

Your Ref In reply please quote
LUC0311/19

If calling, please ask for
BCD Group – Cameron Aplin



16 September 2019

Postal Address
Private Bag 544, Ngaruawahia 3742
New Zealand

0800 492 452
www.waikatodistrict.govt.nz

Cameron Sunde
Tonkin & Taylor Limited - Auckland
PO Box 5271
Wellesley Street
Auckland 1141

Email: csunde@tonkintaylor.co.nz

Digitally Delivered

Dear Sir

DECISION ON APPLICATION FOR RESOURCE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991

| | |
|------------------------|--|
| Application number(s): | LUC0311/19 |
| Applicant | Hinemoa Quality Producers Limited |
| Address: | 137 Smeeds Quarry Road TUAKAU |
| Legal Description | LOT 1 DP 436951 |
| Proposal: | Earthworks and Cleanfill in the Rural Zone |

I wish to advise you of Council's decision to **grant** your application for resource consent under the Resource Management Act 1991 (RMA). Please see below for the details of the decision and conditions of consent.

The following information provides you with some guidance on your rights and what to do next. It is recommended that you seek independent advice if you are in any doubt as to the processes to be followed:

Objections

If you disagree with any part of this decision or any conditions of this consent, you may lodge an objection in writing to Council within **15 working days** of the receipt of this letter. Your objection must be in accordance with section 357 of the RMA and must include the reasons for your objection.

If you decide to lodge an objection to this consent, please note that you cannot lodge a section 223/224 application for subdivision.

Compliance with conditions

Your resource consent permits the land use to be established at the site as long as the activity complies with the stated conditions on an ongoing basis. It is important that you fully understand and comply with all the conditions of your consent.

Please notify Council's monitoring team prior to the commencement of activities associated with this consent. The role of Council's monitoring team is to monitor compliance with the conditions of consent and may involve site visits.

Council's monitoring team can be contacted at monitoring@waidc.govt.nz or 07 824 8633. Please reference the consent number and address of the property when emailing or calling.

Lapsing of Consent/s

This resource consent lapses 5 years after the commencement of the consent, unless the consent is given effect to by the end of that period.

The commencement date of a resource consent is determined by section 116 of the Resource Management Act 1991.

Yours faithfully

A handwritten signature in blue ink that reads "B. McCauley". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

CONSENTS ADMINISTRATION

Cc: Hinemoa Quality Producers Limited
Email: vikki@hinemoa.co.nz

Resource Consent

(Resource Management Act 1991)



www.waikatodistrict.govt.nz

DECISION ON APPLICATION: LUC0311/19

Pursuant to Sections 34A(1), Section 104, 104B, and 108 of the Resource Management Act 1991, the Waikato District Council, under delegated authority, grants land use consent for a Discretionary activity to:

Activity: Undertake earthworks and importation of clean fill in the Rural Zone over a maximum period of 15 years.

Applicant: Hinemoa Quality Producers Limited

Location Address: 163 Smeeds Quarry Road, TUAKAU
137 Smeeds Quarry Road, TUAKAU

Legal Description: Lot 2 DP 308199 and Lot 2 DP 436951 comprised in Record of Title 537111

Lot 1 DP 436951 comprised in Record of Title 537110

This consent is subject to the conditions detailed in the attached Schedule 1.

The reasons for this decision are detailed in the attached Schedule 2.

CONSENTS TEAM LEADER

Dated: 16 September 2019

Conditions of Consent

Resource Consent No: LUC0311/19

General Conditions

- 1 The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number and officially received by Council on 29 March 2019 and further information received 09 May, 03, 08, 09 and 10 July 2019 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 consent shall prevail.
- 2 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.
- 3 Pursuant to section 123 of the Resource Management Act 1991, this consent shall expire fifteen (15) years after the commencement of this consent.

This consent will commence in accordance with the requirements of Section 116 of the Resource Management Act 1991
- 4 The total volume of cleanfill material deposited on-site shall not exceed 250,000m³.
- 5 The maximum volume of earthworks carried out shall not exceed 50,000m³ in accordance with the approved earthworks cut / fill plan.
- 6 The maximum total area of earthworks carried out shall not exceed 65,000m².
- 7 The maximum depth of excavation fill shall not exceed 10m in relation to the gully subject to the proposed cleanfill.
- 8 The maximum volume of earthworks carried out within 30m from any stream shall not exceed 50,000m³.
- 9 The maximum area of earthworks carried out within 30m from any stream shall not exceed 40,000m².

