

Tasman District Council Commissioner (Resource Consent) Hearing Agenda – 21 November 2022

Resource consents sought for:

- RM200488 Land use consent to disturb land and rehabilitate for the purpose of gravel extraction within the Rural 1 Zone.
- RM200489 Land use consent to erect signage and establish access via an unformed legal road.

Recommended conditions

General

1. The consent holder shall ensure that all works are carried out in general accordance with:
 - (a) the application documents received by the Council on 15 June 2020;
 - (b) the further information received on 8 and 10 June 2021 [and 2 September 2022](#);
 - (c) **the evidence received on 15 July 2022 and 4 November 2022**;
 - (d) Plan **XX**;

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The consent holder shall ensure all persons undertaking activities authorised by this resource consent are made aware of the conditions of the consent and ensure compliance with those conditions. A copy of the consent documents shall be kept available on site and shall be produced without unreasonable delay upon request from a servant or agent of the Council.
3. Quarrying in the Stage 1 area shall not commence until the Landscape Mitigation Planting required by [condition 4244](#) below has been established for a period of at least 6 years. Quarrying activities in the Stage 2 and 3 areas may take place in any order provided that all other conditions of this consent are met.

Review

4. For the purposes of, and pursuant to section 128 of the Resource Management Act 1991 ('the Act'), the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for the purposes of:
 - (a) dealing with any adverse effect on the environment which may arise from the exercise of this consent that were not foreseen at the time of granting of the



Commented [HT1]: Condition cross-references are to original condition numbers.

Item 2.1 Attachment 2 – RM200488, RM200489, RM220578 – Draft conditions

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consent, and which it is therefore more appropriate to deal with at a later stage;
and/or

- (b) requiring the consent holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the exercise of this consent; and/or
- (c) requiring compliance with operative rules in the Tasman Resource Management Plan or its successor; or
- (d) requiring consistency with any relevant regional plan, district plan, national environmental standard or Act of Parliament.

Lapse and expiry

- 5. Pursuant to section 125 of the Act, this consent shall lapse 5 years after the date of issue of the consent unless either the consent is given effect to, or the Council has granted extensions pursuant to section 125(1A)(b) of the Act.
- 6. This consent shall expire 15 years after the date it commences.

Bond

- 7. Prior to starting work the consent holder shall enter into a performance bond with the Council. The performance bond shall be for \$40,000.

The sum secured by the bond shall be increased by the annual increase in the consumer price index for each year that the bond required by this condition remains in force, commencing with the first anniversary of the date of issue of the consent and confirmed on each subsequent anniversary. The movements in the consumer price index shall be taken from the published increases available on 31 December following the issue of the consent and on 31 December in each subsequent year.
- 8. The performance bond is to be prepared by the consent holder's Bank or Solicitor and submitted to the Council's Team Leader - Monitoring & Enforcement for approval.
- 9. The purpose of the performance bond required by condition 7 shall be to conduct remedial, repair, or rehabilitation works to the site, stopbank and/or access road, in the event that the consent holder fails to comply with conditions of this consent to the satisfaction of the Council's Team Leader - Monitoring & Enforcement.

Advice notes

The Council will make reasonable attempts (if practicable in the circumstances) to contact the person identified in condition [11\(b\)+2\(b\)](#) (i) who is the Council's principal contact person in regard to

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this consent, to give the consent holder the opportunity to remedy the matter prior to the Council taking any action.

The consent holder remains liable under the Act for any breach of the conditions of this consent and for any adverse effect on the environment which becomes apparent during or after the expiry of this consent.

Prior to the work

10. At least five working days prior to earthworks commencing, the consent holder shall contact Ngāti Toa Rangatira, Ngāti Rārua, Te Ātiawa o Te Waka-a-Māui, Ngāti Kuia and Ngāti Tama ki Te Tau Ihu and advise them of the commencement date of the earthworks to provide an opportunity for an iwi monitor to be present when earthworks are started in each area.

Advice note

The discovery of any pre-1900 archaeological site (Māori or non-Māori) which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 needs an application to the Heritage New Zealand for an authority to damage, destroy or modify the site.

- ~~11. The Consent Holder shall engage a Matakite (someone who can visualise and feel the mauri of early occupants of the site and locate kōiwi). No excavation shall be undertaken until the Matakite has walked the site, and the Consent Holder shall follow all recommendations made by the Matakite as a result of what is found on site, provided that such recommendations are able to be implemented and do not frustrate this resource consent.~~

Advice note

~~*This condition has been volunteered by the applicant in response to iwi consultation.*~~

- 12.11. The Council's Team Leader - Monitoring & Enforcement shall be notified in writing:
 - (a) A minimum of 10 working days prior to commencement of work for each Stage; and
 - (b) Prior to the recommencement of work where works have been discontinued for more than one month.

Notification shall include:

- (a) The proposed start date for the period of work; and
- (b) The name and contact details of the following persons:

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- (i) A representative nominated by the consent holder who shall be the Council's principal contact person in regard to matters relating to this resource consent; and
- (ii) The Site Manager (if not the consent holder's representative).

