

## General conditions

1. The overburden disposal activity shall be carried out generally in accordance with the plans and all information submitted with the application, as detailed below:
  - Document entitled 'Application for Land Use Consent and Assessment of Environmental Effects ('AEE') Prepared for GBC Winstone' dated 1 June 2017, prepared by Boffa Miskell Limited, inclusive of the Addendum to Section 4.1.11 – Noise and Vibration and Section 4.3 – Activity status – Land use consent dated 1 June 2017 prepared by Boffa Miskell Limited, and the Addendum to Section 5.13 – Effects on Cultural Values, Section 5.15 – Suggested consent conditions, Section 7.2 – Consultation, Tangata Whenua, prepared by Boffa Miskell Limited, dated 13 March 2018 and Updated Appendix 4 – Concept Plan of Proposal, Otaika Quarry, Proposed Overburden Disposal Area, Assessment of Environmental Effects, Updated at 12 March 2018;
  - Document entitled 'Pegram Block Overburden Disposal - Ecological Assessment prepared for GBC Winstone' dated 16 March 2017 prepared by Boffa Miskell Limited, inclusive of the document entitled 'Memorandum: Otaika Quarry: Pegram Block Overburden Disposal – Ecological Assessment, Land Use Consenting Matters' dated 10 May 2017 prepared by Boffa Miskell Limited (refer Appendix 5 of the AEE);
  - Document entitled 'Otaika Quarry – Proposed Overburden Disposal Area' Acoustic Report dated 22<sup>nd</sup> May 2017 prepared by Marshall Day Acoustics Limited (refer Appendix 6 of the AEE);
  - Document entitled 'Overburden Placement, Pegram Block Otaika Quarry, Whangarei: Archaeological Assessment' dated March 2017 prepared by Clough and Associates (refer Appendix 7 of the AEE);
  - Document entitled 'Overburden Placement, Pegram Block, Otaika Quarry, Whangarei – Landscape and Visual Effects Assessment' dated 22 May 2017 prepared by Boffa Miskell Limited (refer Appendix 8 of the AEE); and inclusive of the revised Figure 16 provided to Whangarei District Council on 12 July 2017 and the Document entitled 'Memorandum: Otaika Quarry, Pegram Block OBDA, Ruarangi Block', dated 9 March 2018, prepared by Boffa Miskell Limited,
  - Document entitled 'Otaika Quarry – Pegram Block Overburden Disposal: Assessment of Adverse Effects on Flood Risk' dated 22 May 2017 prepared by Tonkin and Taylor Limited and Document entitled Surface Water Hydrology Assessment, dated May 2017, prepared by Tonkin and Taylor Limited (refer Appendix 9 of the AEE);
  - Document entitled 'Otaika Quarry – Pegram Block Overburden Disposal: Assessment of Adverse Effects of Land Stability' dated 5 May 2017 prepared by Tonkin and Taylor Limited, inclusive of the appended Preliminary Geotechnical Assessment dated March 2017 prepared by Tonkin and Taylor Limited and Document entitled 'Memorandum: Otaika Quarry, Pegram Block Geotechnical Drilling' dated 28 September 2017 prepared by Tonkin and Taylor Limited (refer Appendix 10 of the AEE); and the Document entitled 'Otaika Quarry, OBDA Geotechnical Addendum Report', dated March 2018, prepared by Tonkin and Taylor Limited;
  - Document entitled 'Assessment of Adverse Effects arising from the Erosion and Sediment' and Document entitled the 'Otaika Quarry – Pegram Overburden Disposal Area - Erosion and Sediment Control Management Plan' dated 1 June 2017 (refer Appendix 11 of the AEE);
  - Document entitled 'Memorandum – Whangarei District Council – Relevant District Plan Rules – Air Quality' dated 1 May 2017, prepared by AECOM NZ Limited, and Document entitled 'Dust Management Assessment – Pegram block' dated 17 March 2017, prepared by AECOM NZ Limited, and the Document entitled 'Memorandum: Assessment of off-site

effects associated with Overburden Placement on the Pegram Block' dated 25<sup>th</sup> September 2017 prepared by AECOM NZ Limited;

- Document being Correspondence from GBC Winstone to the Whangarei District Council regarding Pegram Overburden Disposal Area: Overview of Other Options Considered for the Disposal of Overburden at Otaika Quarry, dated 12 March 2018;
- Document entitled 'Economic Assessment of Overburden Disposal on Pegram Block, prepared by Brown, Copeland and Co. Limited, dated 13 March 2018; and
- Document entitled 'Otaika Quarry, Proposed Overburden Disposal Area, Cultural Report, Assessment of Effects on Maori Values' dated 12 March 2018, prepared by Hauauru Trust.