Prior to Commencement of Consent

- 10 The Consent Holder shall notify the Waikato District Council Monitoring Department at least 10 working days prior to the commencement of activities associated with this consent.

Advice note

To notify Waikato District Council Monitoring Department, email monitoring@waidc.govt.nz with the consent number, address of property and date for when the works will commence.

- 11 Prior to commencement of earthworks and/or clean filling; the consent holder shall provide Waikato District Councils Monitoring Team with a copy of the finalised approved Erosion and Sediment Control Plan as required by the Waikato Regional Council consent, at least 10 working days prior to the commencement of activities authorised by this consent. A wheel wash shall form part of the finalised approved Erosion and Sediment Control Plan.
- 12 Prior to commencing any construction works the consent holder shall submit for approval from Waikato District Council, engineering design details and plans, prepared by a suitably qualified and experienced Engineer, including but not limited to:
- (a) Stormwater catchment analysis and culvert design for proposed piping of the gully before filling.
 - (b) The design plans for upgrade of the existing farm track vehicle entrance from Smeeds Quarry Road, with entrance width determined using AutoTurn software or similar to prevent heavy vehicles from entering opposite lane when turning into or out of the site to the satisfaction of Development Engineer Waikato District Council. Tracking curves for truck and trailer units are to be provided.
 - (c) Plan showing access track upgrade from vehicle entrance to the fill site including passing bays and a turning head at the top end.
 - (d) Earthworks cut / fill plans showing existing and finished contours.
 - (e) Staged plans for earthworks including stockpiling and Erosion and Sediment controls for all soil disturbing activities related to this proposal.

Advice note

The design details and plans shall be generally in accordance with the Regional Infrastructure Technical Specifications (RITS), to the satisfaction of Land Development Engineer, Waikato District Council.

- 13 Prior to commencement of earthworks and/or clean filling; the Consent Holder shall appoint appropriately qualified and competent Developer's Representative/s, acceptable to Waikato District Council, it shall be the responsibility of this Representative to:
- (a) Ensure that the filling operation is undertaken in accordance with the approved Cleanfill Management Plan required by conditions of this consent,
 - (b) Arrange for the necessary testing and inspections; and,
 - (c) Submit any required documentation and plans for approval to the Waikato District Council's Team Leader Monitoring in accordance with the Management Plan requirements; and,
 - (d) Identify any non-compliant work and arrange for correction; and
 - (e) Provide all supervision, certification and final signoff, in full accordance with the requirements of the Regional Infrastructure Technical Specifications.

The Consent Holder shall notify Waikato District Council's Team Leader Monitoring in writing of any change of the Representative within 14 days of this change.

Prior to Earthworks and Clean filling

Vehicle Entrance

- 14 Prior to commencement of earthworks and/or clean filling; the existing vehicle entrance subject to the proposal shall be upgraded in accordance with the engineering design details and plans approved under this consent.

Road Resurfacing

- 15 Prior to commencement of earthworks and/or clean filling; road resurfacing shall be undertaken on Smeeds Quarry Road to an asphalt concrete surface 20 metres on both sides (40 metres in total) of the vehicle entrance subject to the proposal to the satisfaction of Council.

Financial Contribution

- 16 Prior to commencement of earthworks and/or clean filling; a financial contribution of \$6,246 + GST shall be payable from the Consent Holder to Council.

Erosion and Sediment Controls

- 17 Prior to commencement of earthworks and/or clean filling; the consent holder shall install all erosion and sediment controls in accordance with the approved Erosion and Sediment Control Plan.

Wheel Wash

- 18 Prior to commencement of earthworks and/or clean filling; the consent holder shall install a wheel wash to the satisfaction of Council's Monitoring Team to limit tracking of debris onto Smeeds Quarry Road. The wheel wash shall be located on the internal road subject to the proposal within 20 metres of Smeeds Quarry Road.

Physical works

- 19 All physical works required by the approved engineering design details and plans shall be completed prior to cleanfilling.

