

BEFORE THE ENVIRONMENT COURT

Decision No. [2011] NZEnvC 214

IN THE MATTER of appeals under section 120 of the  
Resource Management Act 1991 (the  
Act) and in the matter of a direct  
referral of resource consent under  
section 87G of the Act

BETWEEN ENVIROWASTE SERVICES  
LIMITED  
(ENV-2009-AKL-000500)  
(ENV-2009-AKL-000501)

WINSTONE AGGREGATES  
(ENV-2009-AKL-000497)  
(ENV-2010-AKL-000009)  
(ENV-2010-AKL-000176)

Appellants

AND AUCKLAND COUNCIL  
(FORMERLY AUCKLAND CITY  
COUNCIL and AUCKLAND  
REGIONAL COUNCIL)

Respondent

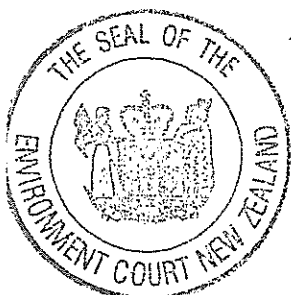
Court: In Auckland, on the papers  
Environment Judge J A Smith, sitting alone under Section 279 of  
the Act

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FINAL DECISION OF THE ENVIRONMENT COURT

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- A. Consent is granted subject to the conditions of consent attached to this  
decision as Annexure "A".



## REASONS FOR THE DECISION

[1] This matter involved decisions by the Auckland City Council and the Auckland Regional Council to grant consent to applications by Winstone Aggregates to carry out reclamation of the Three Kings Quarry by way of controlled filling and to discharge contaminants from a cleanfill at 985 Mount Eden Road, Three Kings, Auckland. The appeals against the Councils' decisions were heard in conjunction with a direct referral of an application by Winstone Aggregates for a supplementary consent.

[2] In decision [2011] NZEnvC 130 the Court held that:

- [a] The decision of the Council is confirmed, subject to amended conditions;
- [b] The resource consent with relevant conditions is to be finalised as directed within this decision for final approval by the Court;
- [c] In addition, the direct referral is granted for a discretionary resource consent on the same terms and conditions as those provided for under the appeal;
- [d] The two decisions can be combined, providing the substitution of the word "cleanfill" and other words for controlled fill, subject to the same terms and conditions as outlined in this decision;
- [e] The applicant is to circulate the draft consent and conditions to allow the parties to submit final wording for both the grant of consent and the conditions to apply in the general form as annexed hereto (**B & C**), modified as directed, within 30 working days. Parties are to reply within 10 working days.

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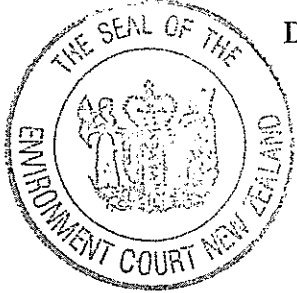
[3] The parties have now advised the Court that they have reached an agreement on the final form of conditions.

[4] The Court has considered the conditions provided and is satisfied that they include the amendments made by the Court, and incorporate the comments received from the other parties.



[5] Accordingly, consent is granted subject to the amalgamated consent conditions attached to this decision as Annexure A.

DATED at Auckland this 26<sup>th</sup> day of July 2011



J A Smith  
Environment Judge

"A"

## **AUCKLAND COUNCIL AMALGAMATED CONSENT CONDITIONS**

<u>CONSENT DETAILS</u>	
<u>Activity</u>	<u>Earthworks, landuse and discharge of contaminants onto or into land from a controlled fill operation -and all other associated discharges to ground</u>
<u>Permit No.</u>	<u>36221 / 36222 / 37770 / R/LUC/2009/743</u>
<u>Consent Holder</u>	<u>Winstone Aggregates, a division of Fletcher Concrete and Infrastructure Ltd.</u>
<u>Duration of Consent</u>	<u>This consent shall expire on 31 December 2030 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.</u>
<u>Date of lapsing of Consent</u>	<u>This consent shall lapse after 5 years from the date of the commencement of this consent unless, before the consent lapses, the consent is given effect to or an application is made to extend the period after which the consent lapses pursuant to the Resource Management Act 1991.</u>
<u>Purpose of Consent</u>	<u>To authorise the landuse, earthworks and discharges associated with the development of a controlled fill by Winstone Aggregates at the worked out Three Kings Quarry, Auckland City.</u>
<u>Site location</u>	<u>985 Mount Eden Road, Three Kings, Auckland City</u>
<u>Legal description of Land</u>	<u>Lot 1 DP 37020, CT 953/21</u>
<u>Territorial Authority</u>	<u>Auckland Council</u>

Note: For the purposes of this consent "approval", "review" or "certification" by the Council means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is consistent with, or sufficient to meet, the conditions of this consent.

### **Definitions**

ANZECC:	Australian and New Zealand Environment and Conservation Council
Commencement of works:	means the time when the Manager is informed in writing that earthworks are about to commence.
Council	<u>means the Auckland Council</u>

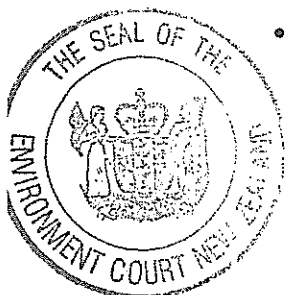


Major contributor of fill:	means any contributor of fill in excess of 200m <sup>3</sup> from any one site.
Manager:	means the Manager, Consents & Consents Compliance Auckland Council; or nominated Council staff acting on the Manager's behalf.
PARP:	Proposed Auckland Regional Plan: Air Land and Water
Stabilised:	means an area inherently resistant to erosion such as rock (excluding Sedimentary Rocks), or rendered resistant by the application of aggregate, geotextile, vegetation or mulch. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once an 80% vegetation cover has been established.
TP90:	means ARC Technical Publication No. 90 <i>Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region</i> , March 1999.

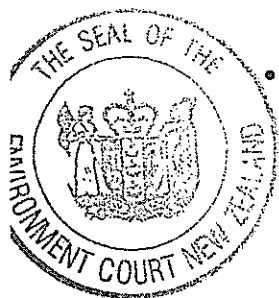
#### PART A: CONDITIONS APPLYING TO ALL CONSENTS

##### GENERAL CONDITIONS

1. That pursuant to Section 36 of the Resource Management Act 1991, this consent (or any part thereof) shall not be exercised until such time as all charges in relation to the receiving, processing and granting of this resource consent are paid in full. **[Replaces Land Use General Condition A]**
2. Except as otherwise required by any other condition of this consent, the proposed activity shall be carried out in accordance with the plans and all information submitted with the applications, including the application numbered 37770, and information subsequently provided in response to section 92 RMA requests for further information, subject to such amendments as may be required by the following conditions of consent (and other than in respect of any plans and other application details showing and referencing a proposed second access which shall be amended by the deletion of that proposed second access in its entirety (as that access is refused consent)), including: **[Replaces Land Use Condition 1 and Discharge Condition 1]**
  - The Assessment of Effects entitled '*Three Kings Quarry Clean fill Proposal, Volume 1: Application for Resource Consent and Assessment of Environmental Effects (February 2009)*' prepared by Richard Compton of Winstone Aggregates, and dated February 2009;
  - The report entitled '*Three Kings Quarry - Modelling of Clean fill Drainage*' prepared by Barnaby C Harding of Pattle Delamore Partnership Ltd, and dated 9th October 2008;
  - The report entitled '*Assessment of Air Quality Effects from the Proposed Clean fill at the Winstone Aggregates Three Kings Quarry*' prepared by Andrew Curtis of URS New Zealand Ltd, and dated 30th July 2008;

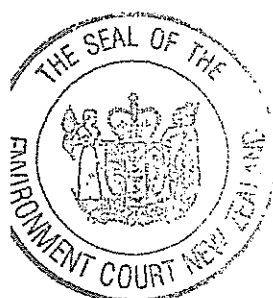


- The report entitled '*Effects of Backfilling Three Kings Quarry on Groundwater Quality*' prepared by Domain Environmental Ltd, and dated 13th October 2008;
  - The report entitled '*Three Kings Quarry, Clean fill Operations - Acoustic Report*' prepared by Siri Wilkening of Marshall Day Acoustics, and dated 17th February 2009;
  - The report entitled '*Three Kings Quarry Filling, Mt Eden Road, Auckland - Transportation Assessment Report*' prepared by Max Robitzsch of Traffic Design Group, and dated 12th June 2008;
  - The letter entitled '*Managed Clean fill at Three Kings Quarry Fill Operations and Development Option Assessment*' prepared by Graeme Twose of Tonkin & Taylor Ltd and dated 1st July 2008;
  - The letter entitled '*Managed Clean fill at Three Kings Quarry Fill Operations and Development Option Assessment*' prepared by Graeme Twose of Tonkin & Taylor Ltd and dated 8th July 2008;
  - The letter entitled '*Three Kings Quarry - Assessment of Backfilling*' prepared by Ian Jenkins of URS New Zealand Ltd and dated 22nd October 2008;
  - The report entitled '*Historical Contamination Assessment Three Kings Quarry*' prepared by Domain Environmental Ltd, and dated 18th February 2009;
  - Plans prepared by Harrison Grierson entitled '*Three Kings Quarry*', being Dwg No. 122314-GIG-001, 002, 003, 004 & 005, all drawn on 29th August 2008 and plotted on 10th October 2008;
  - Plans Figure 1 - 5, entitled '*Winstone Aggregates Ltd Three Kings Quarry, Three Kings*' dated September 2007;
  - Plan prepared by Traffic Design Group, entitled '*Three Kings Quarry, Three Kings, Auckland, Indicative Layout - Proposed Second Access*' Dwg No. 8823A1 1A dated 9th July 2009;
  - The letter entitled '*Notified Resource Consent Application for Three Kings Quarry*' prepared by John Earley of Winstone Aggregates and dated 8th May 2009;
  - The letter entitled '*Application for Resource Consent - ACC Reference RJLUC/2009/743*' prepared by Richard Compton of Winstone Aggregates and dated 21~ May 2009,
  - The letter entitled '*Three Kings Resource Consent - Classification of Activities*' prepared by Bal Matheson of Russell McVeagh and dated 21st May 2009,
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- The letter entitled '*Three Kings Quarry - Consent to Fill Geotechnical Response to Section 92 Queries from ACC*' prepared by Graeme Twose of Tonkin & Taylor Ltd and dated 15th May 2009,
  - The letter entitled '*Application for Resource Consent - ACC Reference PJLUC/2009/743: Request for Further Information*' prepared by Richard Compton of Winstone Aggregates and dated 18th May 2009;



