

SMOOTH HILL DRAFT DCC CONDITIONS OF CONSENT FOR ROAD UPGRADES – 29 APRIL 2022

Conditions:

1. The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the updated resource consent application received by the Dunedin City Council on 31 May 2021 and further information received on 5 April 2022, except where modified by the following conditions. In the event of differences or conflict, between the measures in the documents and the conditions, the conditions shall prevail:
2. The consent holder:
 - a) is responsible for all contracted operations relating to the exercise of this consent; and
 - b) ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and
 - c) ensure compliance with land use consent conditions.

Engineering

3. All investigations, detailed design, and construction of the road upgrades must be supervised by a suitably experienced Chartered Professional Engineer (CPEng).

Ecology

4. The area directly impacted by construction of the road upgrades must be limited to and not exceed 2.97 ha (Yorkshire Fog) – Cocksfoot Grassland as set out in Smooth Hill Landfill, Ecological Impact Assessment Prepared for Dunedin City Council, 19 August 2020 (updated 28 May 2021) prepared by Boffa Miskell.
5. Prior to construction commencing, a Lizard Management Plan (LMP), based on the Draft Smooth Hill Lizard Management Plan prepared by Boffa Miskell Ltd, dated June 2021, must be prepared by a suitably qualified herpetologist, to ensure effects on any lizards during the construction of the road upgrades are avoided or otherwise managed following the effects management hierarchy. The plan must be developed in consultation with Te Rūnanga o Ōtākou and the Department of Conservation following their guidelines for lizard salvage and transfer in New Zealand. As a minimum the plan must include:
 - a) A revision of the lizard values onsite through a desktop assessment and on-site survey.
 - b) A summary of the impact assessment for lizards.
 - c) Detail of onsite surveys that have been undertaken to inform the Lizard Management Plan.
 - d) Avoid, remedy, and mitigation methodologies including salvage and relocation, and any predator control, and habitat enhancement measures undertaken to reduce the effects on lizards during construction.

Commented [RvV1]: Which means what?

Commented [RvV2]: What impact assessment?

Commented [RvV3]: Required or not?

Commented [RvV4]: Such as?

Commented [RvV5]: To what level?

- e) Any appropriate methodologies for offsetting or compensating for **any residual adverse effects** if they are identified through monitoring.
 - f) Pre and during construction monitoring methodologies, including any **post release monitoring**.
 - g) **Annual reporting** requirements, which will include, but not be limited to reporting on the avoid, remedy and /or mitigation measures used to reduce effects on lizards during construction as well as any remedial, offset or compensatory actions undertaken.
 - h) Key responsibilities of onsite personnel.
 - i) **An adaptive management and review** process that includes Te Rūnanga o Ōtākou, the independent peer review panel, Otago Regional Council, and Dunedin City Council.
6. Prior to construction commencing, the LMP prepared under Condition 5 above must be submitted to the Resource Consents Manager, Dunedin City Council at rcmmonitoring@dcc.govt.nz for certification that it addresses the requirements of this condition. The plan is to be implemented for the duration of any road construction works.

Commented [RvV6]: Means what? Determined how?

Commented [RvV7]: Reporting to who and for what purpose?
Adverse effects are limited to construction period?

Commented [RvV8]: Which means what?
Adverse effects are limited to construction period?

Archaeology

- 7. Every practical effort must be made to **avoid damage** to any archaeological site, whether known, or discovered during the road upgrade works.
- 8. Modification or destruction of an archaeological site shall be managed through the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. Thus, an archaeologist must be retained to provide advice, recording, and reporting on any archaeological material encountered during the construction of the landfill and road upgrade works.
- 9. Prior to the commencement of the road upgrade work, an archaeological site briefing must be delivered to all contractors undertaking earthworks that may affect archaeology. The briefing must outline:
 - a) The history of the site and its archaeological potential.
 - b) The **standing archaeological remains** to be retained.
 - c) The role of the archaeologist and requirements for archaeological involvement.
 - d) What sort of archaeological features could be expected and what they might look like.
 - e) What to do if a possible archaeological site is found and the archaeologist is not on site.
 - f) **The process required to record and investigate these archaeological deposits should any be discovered.**

Commented [RvV9]: How?

Commented [RvV10]: What are these? Where are they located? Include a map or aerial photograph or cross-refer to same? See aerial photo tabled by Megan Lawrence at the hearing.