Roading Assessment

- 20 A condition assessment of Smeeds Quarry Road extending 300m both sides of the vehicle entrance to the site subject to the proposal completed by a suitably qualified person must be provided by the applicant prior to starting works.

During Earthworks and Clean filling

Cleanfilling

- 21 During earthworks and/or clean filling; the consent holder shall operate the cleanfill site in accordance with the approved Cleanfill Management Plan (CMP) prepared by Tonkin & Taylor Ltd, Job Number 1007083.1000.v3 dated June 2019 or such updated revisions in accordance with section 1.4 of the CMP.
- 22 During earthworks and/or clean filling; the works on-site shall be undertaken strictly in accordance with the restrictions and recommendations of the provided

Geotechnical Report by Tonkin & Taylor dated 28 March 2019 version 1 Ref: 1007083.1000; specifically, Table 5: Engineering Considerations, or in accordance with an alternative report/s, undertaken by a suitably qualified and experienced Engineer (Geo Professional), approved in writing by Waikato District Council; and in either case, all works are undertaken to the entire satisfaction of the Waikato District Council.

Hours of operation

- 23 During earthworks and/or clean filling; the hours of operation for all types of vehicles associated with the cleanfill shall only be between the hours of 7.00am – 5.00pm Monday to Friday and 7.00am – 12.00pm Saturday. No trucks movements associated with the delivery of cleanfill material shall occur outside of these times.

Vehicle movements

- 24 During clean filling; the number of trucks visiting the site importing clean filling shall be limited to a maximum number of 24 trucks to the site per day Monday to Saturday.

Reporting of Vehicle movements

- 25 The consent holder shall establish and maintain a heavy vehicle counting system and log book of all truck movements to/from the site that occur during the 15 year duration of this consent to the satisfaction of Council's Monitoring Team Leader. The log shall contain the following but is not limited to:
- (a) date of cleanfill material acceptance
 - (b) contractors name and contact details (including phone number and email address)
 - (c) description of cleanfill type
 - (d) verification that waste type complies with Waikato Regional Council Cleanfill Acceptance Criteria
 - (e) source and quantity of waste
 - (f) any noticeable characteristics of the waste
 - (g) details of specific waste disposal agreements
 - (h) sign-off by the contractor
 - (i) check by the operator

Erosion and Sediment Controls

- 26 During earthworks and/or clean filling; the consent holder shall maintain all erosion and sediment controls in accordance with the approved Erosion and Sediment Control Plan.

Wheel wash

- 27 During earthworks and/or clean filling; the wheel wash shall be maintained to the satisfaction of Councils Monitoring Team.

Dust

- 28 The consent holder shall implement dust control measures identified in the approved Cleanfill Management Plan and in accordance with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, Ministry for the Environment, 2001 to the satisfaction of Waikato District Council's Team Leader Monitoring.

Advice Note:

For the purposes of this condition, the Waikato District Council Monitoring Department will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council determines so after having regard to:

- The frequency, intensity, duration, location and effect of dust emission(s); and/or,
- Receipt of complaints from neighbours or the public; and/or,
- Where relevant written advice from an experienced officer of the Waikato Regional Council or the Waikato District Health Board has been received.

Noise

- 29 All activities subject to this consent shall be conducted to ensure that the following noise limits are not exceeded within the notional boundary of any dwelling on another site:

- (a) 50 dB L_{Aeq} , 7 am to 7 pm any day, and
- (b) 45 dB L_{Aeq} , 7 pm to 10 pm any day, and
- (c) 40 dB L_{Aeq} and 65 dB L_{AFmax} at all other times.

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*.

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.

Suitability of fill

- 30 All fill material imported on site shall meet Waikato Regional Councils Cleanfill Acceptance Criteria and shall not be sourced from a location listed on the Ministry for the Environment Hazardous Activities and Industries List, unless investigated in accordance with the current edition of the Ministry for the Environment Contaminated Land Management Guidelines No 1 – 5 and shown to meet the applicable standards.

Fill testing

- 31 All fill material imported on site shall be subject to routine testing; at a minimum, one sample every 1000m³ of imported material. Where material cannot meet Waikato Regional Councils Cleanfill Acceptance Criteria the consent holder shall remove the material from the cleanfill and dispose of at a site suitable for receipt of that material. All imported material that does not meet Waikato Regional Councils Cleanfill Acceptance Criteria shall be recorded in a log book and all receipts shall be kept detailing where this imported material has gone to and available to Council on request from Council's Monitoring Team.