- The letter entitled '*Application for Resource Consent - ACC Reference R/LUC/2009/743; Request for Further Information*' prepared by Richard Compton of Winstone Aggregates and dated 16th July 2009;
  - The letter entitled '*Winstone Aggregates Three Kings Quarry, Consent Application, RILUC/2009/743, Assessment of NZTA Submission*' prepared by Max Robitzsch of Traffic Design Group, and dated 16th July 2008;
  - The letter entitled '*Winstone Aggregates Three Kings Quarry, Consent Application, RILUC/2009/743, Section 92 Response*' prepared by Max Robitzsch of Traffic Design Group, and dated 15th July 2008;
  - The letter from Tim Sinclair of Tonkin & Taylor Ltd, entitled '*Managed Clean fill at Three Kings Discussion on Potential Vibration Issues*' dated 20th August 2009; and
  - The letter from Richard Compton of Winstone Aggregates dated 3<sup>rd</sup> September 2009.
3. This consent shall expire on 31 December 2030 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991. **[Replaces Land Use Condition 49 and Discharge Condition 2]**
  4. The servants or agents of the Council~~Consent Authority~~ shall be permitted access to the relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples. **[Replaces Land Use General Condition B and Discharge Condition 3]**
  5. That legal and physical access to the sampling and monitoring locations be maintained for sampling and monitoring and also for the implementation of the Fill Management Plan and also for any contingency measures. **[Replaces Discharge Condition 4]**
  6. At least (1) one copy of this consent and reference documentation, including management plans, shall be retained and available for use on-site at all times for all personnel, in particular the cContractor importing and placing the imported fill at the site. **[Replaces Land Use Condition 2 and Discharge Condition 5]**

~~If implemented by the consent holder, this consent will replace the discharge of contaminants (cleanfill) consent [Permit 36222] and the consent holder shall surrender that earlier consent if it has been granted.~~
  7. For the purposes of this consent, unless the context otherwise requires, "fill" or "controlled fill" means material that meets the acceptance criteria set out in Conditions ~~40-14~~, 16 and Table 1. ~~Contaminant concentrations for which acceptance criteria are not set out in Condition 10, Table 1, shall be evaluated against Auckland City Council Investigation/Preliminary remediation criteria for soils - Human Health, or in accordance with Ministry for the Environment Contaminated Land Management Guidelines No.2, Hierarchy and Application in New Zealand of Environmental Guideline Values.~~ **[Replaces Land Use Condition 1A]**

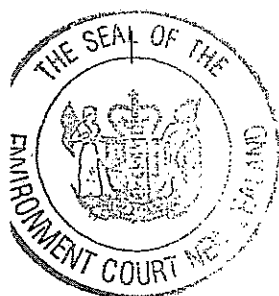


## PREDEVELOPMENT CONDITIONS

8. The consent holder shall pay the Council a consent compliance monitoring charge of \$2000.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent). The \$2000.00 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. **[Replaces Land Use Condition 3]**
9. The controlled fill in the upper 5m layer shall be engineered to a compaction and stability standard in accordance with NZS 4431:1989 (Code of practice for Earth Fill for Residential Development) that enables future residential use of the finished landform no longer than 5 years after cessation of filling. This condition may be reviewed where a proposed Plan Change or review (or any resource consent addressing the use of the site as a whole) indicates that future uses will demand a lesser standard of compaction. The consent holder shall provide an annual report to the Manager, or his or her nominee, which contains sufficient detail to confirm the engineering standards required to meet NZS 4431:1989 have been achieved for the fill. **[Replaces Land Use Condition 4]**
10. The final (upper) 2m of controlled fill material must meet the acceptance criteria set out in Conditions 14, 16 and Table 1 or the Auckland City Council Human Health Guideline Values for Residential Land Uses (whichever is the more stringent) and must not contain anthropogenic extraneous waste material that presents a risk to human health. The consent holder shall provide a completion report to the Manager that confirms that those standards are met. **[Replaces Land Use Condition 5]**

## OPERATIONAL CONDITIONS

11. All fill placement and management works shall be undertaken in accordance with the Fill Management Plan as described in Condition 4426. **[Replaces Land Use Condition 6 and Discharge Condition 6]**
12. The site shall be operated as a private commercial facility for filling and will not be open to the general public. **[Replaces Land Use Condition 6A and Discharge Condition 6A]**
13. The following operations shall be carried out:
  - (a) All vehicles transporting fill shall report to a designated reception area at the site entrance on Mt Eden Road;
  - (b) A suitably trained person shall inspect all incoming loads and these inspections shall be documented and subject to internal quality procedures and audit which shall be reported to the Manager Consent Authority (regional consents monitoring) annually. For all incoming loads not subject to pre-approval, such inspections shall include analysis by x-ray fluorescence or an alternative method approved by the Consent Authority Council to check for the presence of metals;





- (c) All necessary records and documentation as per the Fill Management Plan shall be obtained and maintained;
- (d) Any load with obvious evidence of hydrocarbons or other contamination (for example discolouration or odours) shall not be disposed of on the site unless it clearly meets all acceptance criteria contained in this consent.
- (e) All loads shall be inspected at the tip point of disposal in accordance with the Fill Management Plan. The entire load of material will be fully exposed and spotters or plant operators fully trained in inspection and rejection procedures are to verify the deposited material is of an acceptable type, smell, colour and texture. **[Replaces Land Use Condition 7 and Discharge Condition 7]**

14. Fill originating from any site providing more than 200m<sup>3</sup> of fill or from any known horticultural site, or from any site located within the area covered by Auckland City Council District Plan - Central Area Section, or any site listed on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) shall be placed into the fill area only with appropriate documentation of the suitability of the fill prepared by a suitably qualified contaminated land specialist in the form of a Site Investigation Report, or Site Validation Report, that has been prepared in accordance with the Ministry for the Environment guidelines *Reporting on Contaminated Sites in New Zealand, Contaminated Land Guidelines No 1*, November 2003 (or equivalent standards as approved in writing by the Manager) and which has been prepared in accordance with all acceptance criteria set out in this consent and with reference to any contaminants that could reasonably be expected to be present due to the current and former land use of the site of origin of the material. Any fill with contaminants of concern identified in the pre-approval documentation and not listed in Table 1 shall not be accepted at concentrations above TP153 soil background concentrations. For constituents not listed in TP153 or Condition 4016, contaminants of concern shall not be accepted at concentrations above 5% of the permitted activity low level contamination concentration defined in Rule 5.5.41(a)(i)(3) of the Auckland Regional Plan: Air, Land and Water (October 2010) or in any subsequent update of the guidelines referred to in that rule. **[Replaces Land Use Condition 8 and Discharge Condition 8]**
15. If the fill has not previously been tested to at least the same extent by the fill generator as detailed in Condition 8-14 then the consent holder shall undertake analytical testing of imported fill for the chemical parameters set out in Table 1 at a rate of not less than 1 in every 150 incoming trucks or every 1400 tonnes (whichever comes first). **[Replaces Land Use Condition 9 and Discharge Condition 9]**
16. The analytical testing shall demonstrate that chemical parameter concentrations in the imported fill set out below are not exceeded: **[Replaces Land Use Condition 10 and Discharge Condition 10]**

Table 1

**Note: for the avoidance of confusion Bboth the maximum and wweighted rolling mean criteria must be met.**

Parameters	Fill < 2m depth from finished level (Shallow Fill) (mg/kg)	Fill > 2m depth (Deeper Fill) (mg/kg)	Weighted Rolling 12- Month Mean Shallow Fill	Weighted Rolling 12- Month Mean Deeper Fill
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			Acceptance Criteria (<2m deep)	Acceptance Criteria (>2m deep)
Arsenic	30	100	12	12
Boron	260	260	130	130
Cadmium	1	7.5	0.65	0.65
Chromium	400	400	125	125
Copper	325	325	90	90
Cyanide	0	25	0	1.0
Lead	250	250	65	65
Mercury	0.75	0.75	0.45	0.45
Nickel	320	320	105	105
Zinc	1160	1160	400	400
TPH				
C <sup>7</sup> -C <sup>9</sup>	120	300	20	20
C <sup>10</sup> -C <sup>14</sup>	300	300	50	50
C <sup>15</sup> -C <sup>36</sup>	1000	5600	500	500
DDT	0.7	12	0.35	0.7
Aldrin	0.7	12	0.35	0.7
Dieldrin	0.7	6	0.35	0.7
BaP (eq) <sup>3</sup>	0.27	2.15	0.1	1.0
Benzene	0.2	1 <sup>1</sup>	0.2	0.4
TEX(Total) <sup>2</sup>	20	20	3	3

Note 1: To meet MfE Guidelines (1999) for residential use all pathways

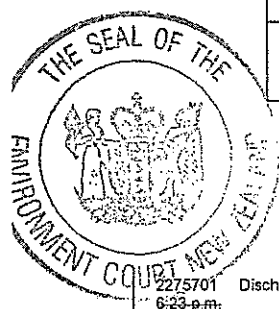
Note 2: Sum of Toluene, Ethyl benzene and Xylenes

Note 3: Includes group of 7 compounds with equivalence factors that contribute to BaP(eq)

17. ~~40A.~~ Only materials of the following nature and from within the Auckland Region are acceptable fill materials (as defined in *A Guide to the Management of Cleanfills*, Ministry for the Environment, 2002) and may be received at the site, provided they also comply with conditions 4A-7 for all fill and ~~5-conditions 7 and 10~~ for the upper 2m of fill: **[Replaces Land Use Condition 10A and Discharge Condition 10A]**

Table 2: Fill material

Material	Discussion
Asphalt (cured)	Weathered (cured) asphalt is acceptable. After asphalt has been exposed to the elements for some time, the initial oily surface will have gone and the asphalt is considered inert.
Bricks	Inert – will undergo no degradation.
Ceramics	Inert.
Concrete	Inert material and may include attached structural building materials with a maximum 1% by volume of structural or reinforcing steel or 5% by volume of wood.
Fibre cement building	Inert material comprising cellulose fibre, Portland cement and sand. Care needs to be taken that the product does not contain asbestos.



