or disturbance of the sites and protocols that will be followed in the event of unexpected archaeological discovery;
- p) procedures for reviewing the QCMP to ensure compliance with the resource consent conditions; and
- q) a timetable and nature of progressive site rehabilitation and re-vegetation proposed incorporating those sections of the site perimeter identified in the conceptual planting scope provided as Figure 1 of letter from Mitchell Daysh dated 15 September 2020. In this respect, the QCMP shall include the following related information;
 - i) Indigenous site plantings for the area along 800m of site perimeter (at an average width of 3m) adjacent to Mangawhero Stream gully; including species to be planted, where they are to be planted, density of planting, sourcing of plants and fertilising;

- ii) Site preparation for planting;
- iii) Timeline for planting which will ensure plantings are completed within 3 years of commencement of this resource consent; and
- iv) Ongoing maintenance procedures including the replacement of any dead plants.

Advice note: Any costs incurred by the Waipa District Council associated with the technical review of the QCMP or reviewing any subsequent changes to the QCMP, will be recovered from the consent holder in accordance with the provisions of Section 36 of the Resource Management Act 1991.

- 16 The maximum volume of sand removed from the site in any 12-month period shall not exceed 200,000m³.
- 17 No topsoil or overburden from the stockpiles shall be removed from the site without the written approval of the Waipa District Council's Enforcement Officer.
- 18 The total area of the site from which minerals are being extracted, including the land from where overburden has been removed prior to extraction commencing but excluding the internal access, shall not exceed 3ha at any one time. The area of land being rehabilitated or reinstated shall not exceed 3ha at any one time.

Compliance with QCMP

- 19 The consent holder shall operate the site in accordance with the approved QCMP. Any changes to the QCMP must only be made with the written acceptance of an authorised officer of the Waipa District Council.
- 20 If an amendment to the QCMP is approved by an authorised officer of the Waipa District Council, the consent holder must ensure the updated QCMP is available onsite within five (5) working days of its receipt of the acceptance. The QCMP shall be produced without unreasonable delay upon request from an authorised officer of the Waipa District Council.

Hours of Operation

- 21 The hours of operation for all activities authorised by this consent shall be between:
 - a) 7am to 5.30pm, Monday to Friday; and
 - b) 7am to 12.00noon Saturdays.

No activities shall be carried out outside of these hours, or on Sundays, or Public holidays.

Noise

- 22 All activities authorised by this consent, other than construction activities (in which case Condition 24 applies) shall be conducted, designed and operated to ensure that noise within the notional boundary of any dwelling (excluding dwellings on the same property as the consented activity or those where completed written approval of potential affected parties has been obtained) does not exceed 50dBA (Leq).

Advice note: “Notional boundary” means a line 20m from the most exposed external walls of any dwelling or any building used for accommodation; or the legal boundary of a site on which a dwelling is located, where that boundary is closer than 20m to the dwelling or building used for accommodation.

- 23 Noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 *Acoustics – Environmental Sound* and assessed in accordance with NZS 6802:2008 *Acoustics – Environmental Noise*. Provided that this condition shall not apply to the use or testing of station and vehicle sirens or alarms used by emergency services.

- 24 Construction noise emanating from the site shall meet the limits recommended in, and be measured and assessed in accordance with NZS 6803:1999 *Acoustics – Construction Noise*.

Advice note: “Construction noise” means any noise emanating from construction activities, being works that occur at existing ground level that relate to the construction of the site access and any permanent haul roads.

- 25 The consent holder must undertake, at its expense, noise monitoring as and when required by an authorised officer of the Waipa District Council as a result of complaints. The results of this monitoring must be provided to the Waipa District Council within ten (10) working days of it being undertaken.

- 26 Where the monitoring of noise levels results in a non-compliance with noise conditions, the consent holder shall take immediate action to ensure that compliance is achieved and shall report to the Waipa District Council’s Enforcement Officer the mitigation actions implemented. Following implementation of such mitigation measures a further noise level survey shall be undertaken confirming that compliance with the relevant criteria has been achieved, and those results forwarded to the Waipa District Council within ten (10) working days of it being undertaken.

Annual Reporting

- 27 The consent holder shall provide Waipa District Council’s Enforcement Officer by the 31 May for each year that the consent is current, with an annual report. The annual report shall include details of the following:

- a) Daily and monthly truck movements;

- b) Direction of each outward truck movement and associated volume in each truck;
 - c) Monthly sand volumes extracted;
 - d) Monthly volumes of cleanfill accepted; and
 - e) Heavy vehicle impact fees paid.
- 28 The consent holder shall keep a daily register of truck movements, sand volume extracted, outward direction of all loads, and cleanfill volumes entering the site. This information must be made available to an authorised officer of the Waipa District Council within ten (10) working days upon request.

Trip Generation

- 29 The maximum number of heavy vehicle movements generated by the activity shall not exceed:
- a) Daily maximum of 133 HCV movements/day; and
 - b) Daily average of 106 HCV movements/day (calculated over a one-month period).

Advice Note: For the purposes of compliance with this condition truck entering and exiting the site will generate two movements.

- 30 No quarry related trucks shall use McEldownie Road and the south end of Mystery Creek Road.