## **Conditions to be met prior to commencement of all physical works approved under this consent**

### **Management Plans**

2. The consent holder shall submit the following documents to the Whangarei District Council's Compliance Officer for certification, at least 20 working days prior to the commencement of any physical works approved under this consent taking place on the site:

- a) an **Overburden Management Plan**.

The purpose of the Overburden Management Plan shall be to describe the practises and procedures to be adopted by the Consent Holder to ensure compliance with the conditions of this land use consent.

The Plan shall clearly identify those matters and works to be carried out in (i) the Enabling Works Phase, and (ii) the General Works Phase (also referred to as a series of overburden campaigns).

The Overburden Management Plan shall include:

- A plan showing the boundaries of the overburden placement area with the Mineral Extraction Area (ME3 - Winstone Aggregates – Otaika Quarry and access way) and Countryside Environment as defined in the Operative District Plan, at the time of the approval of this land use consent;
- A plan showing topography, drainage, natural watercourses, existing vegetation cover and any other significant landforms or features within the Overburden Disposal Area;
- The anticipated life span of Overburden Disposal operation;
- The estimated volume of overburden material to be placed within the Overburden Disposal Area;
- The location and dimensions of the enabling works, including indicative haul roads and internal circulation routes, shear key and toe bunds, toe buttress and placement of any matted foundation material, filling of gully systems and watercourses and creation of new stream channels;
- The anticipated location and dimensions including the anticipated height and volume of overburden material to be placed in the General Works phase and confirmation that the maximum active working area fully exposed at any one time shall be 3 hectares excluding haul roads, batter slopes, and topsoil mounds;
- Details of proposed setbacks of any enabling works and overburden disposal operations from site boundaries, and landscaping and screening measures;
- The number of people proposed to be employed, and parking spaces provided on-site;
- A description of the proposed methods of any enabling works or overburden disposal operations including stripping and placement of material;

- A description of future proposed rehabilitation programme required for completion of each stage, and description of the rehabilitation programme to be undertaken on completion of disposal of all overburden as approved under this consent (noting that Condition 16 requires specific detail regarding completion works for each overburden campaign).
- b) An **Ecological Management Plan** prepared by a suitably qualified and experienced ecologist that conforms with the content and conclusions contained in the document entitled 'Memorandum: Otaika Quarry: Pegram Block Overburden Disposal – Ecological Assessment, Land Use Consenting Matters' dated 10 May 2017 prepared by Boffa Miskell Limited (refer Appendix 5 of the AEE).

The purpose of the Ecological Management Plan shall be to ensure the ecological mitigation measures described in this document, are implemented and maintained for the duration of this consent.

At least 30 working days prior to the commencement of any enabling works, the consent holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors (the Pouwhenua Trust') and the Ruarangi Trust or their successors, to provide input into the development and implementation of the Ecological Management Plan. If, 30 working days has elapsed from the date which the Consent Holder invited a Trust to provide input in to this Management Plan, and no input has been provided by the Trust, it shall be considered that the Trust does not wish to provide any input, and the Ecological Management Plan can be submitted to the Whangarei District Council.

The Ecological Management Plan shall include:

- Identification of those matters and works that are to be carried out in (i) the Enabling Works Phase and (ii) the General Works Phase (referred to as a series of 'overburden campaigns' in this consent);
- Details regarding the timing of all proposed works, noting that some activities such as relocation of fish downstream is required to be undertaken and completed before any physical works approved under this consent commence;
- Details of the proposed riparian planting associated with the stream diversion and lower Te Waiiti Stream, inclusive of all stock control measures, and maintenance measures for a 5-year period following the completion of the riparian planting, to ensure planting success;
- Details of a pest and weed programme, including implementation timeframes and monitoring criteria that can be used to measure success; and
- A record of consultation undertaken by the Consent Holder with the Pouwhenua Trust and Ruarangi Trust on the development and implementation of the Ecological Management Plan.

*Advice Note: Ecological Management Plan*

*The Council recognises that the works required to implement the ecological mitigation measures will be undertaken during the Enabling Works Phase, and that pest and weed control and maintenance will be undertaken as required, for the duration of the consent.*

- c) A **Dust Management Plan** prepared by a suitably qualified professional prepared generally in accordance with the Document entitled 'Memorandum – Whangarei District Council – Relevant District Plan Rules – Air Quality' dated 1 May 2017, prepared by AECOM NZ Limited, and Document entitled 'Dust Management Assessment – Pegram block' dated 17

March 2017, prepared by AECOM NZ Limited, and the Document entitled 'Memorandum: Assessment of off-site effects associated with Overburden Placement on the Pegram Block' dated 25<sup>th</sup> September 2017 prepared by AECOM NZ Limited.