Should either of the above persons change during the term of this resource consent, the consent holder shall provide the new name and contact details, in writing, to the Council's Team Leader - Monitoring & Compliance within five working days.

Submission of plans

~~13.12.~~ The consent holder shall, at least 10 working days prior to the commencement of works, prepare and submit the following plans and management plans to the Council's Team Leader - Monitoring & Enforcement for certification. No works shall be undertaken until these plans/ management plans have been certified by the Council's Team Leader - Monitoring & Enforcement, unless condition 14 is invoked.

- (a) existing and proposed Contour Plans prepared in accordance with **condition 1415**;
- (b) a Noise Management Plan (NMP) prepared in accordance with **condition 1516**;
- (c) a Soil Management Plan (SMP) prepared in accordance with **condition 1617**;
- (d) a Dust Management and Monitoring Plan (DMMP) prepared in accordance with **condition 18**;
- (e) a Groundwater and Clean Fill Management Plan (GMP) prepared in accordance with **condition 1819**.
- (f) a Landscape Mitigation Plan, a Stage 1 River Terrace Restoration Plan and a Maintenance and Establishment Plan prepared in accordance with **Condition 2021**.

Advice note

Certification of the management plans above is in the nature of certifying that adoption of the management plans will result in compliance with the conditions of this consent.

~~14.13.~~ The following shall apply in respect of **condition 1213**:

- (a) the consent holder may commence the activities in accordance with the submitted plans 15 working days after their submission, unless the Council advises the consent holder in writing that it refuses to certify them on the grounds that it fails to meet the requirements of the condition and gives reasons for its decision; and

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- (b) should the Council refuse to certify the plan, the consent holder shall submit a revised plan to the Council for certification. Clause (a) shall apply to any resubmitted plan.
- (c) **Any consequential amendments to the plans required by condition 12+3 must be certified by the Council's Team Leader - Monitoring & Enforcement, prior to being implemented.**

~~15.14.~~ The Contour Plans required by **condition 12(a)+3(a)** are required to ensure that finished ground levels across the site are generally consistent with existing ground contours. The plans shall include as a minimum:

- (a) A topographic survey to New Zealand Vertical Datum 2016 (NZVD 2016) of the existing site, with contour intervals at 0.2 metres;
- (b) A plan, referenced to NZVD 2016, of the proposed finished levels on site after excavation and recontouring has occurred, with intervals at 0.2 metres.
- (c) **A site plan showing the location of property boundaries, surface water bodies, stopbanks, legal roads, survey benchmarks, and other details as appropriate.**

Advice note: LIDAR survey may be used to prepare this plan.

~~16.15.~~ The Noise Management Plan (NMP) required by **condition 12(b)+3(b)** shall detail the best practicable option for ensuring the noise standards specified at conditions ~~5153~~ and ~~5254~~ of this consent are complied with. The NMP shall be in general accordance with the draft NMP prepared by Hegley Acoustic Consultants dated May 2021, and shall address, as a minimum:

- (a) Mitigation measures proposed. These shall include:
 - (i) All trucks exporting material from the site shall be fitted with a sound deadening, plastic deck liner.
 - (ii) Tonal warning/ reversing alarms on plant on site shall be replaced with broad band alarms.
 - (iii) ~~An earth bund of at least 3m height as shown in the Canopy Landscape Mitigation Plan. This shall be constructed prior to the commencement of quarrying activities on site.~~
- (b) Training of staff
- (c) Equipment Maintenance
- (d) Neighbour Liaison

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- (e) Complaints
- (f) Contingency Plan
- (g) Key Personnel and their Responsibilities

~~17.16.~~ The SMP required by **condition 12(c)13(e)** shall demonstrate the best practicable option to ensure that the restored soils achieve the standards specified in **condition 5052** and that **condition 4850** is complied with in respect of the control of erosion and sediment. The SMP shall be in general accordance with the draft SMP prepared by LandSystems Ltd dated 15 May 2022 and shall address, as a minimum:

- (a) Procedures to mitigate the potential effects on soil properties including for:
 - (i) soil removal;
 - (ii) soil storage;
 - (iii) soil placement (including the sequence of soil placement);
 - (iv) transport;
 - (v) the preparation of the receiving surface;
 - (vi) fill (overburden), subsoil and topsoil properties; and
 - (vii) post soil placement management.
- (b) Procedures to minimise the risk of soil loss from overland flow including:
 - (i) during soil removal;
 - (ii) for soil storage; and
 - (iii) during vegetation establishment.
- (c) Soil monitoring required including
 - (i) Sampling and analysis of the original soil prior to extraction to provide a base line;
 - (ii) Soil properties (soil indicator) to be monitored following vegetation establishment;
 - (iii) Monitoring frequency; and
 - (iv) Recommended measures should monitoring show a decline in soil quality.
- (d) **requirements for soil management training for staff and for supervision.**