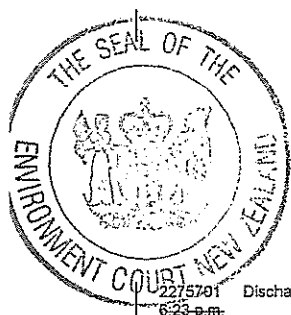
Material	Discussion
products	which is unacceptable.
Glass	Inert and poses little threat to the environment. May pose a safety risk if placed near the surface in public areas, or if later excavated. The safety risk on excavation should become immediately apparent, so glass is considered acceptable provided it is not placed immediately adjacent to the finished surface.
Road sub-base	Inert.
Soils, rock, gravel, sand, clay.	Acceptable provided they meet acceptance criteria outlined in Condition 40-16 and Table 1 and do not have more than 5% of volume of organic content, ie. plant material, tree roots and grass associated with the surface layers of source sites.
Tiles (clay, concrete or ceramic)	Inert.

17-18. All monitoring, chemical analyses and sampling undertaken in accordance with this consent shall be carried out by suitably qualified personnel in accordance with Ministry for the Environment *Contaminated Land Management Guidelines No 5, Site Investigation and Analysis of Soils* and the Fill Management Plan for the site, or equivalent standards approved in writing by the Manager. **[Replaces Land Use Condition 11 and Discharge Condition 11]**

18-19. The weighted rolling 12-month mean will be updated continuously as sample results are received. If the data reveals that the fill is above 85% of the weighted 12-month mean, the consent holder will report immediately to the Consent Authority Council and continue to report on a monthly basis while the data shows that the fill remains above 85% of the weighted 12-month mean. The consent holder shall take action to ensure that the fill reduces below 85% of the weighted 12-month mean as soon as possible. Once the fill reduces below 85% of the weighted 12-month mean, annual reporting to the Consent Authority Council shall resume. **[Replaces Land Use Condition 11A and Discharge Condition 11A and includes amendment as per Decision at paragraph 93]**

19-20. Within the first 12 months of the filling operation the monthly weighted rolling mean shall be no greater than the weighted rolling 12-month mean in Table 1. **[Replaces Land Use Condition 11B and Discharge Condition 11B and includes amendment as per Decision at paragraph 93]**

20-21. If the imported-controlled fill does not meet the fill acceptance criteria listed in Condition 40-16 or 40A-17 and Tables 1 and 2, the fill shall be rejected and removed to a suitably authorised off-site disposal facility. Material not meeting the criteria of Table 1 Condition 1640 shall be removed from the site within two weeks of receiving laboratory test results confirming unacceptability, whereas material not meeting Condition 40A-17 and Table 2 shall be rejected at the point of inspection. **[Replaces Land Use Condition 12 and Discharge Condition 12]**



~~21-22.~~ If a load of fill has been removed from the site in accordance with Condition 4221, the disposal location of all other loads received and placed from the same originating site (if any) shall be assessed by an independent expert approved by the ~~Consent Authority~~Council. If the assessment concludes that the fill material from the other loads from the same originating site does not meet the fill acceptance criteria then fill material from those loads shall also be removed from the site. **[Replaces Land Use Condition 12A and Discharge Condition 12A]**

~~22-23.~~ The consent holder will insert a condition in any contract between the consent holder and any major contributors of fill requiring contractors to agree that if the consent holder rejects a load it shall be removed immediately. **[Replaces Land Use Condition 12B and Discharge Condition 12B]**

~~23-24.~~ A written report, detailing the reasons for rejection, final disposal location of the rejected fill, volume of fill disposed of, and copies of the laboratory test results, within one month of disposing of the rejected fill shall be provided to the Manager. **[Replaces Land Use Condition 13 and Discharge Condition 13]**

~~24-25.~~ The Consent Holder shall meet the cost of ~~random audit full sampling tests representative of the previous one month's fill material (of no more than two core samples or composite samples on each occasion) to be undertaken twice a year at random intervals every six months for the first two years of the consent by council officers or an independent consultant approved by the consent authority~~Council. ~~After two years the audit sampling shall occur annually. For the avoidance of doubt the Council may choose to undertake random audit sampling at any stage at its own cost. If an exceedance is detected as a result of the random audit sampling the Council may seek to recover the cost of that sampling from the Consent Holder.~~ **[Replaces Land Use Condition 13A and Discharge Condition 13A and includes revisions as per the Decision at paragraph 88]**

#### FILL MANAGEMENT PLAN

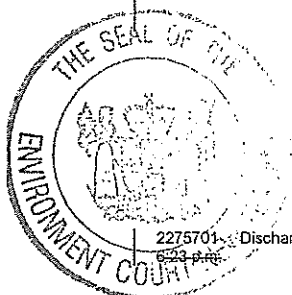
~~25-26.~~ Not less than 3 months prior to the commencement of fill activities authorised by this consent, a Fill Management Plan shall be provided to the Manager for certification. Certification by the Manager is required prior to the commencement of filling. The Manager may inform the consent holder of any aspects of the FMP, or subsequent changes considered to be inconsistent with achieving compliance with the provisions of the consent. The FMP shall include, but not be limited to, the following:

- (a) An introduction, including but not necessarily limited to:
  - (i) Project description.
  - (ii) Purpose
- (b) A list of relevant Resource Consent conditions.
- (c) Details of site management responsibilities including but not necessarily limited to:
  - (i) Site owner and operator.
  - (ii) Management structure.



- (iii) Right of access.
- (iv) Operating hours.
- (v) Staff requirements.
- ~~(d)~~(vi) Training.
- (vii) Health and safety.
- ~~(e)~~(d) The fill acceptance procedures necessary to ensure compliance with Condition 713, Condition 4016, Condition 40A17 and Condition 4531.
- ~~(f)~~(e) A list of unacceptable fill materials that will prevent acceptance of fill that would have more than minor adverse effects on people and the environment.
- ~~(g)~~(f) Fill acceptance criteria (as set out in Condition 4016 and 40A17) for the parameters to be monitored and tested.
- ~~(h)~~(g) Pre-approval procedures for offsite acceptance.
- ~~(i)~~(h) Fill acceptance, rejection, sampling, testing and quarantine procedures for material not subject to pre-acceptance approval including recording and reporting.
- ~~(j)~~(i) A contingency plan for the removal and disposal of fill which does not meet the conditions of this consent but was not previously identified as such prior to placement of the fill.
- ~~(k)~~(j) Describe the means to maintain the following information for the life time of this consent and two years thereafter:
  - (i) Load inspection.
  - (ii) Monitoring, testing and sampling documentation relating to fill material acceptance.
  - (iii) Training procedures for staff and a record of employees who have undertaken relevant training.
- ~~(l)~~(k) Plans for filling and associated earthworks over the next 12 months.
- ~~(m)~~(l) Measures to be used to track fill to the final disposal location on-site.
- ~~(n)~~(m) Details of the proposed works around any stockpiles of fill, including quarantine areas, to minimise the potential of contamination migration via stormwater runoff, in particular, keeping stockpiled material away from temporary and permanent surface water ponds, and bunding to contain stormwater runoff.
- ~~(o)~~(n) Proposed groundwater monitoring regime.

**[Replaces Land Use Condition 14 and Discharge Condition 14 and includes revisions as per the Decision at paragraph 90 and 94]**



## REPORTING

- ~~26-27.~~ An Annual Compliance Report shall be submitted to the Manager by 30 June each year which provides an analysis of the results of data collected for the Fill Management Plan and an evaluation of the results in respect of compliance levels. The report shall be prepared by a suitably qualified person to a standard acceptable to the Manager and shall consider all data collected from the commencement date of this Resource Consent and up until 31 May prior to reporting. On the basis of this report the Consent Holder may submit recommended changes to the Fill Management Plan to the Manager for certification. **[Replaces Land Use Condition 15 and Discharge Condition 20]**
- ~~28.~~ ~~The Manager may require a review of the Fill Management Plan may be reviewed annually by the Consent Holder and shall be reviewed in any given year if required by the Manager. [at 2-yearly intervals. Any changes resulting from a review whether in response to the Manager's requirement, or as initiated by the Consent Holder shall be submitted to the Manager for review prior to becoming operational. The Manager may advise the Consent Holder, in writing, if any aspects of the Plan are considered to be inconsistent with achieving the provisions of the consent. [Replaces Land Use Condition 16 and Discharge Condition 21 and includes revisions as per the Decision at paragraph 91]~~
- ~~27.~~ 28A. The consent holder shall notify the Manager no less than six months prior to any proposed transfer of the consent.