Complaint Register

- 32 Any complaints pertaining to the operation of the consented activities on-site shall be recorded by the consent holder in form of a complaints register. The information shall include:
- (a) The date, time and nature of the complaint;
 - (b) Name, phone number and address of the complainant unless the complainant wishes to remain anonymous;
 - (c) Action taken by the consent holder to remedy the problem;
 - (d) Any equipment failure and remedial action taken;
 - (e) The weather conditions at the time, including wind direction, wind strength and temperature, and;
 - (f) Date and Name of the person making the entry.

This complaints register shall be made available to the Waikato District Council upon request.

Roading Assessment

- 33 A condition assessment of Smeeds Quarry Road extending 300m both sides of the vehicle entrance to the site subject to the proposal completed by a suitably qualified person must be undertaken and provided by the applicant every 2 years to determine effect of the activity and any remediation required, during the life of this consent until the completion of cleanfill on an on-going basis. Cost of any remediation required as identified by the assessment and Waikato District council must be born by the applicant.

Review Condition

- 34 Pursuant to Section 128 to 131 of the Resource Management Act 1991, the Waikato District Council may review any or all of the conditions of this consent after six months from the commencement of this consent and during the month of September annually, serve notice on the consent holder of its intention to review any or all of the conditions of this consent for any of the following purposes:
- (a) To review the effectiveness of the conditions of this consent in avoiding, remedying, or mitigating any adverse noise, traffic, dust, hours of operation, rural character and amenity effect on the environment that may arise from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;
 - (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 of the monitoring programmes or management plans that are part of the conditions of this consent;

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.

Post operation of the clean filling

Contour plans

- 35 The consent holder shall provide preconstruction and post construction contour plans to Waikato District Council's Team Leader Monitoring within 1 month of completion of the earthworks and cleanfill activities and prior to any further development of the site taking place.

Geotechnical

- 36 Within 3 months of completion of the clean filling and associated works, the consent holder shall provide a final cleanfill completion report which should include stability assessment, stormwater effects and overland flow path analysis and any other related matters to the satisfaction of Council's Land Development Engineer.

Erosion and Sediment Controls

- 37 At completion of earthworks, the installed erosion and sediment control measures shall not be removed until approval is obtained from a Monitoring Officer of the Waikato District Council.

Advisory Notes

1 Lapse Date

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

- (a) 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, Hamilton City Council Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

3 Archaeological sites may be **affected** by the proposal

It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials.

The applicant is advised to immediately stop work and contact Heritage New Zealand Pouhere Taonga if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

In addition to contacting Heritage New Zealand Pouhere Taonga, it is requested that you also contact Council's Monitoring Department at monitoring@waidc.govt.nz with the consent number, address of property and date of when works ceased.

4 Enforcement Action

Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act (1991).