~~18.17.~~ The DMMP required by **condition 12(d)13(d)** shall demonstrate the best practicable option to ensure that dust is managed on site to minimise the adverse impacts of potential dust discharges on the receiving environment and to achieve the standard specified in **condition 4749**. The DMMP shall be in general accordance with the draft DMMP prepared by Pattle Delamore Partners dated **14 July** 2022 and shall address, as a minimum:

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- (a) Consent Compliance and Key Performance Indicator
- (b) Sources of Dust
- (c) Management and Mitigation Measures
- (d) Roles and Responsibilities
- (e) Implementation and Operation of DMMP
- (f) Environmental Monitoring Programme
- (g) DMMP Review
- (h) Complaints
- (i) Emergency Contacts
- (j) Annual Reporting

~~19.18.~~ The GMP required by **condition 12(e)**~~13(e)~~ shall demonstrate the best practicable option to ensure that discharge of cleanfill to land is managed to avoid adverse effects on groundwater, to:

- Ensure that excavations do not expose groundwater in excavations (condition ~~8689~~), **with the exception of small scale temporary test pits that are back filled within 30 minutes**
- Ensure that all backfill material is strictly managed to ensure it meets the definition of 'clean fill' under WasteMINZ guidelines (**conditions 9294 - 9496**).
- Ensure that under no circumstances that the land use and discharge activities associated with quarry activities result in groundwater quality exceeding ~~50% of the acceptable values~~**trigger levels** in ~~the Drinking Water Standards for New Zealand~~**Table 3 of the GMP**.

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~~20.19.~~ The GMP shall be in general accordance with the draft GMP prepared by Pattle Delamore Partners dated July ~~July~~ **September** 2022 and shall address, as a minimum:

- (a) Acceptable clean fill materials
- (b) Proposed clean fill management system
- (c) Groundwater level monitoring and excavation controls
- (d) Response and mitigation to a spill
- (e) Groundwater quality monitoring
- (f) Results of background water quality monitoring required by **condition 4648**
- (g) Response to issues arising from groundwater quality monitoring

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- (h) Complaints
- (i) Reporting requirements

21.20. The Landscape Mitigation Plan, Stage 1 River Terrace Restoration Plan, and Maintenance and Establishment Plan required by **condition 12(f)13(f)** shall be prepared in general accordance with the ~~draft~~ plans prepared by Canopy, dated ~~March~~ **July** 2022. The ~~landscape Management~~ **Maintenance and Establishment Plan** shall be prepared to ensure that the proposed landscape mitigation and restoration plantings successfully establish and shall include, as a minimum:

- Timing of plantings
- Preparation
- Setout and spacings
- Mulching
- Pest management
- Staking
- Maintenance
- Replacement plantings

22.21. **The consent holder shall, prior to work on the vehicle entrance commencing, prepare and submit engineering drawings for the vehicle entrance upgrade to the Council's Team Leader - Monitoring & Enforcement for approval.**

Earth bund (acoustic barrier and dust screen)

23.22. An earth bund of at least 3m height, as shown in the Canopy Landscape Mitigation Plan, shall be constructed prior to the commencement of quarrying activities on site **to provide an acoustic barrier to 131 Peach Island Road. The earth bund must be maintained to be acoustically effective for as long as the consent is given effect to.**

24.23. **The existing row of mature trees along the northern boundary of Stage 2 with 131 Peach Island Road shall be retained for as long as the consent is given effect to**

Site meeting

25.24. The consent holder shall arrange for a site meeting between the consent holder's representative and the Council's assigned monitoring officer, which shall be held on site prior to any works commencing. No works shall commence until the Council's assigned monitoring officer has completed the site meeting.

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Signage

26-25. Signage shall be installed on Motueka River West Bank Road to provide warning to oncoming vehicles of the potential presence of trucks. As a minimum, permanent warning signs (PW-50) "Trucks Crossing" signs shall be installed on West Bank Road either side of the site entrance, at a position to be confirmed with the Council's assigned monitoring officer.

Upgrade of vehicle entrance and site access

27-26. The consent holder shall remove the willow trees north and south of the entrance to the site and undertake trimming on the bank on the eastern side of Motueka River West Bank Road, as identified in the Traffic Concepts report submitted with the application, to improve site access visibility.

28-27. The consent holder shall undertake ongoing trimming of vegetation to ensure that visibility is not impaired and shall ensure that the sight distances at the intersection with Motueka River West Bank Road meet the minimum requirements set out in Table 4-14 of the Nelson Tasman Land Development Manual 2020 (NTLDM).

29-28. The existing vehicle crossing at 493 Motueka River West Bank Road shall be upgraded/formed generally to the standard shown in Diagram 2 of Drawing SD409 in the of NTLDM, except where modifications **as approved by Council** are necessary to ensure vehicle tracking and its connection to the new bridge are fit for purpose.