The purpose of the Dust Management Plan is to manage the consented activities so as to ensure there is no dust nuisance beyond the subject site.

At least 30 working days prior to the commencement of any enabling works, the consent holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors ('the Pouwhenua Trust') and the Ruarangi Trust or their successors to provide input into the development and implementation of the Dust Management Plan. If, 30 working days has elapsed from the date which the Consent Holder invites the Trusts to provide input in to this Management Plan, and no input has been provided by a Trust, it shall be considered that the Trust does not wish to provide any input, and the Dust Management Plan can be submitted to the Whangarei District Council.

The Dust Management Plan shall include:

- Identification of those matters and works that are to be carried out in (i) the Enabling Works Phase and (ii) the General Works Phase (referred to as a series of 'overburden campaigns' in this consent);
- Description of the methods of mitigation and operating procedures including monitoring equipment and procedures. This shall include specific measures for all haul road dust management, vehicle speed limits, stockpile management, and re-establishment of exposed soils and overburden following completion of enabling works and any subsequent overburden campaigns;
- Description of methods for the visual monitoring of dust emissions from the site, that are to be visually monitored at least once every working day, and recorded in a daily log for the duration of the Enabling Works and any subsequent overburden campaigns.

The daily log shall record:

- (i) Any dust control equipment malfunction and any remedial action taken;
  - (ii) Any visible emissions of dust observed leaving the site, the source(s) and any resulting remedial action;  
Any use of sprinklers or a water cart, the frequency of use and the volume of water used for dust suppression;
  - (iii) Weather conditions, including rainfall, wind direction and speed and temperature;
  - (iv) The date and signature of the person entering the information.
- Procedures for responding to accidental dust nuisance discharges;
  - Procedures for the use of water or liquid suppression to minimise dust emissions (e.g. water carts, K-lines, or polymers);
  - Procedures for the operation, maintenance and calibration of any meteorological monitor including any meteorological exceedance alert thresholds and contingency measures;
  - Procedures for the operation, maintenance and calibration of any Total Suspended Particulate (TSP) trigger levels including any TSP exceedance alert thresholds and contingency measures; and
  - A record of consultation undertaken by the consent holder with the Pouwhenua Trust and the Ruarangi Trust on the development and implementation of the Dust Management Plan.

- d) A **Landscape Rehabilitation Plan** prepared by a suitably qualified landscape architect prepared generally in accordance with the document entitled 'Overburden Placement, Pegram Block, Otaika Quarry, Whangarei – Landscape and Visual Effects Assessment' dated 22 May 2017, prepared by Boffa Miskell Limited.

The purpose of the Landscape Rehabilitation Plan shall be to ensure the landscape mitigation measures described in this document, are implemented and maintained for the duration of this consent.

At least 30 working days prior to the commencement of any enabling works, the consent holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors ('the Pouwhenua Trust') and the Rurangi Trust or their successors to provide input into the development and implementation of the Landscape Rehabilitation Plan. If, 30 working days have lapsed from the date which the consent holder invites the Trusts to provide input into this Management Plan, and no input has been provided by a Trust, it shall be considered that the Trust does not wish to provide any input, and the Landscape Rehabilitation Plan can be submitted to the Whangarei District Council.

The Landscape Rehabilitation Plan shall include:

- Those matters and works that relate to the Enabling Works Phase, and may include those matters and works that relate to the General Works Phase (noting Condition 14 requires a 'Overburden Campaign - Landscape Rehabilitation Plan' for each overburden campaign);
- The configuration of the final Overburden Disposal Area footprint and its overall shape and form, including completed landform profiles.

