

Your Ref

In reply please quote
LUC0167/21

If calling, please ask for
Nicola Laurenson

27 October 2020

Postal Address
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Digitally Delivered

Dear Sir/Madam

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

Application number(s):	LUC0167/21
Applicant	Gleeson Quarries Huntly Limited
Address:	Riverview Road HUNTLY
Legal Description	PT LOT 9 DP 1278
Proposal:	Indigenous vegetation removal associated with landuse consent associated with future overburden disposal area (LUC0176/20)

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

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

Objections

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

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

Compliance with conditions

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

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

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

Lapsing of Consent/s

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

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

Yours faithfully

A handwritten signature in blue ink that reads "J Thomas".

Jessica Thomas

CONSENTS ADMINISTRATION

Cc: Gleeson Quarries Huntly Limited

Email: Accounts@gleesonquarries.co.nz

Resource Consent

(Resource Management Act 1991)



www.waikatodistrict.govt.nz

DECISION ON APPLICATION: LUC0167/21

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

Activity: Remove 1.7ha of vegetation containing a habitat for significant indigenous fauna and establishment of a Bat Reserve at Gleeson's Quarry.

Applicant: Gleeson Quarries Huntly Limited

Location Address: Riverview Road, Huntly

Legal Description: Lot 9 DP 1278 & Lot 10 DP 1278 comprised in Record of Title SA922/109

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

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

A handwritten signature in black ink, appearing to read "M. J. Hill".

CONSENTS TEAM LEADER

Dated:
27 October 2020

Schedule I

Conditions of Consent

Resource Consent No: LUC0167/21

General Conditions

- 1 The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0176/21 and officially received by Council on 27 October 2020 except as amended by the conditions below. In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

The following technical documentation was received in support of the application and the activity shall be operated in general accordance with the following documents unless otherwise altered by these consent conditions:

- (a) Gleeson Quarries Ltd – Huntly Quarry, New Overburden Fill Site, Erosion and Sediment Control Plan – Appendix 8
 - (b) Ecological Impact Assessment, Prepared for Gleeson and Cox Limited, 30 July 2019 – Appendix 9
 - (c) Assessment of Landscape and Visual Effects, Gleesons Quarries Huntly Limited, Riverview Road Huntly – LA4 – Appendix 10 With amendments
 - (d) Proposed Managed Fill, 300 Riverview Road, Huntly, Assessment of Noise Effects – Hegley Acoustic Consultants – Appendix 11.
 - (e) Bat Management Plan from Wildlands (Report no.5208e, February 2020)
 - (f) Wildlife Act Authority Permit (Authorisation Number: 86143-FAU)
 - (g) Erosion & Sediment Control Plan from Erosion Management Ltd – Dated 26 August 2019
- 2 Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
 - 3 The Consent Holder shall notify Waikato District Council’s Team Leader Monitoring, in writing, of their intention to begin works, a minimum of one working day prior to commencing works. Such notification shall include the following details:
 - (a) Name/s and telephone number/s of the Developer’s Representative/s

Hours of Operation

4 The hours of operation for vegetation removal within the site shall be limited to:

Monday to Friday (inclusive)	6am to 7pm
Saturday	6am to 2pm

Noise

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

- (a) 55 dB LAeq, 7 am to 7 pm Monday to Friday; and
- (b) 55 dB LAeq, 7 am to 6 pm Saturday; and
- (c) 50 dB LAeq, 7 pm to 10 pm Monday to Friday; and

Noise shall be measured in accordance with New Zealand Standard *NZS 6801:2008 Acoustics - Measurement of environmental sound* and assessed in accordance with *NZS 6802:2008 – Acoustics - Environmental Noise*.

Note: Notional boundary means a line 20 metres from any side of a dwelling, or the legal boundary where this is closer to the dwelling.

Landscape and Visual mitigation

6 For the avoidance of doubt, the following vegetated areas shall be retained as illustrated in Schedule I:

- a. The area marked “Existing Vegetation to be retained” marked in grey on Ecological Restoration and Covenant Area (Rev03, February 2020)
- b. The areas within Zones 1 and 2 on Ecological Restoration and Covenant Area (Rev03, February 2020).

Dust

7 The site shall be managed in such a way that dust emissions do not cause an objectionable effect beyond the boundaries of the site to the satisfaction of Waikato District Council’s Team Leader Monitoring.

Advice Note:

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

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

Archaeological

- 8 The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of this consent, works in that area will cease immediately. The Police, New Zealand Historic Places Trust, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

Prior to Commencement of Stripping or Filling (Prior to Construction)

Erosion and Sediment Controls

- 9 Prior to undertaking any earth disturbing activities on site, the consent holder must provide erosion and sediment controls in accordance with the Erosion and Sediment Control Plan from Erosion Management Ltd – Dated 26 August 2019, and the Waikato Regional Council’s Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009, to the satisfaction of the Waikato District Council’s Team Leader Monitoring.