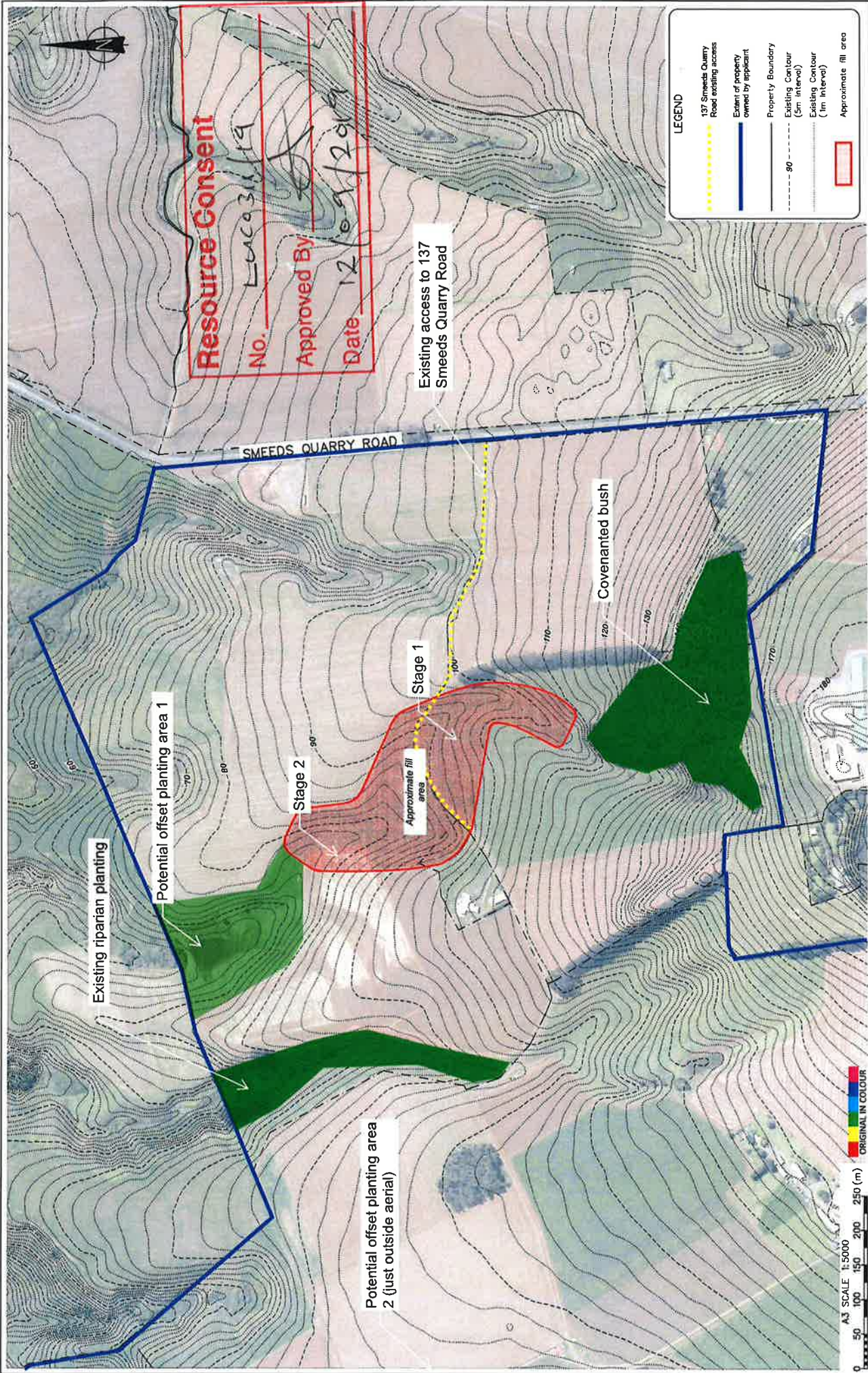
Schedule 2

Reasons for Decision

Resource Consent No: LUC0311/19

- I The actual and potential effects created by the proposal are acceptable for the following reasons:
- (a) Rural Character and Amenity of the area will be maintained taking into the account the following:
- Smeeds Quarry is no exit road which provides access to a Quarry (Smeeds) located at the end of this no exit road. As result of this existing quarry, the rural character and amenity of the area has been altered due to the operational traffic associated with this quarry and not completely dominated by the pastoral country more typical of rural areas.
 - The operation is of a nature and scale that is not incongruent in a rural landscape.
 - As result of the proposal; natural landscape patterns and open space will be retained and productive use of the land subject to filling will be enhanced as result of the filling the current gully.
 - The anticipated noise from clean filling operations and traffic associated with the proposal is expected to be reasonable having regard to the existing noise environment which includes a nearby operational quarry and associated road traffic.
 - The effects of the proposed number (24) of trucks visiting the site to bring in fill based on the worst-case scenario that the cleanfilling is completed in 5 years is considered acceptable on the basis of the hours of operation being restricted to day time hours Monday to Saturday, existing trucks coming to and from Smeeds Quarry and the number of trucks to the site will be (if consent is granted) restricted to 24 a day (worst case scenario based on cleanfilling being completed over 5 years) during consented hours of operation.
- (b) Councils Road Safety Engineer and Land Development Engineer has advised that Smeeds Quarry Road has the capacity to accommodate the traffic generated by the proposal subject to conditions including a financial contribution and road resurfacing to be undertaken prior to earthworks and/or clean filling occurring onsite.
- (c) Truck movements are proposed to be restricted to a maximum of 24 trucks a day Monday to Friday during consented hours of operation. This is based on the worst-case scenario that the cleanfilling is completed in 5 years.
- (d) Hours of operation are restricted to reasonable days and hours and has be imposed as a condition of consent.