In the event that the extent of overburden placement during the General Works Phase ceases before the full extent of the final Overburden Disposal Area (2.4 million m<sup>3</sup> of overburden placement) is undertaken, the Landscape Rehabilitation Plan shall include the configuration of a revised finished landform including its overall shape and form;

- Details of tree planting, specifically the format and composition of the screen planting along the boundary of the subject site with Acacia Park residential area, to be undertaken prior to and during the Enabling Works, and prior to the commencement of any General Works (overburden campaigns) in general accordance with Figure 16 of the document entitled 'Overburden Placement, Pegram Block, Otaika Quarry, Whangarei – Landscape and Visual Effects Assessment' prepared by Boffa Miskell Limited, as revised and dated 12 July 2017 and having regard to the of any feedback from residents on the screening planting along the boundary, as required to be sought in in Condition 4 below;
- Details of site rehabilitation, inclusive of planting regimes, timeframes, and maintenance measures, to be implemented at the end of the Enabling Works Phase. This shall include the location of tree planting to be carried out on the overburden slopes at the completion of the enabling works phase, and the revegetation of a minimum area of 4,200 m<sup>2</sup> directly adjacent to the Eastern Tree block using a range of locally sourced tree and shrub species, in general accordance with Figure 16 – Vegetation Mitigation Plan of the document entitled 'Overburden Placement, Pegram Block, Otaika Quarry, Whangarei – Landscape and Visual Effects Assessment' prepared by Boffa Miskell Limited, as revised and dated 12 July 2017;
- The location of tree planting carried out on the overburden slopes commencing at the completion of the Enabling Works Phase and continuing through the General Works Phase;
- Maintenance regimes, inclusive of timeframes, for all boundary and amenity planting to be implemented as part of the Enabling Works Phase for the duration of the consent; and

- A record of consultation undertaken by the Consent Holder with the Pouwhenua Trust and Ruarangi Trust on the development and implementation of the Landscape Rehabilitation Plan.
- e) A **Construction Noise Management Plan**, to be prepared by a suitably qualified and experienced acoustician, for the purpose of noise management during the Enabling Works only.

The Construction Noise Management Plan shall be prepared with reference to Annex E of NZS 6803:1999 Acoustics – Construction Noise and shall be consistent with the noise restrictions identified under Condition 10 below.

The Construction Noise Management Plan shall include:

- Details of the applicable noise criteria;
- Details of the programme of works and hours of operation;
- Identification of surrounding noise sensitive receivers;
- Details of the best practicable options for management, monitoring and mitigation measures to ensure compliance with the relevant noise criteria.

#### **Amendments to Management Plans**

3. Any amendments to the Management Plans required as a condition of this consent must be limited to the scope of this consent. The Consent Holder shall advise the Whangarei District Council's Compliance Officer of any amendments to the Plans, prior to implementation, to confirm that they are within the scope of this consent.

#### Advice Note: Management Plans – Scope of Amendments

*The Council recognises that changes in management techniques, technology and demand for quarry material will evolve over the duration of this consent. The Management Plans are intended to provide flexibility both for the consent holder and the Council for the management of the overburden disposal area at Otaika Quarry. Accordingly, it is recognised the Management Plans may need to be amended over time.*

*Amendments which affect the Consent Holder achieving the purpose of the Management Plan, in the conditions of this consent may require an application in accordance with s.127 of the RMA.*

#### **Input from residents on screening planting along boundary**

4. At least 30 working days, prior to the commencement of any physical works, the Consent Holder shall invite the residents of the following properties, that directly adjoin the subject site, to provide input into the screen planting along the boundary of their property and the subject site as part of the development of the Overburden Campaign – Landscape Rehabilitation Plan.
- Lot 1, DP 207516;
  - Lot 24, DP 187896;
  - Lot 1, DP 370738;
  - Lot 2, DP 370738;
  - Lot 27, DP 187898;
  - Lot 28, DP 187898;
  - Lot 29, DP 187898;
  - Lot 30, DP 187898;

- Lot 31, DP 187898;
- Lot 32, DP 187898;

In particular, input should be invited on the format and composition of the screen planting along the boundary of the subject site with Acacia Park to be undertaken. If, 30 working days have lapsed from the date which the consent holder invites the residents to provide input into the Plan, and no input has been provided by any resident(s), it shall be considered that the resident(s) do not wish to provide any input, and the Plan can be submitted to the Whangarei District Council.

#### **Pre-start meeting – Enabling Works**

5. Following certification of the Management Plans identified in Conditions 2 (a)-(e), the Consent Holder shall hold a pre-start meeting to facilitate the implementation of Management Plans. The meeting shall:
  - a) Be located on the subject site;
  - b) Be scheduled not less than five working days before the anticipated commencement of any physical works taking place on the site;
  - c) Include an invitation to Whangarei District Council's Compliance Officer, Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors ('the Pouwhenua Trust') and Ruarangi Trust members (or their successors);
  - d) Include representation from the contractors (if appropriate) who will undertake the works.