Advice note:

The earth disturbing activities do not include the felling of the remnant forestry trees.

Post Construction

- 10 Erosion and sediment controls shall be maintained and remain in place until the Waikato District Council’s Land Development Engineering Team Leader is satisfied that the risk from erosion and instability has been reduced to a less than minor risk and has provided approval in writing.

Ecology

- 11 Any subsequent review/proposed change of the BMP from Wildlands (Report no.5208e, February 2020) shall be submitted to the Waikato District Council for written approval. The consent holder shall meet the costs of review and updates, monitoring and peer review of the BMP.
- 12 The consent holder shall undertake all ecological mitigations in accordance with the

Ecological Enhancement Programme as appended to these conditions of consent (Schedule 2).

- 13 A full Bat Monitoring data report to confirm the number of potential roost trees removed as part of the tree felling shall be provided to the Waikato District Council within 20 days after the tree felling has been completed.
- 14 The number of roosts and chainsaw hollows that were installed shall be provided to the Waikato District Council within one month of the work being undertaken.

Ecological Mitigation Monitoring Report

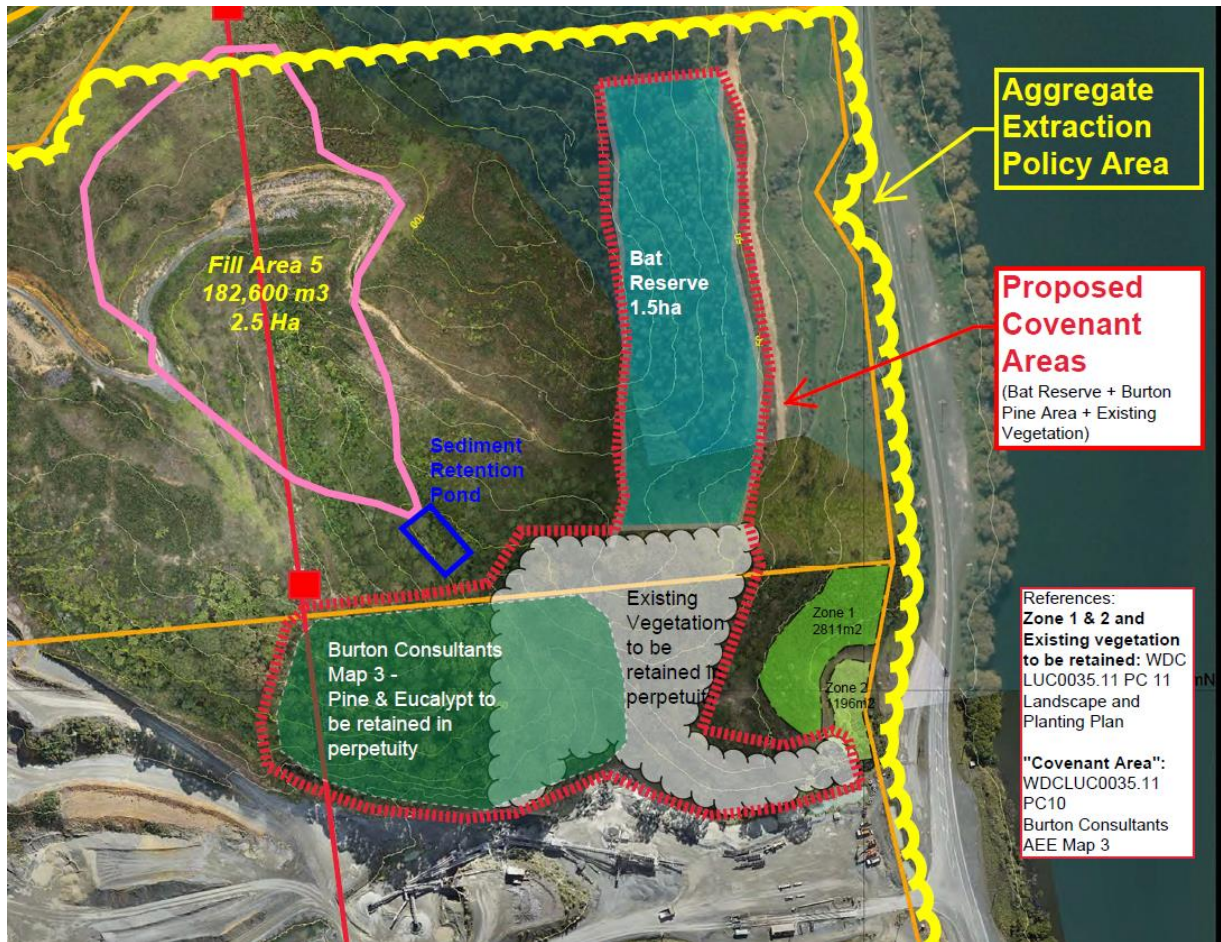
- 15 On an annual basis, the Consent Holder shall prepare an Ecological Mitigation Monitoring Report which outlines the details of any ecological mitigation and associated monitoring works required under the Bat Management Plan which have been undertaken within the preceding 12 month period. The plan shall include, but will not be limited to, the following items:
 - a) Details of any planting or plant maintenance works including the outcomes of any maintenance inspections of established plantings;
 - b) Details of artificial roosts and chainsaw hollows installed,
 - c) Details and outcomes of any plant or animal pest control works including any follow up monitoring of pests.

