

APPENDIX D

ORIGINAL SUBMISSIONS

[illegible]

I seek the following decision from Waikato District Council:

☒ Approve

☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

0

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date

5-6-20

A signature is not required if you make your submission by electronic means

Address

PO Box 1256, Pukekohe

Postcode

2340

Email

mel350@summitthorpe.co.nz

Phone

09 23 88 900

Contact person's name (name and designation if applicable)

Tony Clark

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaurawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

11.42am



Submission form

(Form I3)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 2

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Wei Chen

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

.....

.....

.....

.....

.....

.....

.....

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

We moved to Pokeno because of the natural environment surrounding the community. The application would have adverse effects on the woods, especially of which we can view from our backyard.

I seek the following decision from Waikato District Council:

☐ Approve

☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

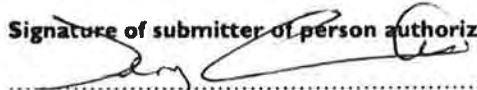
Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

 Date 16 June 2020

A signature is not required if you make your submission by electronic means

Address 38 Hitchen Road, Pokeno Postcode 2402

Email CNJERRYCW@GMAIL.COM Phone 0220340781

Contact person's name (name and designation if applicable)

Wei Chen

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

ConsentSubmissions@wairarua.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1991. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Submission form (Form 13)

For internal use only
ECM Application # LUJ0123/19
ECM #
SUBMISSION # 3
CUSTOMER #

WDC S42A 176

2.29/14

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2nd JULY 2020

To: Waikato District Council

Name of submitter (full name)

Neil Douglas John Butcher

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

I am ☐ am not ☒ directly affected by an effect of the subject matter of the submission that

- (a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

‡ Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

The ability for this quarry to continue to supply aggregates to its customers - of which I am one.

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... *this quarry is well situated on the southern side of the Bombay hill. As such it saves time, fuel and money when my company is working in the Tuakau - Pokeno - Maramarua areas.*

I seek the following decision from Waikato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Adam Matheson Resources Ltd permission to expand and continue to operate as requested by them

Number of additional sheets attached *Nil*

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

N. Butcher Date *23 June 2020*

A signature is not required if you make your submission by electronic means

Address *239 Bothwell Park Road Otara* Postcode

Email *neilbutcher@hotmail.com* Phone *021 767677*

Contact person's name (name and designation if applicable) *N. Butcher Director: Butcher Contracts Ltd.*

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

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You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngauruhia 3742
Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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23/6/20
2:30pm



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 4

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Onroad Transport Ltd

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 Mcpherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

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I ☐ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

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I seek the following decision from Waikato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 23/6/2020

A signature is not required if you make your submission by electronic means

Address 2169 Buckland Road RD 2 Pukekohe Postcode 2678

Email accounts@onroadtransport.nz Phone 09 2384016

Contact person's name (name and designation if applicable) Don Wilson

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 5

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Joshua Henare Phillips

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 Mcpherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

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I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....
Mc Pherson Resources provides important materials and resources to the surrounding

community and to local business.

.....

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I seek the following decision from Waikato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 23/june/2020

A signature is not required if you make your submission by electronic means

Address 26 McGuire Rd, Tuakau Postcode 2121

Email drainformers@xtra.co.nz Phone 021449034

Contact person's name (name and designation if applicable) josh phillips

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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8.18am



Submission form

(Form I3)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 6

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) ... P & I Pascoe Ltd

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

~~I am ☐ am not ☐ directly affected by an effect of the subject matter of the submission that~~

~~(a) adversely affects the environment; and~~

~~(b) does not relate to trade competition or the effects of trade competition~~

~~†Delete this paragraph if you are not a trade competitor~~

~~# Select one~~

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Mineral Extraction & Processing, ...

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... as a customer of McPherson Ltd. We do alot of work in the Pokero area where we require metal for the Process of preparing for the floors of new houses. Our clients are relienent on us to be able to source this metal for them to complete the preparation of these house pads so they don't have any delays.