The meeting shall discuss measures and methodologies to be implemented to ensure compliance with the conditions of this consent and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information shall be made available by the Consent Holder at the pre-start meeting, as appropriate:

- a) Timeframes for key stages of the Enabling works
- b) Copies of the Management Plans certified under Condition 2(a)-(e) above
- c) Copies of relevant Northland Regional Council consent(s)

The Consent Holder shall be responsible for ensuring that minutes of any meeting is provided to Whangarei District Council's Compliance Officer within 5 working days, following the meeting taking place.

#### **Notification of Council five (5) working days prior to enabling works commencing**

6. The Whangarei District Council's Compliance Officer shall be notified in writing at least five (5) working days prior to any physical works associated with the Enabling Works Phase commencing on the subject site.

#### **Complaints Register**

7. At all times, the Consent Holder shall keep a Complaints Register, to register any complaints regarding all aspects of the overburden disposal operations at the site related to the exercise of this consent received by the Consent Holder. 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 was detected (if possible specify the nature of the incident e.g. noise or dust nuisance);

- 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 correction action undertaken by the Consent Holder in response to the complaint;
- f) Any other relevant information.

The register shall be available to Whangarei District Council on request.

*Advice Note: Where the Council receives complaints directly from any person, it shall direct those complaints to the Consent Holder in the first instance.*

## **Implementation of 'Enabling Works'**

### **Enabling works to accord with certified Management Plans**

8. All works undertaken during the Enabling Works Phase in the Management Plans under Condition 2 (a)-(e) above, are to be undertaken and completed in accordance with the certified Management Plans.

On completion of all works in the Enabling Works Phase, the Consent Holder shall provide to the Whangarei District Council's Compliance Officer, written confirmation from suitably qualified and experienced professional(s) to verify compliance with the Management Plans in Conditions 2(a)-(e). Where appropriate, the written confirmation may be supported by suitable evidence (for example, photographs) to verify compliance with the Plans.

### **Written notice to Council and other parties at least one (1) month prior to commencing Enabling works**

9. A least 20 working days prior to the commencement of the Enabling Works, the Consent Holder shall provide a written notice to the Whangarei District Council's Compliance Officer, the Ruarangi Trust (or their successor), the Acacia Park Landowners Association and to all residents with 150 metres from the footprint of the Enabling Works (as defined on the Plan – entitled 'Written notice to be provided to Properties within 150 metres of Overburden Footprint' attached to this consent.)

This written notice shall include:

- a) The start and anticipated completion dates of the works;
- b) A description of the nature of the works including the working hours;
- c) Contact name for any queries or complaints regarding the works. The contact details shall accord with the information provided as part of the Complaints Register in Condition 7.

Confirmation that written notice has been provided in accordance with this condition shall be provided to the Council's Compliance Officer before works commence.

In the event that any details provided in the written notice, change during the Enabling Works, the Consent Holder shall advise in writing the Whangarei District Council's Compliance Officer, the Ruarangi Trust (or their successor), the Acacia Park Landowners Association and all residents with 150 metres of the footprint of the Enabling Works in writing.

*Advice Note: This condition will be used to formalise the commencement and completion dates for the enabling works.*

### **Performance standards for Enabling works**

10. All activities carried out on the site during the Enabling Works, shall comply with the following:
  - a) All machinery shall not operate outside the hours of Monday – Friday 7.00am – 6pm, and Saturdays 7.30 am – 2.30 pm. No works are to be undertaken on Sundays and public holidays.

- b) Noise generated by the Enabling Works activities to secure the site and construct noise bunds/barriers shall not exceed the long-term noise limits in NZS 6803: 1999 Acoustics – Construction Noise.
- c) Noise levels shall not exceed 45dB  $L_{Aeq}$  and 70 dB  $L_{AFmax}$  at the notional boundary of properties zoned Living 3 and the site boundary of properties zoned Living 1 at all times outside those hours specified in Condition 9(a) above.
- d) All stockpiles of topsoil material shall not exceed 3 metres in height and shall be setback at least 5 metres from any side boundary and shall be set back at least 20 metres from any watercourse.

*Advice note: The Council recognises that some properties including the properties at 5-7 and 11 Grove Lane, provided written approval in accordance with s.104(3)(a)(ii), RMA, which forms part of the proposal.*

#### **Noise measurement report – Enabling works**

- 11 To ensure compliance with Condition 10(a), (b), and (c) above, within three (3) months of any Enabling Works commencing, the Consent Holder shall submit to Whangarei District Council's Compliance Officer a noise report prepared by a suitably qualified and experienced acoustician with noise measurement results to confirm compliance with the noise limits set in the referenced conditions.