The monitoring report shall be prepared by a suitably qualified and experienced ecologist and shall be forwarded to the Waikato District Council by 31 May each year.

Covenant

- 16 Within 12 months of commencement of this resource consent, the consent holder shall establish and register on the land title, a legal mechanism (herein referred to as a “covenant”) containing appropriate requirements in order to legally protect in perpetuity the Bat Reserve to be restored as per the approved BMP and Schedule Two of this Resource Consent. The covenant shall also set out that clearance of vegetation, grazing of stock and earthworks within the covenant area is prohibited.
- 17 The consent holder shall provide a copy of the WRC approved wording of the covenant document to Waikato District Council’s Monitoring Team.

Schedule One - Locality Bat Reserve¹



Ecological Restoration and Covenant Area (Rev03, February 2020)

¹ Covenant area to be confirmed subsequent to accurate aerial map depicting location of existing vegetation and subsequent to construction of Sediment Retention Pond to ensure covenant area is outside area of works required to facilitate Fill Area 5, but will not be less than 1.5ha for Bat Reserve, in addition to areas protected under previous consents.

Schedule Two – Ecological Mitigation Schedule & Bat Management Plan

Mitigation action	Mitigation for	Completed	Notes
Implementation of Tree Removal Protocol	Potential injury to or mortality of bats roosting in trees in Fill Areas 5	Immediately prior to any tree felling in Fill Area 5	Following the TRP will ensure no bats are present in potential bat roosts before they are felled.
Fencing of the Bat Reserve	Loss of potential bat roosting and foraging habitat in Fill Area 5	Three months from the commencement date of the tree felling in Fill Area 5 have been completed	
Installation of five² artificial roost boxes and predator exclusion bands in the Bat Reserve	Loss of potential bat roosts in Fill Area 5	Between November 2020 and February 2021	It can take 5 years or more for roost boxes to become occupied and therefore installing prior to tree felling is beneficial.
Creation of chainsaw hollows in the bat reserve	Loss of potential bat roosts in Fill Area 5	Between 1 September and 1 November in the year following tree felling	The number of chainsaw hollows is dependent on the number of potential roost features removed during tree felling and therefore cannot be determined
Maintenance of artificial roost boxes, chainsaw hollows, and predator exclusion bands	Loss of potential bat roosts in Fill Area 5	Annually between 1 September and 1 November for 15 years following installation	

² Five for loss of roosts in Fill Area 5

Schedule 2

Reasons for Decision

Resource Consent No: LUC0167/21

- 1 The actual and potential effects created by the proposal are acceptable because:
 - The potential adverse effects with respect to the Ecological, Landscape, Amenity and Social and Cultural Wellbeing will not be more than minor on the environment and acceptable;
 - Visual Effects of the proposal have been considered in the application and a peer review undertaken and the visual effects are managed through screening and topography. Conditions are proposed to mitigate effects to an acceptable level.
 - Erosion and sediment control measures are proposed and will be implemented. These will be maintained for the duration of the consent, until the Team Leader, Monitoring is satisfied they may be removed; and
 - The proposal includes ecological mitigation measures such as creation of a bat reserve with artificial roosts and tree removal protocol within fill area 5. A Wildlife Act Authority has been approved for this work;
- 2 Pursuant to Section 95 of the Resource Management Act 1991 the application has not been publicly or limited notified as the adverse effects of the proposal are deemed to be less than minor. Accordingly, the application was processed on a non-notified basis.
- 3 The proposal is consistent with the objectives and policies of both the operative and proposed District Planning documents.
- 4 The proposal is consistent with the operative Waikato Regional Policy Statement, and all other relevant matters.
- 5 Overall the proposal meets the purpose (section 5) and principles (sections 6-8) of the Resource Management Act 1991.