Commented [RvV11]: Why brief contractors on that? That is the archaeologist's role (to investigate and record)? Refer to verbal evidence of Megan Lawrence.

Evidence of the archaeological site briefing must be provided to a warranted DCC officer upon request.

Construction Traffic Management

- 10. Prior to construction of the road upgrades commencing, a Construction Traffic Management Plan must be prepared by a transportation engineer that includes measures to ensure the safe, effective, and efficient interaction of construction activity with other road users, and specifically address the following matters:

- a) All heavy vehicle traffic is to use the route described within the application, (SH1 – McLaren Gully Road – Big Stone Road) unless a hazard is present on this route which renders it inoperable.
- b) Delivery of heavy or outsized loads, such as excavators, is to avoid peak periods on State Highway 1.
- c) Management of the interactions of construction traffic and other road users.
- d) Minimising the impact on existing users of McLaren Gully Road and Big Stone Road users such as residents and other commercial activities.

Commented [RvV12]: Which are when? Specify in condition?

Commented [RvV13]: What does that mean?

The Construction Traffic Management Plan must be provided to Waka Kotahi NZ Transport Agency (NZTA) for review, and then submitted to the Dunedin City Council Transport Manager for certification that it addresses the requirements of this condition prior to commencement of the road upgrade works.

- 11. The road upgrade works must be undertaken in accordance with the approved Construction Traffic Management Plan.

Construction of Upgrades to McLaren Gully Road and Big Stone Road

- 12. Prior to construction of the upgrades to McLaren Gully Road and Big Stone Road commencing,

- a) the detailed design of the road, including cut and fill slopes must be informed by geotechnical investigations and be in accordance with the road design standards contained in the Dunedin City Council Code of Subdivision and Development 2010 or alternative land development/traffic engineering standards as accepted by the Transport Manager, Dunedin City Council.
- b) The detailed design of the road upgrades must be provided to the Transport Manager, Dunedin City Council for review and certification that the detailed design complies with this consent.

Commented [RvV14]: Which conditions does it need to comply with?

- 13. The completed road upgrade works must be certified by the suitably experienced Chartered Professional Engineer (CPEng) that they have been completed in accordance with the detailed design approved by the Transport Manager, Dunedin City Council. As-built plans, detailing full asset data, must be provided with the certification.

Commented [RvV15]: Inappropriate to have "approval". Certification perhaps?

- 14. Upon completion of construction of the required roading upgrades, all works must be tested to demonstrate that they meet the acceptance requirements of the DCC Code of Subdivision and Development 2010, or alternative land development/traffic engineering standards as accepted by the Dunedin City Council and evidence of such provided to the Transport Manager, Dunedin City Council.

Commented [RvV16]: Tested how? Using what procedure?

Upgrades to State Highway 1 Intersection with McLaren Gully Road

- 15. Prior to the State Highway 1 intersection works occurring, the consent holder must submit to the Resource Consents Manager, Dunedin City Council at rcmonitoring@dcc.govt.nz a copy of Waka Kotahi NZ Transport Agency's approval to undertake works on the State Highway (as detailed in the advice notes below).

- 16. Prior to construction State Highway 1 intersection works commencing, the consent holder must submit the detailed design of the State Highway 1 intersection works to Waka Kotahi NZ Transport Agency for approval that the detailed design complies with this consent.

Commented [RvV17]: Which conditions does it need to comply with?

17. Prior to waste being accepted at the landfill, a right turn bay, auxiliary left turn lane, localised shoulder widening for left turn out movement and flag lighting (the 'State Highway 1 Intersection works') must be constructed at the intersection of State Highway 1 and McLaren's Gully Road.
18. Prior to waste being accepted at the landfill, the consent holder must provide to the Resource Consents Manager, Dunedin City Council at rcmonitoring@dcc.govt.nz correspondence from Waka Kotahi NZ Transport Agency confirming that the works to the State Highway 1 intersection with McLaren's Gully Road have been constructed to Waka Kotahi NZ Transport Agency standards.
19. The completed State Highway 1 intersection works must be certified by the suitably experienced Chartered Professional Engineer (CPEng) that they have been completed in accordance with the detailed design approved by Waka Kotahi NZ Transport Agency. That certification must be provided to Waka Kotahi NZ Transport Agency.