#### **Geotechnical confirmation - Enabling works**

- 12. Within three (3) months of completion of all Enabling Works, the consent holder shall provide to Whangarei District Council's Compliance Officer, written confirmation from a suitably qualified and experienced geotechnical professional to verify that all works, inclusive of the construction of the shear key and toe buttress, and placement of matted material, have been completed generally in accordance with the document entitled 'Otaika Quarry – Pegram Block Overburden Disposal: Assessment of Adverse Effects of Land Stability' dated 5 May 2017 prepared by Tonkin and Taylor Limited, inclusive of the appended Preliminary Geotechnical Assessment dated March 2017 prepared by Tonkin and Taylor Limited.

#### **Implementation of 'General Works' (overburden campaigns)**

##### **General works to accord with certified Management Plans**

- 13. All works undertaken during the General Works Phase ((also referred to as a series of 'overburden campaigns' in this consent) in the certified Management Plans under Condition 2 (a) - (d) and the Overburden Campaign – Landscape Rehabilitation Plan under Condition 14, shall be undertaken and completed in accordance with these certified Plans.

##### **Overburden Campaign – Landscape Rehabilitation Plan**

- 14. Prior to the commencement of each and every General Works Phase ('overburden campaign'), the Consent Holder shall submit an **Overburden Campaign - Landscape Rehabilitation Plan** to the Whangarei District Council's Compliance Officer for certification.

The Overburden Campaign - Landscape Rehabilitation Plan shall be prepared by a suitably qualified and experienced landscape architect prepared generally in accordance with the document entitled 'Overburden Placement, Pegram Block, Otaika Quarry, Whangarei – Landscape and Visual Effects Assessment' dated 22 May 2017 prepared by Boffa Miskell Limited.

The purpose of the Overburden Campaign Landscape Rehabilitation Plan shall be to ensure the landscape mitigation measures (including contouring and planting) described in this document are implemented and maintained either prior to and/or on completion of the overburden campaign.

At least 30 working days prior to the commencement of any overburden campaign, the Consent Holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors ('the Pouwhenua Trust') and the Rurangi Trust or their successors, to provide input into the development and implementation of the Overburden Campaign - Landscape Rehabilitation Plan. If, 30 working days have lapsed from the date which the Consent Holder invites a Trust to provide input in to this Plan, and no input has been provided by the Trust, it shall be considered that the Trust does not wish to provide any input, and the Plan can be submitted to the Whangarei District Council.

The Overburden Campaign - Landscape Rehabilitation Plan shall detail:

- Configuration of the Overburden Disposal Area footprint and its overall shape and form resulting from the earthworks campaign, including completed landform profiles;
- Any tree planting, specifically the format and composition of the screen planting along the boundary of the subject site with Acacia Park to be undertaken, prior to the commencement of any overburden campaign;
- Site rehabilitation, inclusive of planting regimes, timeframes, and maintenance measures, to be implemented at the end of the overburden campaign, including the location of any tree planting carried out on the overburden slopes
- Specific details regarding a finished overburden height, contour, and planting regime in the event that the overburden campaign either ceases for any reason, or is the final overburden campaign.
- A record of any consultation undertaken by the consent holder with the Pouwhenua Trust, the Ruarangi Trust on the Overburden Campaign - Landscape Rehabilitation Plan.

**Written notice to Council and other parties at least (1) one month prior to the commencement of the General works (overburden campaigns)**

15. A least 1 month prior to the commencement of each and every overburden campaigns, the Consent Holder shall provide a written notice to the Whangarei District Council's Compliance Officer, the Ruarangi Trust (or their successor), and to all residents with 150 metres from the footprint of the Enabling Works (as defined on the Plan – entitled 'Written notice to be provided to Properties within 150 metres of Overburden Footprint' attached to this consent.)

This written notice shall include:

- a) The start and anticipated completion dates of the works;
- b) A description of the nature of the works;
- c) Contact name for any queries or concerns regarding the works. The contact details shall accord with the information provided as part of the complaints register.

Confirmation that written notice has been provided, in accordance with this condition shall be provided to the Council's Compliance Officer before works commence.

In the event that any details provided in the written notice change during the General Works, the Consent Holder shall advise in writing the Council's Compliance Officer, the Ruarangi Trust (or their successor) and all residents with 150 metres of the Overburden Footprint in writing.