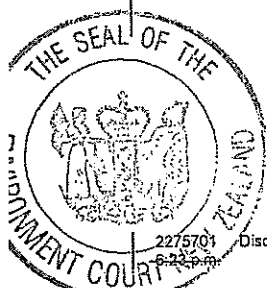
## CONSENT REVIEW

- ~~28.~~ The conditions of this consent may be reviewed by the Manager pursuant to Section 128 of the Resource Management Act 1991~~thereafter~~, by the giving of notice pursuant to Section 129 of the Act, annually for the first three years after the commencement of the consent and, in the event a review is not required in the first three years of the consent, every two years thereafter, in one or more of the following times: June 2012;
- ~~29.~~ June 2013;
- ~~30-29.~~ June 2014 and at two-yearly intervals thereafter.

The purpose of the review shall be:

- (a) To deal with any actual or potential adverse effects on human health or the environment which may arise from the exercise of the consent.
- (b) To review the engineering standards for the controlled fill as set out in condition 94.
- (a)(c) To ensure that any relevant amendments to guideline values referred to in condition 7 and 14 are considered and any measures are implemented (where necessary) to the satisfaction of the Manager to protect human health and the environment.

~~To ensure that any relevant amendments to guideline values referred to in condition 1A and 8 are considered and any measures are implemented.~~



This consent may also be reviewed by the Manager pursuant to Section 128, by the giving of notice pursuant to Section 129 of the Act, in the event of any transfer of the consent under condition 28A of this consent. The purpose of the review shall be to consider the solvency of any new consent holder to determine whether it is desirable to impose a condition specifying the payment of a bond to secure costs potentially associated with future mitigation requirements under the conditions of consent. Any notification of such a transfer to the consent authority under section 137(6) of the Act shall draw the Manager's attention to condition 29 of this consent.

**[Replaces Land Use Condition 22 and Discharge Condition 35 with amendments as per Decision at paragraphs 92, 97 and 98]**

~~, where it is appropriate to deal with such effects at a later stage; or~~

~~— To require a consent holder to adopt the best practicable option to avoid or mitigate any adverse effects on the environment; or~~

~~To deal with any other adverse environment effect, which the exercise of the consent may have an influence on.~~

~~To ensure that any relevant amendments to guideline values referred to in Condition 8 are considered.~~

#### **PART B: CONDITIONS APPLYING ONLY TO DISCHARGE PERMIT**

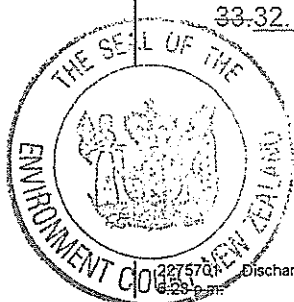
#### **GROUNDWATER MONITORING**

~~31.30.~~ The consent holder shall install a continuous electrical conductivity and pH meter at the dewatering well head and report the results to the ~~consent authority~~ Council as part of the Annual Compliance Report. The independent expert who is appointed to undertake audit sampling in accordance with condition ~~43A-25~~ shall review the conductivity and pH results to identify and report on any undesirable trends. **[Replaces Discharge Condition 14B]**

~~32.31.~~ Groundwater monitoring shall be carried out at both the dewatering well and monitoring well BH7 at 109 Landscape Road (i.e. the existing borehole in the network that is used for monitoring groundwater behaviour for Auckland Regional Council dewatering permit 12977) in the following way:

- (a) For the first two years after the commencement of the consent, the samples shall be analysed for the chemical constituents listed in Table 3 Condition 46 ~~32~~ at quarterly intervals, commencing within three months of the commencement of consent.
- (b) ~~If after the first two years after the commencement of consent no groundwater trigger level has been exceeded then the samples shall be analysed for the chemical constituents listed in Table 3 Condition 46-32 at six monthly intervals for the remainder of the term of the consent.~~ **[Replaces Discharge Condition 15]**

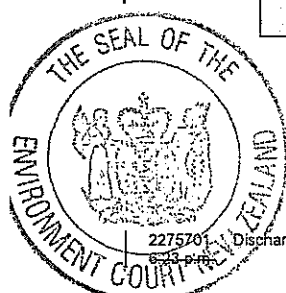
~~33.32.~~ Trigger levels for inorganic and organic constituents as measured at the dewatering well and BH7 shall be the ~~maximum recorded (2007/2008 data) concentrations plus~~



~~3 standard deviations as listed below in Table 3 for Arsenic, Boron, Cadmium, Chromium, Copper, Mercury, Nickel and Lead, or as set for other constituents in accordance with Conditions 4733 and 3448. [Replaces Discharge Condition 16]~~

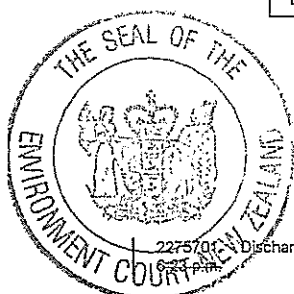
Table 3: Groundwater trigger levels for the dewatering well (g/m<sup>3</sup>)

Chemical Constituent	Proposed Groundwater Trigger Levels	Ministry of Health (2005) Drinking Water Standards (revised 2008) Maximum Acceptable Value (MAV)
Arsenic	0.002	0.01
Boron	0.07	1.4
Cadmium	0.00009	0.003
Chromium	0.0011	0.05
Copper	0.003	1(GV) 2 MAV
Mercury	0.0004	0.002 total
Nickel	0.003	0.02
Lead	0.0007	0.01
Zinc	0.008	1.5(GV) No MAV
Benzo-a-pyrene equivalent	0.00035	0.0007
DDT	0.0005	0.001
Aldrin & dieldrin	0.00002	0.00004
Benzene (TPH (total) surrogate)	0.005	0.01
Cyanide	0.04	0.08
Bromodichloromethane	0.03	0.06
Bromoform	0.05	0.1
Carbon tetrachloride	0.0025	0.005
Chloroform	0.1	0.2
Di(2-ethylhexyl)adipate	0.05	0.1
Di(2-ethylhexyl)phthalate	0.0045	0.009





Chemical Constituent	Proposed Groundwater Trigger Levels	Ministry of Health (2005) Drinking Water Standards (revised 2008) Maximum Acceptable Value (MAV)
1,2-dibromo-3-chloropropane	0.0005	0.001
Dibromochloromethane	0.075	0.15
1,2-dibromomethane	0.0002	0.0004
1,2-dichlorobenzene	0.75	1.5
1,4-dichlorobenzene	0.2	0.4
1,2-dichloropropane	0.025	0.05
1,3-dichloropropene	0.01	0.02
Endosulfan	0.01	0.02
Endrin	0.0005	0.001
Ethylbenzene	0.15	0.3
Fluoranthene	0.002	0.004
Heptachlor and its epoxide	0.00002	0.00004
Hexachlorobenzene	0.00005	0.0001
Hexachlorobutadiene	0.00035	0.0007
Lindane	0.001	0.002
Pentachlorophenol	0.0045	0.009
pH	Below 7 or greater than 8.5 pH	7.0 - 8.5 pH
Styrene	0.015	0.03
Tetrachloroethene	0.025	0.05
Toluene	0.4	0.8
Trichlorobenzenes	0.015	0.03
1,1,1-trichloroethane	1.0	2.0
Trichloroethene	0.04	0.08



Chemical Constituent	Proposed Groundwater Trigger Levels	Ministry of Health (2005) Drinking Water Standards (revised 2008) Maximum Acceptable Value (MAV)
2,4,6-trichlorophenol	0.1	0.2
Vinyl chloride	0.00015	0.0003
Xylenes	0.3	0.6

34.33. The trigger level shown for zinc in Table 3 is an interim value set at the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 ANZECC(2000) guideline (95%) protection level ("ANZECC (2000)"). After a minimum 2 years and not more than 5 years of monitoring in accordance with Condition 4531, this trigger shall ~~may~~ be re-set by the Council at the maximum confirmed recorded concentration plus three standard deviations. [Replaces Discharge Condition 17]

35.34. For cyanide and all of the organic constituents listed in Table 3, trigger levels shown are also interim values based on the more stringent criteria of either 50% MAV or ANZECC (2000). ~~Soluble~~ Trigger levels for constituents in solution at the dewatering well shall ~~may~~ be re-set by the Council at maximum confirmed levels of recorded soluble concentrations plus 3 standard deviations established after a minimum 2 years and not more than 5 years of quarterly sampling and analysis provided that the resetting of these maximum levels shall be no greater than the 50% MAV or ANZECC (2000) levels. [Replaces Discharge Condition 18]

36. Each report on groundwater monitoring required under Condition 20-27 shall include a conclusion on whether any of the groundwater monitoring data assessed to date has revealed any undesirable trend in the quality of the groundwater and shall provide the Manager with details of the proposed groundwater monitoring for the ensuing 12 months. [Replaces Discharge Condition 18A and includes revision as per the Decision at paragraph 90]

35.