Entrance and Access Improvements

- 31 The consent holder shall submit engineering plans detailing the vehicle crossing and proposed haul road to the Council's Team Leader Development Engineering for approval in a technical certification capacity in advance of any construction works being undertaken. The design should be in general accordance with NZTA Manual of Traffic Signs and Markings, "Rural Right Turn Bay" Figure 3.25 and include:
- a) Heavy vehicle tracking for the design vehicle;
 - b) Details for the location and size of the splitter island;
 - c) Location of the proposed access gate and the extent of sealed access being no less than 100m from the road reserve boundary;
 - d) Details of access to the residential dwelling;
 - e) Details of the proposed sealed access road 6m wide or 3m wide with passing bays at maximum 100m spacings;
 - f) Size and spacing of any passing bays on the proposed access road;
 - g) A realigned access road which is at 90 degrees from Kaipaki Road; and

- h) Provision of electronic warning signs installed either side of the intersection with flashing yellow lights and an LED message "Caution Trucks Turning" when a truck is detected entering or exiting the site. The detection system shall be design to be fit for purpose to detect trucks entering the right turn bay, slowing to turn left into the site access, and exiting from the site access.
- 32 All access to the property for vehicles visiting the sand excavation and cleanfill activities must be via the access approved by Council's Team Leader Development Engineering in accordance with Condition 31.
- 33 Prior to undertaking any work within either the formed or unformed road corridor, the Consent Holder shall submit a Corridor Access Request (CAR) through 'beforeudig.co.nz' which has been prepared by a qualified Site Traffic Management Supervisor (STMS). No works shall be undertaken within the road reserve until such time as the CAR is approved by the Council's Monitoring Officer in writing.
- Advice Note:** *Worksites within the formed and / or unformed road corridor must be made safe at all times for road users, contractors and workmen through the implementation of the Traffic Management Plan (TMP) approved during the Corridor Access Request process.*
- 34 The consent holder shall arrange for an independent detailed design road safety audit of the proposed vehicle crossing to the sand quarry to be undertaken in accordance with the 'Road Safety Audit Procedures for Projects Guidelines, May 2013'. A copy of the road safety audit shall be provided to Council's Development Engineering Team Leader. Any audit recommendations and design changes arising from the road safety audit shall be agreed with the Council's Development Engineering Team Leader prior to construction being undertaken.
- 35 Within 6 months after the commencement of mineral extraction activities, the consent holder shall arrange for the independent monitoring of the use of the intersection of Kaipaki Road and Mellow Road. A copy shall be provided to Council's Development Engineering Team Leader. If the monitoring demonstrates more than 8 vehicles per hour over at least one typical month of weekday morning peak hours uses the intersection from the consented activity, the consent holder shall upgrade the intersection to include a right turn bay. The works must be agreed with Council's Development Engineering Team Leader and all costs associated with the upgrade shall be met by the consent holder.

Maintenance of Access

- 36 During the exercise of this consent the consent holder shall maintain the entrance and internal access to the site to Council's standards as follows:
- a) The sealed surface shall be kept clean of debris spilled from vehicles carrying sand or other material tracked onto the surface from the internal unsealed roads; and

- b) The remainder of the internal accessway from the edge of the sealed access shall be maintained to an all-weather surface.

All work towards meeting this condition is to be carried out for the acceptance of the Council's Team Leader Development Engineering and shall be at the consent holder's expense.

Complaints Register

37 The consent holder shall maintain and keep a complaints register for complaints regarding all aspects of operation at the site related to the exercise of this consent. The register shall record:

- a) The date, time and duration of the event/incident that has resulted in a complaint;
- b) The location of the complainant when the event/incident (if possible, specify nature of incident e.g. dust nuisance) was detected;
- c) The possible cause of the event/incident;
- d) The weather conditions and wind direction at the site when the event/incident allegedly occurred;
- e) Any corrective action undertaken by the consent holder in response to the complaint; and
- f) Any other relevant information.

The register shall be made available to the Waipa District Council's Enforcement Officer at all reasonable times. Complaints received by the consent holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Waipa District Council's Enforcement Officer within five (5) working days of the complaint being received.

Financial Contribution - Heavy Vehicle Impact Fee

38 The consent holder shall pay the Waipa District Council a heavy vehicle impact fee at a rate of \$0.03/tonne for each tonne of material that is transported by public road. The financial contribution shall be paid six (6) monthly in arrears based on the actual extraction volumes recorded, as per Condition 26.

39 The heavy vehicle impact fee will be adjusted at 1 July each year for the term of this consent by reference to the Producer Price Index for Construction (PPI) at 31 March of the corresponding year and rounded to the nearest 0.01c/m³.

40 The consent holder shall, within ten (10) working days of payment, provide Council's Enforcement Officer with written notice of the date of which the payment of the heavy

vehicle impact fee is paid to Council; the amount that was paid and how the amount was calculated.

Advice Note: *For the purposes of enforcing Condition 38 of this consent the consent holder shall be advised that should a period of 7 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.*

Review Condition

41 Pursuant to Sections 128 to 131 of the Resource Management Act 1991, Waipa District Council may, during the months June to August after the first year of the exercise of this consent, and during the same months every two years thereafter (so long as the consent is current), serve notice on the consent holder to review any or all of the conditions of this consent for the following purposes:

- a) The 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 may relate to:
 - i) Noise arising from mineral extraction activities and cleanfilling activities;
 - ii) Dust arising from mineral extraction, cleanfill deposition and/ or vehicle movements;
 - iii) Soil quality arising from site reinstatement and rehabilitation, including cleanfilling operations;
 - iv) Traffic effects on Kaipaki Road and pavement effects on the local roading network.
- 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 any issues arising out of complaints;
- c) To review the adequacy of, and necessity for, any monitoring programmes or the Site Management Plan 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.