**Written notice to Council of completion of an overburden campaign**

16. Within three (3) months of completion of each and every overburden campaign, the consent holder shall provide the following to the Whangarei District Council's Compliance Officer:

- a) Written confirmation from a suitably qualified landscape architect to verify that compliance has been achieved with the details contained in the certified Landscape Management Plan under Condition 14 above regarding site rehabilitation to be implemented after each earthworks campaign.
- b) Written confirmation from a suitably qualified and experience geotechnical professional to verify that the placement of overburden has been undertaken in accordance with sound engineering practice associated with the placement of overburden, and in general accordance with the document entitled 'Otaika Quarry – Pegram Block Overburden Disposal: Assessment of Adverse Effects of Land Stability' dated 5 May 2017 prepared by Tonkin and Taylor Limited, inclusive of the appended Preliminary Geotechnical Assessment dated March 2017 prepared by Tonkin and Taylor Limited.

#### **Limitation on material**

- 17. All material imported onto the site shall be restricted to overburden material which has been removed from the adjoining Otaika Quarry, except for any topsoil that may be required for site rehabilitation purposes.

#### **Performance standards for General Works (overburden campaigns)**

- 18. All activities carried out on the site during the General Works Phase (for each and every overburden campaign) shall comply with the following:
  - a) All machinery shall not operate outside the hours of Monday to Friday between 7.00 am and 6.00 pm and Saturdays between 7.00 am and 2.30 pm. No works are to be undertaken on Sundays and public holidays.
  - b) Noise levels shall not exceed 55dB LAeq between 7.00 am to 6.00pm on Monday to Friday and 7.00 am to 2.30 pm on Saturday, at the notional boundary of properties zoned Living 3 and the site boundary of properties zoned Living 1, and shall be measured and assessed in accordance with NZS6801 and 6802:2008.
  - c) All stockpiles of topsoil material shall not exceed 3 metres in height and shall be setback at least 5 metres from any side boundary and shall be set back at least 20 metres from any watercourse.
  - d) The maximum active working area that will be fully exposed at any one time shall not exceed 3 hectares, excluding haul roads, batter slopes, and topsoil mounds
  - e) All vehicles including trucks operating within 200 metres of the site boundary adjoining properties in the Acacia Park, shall limit their speed to 20 km/hr or less. To ensure this occurs, suitable signage shall be erected on the site limiting speed to 20 km/hr, and such signage is to be erected and visible for the duration of each earthworks campaign.
  - f) Reversing alarms on all vehicles on the site shall be the broad band "hissing" type and not the high pitched 'pip' unless the safety case precludes this substitution of devices.

*Advice note: The Council recognises that some properties including the properties at 5-7 and 11 Grove Lane, provided written approval in accordance with s.104(3)(a)(ii), RMA, which forms part of the proposal.*

#### **Noise monitoring report**

- 19. To ensure compliance with Condition 18 (a), (b), and (c) above, within three (3) months of each and every overburden campaign commencing as part of the General Works Phase, the consent holder shall submit to Whangarei District Council's Compliance Officer, a noise report with noise measurement results to confirm compliance with the noise limits set in the referenced conditions.

### **Written confirmation of landscape mitigation in final rehabilitation works**

20. On completion of the last overburden campaign to be undertaken during the General Works phase, the consent holder shall provide to the Whangarei District Council's Compliance Officer written confirmation from a suitably qualified landscape architect that the rehabilitation works identified in the certified Overburden Campaign - Landscape Management Plan certified under Condition 2(d) have been completed and maintenance measures are in place to ensure long term success of the final rehabilitation works including all planting. The written confirmation shall be provided within 12 months of the date of completion of all physical works associated with the last earthworks campaign, that date of completion being as advised under Condition 15 above.

### **Input by tangata whenua into management of site**

21. Prior to disturbance of vegetation or soil disturbance in new areas, the consent holder will notify iwi representatives of Ruarangi Trust of the plans to commence disturbance of vegetation or soil disturbance in previously undisturbed areas. Representatives will be invited to attend a site walkover prior to these works commencing and will be provided with the opportunity to observe the removal of topsoil, prior to the placement of overburden material.
22. Prior to the disturbance of vegetation or soil disturbance as part of any enabling works or in new areas of proposed overburden disposal on the site, the consent holder will notify the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, of the plans to commence disturbance of vegetation or soil disturbance in previously undisturbed areas.
23. Prior to the removal of any topsoil required for the placement of overburden material, representatives of the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors acting as cultural monitors in accordance with mātauranga Maori, shall be provided with the opportunity to attend a walk over of the site and shall be provided with access to the site in order to observe the removal of all topsoil in order to undertake cultural monitoring.
24. At least annually, the consent holder shall extend an invitation to the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) and the Ruarangi Trust or their successors, to meet to discuss the works and activities authorised by this consent.