#### GROUNDWATER CONTINGENCY

37. In the event that there is an exceedance of a groundwater trigger level (as described in Table 3 of Condition 16) the following contingency measures shall be adopted, with all resulting costs borne by the consent holder:

(a) The monitoring well shall be resampled and analysed as soon as practicable. If the check sample results do not exceed a trigger level no further action will be taken. If the check sample results confirm a trigger level exceedance, then some or all of the following actions will be taken:



~~(b) — The Consent Authority and Watercare will be advised immediately of the confirmed trigger level exceedance.~~

~~(c) — An investigation shall be carried out to determine the cause of the trigger level exceedance. This may include additional sampling of groundwater (including the provision of and sampling at additional wells) and, in the case of the dewatering well, investigation of filling activities in the vicinity of the monitoring well.~~

~~(d) — If the concentration of any of the chemical constituent listed in Table 3, Condition 16 in the monitoring well continues to increase, the monitoring frequency for the chemical constituents that exceed the trigger level will be increased to monthly and consideration will be given to modifying or ceasing filling activities in the vicinity of the monitoring well.~~

~~(e) — If the concentration of chemical constituent in the monitoring well continues to increase and exceeds the guidelines in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC (95%) guidelines) but do not exceed the drinking water MAVs then the Council will be consulted to determine whether resource consent will be required to authorise the on-going discharge to stormwater from the dewatering well.~~

If the concentrations of any chemical constituent in the monitoring well continue to increase and exceed both ANZECC (95%) guidelines and drinking water MAVs then options for treatment of the groundwater shall be identified and, if it represents the best practicable option, be implemented. If options for treatment cannot be implemented, the Council will be consulted to assess the need for a consent application to authorise the on-going discharge of groundwater from beneath the quarry to either stormwater or into the Three Kings basalt aquifer.

36. The following groundwater contingency measures shall be adopted, with all the resulting costs associated with (a) and (c) below borne by the consent holder:  
**[Replaces Discharge Condition 19(a)-19(f) and rewritten as per Decision at paragraph 89]**

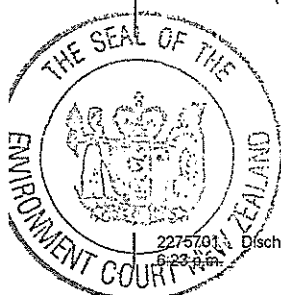
(a) In the event there is an exceedance of a groundwater trigger level (as described in Conditions 32, 33 and 34) the monitoring well shall be resampled and analysed as soon as practicable. If the check sample results do not exceed a trigger level, no further action will be taken. If the check sample results confirm a trigger level exceedance the following actions will be taken:

(i) The Council and Watercare Services Limited will be advised immediately of the confirmed trigger level exceedance.

(ii) An investigation shall be carried out to determine the cause of the trigger level exceedance.

(b) If the cause of the trigger level exceedance can be reasonably shown not to be a result of the filling operation then the Council and Watercare Services Limited will be advised as soon as practicable and the Consent Holder will participate in meetings with the Council and Watercare Services Limited to assist in identifying appropriate options to reduce chemical constituent concentrations.

(c) If the cause of the trigger level exceedance can be reasonably shown to be a result of the filling operation the following actions will be taken:

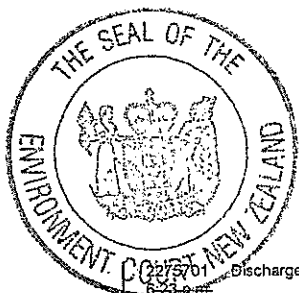


- (a)(i) If the concentration of a chemical constituent in a monitoring well exceeds the guidelines in the ANZECC 2000 guidelines but does not exceed 50% of the drinking water MAVs then the Council will be consulted to determine whether resource consent will be required to authorise the on-going discharge to stormwater from the dewatering well.
- (i)(ii) If the concentration of a chemical constituent in a monitoring well exceeds 50% of the drinking water MAV the monitoring frequency for the chemical constituents that exceed 50% of the MAV will be increased to monthly and, in consultation with the Council and Watercare Services Limited, options for reducing the chemical constituent concentrations will be identified and appropriate interventions carried out.
- (ii)(iii) If the concentration of a chemical constituent in a monitoring well exceeds 75% of the MAV a remediation plan will be prepared in consultation with the Council and Watercare Services Limited and interventions, possibly including dewatering and groundwater treatment, will be carried out to ensure MAV criteria are not exceeded and to reduce chemical constituent concentrations to less than 50% of the drinking water MAV within twelve months. If the site is still operating, only pre-approved fill will be accepted for disposal until the chemical constituent concentrations in the monitoring wells are less than 50% of the MAV.

37. The following groundwater contingency measures shall be adopted with respect to dewatering: [Replaces Discharge Condition 19(g), 19(h) and 19(i)]

- 38.(a) The consent holder shall continue to dewater dewatering for at least 5 years, and at least until December 2030, following the completion of commercial filling operations at the site and shall continue to exercise Permit 12977 at least until December 2030. Dewatering beyond December 2030, if necessary, will be subject to the grant of any necessary resource consents.
- 39.(b) If, after 5 years of continuous monitoring contaminant levels are below drinking water MAV trigger levels set out in this consent, pumping may cease.
- 40.(c) Should subsequent monitoring at any of the monitoring bores indicate a drinking water MAV trigger level set out in this consent is exceeded, which can be reasonably shown to be a result of the filling operation, then either the consent holder will resume dewatering, or will adopt some other mitigation method agreed as between the Council, Watercare and the Consent Holder to ensure that there will be no adverse effects on human health or the environment.

#### PART C: CONDITIONS APPLYING ONLY TO LANDUSE CONSENT



## OPERATIONAL CONDITIONS

### **Traffic Management Plan**

~~41.38.~~ Not less than three (3) months prior to the commencement of fill operations authorised by this consent, the Consent Holder shall prepare, and submit for review to the Manager, a Traffic Management Plan (TMP) to ensure compliance with conditions of this Resource Consent.

The Council will advise the Consent Holder in writing if any aspects of the TMP are considered to be inconsistent with achieving compliance with the provisions of this consent. The TMP may form part of an overall management plan for the site.

The TMP shall include details of site traffic management practices, and the monitoring and reporting required for compliance. This shall generally address, but not be limited to the following details:

- (a) Ingress and egress to/from the site.
- (b) Indicative routes to the site from the State Highways
- (c) Parking for contractors and workers.
- (d) Details of how traffic will be managed, including overflow parking for truck waiting to deliver fill or collect aggregate from the site
- (e) Location of any traffic signage required and any proposed signage for traffic management purposes during operations.
- (f) Contact details of the site manager.
- (g) The consent holder shall use all reasonable endeavours to ensure that heavy vehicles carrying fill to the site are covered where necessary and do not use local roads unless absolutely necessary.

### **[Replaces Land Use Condition 17]**

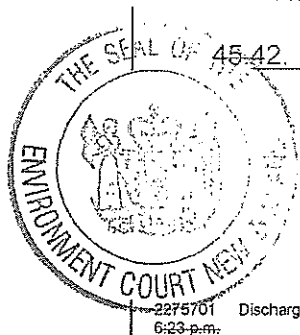
~~42.39.~~ The consent holder will insert a condition in any contract between the consent holder and any major contributors of fill for Three Kings Quarry that any trucks transporting such fill to the Quarry are not to use St Andrews Road, unless the fill originates from along St Andrews Road. **[Replaces Land Use Condition 17A]**

~~43.40.~~ The consent holder will insert a condition in any contract between the consent holder and any major contributor of fill requiring contractors to comply with the drivers code of conduct and the traffic management plan (including to cover loads where necessary). **[Replaces Land Use Condition 17B]**

~~44.41.~~ The consent holder shall use all reasonable endeavours to ensure that loads from pre-approved sites shall be covered where necessary to avoid dust nuisance. **[Replaces Land Use Condition 17C]**

### **Site Traffic Safety Plan - Drivers Code of Conduct**

~~45.42.~~ For the purposes of ensuring the safety of all transportation modes, i.e. motorists, cyclists and pedestrians, and to minimise the effects of site traffic on the



community, the Consent Holder shall develop and implement a Site Traffic Safety Plan - Drivers Code of Conduct (STSP) for all traffic visiting the site which shall address the following:

- (a) consideration for all other transport modes and road users beyond the site, particularly those in the immediate vicinity of any site access point;
- (b) attention to vehicle maintenance for vehicles travelling to and from the site on public roads;
- (c) the requirement for vehicular users of the site to be made aware of the presence of Three Kings and Carlson Schools, and that during school terms best endeavours shall be made to avoid arriving at the site in the hours between 0830 to 0930 and 1430 to 1530;
- (d) appropriate signage to be erected at any site access point reminding drivers to take care, particularly during the hours in (c) above, and also "Trucks Crossing~ signage to alert pedestrian traffic on the western side of Mt Eden Road to a potential hazard, as required by Condition 20-44 of this resource consent.
- (e) a procedure for monitoring and reporting, by drivers and/or members of the public, of any safety incidents or breaches of the STSP. All such events reported under this condition shall also be reported to the Manager and at the Site Liaison Group (SLG) meeting following such reported incidents.

The STSP shall be brought to the attention of all drivers and/or vehicle owners using the site. Furthermore the STSP shall be developed in consultation with the Site Liaison Group and the Principals, or their nominees, of Three Kings and Carlson Schools.

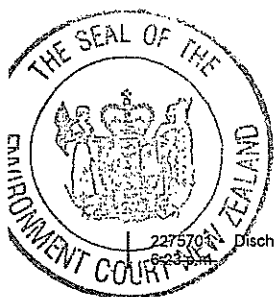
To the satisfaction of the Manager the consent holder shall take all practicable steps to ensure that:

- (a) safe pedestrian access and thoroughfare shall be maintained on all footpaths adjacent to the site.
- (b) drivers using the site shall be made aware of the preferred routes to and from the site as indicated in the TMP, and that the use of engine brakes for vehicles travelling through Mt Eden Village and along Mt Eden Road outside the subject site is to be avoided.
- (c) all signage shown on the TMP is to be erected and maintained in good order during the exercise of this Resource Consent.