30-29. **The vehicle access shall be formed to a minimum sealed carriageway width of 6m from the existing seal edge of Motueka Valley Westbank Road up to the western end of the bridge (approximately 35m from the edge of the existing seal) to allow for two trucks to pass by each other.**

31-30. The proposed access, **beyond the bridge and except for the crown land section subject to the provisions of Marginal strips**, shall be formed to a sealed carriage width of generally no less than 3.5 with 0.5m gravel shoulders and side drains to drain to existing drain paths and/or soakpits. Localised widening on corners shall be provided to accommodate vehicle tracking. The access shall be maintained for the duration of this consent by the Consent Holder.

Advice note

This consent does not grant access to the excavation area. Site access and management of the tracks should be arranged with the landowner.

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~~The consent holder shall make provision for the formation of at least two localised widened areas along the access, formed to NTLDM passing bay standard, to allow for two vehicles to pass by each other.~~

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~~31.~~ The proposed access shall not connect to the southern end of Peach Island Road, unless requested to by the Council.

~~33.~~

Bridge

~~34.32.~~ **Prior to it being used under this consent**, the appropriateness of the existing bridge across the overflow channel (located on Section 1 SO 15112) shall be assessed by a suitably qualified engineer to demonstrate compliance with **condition 3335**.

~~35.33.~~ The bridge shall be able to carry Class 1 loads (or higher loads if the applicant proposes to use HPMV trucks for the operation), and any necessary upgrade or replacement to achieve this shall be carried out by the consent holder prior to the bridge being used under this consent.

~~36.34.~~ **The bridge shall be widened to at least 3.5m to match the proposed 3.5m access width.**

Survey

~~37.35.~~ The consent holder shall survey the boundaries of the unformed legal road and shall clearly identify the boundaries of the legal road on site.

~~38.36.~~ **The consent holder shall survey the stopbank crossing point prior to works commencing and upon completion of the works. The consent holder shall repair / reinstate any damage caused to the stopbank crossing at the consent holder's cost.**

Stopbank

~~39.37.~~ The location of the toe of the stopbank adjacent to the proposed excavation sites shall be clearly identified and marked on site by a suitably qualified and experienced geotechnical professional or river engineer.

~~40.38.~~ The 20m setback from the toe of the stopbank on both sides of the stopbank shall be clearly marked **and maintained (e.g., by a fence)** to ensure that **earthworks** do not encroach into the setback, except for the stopbank crossing (required by **condition 4042**)

~~41.39.~~ The construction of any fence within bermland (i.e., on the outer side of the stopbank), shall be of a post and wire construction only and, if required by the Council, shall be removed on completion of the works.

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42.40. The consent holder shall form and maintain a ramp over the stopbank to provide vehicle access. This shall include a 200mm sacrificial gravel layer on top of the stopbank crest, which shall be removed upon completion of the quarrying activity. The crest of the ramp shall be maintained so as to be no lower than the adjacent stopbank crest immediately up- and downstream of the ramp, to the satisfaction of the Council's Asset Engineer - Rivers.

43.41. The consent holder shall not block the stopbank, and shall ensure that it is available to the Council's Rivers Engineers at all times for flood monitoring.

Landscape mitigation and restoration planting

44.42. Within the first planting season following the granting of consent, landscape mitigation planting shall be carried out in accordance with the certified Landscape Mitigation Plan and Maintenance and Establishment Plan required by **Condition 2021**.

45.43. **All plantings shall be set back at least 5 m from the toe of the stopbank to minimise tree roots affecting the stopbank.**

46.44. Within the first planting season following the completion of the Stage 1 quarrying activities (including soil rehabilitation), restoration planting of the Stage 1 area shall be undertaken in accordance with the certified Stage 1 River Terrace Restoration Plan and Maintenance and Establishment Plan required by **Condition 2021**.

Groundwater monitoring to establish background levels

47.45. The consent holder shall establish one dedicated bore upstream and two downstream of the works for groundwater quality monitoring purposes. These shall be installed in accordance with the recommendation contained in the GMP. The Consent Holder shall also endeavour to obtain agreement of Council or any private bore owners to undertake additional testing within an area up to 1km downgradient of the site.

Advice note

The appropriate bore locations shall be confirmed by the Council's Senior Resource Scientist – Water to account for groundwater flow direction in the area.

48.46. A minimum of ~~two~~ **three** groundwater samples, at least ~~3~~ **2** months apart, shall be taken prior to commencement of any works to establish background levels. The samples shall be analysed by a suitably qualified and experienced person for:

- | |
|--|
| <ul style="list-style-type: none">• Measurements of depth to water (where possible) prior to purging.• pH (field and laboratory measurement).• Electrical Conductivity (field and laboratory measurement). |
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• Water temperature (field measurement).	• Calcium.	• Magnesium.
• Hardness.	• Alkalinity.	• <i>E. coli</i> .
• Ammoniacal-N	• Nitrate-N	• Dissolved Boron
• Dissolved Aluminium.	• Dissolved Arsenic.	• Dissolved Cadmium.
• Dissolved Chromium.	• Dissolved Copper.	• Dissolved Lead.
• Dissolved Nickel.	• Dissolved Manganese.	• Dissolved Iron.
• Sodium.	• Sulphate.	• Chloride.
• BTEX compounds.	• Total Petroleum Hydrocarbons.	