The consent holder shall extend an invitation to meet to the Trusts, no less than 20 working days prior to the commencement of any intended commencement date of any enabling works or an overburden campaign authorised by this land use consent.

When these meetings take place, the consent holder shall take minutes of each meeting and distribute these minutes to the meeting attendees within 10 working days of the meeting. These minutes should be provided to the Whangarei District Council, upon a request from the Council.

25. The consent holder shall invite the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) and the Ruarangi Trust or their successors, to engage on the development and implementation of a 'monitoring programme based on mātauranga Maori.

The objective of the mātauranga Maori Monitoring programme is to provide for the monitoring of customary needs and values of the Trust, and shall as a minimum, seek to include:

- a) Identification of key matters that the monitoring programme shall address in terms of mātauranga Maori;
- b) Identification of the role of the Trust in the implementation of the monitoring programme;
- c) The methodology, locations and frequency of the monitoring programme. The methodology may include the development of 'cultural indicators' and 'cultural health indices' for this monitoring programme;
- d) Reporting requirements to the Trust.

The Consent Holder shall provide opportunities for representatives of the Trust to implement the mātauranga Maori Monitoring programme, including through the implementation of the Ecological Management Plan (required by Condition 2(b) above), the Landscape Rehabilitation Plans (required by Condition 2(d) and 14 above) and the Dust Management Plan (required by Condition 2(c) above).

**Review condition under s.128 of RMA**

26. In accordance with section 128 of the Resource Management Act 1991, the Whangarei District Council may serve notice on the Consent Holder of its intention to review Conditions 2(a), (b) and (c), Condition 10 (a), (b), (c), and (d), Condition 14, and Conditions 18(a) – (c), at least three months following the commencement of the consent, and in one year intervals thereafter. Any review will be for the purpose of:

- a) Addressing any significant adverse effect on the environment arising from the exercise of this consent that was not foreseen at the time the application was determined and are is not currently avoided, remedied, or mitigated by the implementation of Management Plans, or
- b) Requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effects on the environment.

All costs associated with any review shall be met by the Consent Holder.

## Advice Notes

1. Prior to the commencement of the overburden disposal works (including any enabling works and general works) an Authority must be applied for under Section 44(a) of the Heritage New Zealand Pouhere Taonga Act 2014 ('HNZPTA') and granted by Heritage NZ. The Authority should cover all proposed works in case additional unidentified subsurface remains are exposed during preparation works for overburden disposal works.
2. In the event of koiwi tangata (human remains) being uncovered, work should cease immediately in the vicinity of the remains and the Ruarangi Trust Board and the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, Heritage NZ and the NZ Police should be contacted so that appropriate arrangements can be made.
3. If any urupa, traditional sites, taonga (significant artefacts), koiwi (human remains) or other artefact material is discovered during vegetation clearance, overburden removal, or quarry activities, the consent holder shall adopt the following procedure:
  - a. work in the immediate vicinity of the sites that has been exposed shall cease;
  - b. the site supervisor shall immediately secure the site in a way that ensures that any remains or artefacts are untouched;
  - c. the site supervisor shall notify iwi representatives of the Ruarangi Trust Board and the Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau Ki Tai) or their successors, Heritage New Zealand, Northland Regional Council and Whangarei District Council.

The notification in (c) above shall allow the notified persons a reasonable time to record and, if necessary, recover archaeological or cultural features discovered before excavation work may recommence at the exposed site.
4. Prior to disturbance of vegetation or soil disturbance in new areas, the consent holder shall ensure that all site managers, operators, contractors and other relevant personnel receive a briefing and detailed explanation of the consent holder's obligations under the Accidental Discovery Protocol specified by Heritage New Zealand Pouhere Taonga.
5. Section 357 of the Resource Management Act 1991 provides a right of objection to this decision. An objection must be in writing, setting out the reasons for the objection and delivered to Council within 15 working days of the decision being notified to you. A fee may be payable to cover the costs of processing any objection.
6. A copy of this consent should be held on site at all times during the Enabling and General Works Phases approved under this consent.
7. The consent holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
8. The conditions of consent include specific requirements for the Consent Holder to invite identified third parties to input to the preparation of Management Plans. The third parties are invited to partake in preparing the documents does not provide for any power of veto, nor any power to challenge, the final contents of any Management Plan where such a condition applies. The conditions are included to provide for constructive input into the Management Plans only.
9. The Council may engage suitable qualified and experienced experts at any time for the purposes of ensuring compliance with the conditions of this consent, particularly in terms of noise monitoring and landscape rehabilitation.