**[Replaces Land Use Condition 18]**

### **Construction Noise Management Plan**

- 46-43. If the consent holder intends to rely on the construction noise limits set out in the District Plan for any construction works on the site, the consent holder shall, prior to the commencement of any such construction, submit a Construction Noise Management Plan (CNMP) consistent with the NZS standard 6803:1999 Acoustics - Construction Noise prepared by a person suitably qualified in environmental



acoustics to the satisfaction of the Manager. The CNMP shall include but not be limited to: **[Replaces Land Use Condition 19]**

- (a) A description of the final construction methodology, including a list of potentially noisy plant and equipment, the estimated noise levels and the approximate locations within the site;
- (b) Predicted noise levels and where the predicted noise levels exceed the construction noise standard NZS 6803:1999, specific noise mitigation measures must be implemented which may include but not be limited to acoustic screening, alternative equipment etc;
- (c) Noise monitoring must be undertaken at the onset of works that are likely to exceed the relevant noise limits. Additional monitoring will be required to be undertaken in the event of any complaints received;
- (d) In the event of the measured noise levels exceeding the relevant standard, the Manager must be notified without delay and further mitigation options shall be investigated and implemented;
- (e) A complaints management system must be implemented. It must specify the responsible persons for maintaining the complaints register, procedures to be followed in investigating and resolving complaints and procedures for reporting complaints to council; and
- (f) The name and contact telephone numbers of the Site Manager or other persons responsible for supervision of the works, implementation of the Noise Management Plan and complaint receipts and investigations.

#### Signage

47.44. Prior to the fill activity commencing, the consent holder shall erect signs at the existing access way off Mt Eden Road which detail:

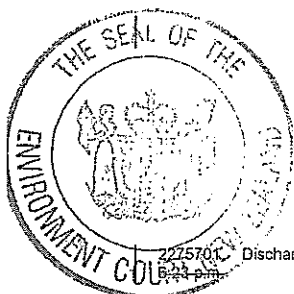
- (a) that the fill is a private operation,
- (b) that access is not open to the general public,
- (c) hours of operation and when the gates will be opened to customer vehicles,
- (d) contact details, including after hours emergency contacts.

The signs shall be made and erected to the satisfaction of the Manager.

**[Replaces Land Use Condition 20]**

#### Road Condition Survey

45. Prior to commencement of fill activity, the Consent Holder in conjunction with a representative of the Manager shall undertake a carriageway condition survey of Mount Eden Road, between points 50m north and south of the existing and proposed site access ways. The condition survey shall include a photographic or video record of the specified section of carriageway and footpaths at the crossing location.



48. [Replaces Land Use Condition 21 and removes reference to second access way as this part of the application was withdrawn at the Council hearing]

#### Road Maintenance Agreement

49.46. Following the road condition survey, and prior to the commencement of the fill activity, the Consent Holder shall enter into a maintenance agreement with Council to cover the costs of repair of any damage to public carriageways and footpaths (and associated road components) within the zones surveyed under condition 45(24), attributable to the site activities authorised by this Resource Consent. [Replaces Land Use Condition 22]

#### Air Quality Monitoring Equipment

50.47. Prior to the commencement of the Fill operation the dust monitor recommended in the Consent Holder's report 'Assessment of Air Quality Effects' shall be installed in accordance with, and incorporated into the Air Quality Management Plan required by, ARC Permit 21875. [Replaces Land Use Condition 23]

#### DEVELOPMENT IN PROGRESS CONDITIONS

##### Hours of Operation

51.48. The hours of operations for the fill activity and sale of imported aggregate activities shall be between 7am to 10pm Mondays to Saturdays and 9am to 6pm on Sundays and public holidays except that ancillary activities (such as maintenance of machinery) may occur outside of those hours where such activities are in compliance with the conditions of this consent including Condition 5127(a). [Replaces Land Use Condition 24]

##### Pedestrian Refuge

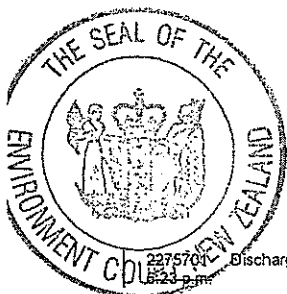
52.49. For the purpose of ensuring pedestrian safety, the consent holder shall appoint, at their cost, a professional traffic engineer to provide a design for a pedestrian refuge island on Mount Eden Road at an appropriate location between Graham Breed Drive and the entrance to Three Kings School to the satisfaction of the Manager. The facility shall then be installed at the consent holder's expense. The refuge is to be installed prior to the cleanfilling operations commencing. [Replaces Land Use Condition 25 and includes edit as per the Decision at paragraph 96]

##### Truck Movements

53.50. In accordance with the details of the resource consent application, no more than 375 trucks shall enter the site per day. A register shall be kept on site which records all truck movements to and from the site, and shall include the category of vehicle, i.e. identification as a four, six or eight wheeler, articulated truck or truck and trailer heavy vehicles and a copy of it shall be submitted to the Manager on a quarterly basis to certify compliance with this condition. [Replaces Land Use Condition 26]

##### Noise Control

54.51. Any activity on the site associated with fill operations at the Three Kings Quarry shall not exceed the following noise limits at residentially zoned land fronting Mount





Eden Road between street numbers 904 and 944 (including 14-16 Kingsway):

Monday to Saturday	7:00 am to 10:00 pm	L <sub>10</sub> 60 dBA
Sunday & Public Holidays	9.00 am to 6.00 pm	
At all other times	L <sub>10</sub> 45 dBA L <sub>MAX</sub> 75 dBA	

At all other residentially zoned land noise limits as per the table below shall not be exceeded.

Monday to Saturday	7:00 am to 10:00 pm	L <sub>10</sub> 55 dBA
Sunday & Public Holidays	9.00 am to 6.00 pm	
At all other times	L <sub>10</sub> 45 dBA L <sub>MAX</sub> 75 dBA	

*N.B - Noise shall be measured and assessed in accordance with NZS6801.: 1991 and NZS6802.2008*

**[Replaces Land Use Condition 27a]**

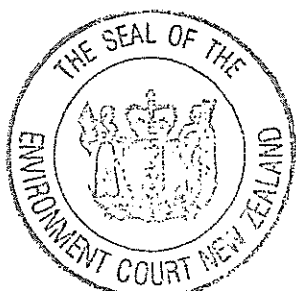
- 55-52. Within 3 months of the commencement of the fill activity the consent holder shall submit to Manager a report demonstrating that the activity meets the noise standards outlined in this condition. **[Replaces Land Use Condition 27b]**
- 56-53. The consent holder shall undertake further monitoring confirming compliance with the noise limits when the majority of the fill operation is occurring above RL 70m and following this at a 6 monthly interval. **[Replaces Land Use Condition 27c]**
- 57-54. Should the consent holder propose to use self propelled compaction equipment, a suitably qualified acoustical consultant shall, prior to the equipments use, undertake noise modelling to predict noise levels to demonstrate that the revised fill procedure will not generate noise in excess of the noise limits in Condition 5127(a). Monitoring confirming compliance with the noise limits shall be conducted within one month of implementation of the revised procedures. **[Replaces Land Use Condition 27d]**
- 58-55. The existing vegetated earth bund parallel to Mount Eden Road shall be retained for the duration of the filling activity. **[Replaces Land Use Condition 27e]**

**Fill Volumes**

- 59-56. This Resource Consent does not authorise any filling of the site beyond and above the contours shown on Figure 2 - Proposed Landform for Fill Consents, (Drawing 122314-FIG-002 dated 29/08/08 and prepared by Harrison Grierson Consultants) as submitted with the application. **[Replaces Land Use Condition 28]**

**Sale of Aggregate**

- 60-57. The sale of aggregate to the general public is not permitted. **[Replaces Land Use Condition 29]**



### Control of Deposition of Material on Public Roads

61-58. All necessary measures, including, but not limited to maintenance of access roads and manoeuvring areas, wheel washing facilities shall be used to prevent the deposition of sediment, and any other materials on the public roads by vehicles leaving the site. Should material be deposited on the road to an extent considered significant by the Manager it shall be removed immediately by and at the cost of the Consent Holder. **[Replaces Land Use Condition 30]**

### Dust Suppression

62-59. All necessary actions shall be taken to ensure compliance with the regional air discharge permit 21875 to prevent dust nuisance from the filling to neighbouring properties and public roads, reserves and areas outside of the subject site. These include, but shall not be limited to: **[Replaces Land Use Condition 31]**

- (a) Staging of areas of works
- (b) Retention of existing vegetation and bunds around the perimeter of the site
- (c) The installation and maintenance of wind fences and where practicable vegetated strips as the fill level rises
- (d) Watering down of internal haul roads which are not metalled or adequately sealed.
- (e) Watering down fill materials which are dry and/or contain dust substances.
- (f) Suspension of fill operations if necessitated by the prevailing weather conditions
- (g) Providing dust prevention monitoring records to Manager on a 3 monthly basis after commencement of the fill activities to ensure on-going compliance with this condition.

### Vibration Controls

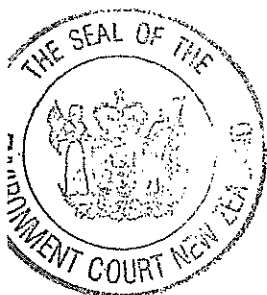
63-60. Vibration from the fill activity and associated compaction of fill shall not exceed the levels permitted by clause 8.8.1 of the Auckland City Operative District Plan. **[Replaces Land Use Condition 32]**

### POST FILL COMPLETION CONDITIONS

#### Final Fill Validation Report

64-61. If in the reasonable opinion of the Manager information and data provided in the Annual Compliance Reports tendered under Condition 28-(16) are insufficient to demonstrate the final 2m depth of fill complies with Auckland City Council's Human Health Guideline Values for Residential Land Use then the Consent Holder shall provide a fill validation report on the completion of fill, to the satisfaction of the Manager.

The consent holder shall consult with the Manager and Council's Environmental Health Officer (Contamination) prior to undertaking the validation exercise to ensure that the proposed validation methodologies are appropriate.