All testing equipment must be calibrated and verified as accurate prior to testing by a suitably qualified and experienced person. All testing shall be at the full expense of the consent holder. Sampling results shall be submitted to Council's Team Leader - Monitoring & Enforcement prior to the commencement of any works.

Environmental standards

Dust

49.47. There shall be no noxious, dangerous, objectionable or offensive dust beyond the boundary of the site.

Water quality

50.48. Land disturbance shall not result in runoff of sedimentation that results, after reasonable mixing, in any of the following effects in the receiving waters:

- (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- (b) any conspicuous change in the colour or visual clarity;
- (c) any emission of objectionable odour;
- (d) the rendering of fresh water unsuitable for consumption by farm animals;
- (e) any significant adverse effects on aquatic life.

51.49. Quarrying activities, including the discharge of cleanfill to land and any accidental spills on the site shall not result in any existing water supply bore or dedicated monitoring bore within a 1 km buffer zone downgradient of the quarry to breach the 50% of the maximum acceptable values or guideline values trigger levels in the Drinking Water Standards for New Zealand 2005 (revised 2018) Table 3 of the GMP.

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Soil

~~52-50.~~ Following completion of soil restoration and rehabilitation activities, restored soils shall achieve the following:

- (a) A minimum of 800 mm of plant growth medium with little or no limitations to root penetration. As a guide, soil penetration resistance should not exceed approximately 2300 kPa.
- (b) Soil strength to be such that there is no serious limitation to cultivation and movement of machinery, i.e. no visually obvious contrasting compacted layers within the restored soil profile, especially between the subsoil and the topsoil, and no visually obvious compaction within the upper 300–400 mm of topsoil.
- (c) Be at least imperfectly drained, preferably moderately well or well drained where the inherent soil drainage characteristics of the land allow.

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Noise

~~53-51.~~ Noise associated with construction activities on site (such as construction of the noise bund and haul roads) shall not exceed 70dB LAeq and 85dB LAFmax when measured 1m from the most exposed façade of any dwelling located beyond the subject site.

~~54-52.~~ The consent holder shall ensure that all other activities on site, including quarrying activities **except (other than construction work)**, are designed and conducted, and all equipment used on site is maintained, so that noise generated by activities on site does not exceed ~~a an uncorrected~~ noise level of 55 ~~51-55~~ dBA Leq (day) and 40dBA Leq and 70 dBA Lmax (night) **when** measured at the notional boundary of any dwelling.

All noise shall be measured and assessed in accordance with the provisions of **NZS6801:2008 – Acoustics – Measurement of environmental sound and NZS 6802:2008 - Acoustics - Environmental Noise**, ~~except that no adjustments shall be made to the measured noise level.~~

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Advice note

Construction work relates to activities defined as construction under NZS6803:1999. This includes the construction of the earth bund and the haul road, but not the gravel extraction operation or truck movements on site.

During work

~~55-53.~~ There shall be no extraction of gravel from the unformed legal road **shown on the plans required by condition 3537 above.**

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Hours of work

~~56.54.~~ Work shall only be carried out between 7:00 am and 5:00 pm Monday to Friday. No heavy machinery shall be operated on site earlier than 7.30am. No operations shall occur on Saturdays, Sundays, public holidays, or between 20 December and 10 January the following year (Christmas holiday period).

Access and vehicle entrance

~~57.55.~~ Access to the site by vehicles associated with quarrying activities shall only be via the upgraded vehicle crossing at 493 Motueka River West Bank Road.

Advice note

This consent does not grant access to the excavation area. Site access and management of the tracks should be arranged with the landowner.

Traffic movements

~~58.56.~~ There shall be no more than 30 truck movements per day to and from the site (a return trip being two truck movements). A truck may include a trailer.

~~59.57.~~ All vehicles shall observe a speed limit of 15 kilometres per hour when travelling ~~on any unsealed surfaces on site~~ **and a speed limit of 30 kilometres per hour when travelling on any sealed surfaces on site** within the site (including on haul roads). It is the consent holder's responsibility to inform drivers of this speed limit.

~~60.58.~~ All trucks shall observe a speed limit of 60 kilometres per hour when travelling along Motueka River West Bank Road.

~~64.59.~~ All trucks shall be fitted with GPS based speed logging and records shall be supplied to the Council's Team Leader - Monitoring & Enforcement on request. The GPS system shall be set up to provide alerts to the quarry manager if the speed limits specified in the conditions above are exceeded.

~~62. — No processing, washing, crushing or screening of gravel shall be carried out on the site.~~

Site management

~~60.~~ Works shall be undertaken in accordance with the certified NMP, DMMP, GMP and SMP.

~~61. — No processing, washing, crushing or screening of gravel shall be carried out on the site.~~

~~63. —~~

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~~64-62.~~ Specific dust control measure described in the application and DMMP shall be implemented. These dust control measures shall be undertaken in accordance with the best practical option.