- (e) Council's Environmental Health Team has reviewed the acoustic report provided with the application and is of the opinion that the proposed works can comply with a noise limit of 50 dBA LAeq during the daytime which he considers an acceptable noise level based on the noise limit proposed under the notified version of the Proposed Waikato District Plan as there is no noise limit under the Franklin Section of the Operative District Plan.
 - (f) Construction Noise from the proposal is required to comply with the NZ (New Zealand Standard) 6803: 1999 Acoustics – Construction Noise. This requirement has been added as a condition of consent.
 - (g) Clean filling is required to be managed in accordance with the approved Cleanfill Management Plan (as required by conditions of this consent) which includes dust mitigation measures.
 - (h) All fill imported to the site is required to be meet Waikato Regional Council's Cleanfill Acceptance Criteria and shall not be sourced from a location listed on the Ministry for the Environment's Hazardous Activities and Industries List unless investigated in accordance with the current edition of the Ministry for the Environment Contaminated Land Management Guidelines No 1 – 5 and shown to meet the applicable standards.
 - (i) All fill material imported on site shall be subject to routine testing; at a minimum, every 1000m³ of imported material. Where material cannot meet WRC Cleanfill Acceptance Criteria the consent holder shall remove the material from the cleanfill and dispose of at a site suitable for receipt of that material. Erosion and sediment controls measures will be in place throughout the duration through the implementation of an erosion and sediment control plan.
 - (j) Erosion and sediment controls will be implemented and maintained throughout the proposed works to prevent erosion and sediment runoff effects on any other properties.
 - (k) Geotechnical effects of the proposal will be acceptable subject to recommendations of the geotechnical report provided with the application which has been imposed as a condition of consent.
 - (l) To mitigate ecological effects of the proposal, mitigation will occur in form offset mitigation.
 - (m) Any effect on the productivity of the land will be temporary and limited to the time period in which the filling is being undertaken. Once the filling is completed, the land will be re-established in pasture and likely return to grazing. The re-contouring of the land will improve the productivity of the land by improving the site gradient.
- 2 The proposal is consistent with the objectives and policies of both the operative and proposed District Planning documents.
- 3 The proposal is consistent with the operative Waikato Regional Policy Statement and all other relevant matters.
- 4 Overall the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.



Resource Consent
 NO. LC0931119
 Approved By [signature]
 Date 12/09/2019

Existing access to 137 Smeeds Quarry Road

LEGEND
 137 Smeeds Quarry Road existing access
 Extent of property owned by applicant
 Property Boundary
 Existing Contour (5m interval)
 Existing Contour (1m interval)
 Approximate fill area

TONKIN + TAYLOR
 105 Carlton Gore Road, Newmarket, Auckland
 www.tonkintaylor.co.nz

DRAFT
 Areas shown are indicative only

HINEMOQA QUALITY PRODUCERS
SMEEDS QUARRY ROAD, PUKEKAWA
 Proposed Cleanfill Site Plan with Geotechnical Investigation Locations

Fig. No. **Figure 1**
 REV. 0

SCALE 1:5000
 0 50 100 150 200 250 (m)
 ORIGINAL IN COLOUR

NOTES:
 1. Aerial photo sourced from Linz Data Service: <https://data.linz.govt.nz/layer/51972-waikato-05m-rural-aerial-photos-2012-2013>, licensed by LINZ for re-use under the Creative Commons Attribution 4.0 New Zealand licence (CC BY 4.0)
 2. Contours sourced from Waikato Regional Aerial Photography Service (WRAPS) 2012 imagery, is made available under the Creative Commons Attribution 3.0 New Zealand License (CC BY 3.0 NZ)

DATE: 12/09/19
 DRAWN: JC
 CHECKED: JC
 APPROVED: JC
 PROJECT NO.: 1007083, 1000
 SCALE: 1:5000
 SHEET: 1007083, 1000 - F1.dwg