I seek the following decision from Waikato District Council:



Approve



Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

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Number of additional sheets attached NA

I wish to be heard in support of my submission

Yes ☐No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

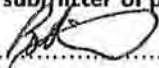
Yes ☐No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

 (Amy Kozanic) Date 24/06/2020

A signature is not required if you make your submission by electronic means

Address PO Box 272 1267, Papakura Postcode 2244Email amy@pascoe.co.nz Phone 09 2996213Contact person's name (name and designation if applicable) Amy Kozanic - Administrator

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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Submission form (Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 7

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) JOHN IAN BLACKWOOD

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Delete

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are

a quarry is very essential for everything happening in our area would be a disaster to see this quarry shut

I seek the following decision from Waikato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

I just want to hear good news

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

J Blackwood

Date 24.06.20

A signature is not required if you make your submission by electronic means

Address 159 Baer Road, MANGATAMARU Postcode 2471

Email jblackwood@xtra.co.nz Phone 021 996 329

Contact person's name (name and designation if applicable) JOHN BLACKWOOD

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

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Written Submission

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Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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11.31am



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 8

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Sonya Michelson

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

ALL

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are The quarry has been there forever.

I see no reason to oppose an existing and successful business in our community which provides essential services and employment.

I seek the following decision from Waikato District Council:



Approve



Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date

20/06/20

A signature is not required if you make your submission by electronic means

Address

295 Esk Road, P.O. 3, Pokeno

Postcode

21473

Email

sonya.michelsen@gmail.com

Phone

073 325 966

Contact person's name (name and designation if applicable)

Sonya Michelsen

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waide.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council

24/6/20
12.51 pm

Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 9

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) HIRA BHANA & Co Ltd

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

THAT MCPHERSON RESOURCES LTD CAN CONTINUE
THEIR OPERATIONS

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

AS A CUSTOMER WE NEED ACCESS TO THE
PRODUCTS PRODUCED AT THE QUARRY.

I seek the following decision from Waikato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

TO BE ABLE TO CONTINUE THEIR QUARRY
ACTIVITIES

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date

A signature is not required if you make your submission by electronic means

Address Postcode.....

Email Phone.....

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

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If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District
Council, Private Bag 544,
Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

24/6/20
2.03pm

Submission form

(Form I3)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION #.....10.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) CRAIG ALAN NICHOLSON

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment, and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Aggregate / Metal

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are I am a contractor, a current

customer of McPherson's and it would affect

me if they were not permitted to continue

operating.

I seek the following decision from Waikato District Council:

☒ Approve☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

I use the metal (greywacke) that the quarry supplies for alot of my customers, I am an earthmoving contractor, do alot of driveways, roading, building sites etc etc.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter



Date 24/6/2020

A signature is not required if you make your submission by electronic means

Address 601 Buckland Rd, RD3, Pukekohe Postcode 2677

Email craignicholson@outlook.com Phone 021 987402

Contact person's name (name and designation if applicable) Craig Nicholson

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent-submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

2.42pm



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 11

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Koek Services LTD

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

.....

.....

.....

.....

.....

☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are...

This Quarry always seems to be run very well and everything is always very tidy and grounds are well looked after.

I seek the following decision from Waikato District Council:



Approve



Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☒

No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒

No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

[Handwritten signature]

Date

24/6/20

A signature is not required if you make your submission by electronic means

Address

43A Lyons rd

Postcode

2471

Email

koekeadice@gmail.com

Phone

0212298822

Contact person's name (name and designation if applicable)

Krystal King

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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26/6/20

3.23pm

NZ TRANSPORT AGENCY SUBMISSION ON RESOURCE CONSENT APPLICATION – MCPHERSON RESOURCES LTD**TO:** Waikato District Council**ATTENTION:** Victoria Majoor**SUBMITTER:** NZ Transport Agency

PO Box 973

Waikato Mail Centre

Hamilton 3240

ATTENTION Emily Hunt

Phone: 07 9587884

Email: consentsandapprovals@nzta.govt.nz**Resource Consent Application – LUC0123/19 – 47 McPherson Road, Mangatawhiri**

This is a submission on Resource Consent Application LUC0123/19 on behalf of the NZ Transport Agency.

Summary

The Transport Agency is **not opposed** to the proposed expansion and continuation of the operation of mineral extraction activities at McPherson Quarry. The applicant has previously engaged with the Transport Agency and was advised that, subject to conditions, the Transport Agency was not opposed to the proposed activity.