~~65-63.~~ No works shall be carried out **material shall be disturbed** during periods of high wind (>7.5m/s) and where there are sensitive receptors within 250m in a downwind direction. No excavations shall be undertaken if heavy rain or high wind is forecast in the period before measures can be implemented to secure the excavated area and any stockpiles from the effects of overland flows and dust generation.

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~~66-64.~~ No quarrying activities shall take place within 100m of horticultural activities on neighbouring properties between the months of **January** and May (inclusive).

~~67.~~ **Stockpiles in the Stage 2 area within 100m of the apple orchard boundary shall be removed over the drier months of January to May (inclusive). No soil stockpiles may be placed within 100 m of horticultural activities on neighbouring properties.**

~~68-65.~~ **The Consent Holder may use polymer or chemical stabilization to limit the dust generation. Waste Oil or Reprocessed Oil shall not be used to control dust.**

~~69-66.~~ The consent holder shall undertake meteorological monitoring (i.e., wind direction, wind speed, **temperature and relative humidity**) on site and store this data electronically and it shall be made available to the Council's Team Leader - Monitoring & Enforcement on request.

~~70-67.~~ Machinery movement over stockpiled soil is prohibited, other than in the construction of the proposed noise bund on the northern boundary.

~~71-68.~~ No backfill or any other material shall be stored or stockpiled on the river side (outside) of the stopbank, unless **except for topsoil** awaiting reinstatement placement on that day. In the event that there is temporarily stockpiled material on the river side of the stopbanks and heavy rain is forecast, the stockpiled material shall be relocated to the landward side of the stopbank.

~~72-69.~~ Stockpiled materials (excluding soil covered by condition 78), other than those materials to be used for backfilling on the same day, shall be located in the area identified on the Landscape Mitigation Plan as 'Stockpile and Service Area'. This area shall be excavated to a level 1m below existing ground level. ~~Gravel s~~ Stockpiles in this area shall be managed so as to be no greater than 4m in height above the lowered ground level (3m above surrounding ground level). ~~Soil stockpiles shall be no greater than 3m in height (2m above surrounding ground level).~~

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~~73-70.~~ The consent holder shall maintain the site in a clean and tidy manner. Redundant machinery and equipment not required for the operation of the quarry shall be removed from site.

~~74-71.~~ **If heavy rain is forecast, heavy machinery shall be moved inside the stopbank for overnight storage. This condition is not intended to prevent machinery from backfilling excavations to meet other conditions of this consent under conditions of rising groundwater levels.**

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~~75-72.~~ All practicable measures shall be undertaken to prevent:

- (a) erosion of the Motueka River berm; and
- (b) the discharge of sediment to the Motueka River;

as a result of the works.

Advice note

This consent does not authorise the discharge of any sediment to water. Relevant TRMP and / or national environmental standards permitted rules must be met or consent applied for accordingly.

Refuelling and spill management

~~76-73.~~ All machinery shall be maintained and operated in such a manner minimising, so far as practicable, any spillage of fuel, oil and similar contaminants to water or land, particularly during machinery refuelling.

~~77-74.~~ No refuelling or machinery maintenance shall be undertaken within 20 metres of surface water **(including exposed groundwater).**

~~78-75.~~ **No heavy vehicle maintenance apart from servicing (e.g., an oil change by trained personnel) shall occur on site.**

Advice note

An example of heavy vehicle maintenance is engineering maintenance, such as work on a digger bucket.

~~79-76.~~ All spills shall be immediately contained and controlled by an approved product and shall be removed from the site for appropriate disposal. Any spills greater than 20 litres shall be immediately reported to the Council's Team Leader - Monitoring & Enforcement.

~~80-77.~~ Fuel shall be stored securely or removed from site overnight.

Excavation

~~81-78.~~ Topsoil and subsoil shall be stripped and stockpiled separately for the purpose of reuse on site. All soil stockpiles shall be:

- (a) no more than 3 metres in height;
- (a) stored on site for no more than 6 months before use.

~~82-79.~~ Topsoil and subsoil shall only be excavated in dry soil conditions, as defined in the SMP.

~~83-80.~~ Any excavation in berm land shall occur in strips aligned parallel to the general direction of flood flow across the berm land. No individual strip shall be wider than 20 m.

~~84-81.~~ The excavation shall be progressively backfilled so that the maximum size of excavation open at any one time shall not exceed 1600m² (generally 20 m in width and 80 m in length).

~~85-82.~~ The number of excavations open at any one time shall not exceed one, except when the excavation of one strip has been completed and the excavation of a new strip is commencing, in which case two open excavations are permitted.

~~86-83.~~ Excavations adjacent to property boundaries or adjacent to the 20m setback from the toe of stopbanks shall not exceed (be steeper than) the following batter angles:

- (a) Lower Gravels to be battered at 1H:1.3V max;
- (b) Upper mantle to be battered at 1H:1.7V max.