Commented [RvV18]: Order illogical. A more logical order would be 16 – 15 – 17 -19 – missing condition on having NZTA inspect works? - 18

Waka Kotahi Advice Notes:

- a) It is a requirement of the Government Roadway Powers Act 1989 that any person wanting to carry out works on a state highway first gain the approval of Waka Kotahi New Zealand Transport Agency for the works and that a Corridor Access Request (CAR) is applied for and subsequently a Work Access Permit issued (WAP) before any works commence. A CAR will be required for the State Highway 1 Intersection works.
- b) Detailed design approval from Waka Kotahi NZ Transport Agency shall be gained by the consent holder prior to applying for a CAR. The detailed design shall be prepared by a suitably qualified professional who has been certified by Waka Kotahi. In developing the detailed design, the consent holder will need to consult with the Waka Kotahi appointed state highway maintenance contractor for Coastal Otago (Highway Highlanders; coastalotago@downer.co.nz) and a Waka Kotahi Safety Engineer.
- c) A Corridor Access Request is made online via www.submitica.co.nz. The CAR needs to be submitted at least 21 working days before the planned start of works. A copy should also be sent to the Waka Kotahi NZ Transport Agency System Design and Delivery Planning Team at EnvironmentalPlanning@nzta.govt.nz. The Corridor Access Request will need to include:
 - The detailed final design for the right turn bay, auxiliary left turn lane, localised shoulder widening, flag lighting and stormwater management;
 - A Construction Traffic Management Plan that has attained approval from the Waka Kotahi NZ Transport Agency appointed state highway maintenance contractor for Coastal Otago (Highway Highlanders).
 - If requested by Waka Kotahi, a design safety audit which has been prepared, processed and approved in accordance with Waka Kotahi guidelines for Road Safety Audit Procedures for Projects (<https://www.nzta.govt.nz/assets/resources/road-safety-audit-procedures/docs/road-safety-audit-procedures-tfm9.pdf>).

Vehicle Access

20. At the time the construction is being undertaken, all existing (or relocated) driveways adjoining the upgraded (sealed) McLaren's Gully Road and/or Big Stone Road must be hard surfaced from the edge of the respective road carriageways, toward the respective property boundaries for a distance of not less than 5.0m and be adequately drained.

21. The new vehicle access to the landfill must be a minimum 5.0m, maximum 9.0m formed width, hard surfaced from the edge of the Big Stone Road carriageway, toward the property boundary for a distance of not less than 5.0m and be adequately drained for its duration.

Commented [RvV19]: Actual turnoff into the landfill site or the entire upgraded road?

Commented [RvV20]: What property?

22. The new vehicle access to the landfill must be constructed in accordance with Council's Industrial Specification for Vehicle Entrances.

Commented [RvV21]: See above?

23. A minimum sight distance of 139m must be achieved at the new vehicle access to the landfill unless an assessment from a suitably qualified transport expert determines that a lesser sight distance can be supported from a road safety perspective. The sight distance must be measured in accordance with Figure 6B.13 of the Dunedin City Council's 2nd Generation District Plan (2GP).

Commented [RvV22]: Has this already been completed and if so no need to repeat it?

24. All heavy vehicle traffic associated with the landfill must use the route described within the application, (SH1 – McLaren Gully Road – Big Stone Road) unless a hazard is present on this route which renders it inoperable.

Commented [RvV23]: Need conditions setting out how this will be legally implemented with certainty. Eg "The consent holder must require trucking contractors to ..."

25. Deleterious material must not, at any stage, migrate onto the Big Stone Road carriageway.

Commented [RvV24]: What is that?

Noise

26. The road upgrade works must be limited to between 7.30am – 6pm Monday to Saturday (inclusive). No works are permitted to occur outside of these times, on Sundays, or public holidays, except where emergency works are required to protect public health and safety.

Commented [RvV25]: What would that involve?

27. A minimum separation distance of 40 metres must be maintained between road construction equipment and the residential dwellings located at 108 and 109 McLaren Gully Road, if those houses are occupied during the work.

Commented [RvV26]: How will you know if they are occupied?