Should the Council be of a mind to grant consent, the Transport Agency has identified the conditions it considers necessary to avoid and/or mitigate potential adverse effects of the activity on the transport network and seeks these are imposed. These conditions are the same as communicated to the applicant in its letter of 19 March 2019.

The NZ Transport Agency's Role

The NZ Transport Agency (the Transport Agency) is a Crown entity with the sole powers of control for all purposes of all state highways. The Transport Agency's objectives, functions, powers and responsibilities are derived from the Land Transport Act 2003 (LTMA), and the Government Powers Act 1989 (GRPA). The statutory objective of the Transport Agency is to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest.

Background

The applicant proposes to expand their existing mineral extraction activities at the McPherson Quarry with the extraction of 490,000 tonne of quarry material for a period of up to 45 years, over three stages. The proposal includes modifying the McPherson Road intersection with State Highway 2 to include a right turn

bay, short deceleration lane for the left turn into McPherson Road and earthworks to maintain sight distances from the intersection.

The Transport Agency identifies the key issue for this proposal is achieving appropriate sight distances for westbound traffic on SH2 to slow-moving vehicles that have already turned right out of McPherson Road. Based on Austroads 2016 Part 3, the stopping sight distance for a car travelling at 90 km/h with a reaction time of 2.5 seconds is 151 metres. The applicant's initial consultation with the Transport Agency resulted in plans being provided which demonstrate the required 151 metre sight distance can be met provided earthworks are undertaken.

Following the applicant's initial consultation, the Transport Agency issued a response (19 March 2019), outlining the following conditions:

1. No works shall be undertaken within State Highway 2 without the prior approval of the NZ Transport Agency pursuant to Section 51 of the GRPA. A Traffic Management Plan and Consent to Work on the Highway shall be submitted to and approved by the Transport Agency at least seven working days prior to the commencement of any works on the state highway.
2. The annual haulage from McPherson Quarry shall be limited to 492,000 tonnes per year.
3. Detailed engineering design plans for the intersection must be submitted to the New Zealand Transport Agency for approval prior to any works associated with its construction commencing. Detailed design should consider, but not be limited to the following:
 - Superelevation and drainage for surface water on the pavement as per Austroads guidelines;
 - Heavy vehicle turning paths;
 - Cross-sectional drawings to indicate batter slopes, drainage lane width and property boundaries;
 - Traffic movement at the Intersection for calculation of right turn bay length;
 - Re-alignment of guardrail;
 - An advance warning sign for heavy vehicle crossing as per MOTSAM (sign to be located to the west of the SH2/McPherson Road intersection)
4. An independent safety audit shall be conducted during detailed design of the intersection with State Highway 2 and post construction. Each audit shall be carried out by an appropriately qualified auditor experienced with intersection design and appointed in consultation with the Transport Agency. Any recommendations made by the auditor that require changes to design and construction shall be approved by the Transport Agency.
5. Drawings provided indicate the sightlines are extending into private property. The applicant shall provide evidence that batter slopes and vegetation will not obstruct the required sight lines of 151 metres in perpetuity.

It is noted that the proposed annual haulage amount has been reduced from 492,000 to 490,000 tonnes but this does not affect the appropriateness of the Transport Agency conditions.

The applicant has incorporated the mitigation letter in Appendix O of the application and as per Sections 5.1 and 6.6.6 of the applicant's Assessment of Environmental Effects prepared by Kinetic Environmental, the applicant has agreed to the mitigation measures imposed by the Transport Agency.

The Transport Agency's Submission

The Transport Agency has reviewed the application documents associated with LUC0123/19 lodged with Waikato District Council, and notes the following:

1. The applicant has incorporated the mitigation letter into their proposal and subsequently agreed to the following mitigation measures:
 - Modification of the bank and vegetation on the southern side of the McPherson Road/SH2 intersection to provide at least 151 m forward visibility for westbound traffic to observe and respond to a right-turning truck from McPherson Road to SH2.
 - A 42 metre right turn bay on SH2 to provide sufficient stacking space for a truck and trailer unit to wait on SH2 in order to undertake safe right turning movements into McPherson Road; and
 - An Auxiliary Lane (AUL) for left turning vehicles from SH2 to McPherson Road. The AUL will be 100m long and commence at the barrier flare approximate 10 m east of Graham Bridge.
2. The application is of the same scale and intensity as that which the Transport Agency initially reviewed.