These batter angles may only be exceeded adjacent to property boundaries where the adjacent landowner agrees to a proposal such that CJ's the applicant is to repair/reinstate any damaged land caused by shallow surficial landslips during the gravel extraction pit works.

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~~87-84.~~ At the commencement of each stage of excavation, the initial excavation shall be inspected by a Geo-professional so that they can verify that the above batter angles are appropriate given actual exposed ground conditions. The Geo-professional shall at the same time undertake test-pitting across the remainder of the stage area and advise on the depths of upper mantle/lower gravel materials. If, during excavations over the remainder of the stage the Consent Holder identifies any unforeseen ground conditions during the gravel pit extraction works (i.e. deep layer of topsoil than anticipated test-pitting) then a Geo-professional shall inspect and advise what further steps (if any) are required to ensure ongoing land stability for the remaining duration of the stage.

~~88-85.~~ Appropriate stormwater controls shall be put in place to avoid concentrated stormwater flows discharging onto temporary cut slopes.

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- 89-86. All excavation shall be undertaken in accordance with the GMP to ensure that excavations do not occur below a level 0.3m above actual ground water level at the time of excavation with the exception of small scale temporary test pits that are back filled within 30 minutes. Where excavations are undertaken below a level 1.0m above groundwater level, they shall only be undertaken in **dry stable** weather conditions (**as defined in the GMP**), and shall be backfilled to a level not less than 1.0m above groundwater level by the end of the same working day.
87. There shall be no excavation, removal of gravel or other disturbance of land within 20m of the toe of the stopbank. For the avoidance of doubt, this applies on both sides of the stopbank.
- 90-88. For any given stage, excavation works shall commence at the most upgradient (with respect to groundwater flow) end of the stage, this being generally the southern end of the stage.

Backfilling

- 91-89. During the course of excavations, backfilling shall be undertaken as soon as practicable. Any excavated area in a particular location shall not remain open for longer than 6 months.
- 92-90. Backfilling shall be undertaken in accordance with the certified SMP and GMP. This includes a requirement to monitor the level of the excavation pit floor relative to changing ground levels to ensure that the freeboard requirements at **condition 8689** are complied with at all times.
- 93-91. Backfilling shall be to the finished levels on site as specified in the Contour Plan required by **condition 1415**.
- 94-92. Only material that meets the definition of cleanfill under the WasteMINZ document 'Technical Guidelines for Disposal to Land (2018)' shall be imported to the site for backfill. There shall be no disposal of **concrete**, sawdust, large trees, stumps, refuse, cans, bottles, plastics, timber, household rubbish, or liquid waste. Fill material shall only be imported to the site if total soil contaminant concentrations are below regional soil background concentration limits, as specified in "Background concentrations of trace elements and options for the managing of soil quality in the Tasman and Nelson Districts" - Landcare Research (2015).
- 95-93. Organic material imported to the site shall not exceed 2% by volume per load and is limited to incidental organic matter associated with the excavation of inert natural materials. For the avoidance of doubt this does not apply to topsoil retained on site for reinstatement.

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~~96-94.~~ Any backfill material sourced from offsite shall only be brought to the site by the Consent Holder and/or its contractors, and shall be pre-screened for compliance with these cleanfill requirements before being brought to site. A record shall be kept of all cleanfill used as backfill. The record shall be in accordance with the requirements specified in the GMP. This record shall be kept available on site, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.

Reinstatement and rehabilitation

~~97-95.~~ Subsoil and topsoil shall be reinstated, and ongoing management shall be undertaken, in accordance with the methodology specified in the certified SMP.

~~98-96.~~ Topsoil and subsoil shall only be reinstated in dry soil conditions, as defined in the SMP.

~~99-97.~~ **Following the placement of the new soil profile, the consent holder shall engage a suitably qualified agronomist to advise on fertiliser application and other soil treatments to encourage effective revegetation.**

~~100-98.~~ **Fertiliser shall be applied following the recommendations of the agronomist to facilitate pasture establishment, increase fertility and promote and maintain even revegetation.**

~~101-99.~~ Revegetation of reinstated areas shall occur within a month of reinstatement of the soil and be actively management following revegetation (as detailed in the SMP) to ensure full vegetative cover is achieved and maintained.

~~102-100.~~ **The consent holder's responsibility with regard to revegetation shall not be considered to be met until a complete, healthy, predominantly rye grass/white clover sward has been achieved over the worked areas.**

Groundwater monitoring

~~103-101.~~ The monitoring bores required by **condition 4547** shall be sampled every three months following the commencement of any works, in accordance with the GMP. The samples shall be analysed by a suitably qualified and experienced person for all of parameters detailed at **condition 4648**.

All testing equipment must be calibrated and verified as accurate prior to testing by a suitably qualified and experienced person. All testing shall be at the full expense of the consent holder. Sampling results shall be submitted to the Council's Team Leader - Monitoring & Enforcement within 10 working days of the results being obtained.

Sampling and reporting shall continue for two years following the cessation of quarrying and backfilling/ rehabilitation activities on the site.