The validation report shall be in respect of the top 2m of fill and shall:

- (a) Show the final filled levels on an appropriately scaled site plan, including the relative levels prior to and post fill completion, as well as showing the location by grid co-ordinate references of the fill material defined by its compaction and stability characteristics;
- (b) Specify the status of the fill at each location by grid co-ordinate references on a appropriately scaled plan in terms of the chemical parameter acceptance criteria set out in Condition 1640;
- (c) Demonstrate that the site is suitable for residential land use with respect to the levels of contamination in the uppermost 2m of soil.

In the event of the validation report identifying contamination levels in excess of the Auckland City Council's Human Health Guideline Values for Residential Land Uses in the top 2m of fill, the consent holder at their own expense will remediate that top 2m of fill to the extent necessary to comply with the Guideline Values.

**[Replaces Land Use Condition 34]**

#### **Traffic Review**

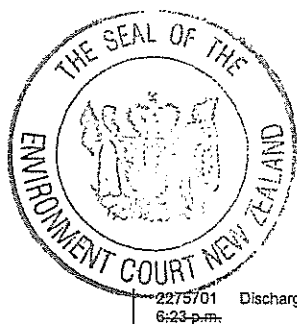
65-62. If after the fill activity commences it becomes evident that the traffic generated by the development is causing an operational or safety problem on the surrounding road network, determined by accidents, complaints to Council, or by observations and data collected by suitably experienced Council staff, within a two year period of the consent to fill being exercised, then the applicant will be required to appoint, at their cost, a professional traffic engineer to investigate and recommend means of rectifying any problem(s) identified, to the satisfaction of the Manager. Should the recommended means of rectifying issues which are attributable to the Consent Holders activities be physical works, then these physical works shall be installed at the consent holders expense. Provided that the total financial obligation of the Consent Holder under this condition shall be limited to \$20,000. If the recommended physical works exceed \$20,000, then the Consent Holder acknowledges that the recommendations for such works constitute a reason for Council to review this consent, pursuant to s128 of RMA. **[Replaces Land Use Condition 35a]**

#### **Cessation of Fill Activity**

66-63. Should the consent holder cease or abandon work on-site, they shall first take adequate preventative and remedial measures to control sediment discharge and site stability, and shall thereafter maintain these measures for so long as necessary to prevent sediment discharge from the site and ground stability within the quarry pit. All such measures shall be of a type, and to a standard, which are to the satisfaction of the Manager. **[Replaces Land Use Condition 36]**

#### **Earthworks**

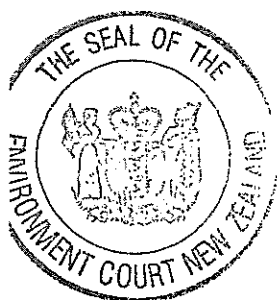
67-64. All personnel working on site are made aware of and have access to the contents of this consent document and the associated erosion and sediment control plan and methodology. **[Replaces Land Use Condition 37]**



- 68-65. Adequate preventative and remedial measures to control sediment discharge shall be put in place in case work on the site is abandoned, and thereafter those measures maintained for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of the Manager. **[Replaces Land Use Condition 38]**
- 69-66. All erosion and sediment control measures shall be constructed and maintained in accordance with those described in the application for Land Use Consent: Sediment Control No. 36221 (File Reference 20828). These measures shall be documented by the Consent Holder in an Annual Management Plan ("AMP"). **[Replaces Land Use Condition 39]**
- 70-67. Any future amendments to the AMP that may affect the performance of erosion and sediment control measures on site shall be submitted to the Manager for review prior to the implementation of the changes. The Manager will advise in writing if any aspects of the Plan are considered to be inconsistent with achieving the provision of this consent. The AMP may form part of an overall management plan for the site. All subsequent changes shall be submitted to the Manager for review prior to becoming operational. **[Replaces Land Use Condition 40]**
- 71-68. All erosion and sediment control measures shall be constructed and maintained in general accordance with TP90 and any amendments to that document, except where an alternative standard is accepted in accordance with Conditions 6739, 6840 or 7648. **[Replaces Land Use Condition 41]**
- 72-69. All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthworks areas via a stabilised system, so as to prevent surface erosion and sediment generation. **[Replaces Land Use Condition 42]**
- 73-70. Erosion and sediment control measures are to be implemented in accordance with best engineering practice, and maintained to perform at full operational capacity until the site has been stabilised against future sediment generation. Site stabilisation shall mean when the site is covered by an erosion proof ground cover, and includes vegetative cover which has obtained a density of more than 80% of a normal pasture sward. **[Replaces Land Use Condition 43]**
- 74-71. A certificate, signed by an appropriately qualified and experienced person, shall be submitted to the Manager, to certify that any new erosion and sediment control measures have been constructed in accordance with Conditions 6739, 6840 or 7648 of this consent, within 2 weeks following the construction of the controls. **[Replaces Land Use Condition 44]**

Information supplied shall include:

- (a) contributing catchment area
- (b) retention volume of the structures, including dead and live storage
- (c) shape and dimensions of structures
- (d) position of inlets/outlets
- (e) stabilisation of structures/measures



(f) confirmation of compliance (or otherwise) with TP90

~~75-72.~~ To prevent the deposition of slurry, clay or other materials on public roads by vehicles leaving the site, a suitably designed wheel wash facility shall be provided, operated and maintained for as long as this consent is exercised. When exiting the site all vehicles that have traversed over unsealed parts of the site, or have had wheels otherwise come into direct contact with cleanfill material shall use this facility. Should any material be deposited on the road by vehicles exiting the site it shall be removed immediately. The wheel wash shall remain in operation at all times. **[Replaces Land Use Condition 45]**

~~76-73.~~ No further quarrying shall be undertaken within 20m of the bore identified as the "Municipal Supply Bore" in ARC Permit 12977. **[Replaces Land Use Condition 46]**

~~77-74.~~ A minimum buffer distance of at least 50 metres shall be maintained between any rainfall soakage point and the dewatering bore intake. **[Replaces Land Use Condition 46A]**

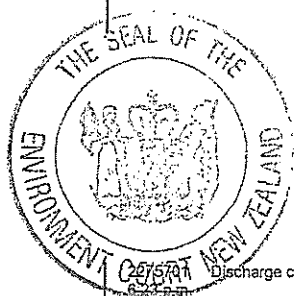
#### Earthworks - monitoring

~~78-75.~~ Groundwater pumped from the site shall be monitored for suspended solids and turbidity, as part of the contaminant monitoring regime of associated consent ~~36222~~the associated discharge permit. The concentration of suspended solids in the groundwater being discharged from the site shall not exceed 30 mg/l, and turbidity shall not exceed 30NTU. The results of this sampling shall be provided to the ~~Consent Authority~~Council on a quarterly basis. Provided that if the groundwater is ever to be used as potable water, that portion being used as potable water shall be subject to a limit of 5mg/l TSS and a turbidity of no more than 5 NTU. **[Replaces Land Use Condition 47]**

#### Earthworks - reporting

~~79-76.~~ (48) Prior to the commencement of work, and annually thereafter, the AMP shall be submitted to the ~~Consent Authority~~Council containing the following information:

- (a) Plans for fill and associated earthworks, including the proposed fill contour over the next 12 months.
- (b) Details of maintenance activities in respect of erosion and sediment control measures undertaken in the previous 12 months, and maintenance activities proposed over the next 12 months.
- (c) Summary of sampling results for suspended solids and turbidity, carried out during the previous 12 months.
- (d) Details of any problems in respect of water management on the site during the previous 12 months, and proposals for addressing such problems.
- (e) Where necessary calculations to confirm compliance (or otherwise) with TP90 over the next 12 months.
- (e)(f) Information that provides an early indication to the Manager when the height of the fill reaches a level 10m below the final fill levels identified in



Harrison Grierson Plan 122314 Fig 002, so as to ensure that the provisions of Conditions 9, 10 and 77 are able to be met.

(f)(g) Where site closure is proposed in the following 12 months, the Plan should also address the following matters:

- i. Proposals for stabilisation of the site; and
- ii. Proposals for the ongoing treatment of any discharges from the site;
- iii. Provision of the final contour plan following the consultation set out in Condition 77;
- iv. A survey of the current fill levels from where the engineered filling is to begin; and
- v. Provision of a plan that quantifies the difference between the levels shown on Harrison Grierson plan 122314 FIG 002 and any additional filling sought to meet the considerations expressed in the consultation required by Condition 77.

The Annual Management Plan commencing 31 May 2011, shall be submitted by 30 June every year, for the period ending 31 May of that year, for the Manager's review, prior to the commencement of works proposed in the Annual Management Plan. **[Replaces Land Use Condition 48 with an amendment as per Decision at paragraph 95]**

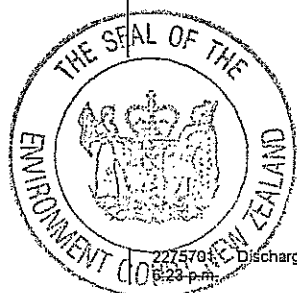
#### **Finished Contour Plan and Landscaping**

80-77. Not less than 24 months prior to the cessation of fill operations, or not less than 6 months prior to the consent holder submitting any Plan Change or resource consent application in respect of the end use of the site, or not less than 1 month following the notification of any Council plan change applying to the site (whichever of those is the earlier), the consent holder shall consult with relevant stakeholders (including South Epsom Planning Group, Three Kings United Group, Auckland Council, iwi and the Auckland Volcanic Cones Society) in respect of a proposed Final Contour Plan.