28. The following must occur if construction equipment is required to encroach upon the 40 metre setback specified in condition 27 above, and/or the hours of work extend beyond those in condition 26, and the houses are occupied during the work:

Commented [RvV27]: Why not simply require a CNMP at the outset of the works as occurs for other large infrastructural programmes?

a) A Construction Noise Management Plan (CNMP) must be prepared by an acoustic specialist which addresses the requirement of Appendix E of addresses NZS6803: 1999 Acoustics –Construction Noise, and which includes measures to mitigate noise transmission from construction activity to the existing residential dwellings.

b) The CNMP must be submitted to the Resource Consent Manager, Dunedin City Council, @rcmonitoring@dcc.govt.nz for certification that it addresses the requirement of this condition at least 10 working days prior to commencement of the road upgrade works. Dunedin City Council are to provide any comments no later than 5 working days prior to commencement of the road upgrade and certification must not be unreasonably withheld.

Commented [RvV28]: Can't impose conditions requiring a third party to do something?

c) The road upgrade works must be undertaken in accordance with the certified CNMP.

Earthworks

29. The earthworks for the road upgrades must be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management, traffic management, along with dust and noise controls at the sites.

Commented [RvV29]: Which are what? Document in conditions? How does this relate to ESMP?

30. Prior to commencement of any road construction works, an Erosion and Sediment Management Plan (ESMP) must be prepared by a suitably qualified person which includes

methods to ensure effective management of erosion and sedimentation during earthworks including measures to:

- a) divert clean runoff away from disturbed ground;
 - b) control and contain stormwater run-off;
 - c) avoid sediment laden run-off from the site; and
 - d) protect existing drainage infrastructure sumps and drains from sediment run-off.
 - e) manage dust
31. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties.
 32. Any introduced fill material must comprise clean fill only.
 33. Slopes must not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and approval by the Transport Manager, Dunedin City Council in accordance with condition 13.
 34. Slopes must not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and approval by the Transport Manager, Dunedin City Council in accordance with condition 13
 35. All completed slopes shall be inspected and signed off by a suitably experienced Chartered Professional Engineer (CPEng) in accordance with condition 14.
 36. As-built records of the final extent and thickness of any un-engineered fill must be recorded and submitted to the Resource Consent Manager, Dunedin City Council, @rcmonitoring@dcc.govt.nz within 6 months of the completion of the works.
 37. The consent holder's engineer must be engaged to determine any temporary shoring requirements at the site during earthworks construction and the consent holder must install any temporary shoring recommended by the engineer.
 38. Surplus of unsuitable material is to be disposed of away from the site to a Council approved destination.
 39. Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder must first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and must thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the site. All such measures must be of a type and to a standard which are to the satisfaction of the Resource Consent Manager, Dunedin City Council.
 40. If at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to earthworks and construction works, they must be reinstated to the satisfaction of Council at the expense of the consent holder.

Commented [RvV30]: Is that achievable?

Commented [RvV31]: Are there any on the affected roads?

Commented [RvV32]: How – specify methods and minimum obligations in an actual condition eg having water trucks available, stopping work in windy conditions , etc

Commented [RvV33]: Defined as?

Commented [RvV34]: Approval inappropriate – certification instead?

Commented [RvV35]: See above

Commented [RvV36]: Means what?

Commented [RvV37]: Who is this? Defined where?

Commented [RvV38]: Contracted? Instructed?

Commented [RvV39]: Are there any? Should these be mapped for certainty?

41. At the end of each main earthwork stage (or earlier, if conditions allows) the affected areas must be immediately adequately top-soiled and vegetated (e.g. hydro-seeded) as soon as possible to limit sediment mobilisation.

Commented [RvV40]: Defined where?

Commented [RvV41]: Means what? Presumably slopes and batters not the new road surface?

Advice Notes:

Earthworks

1. Neighbouring property owners should be advised of the proposed works at least seven days prior to the road upgrade works commencing.
2. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.

Commented [RvV42]: Uncertain. "Must be"?

Commented [RvV43]: Why? Separate consents already sought from ORC?

Noise

3. Noise from the road upgrade works must comply with the recommended noise limits outlined in Rule 4.5.4.1 Construction of Dunedin City Council's 2nd Generation District Plan.

Commented [RvV44]: How does this relate to condition 23?
What are those limits?
Should they be in a condition to make compliance with this consent easier?

Transport

4. The vehicle crossing to the landfill site, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from Dunedin City Council Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
5. The vehicle access to the landfill site will need to be designed so that sight distances are optimised.
6. It is advised that in the event of future development on the site, Dunedin City Council will assess provision for access, parking and manoeuvring upon receipt of an Outline Plan of Works application.

Commented [RvV45]: What does that mean? How will that be achieved? How does this relate to condition 23?