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Procedures to respond to any issues arising from the groundwater monitoring shall be in accordance with the requirements detailed in the GMP, ~~except as detailed below:~~

~~404.102. If the monitoring of parameters detailed at condition 4648, with the exception of E.coli, shows changes > 20% compared to the background levels established under Condition 4648, all works shall cease, and investigations shall be undertaken to ascertain the cause of these changes.~~

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~~405.103. If the monitoring parameter E.coli shows changes by one order of magnitude compared to the background levels established under condition 4648, all works shall cease, and investigations shall be undertaken to ascertain the cause of these changes.~~

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~~406.104. If the monitoring shows an increase in E.coli resulting in the water being unsafe to drink, all works shall cease, and investigations shall be undertaken to ascertain the cause of these changes.~~

~~407.105. If the monitoring required by condition 101103 shows that Drinking Water Standards New Zealand (DWSNZ) are exceeded, the Consent hold shall supply drinking water to affected residences.~~

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~~408.106. Works shall only recommence once the Consent Holder has established, to the satisfaction of Council's Team Leader – Monitoring & Enforcement, that the activity is not causing the changes/ decrease in water quality.~~

Accidental Discovery Protocol (ADP)

~~409.107.~~ In the event of Māori archaeological sites (e.g. shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The consent holder shall notify a representative of Ngāti Rārua and Te Ātiawa and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Reporting & monitoring

~~410.108.~~ Monitoring and reporting in relation to dust management, and soil reinstatement and rehabilitation shall be undertaken in accordance with the requirements of the certified DMMP and SMP.

~~411.109.~~ The consent holder shall maintain a complaint's register, which shall detail the following as a minimum:

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- (a) The person responsible for the complaints register and appointment of a nominee who can be contacted in case of concerns/ complaints arising;
- (b) The location, date and time of the complaint;
- (c) The nature of the complaint (e.g., noise, dust, vehicle speeds etc.);
- (d) A description of weather conditions at the time of complaint (notably wind speed and direction as per the meteorological monitoring required by **condition 58**);
- (e) Any identified cause of the complaint;
- (f) The action(s) taken to investigate and if appropriate remedy the issue.

~~112-110.~~ The consent holder shall inform the Council's Team Leader Monitoring and Enforcement within one working day of any complaint being received.

~~113-111.~~ The complaints register shall be forwarded to the Council's Team Leader - Monitoring & Enforcement on request.

~~114-112.~~ A contact number of the nominee detailed in the complaint's register shall be provided to all adjoining property owners and occupiers.

~~115-113.~~ The consent holder shall, no more than 20 working days following the completion of each stage of work, notify the Council's Team Leader - Monitoring & Enforcement. Notification shall be in writing and include a visual representation (such as photo or video) of the completed stage of work.

~~116-114.~~ The consent holder shall keep a daily record of the weight of gravel extracted, which shall be submitted on a monthly basis to the Council's Team Leader - Monitoring & Enforcement.

Advice Note:

Returns are to be submitted in "solid measure". A multiplier of 0.80 should be used to convert "truck measure" to "solid measure".

~~117-115.~~ Within 3 months of the completion of all recontouring work on site the consent holder shall forward to the Council's Team Leader - Monitoring & Enforcement a topographic survey to NZVD 2016 of the final levels on site, with intervals at 0.2 metres, as required by condition 13(a).

Unformed legal road

~~118-116.~~ Following completion of the works, the consent holder shall confirm with the Council's Transportation Manager whether:

- (a) the section of unformed legal road ("paper road") used to access the application site shall either be returned to pasture at the consent holder's cost; or
- (b) retained in its current form.

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ADVICE NOTES

1. *Officers of the Council may carry out site visits to monitor compliance with resource consent conditions. The consent holder is liable to the Council for actual and reasonable inspection and monitoring costs associated with this consent.*
2. *An Approval to Work Permit is required from Council's Transport team to form the unformed legal road (paper road).*
3. **A Corridor Access Request (CAR) is required from Council's Transport team to upgrade the vehicle access.**
4. *The consent holder should meet the requirements of the Council with regard to all building, safety, and health bylaws, regulations and Acts.*
5. *Access by the Council or its officers or agents to the property is reserved pursuant to section 332 of the Resource Management Act.*
6. *All reporting required by this consent should be made in the first instance to the Council's Team Leader - Monitoring & Enforcement.*
7. *This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:*
 - (a) *comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);*
 - (b) *be allowed by the Resource Management Act; or*
 - (c) *be authorised by a separate resource consent.*
8. *The Council draws your attention to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. In the event of discovering an archaeological find during the earthworks (e.g., shell, midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc.) you are required under the Heritage New Zealand Pouhere Taonga Act 2014 to cease the works immediately until, or unless, authority is obtained from Heritage New Zealand under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014.*
9. *The consent holder must meet the requirements of the Tasman-Nelson Regional Pest Management Plan (2019-2029) when dealing with any pest plants or animals within the subject site.*
10. *Copies of the Council Standards and documents referred to in this consent are available for viewing at the Richmond office of the Council.*