The consultation process shall involve consideration of the following:

- The desirability of an integrated final landform, and a more usable and efficient open space network surrounding the site.
- How the landform might best relate to the surrounding topography, in particular Big King Reserve, Hunters Quarry, and the Council Sites.
- Whether the contour should rise toward Big King Reserve on the northern part of the site, and if so how this rising contour is to be provided

The Final Contour Plan produced by the consent holder, after having had regard to the feedback obtained through the stakeholder consultation, shall be submitted to the Manager and shall form part of any Plan Change or resource consent application sought by the consent holder in respect of the site, or in the event of a Council Plan Change shall be promoted by the consent holder through the submission process.

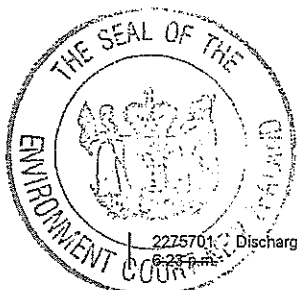


For the avoidance of doubt, once a final fill contour plan is approved for the site (either through a plan change process or further resource consent), then the identification of the upper 5m of fill (and the obligations and restrictions imposed by this consent in respect of that upper 5m) shall be by reference to that approved final fill contour plan.

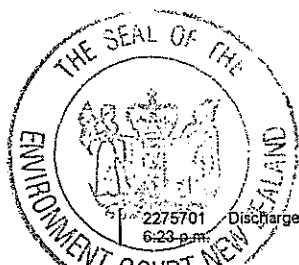
Within 3 months of the completion of the fill works the consent holder shall submit to the Manager an as-built contour plan of the site a qualified surveyor shall certify that the finished contour levels match those set out in the finished contour plan and, and, should if the site is to remain vacant with no further building or earthworks to be conducted on the site in the following 3 month period (following the completion of fill), then the site shall be hydroseeded or otherwise sown with appropriate ground cover to the satisfaction of the Manager. [Replaces Land Use Condition 33]

#### **PART D: ADVICE NOTES APPLYING TO ALL CONSENTS**

1. The consent holder is advised that the date of the commencement of this consent will be as determined by Section 116 of the RMA, unless a later date is stated as a condition of this consent. **[Discharge Advice Note 1 and Land Use Advice Note 12]**
2. The consent holder is referred to Section 124 of the Resource Management Act 1991, which provides for the exercising of a consent while applying for a new consent for the same activity. **[Discharge Advice Note 2 and Land Use Advice Note 14]**
3. This consent does not absolve the grantee from obtaining all other necessary consents or permits that may be required for the activity. The applicant needs to obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws. It is further noted that this consent does not constitute building consent approval. Please check as to whether or not a building consent is required under the Building Act 2004. If a building consent application is already lodged with Council or has already been obtained, you are advised that, unless otherwise stated, the use shall not commence until conditions of this resource consent have been met. Furthermore, if this consent and its conditions alter or affect a previously approved building consent for the same project, you are advised that a new building consent may need to be applied for. If the tree/s to which this consent relates are not located on land owned by the consent holder, the approval of the tree owner/s or an order to be made by the court under Section 129C of the Property Law Amendment Act 1952 may need to be obtained to give effect to the consent. **[Discharge Advice Note 3 and Land Use Advice Notes 3 and 15]**
4. The consent holder shall ensure that there are adequate provisions on site to prevent possible fuel spillage. **[Discharge Advice Note 4 and Land Use Advice Note 16]**
5. The purpose of the Fill Management Plan is to ensure that the consent holder implements, and complies with, the conditions of the consents. **[Discharge Advice Note 5]**

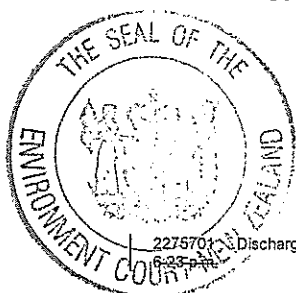


6. All archaeological sites are protected under the provisions of the Historic Places Act 1993 (HPA). It is an offence under the HPA to destroy, damage or modify any archaeological site whether or not the site is entered on the New Zealand Historic Places Trust (NZHPT) register of historic places, historic areas, wahi tapu and wahi tapu areas. Under sections 11 and 12 of the HPA, an application must be made to the NZHPT for an authority to destroy, damage or modify an archaeological site(s) where avoidance of effect is not practicable. It is the responsibility of the consent holder to consult with NZHPT about the requirements of the HPA should these become necessary as a result of any activity associated with the proposed development. **[Discharge Advice Note 6 and Land Use Advice Note 17]**
7. Section 137 RMA allows for the transfer of a resource consent by the holder to any owner or occupier of the site in respect of which the permit is granted, or to a local authority, unless the permit expressly provides otherwise. **[Discharge Advice Note 7 and Land Use Advice Note 18]**
8. The Applicant may wish to transfer this resource consent, if granted, to any subsequent owner of the property, if sold, or to occupiers of the land. **[Discharge Advice Note 8 and Land Use Advice Note 19]**
9. Section 138 RMA details the conditions relating to surrender of a resource consent. A consent authority may refuse to accept the surrender of part of a resource consent where that may (2)(b) affect the ability of the consent holder to meet other conditions of the consent; or (2)(c) lead to an adverse effect on the environment. There also remains some liability to the person surrendering the resource consent under (3)(a) and (b) of this section. This liability relates to breaches of conditions of the consent occurring before surrender and to the completion of the work required to give effect to the consent. **[Discharge Advice Note 9 and Land Use Advice Note 20]**
10. The ~~Consent Authority~~ Council would be unlikely to allow the surrender of part of this consent under section 138(2)(c) without substantial supporting information indicating that the predicted fate and transport of contaminants had occurred and that no on-going risk was posed to human health or the environment. **[Discharge Advice Note 10 and Land Use Advice Note 21]**
11. The Consent Holder is advised that, pursuant to Section 126 of the RMA, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the ~~Consent Authority~~ Council unless other criteria contained within Section 126 are met. **[Discharge Advice Note 11 and Land Use Advice Note 22]**
12. That any dust emissions during the earthworks operations are controlled in accordance with the Ministry for the Environment guidelines *Good Practice Guide for Assessing and Managing the Environmental Effects of Dust*, 2001. Dust shall be mitigated, as a minimum, by: **[Discharge Advice Note 12 and Land Use Advice Note 23]**
  - (a) Using a water truck to dampen dust on the access road and filling areas. Wind direction, strength and soil conditions shall be considered and an appropriate level of watering and material covering established prior to daily works commencing;
  - (b) Covering of inbound dusty loads;
  - (c) Use of a wheelwash for outbound vehicles; and





- (d) Limiting vehicle speeds to avoid dust mobilisation.
13. The Consent Holder is referred to Section 127 of the RMA which provides for the application, at any time, for changes to or cancellation of conditions of consent other than duration, and the provisions therein for making application to do so. **[Discharge Advice Note 13 and Land Use Advice Notes 9 and 24]**
  14. Upon commencement of this consent, the ~~consent authority~~ Council's staff shall provide to the consent holder's Quarry Manager a list of consented contaminated sites and will ensure that an updated list is provided to the quarry manager quarterly. This will assist the Quarry Manager in making fill waste acceptance decisions. **[Discharge Advice Note 14]**
  15. Subject to section 198 of the Local Government Act 2002 and Auckland Council's Policy on Development Contributions, a development contribution is payable on this proposal. A notice of assessment will be sent out which outlines the quantum of the contribution payable for this consent. Please note that with respect to this development, building consents will not be released, code of compliance certificates will not be issued. **[Land Use Advice Note 1]**
  16. The Consent Holder is advised that in accordance with the existing Quarry Management Plan (July 2007) and the provisions of the District Plan at clauses 8.7.4.1 and 8.7.4.2, that prior to the commencement of fill operations the Quarry Management Plan (July 2007) is required to be amended, in consultation with the Site Liaison Group, to include the filling and sale of imported aggregated activities. **[Land Use Advice Note 2]**
  17. Pursuant to section 125 of the Resource Management Act 1991, this resource consent will expire 5 years after the date of commencement of consent unless, before the consent lapses; **[Land Use Advice Note 4]**
    - the consent is given effect to; or
    - an application is made to the consent authority to extend the period of the consent, and the consent authority decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.
  18. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. **[Land Use Advice Note 5]**
  19. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of fourteen days prior to commencement. Notification should be provided on the Resource Consent Monitoring - Notice of Works Starting form included with this consent decision. Notification can be submitted by email, phone or fax. **[Land Use Advice Note 6]**
  20. This consent does not constitute building consent approval Please check as to whether or not a building consent is required under the Building Act 2004. If a building consent application is already lodged with Council or has already been obtained you are advised that unless otherwise stated, the use shall not commence until conditions of this resource consent have been met. **[Land Use Advice Note 7]**
  21. The consent holder shall comply with all relevant Council Bylaws. In particular the consent holder shall comply with Part 27 of the Auckland Council Consolidated Bylaw,



which addresses signage, or seek a dispensation from the Bylaw. **[Land Use Advice Note 8]**

22. The conditions of consent apply to the consent holder and all persons, companies, contractors and agents, including sub-contractors, carrying out works on the site and activities authorised by this consent. **[Land Use Advice Note 10]**
23. The Land Use Consent: Sediment Control and associated conditions shall be included with any Contract Documents and all personnel working on the site (consultants, contractors and sub contractors) shall have access to the relevant documentation inclusive of the consent conditions. **[Land Use Advice Note 11]**
24. The consent holder shall make the Contractor/Consultant associated with the proposed works aware of the Industry Education Programme available to Plan Preparers and Plan Implementers through the Auckland Council. **[Land Use Advice Note 13]**
25. As part of the any consent process for the future use of the site, and if dewatering continues, the consent holder shall consider options for discharging stormwater runoff back to the Three Kings aquifer or to otherwise divert from soakage to ground. **[Land Use Advice Note 25]**