Decision Requested

Should the Council be of a mind to grant consent, the Transport Agency seeks that the conditions outlined above be Imposed.

The Transport Agency **does not** wish to be heard in support of this submission.

The Transport Agency **does not** wish to present joint evidence.

Signed by Mike Wood



Principal Planner

Consents and Approvals

Under delegated authority for The NZ Transport Agency

Date: 26 June 2020

1.54pm



For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 13

CUSTOMER #

Submission form

(Form 13)

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Bruce Douglas Moulden

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) ✓ adversely affects the environment; and

(b) - does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

.....

.....

.....

.....

.....

.....

.....

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are..... I regularly use the McPherson's Quarry
To supply me with assortment of metal.
They are local and I would like to see them
remain operating in our area.
They are good to deal with.

I seek the following decision from Waikato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

B. Moulden Date *29.6.20*

A signature is not required if you make your submission by electronic means

Address *288 Tukau Bridge Port Waikato Rd RD 3 Tukau* Postcode *2693*

Email *mouldense@ps.govt.nz* Phone *0274 981973*

Contact person's name (name and designation if applicable) *Bruce Moulden*

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

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You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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28/6/20
5.07pm



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 14

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) R.J. & S.M. Douglas Ltd

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991
* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor
Select one

The specific parts of the application that my submission relates to are:
Give details (attach separate sheets if necessary):

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.
Give details:

The reasons for my views are.....

I seek the following decision from Waikato District Council:



Approve



Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

R. J. Douglas

Date *28/6/20*

A signature is not required if you make your submission by electronic means

Address *22 Windsor Drive Taivua* Postcode *3508*

Email *Douglas Contracting Taivua@yahoo.co.nz* Phone *027 4 951 916*

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

29/6/20
1.16 pm

Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION #.....15.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Aaron Baker & Emma West

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

I am ☐ am not ☐ directly affected by an effect of the subject matter of the submission that

(a) ~~adversely affects the environment; and~~(b) ~~does not relate to trade competition or the effects of trade competition~~

Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

- | | |
|-------------------------------|---------------------------------|
| * Visual + landscape effects | * Ecological effects |
| * Amenity + character effects | * Hours of operation |
| * Traffic effects | * Community & economic benefits |
| * Dust effects (Health) | * Duration of consent |
| * Vegetation loss | * Exit & rehabilitation |
| * Noise & Vibrations | |

I ☐ support☒ Oppose☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

- * Health concerns - Dust + Noise
- * Impact on environment - visual pollution
- * Concerns for wetlands above the development
- * Travel risks - SH2; Accident zone + gateway to Coromandel
- * Tourism impacts - Mt William walkway & Te Araroa

I seek the following decision from Waikato District Council:

☐ Approve



Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

- Please see supporting documentation.
- * Size + Scope of the expansion
 - * Ecological Corridor is planted now
 - * Times for operation remain unchanged
 - * Stage 2 border restriction
 - * Minimum timeframes for the development.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

Date 28 June 2020

A signature is not required if you make your submission by electronic means

Address 267 Pinnacle Hill Rd, Mangataniwhi Postcode 2675

Email baker_wet@hotmail.co.uk Phone 021 550200

Contact person's name (name and designation if applicable) Aaron Baker

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@wadc.govt.nz

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Submission from Aaron Baker and Emma West
 247 Pinnacle Hill Rd
 Mangatawhiri
 2675

28 June 2020

Document supporting submission (Form 13) from Aaron Baker and Emma West, 247 Pinnacle Hill Rd, Mangatawhiri 2675, opposing the application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri.

Introduction

We are the owner and resident of 247 Pinnacle Hill Rd, purchasing the property in October 2011 for its rural outlook, location and beautiful views. We have a 6-year old boy that goes to school locally and is active in the outdoors in the general vicinity of the proposed development. Our home is 110 years old (Former Presbyterian Manse from Hawera) and is set to the views of Mt William, Pokeno, Pukekawa, and further south to Pirongia, looking directly over the top of the McPherson Quarry which currently remains hidden from view as shown below.

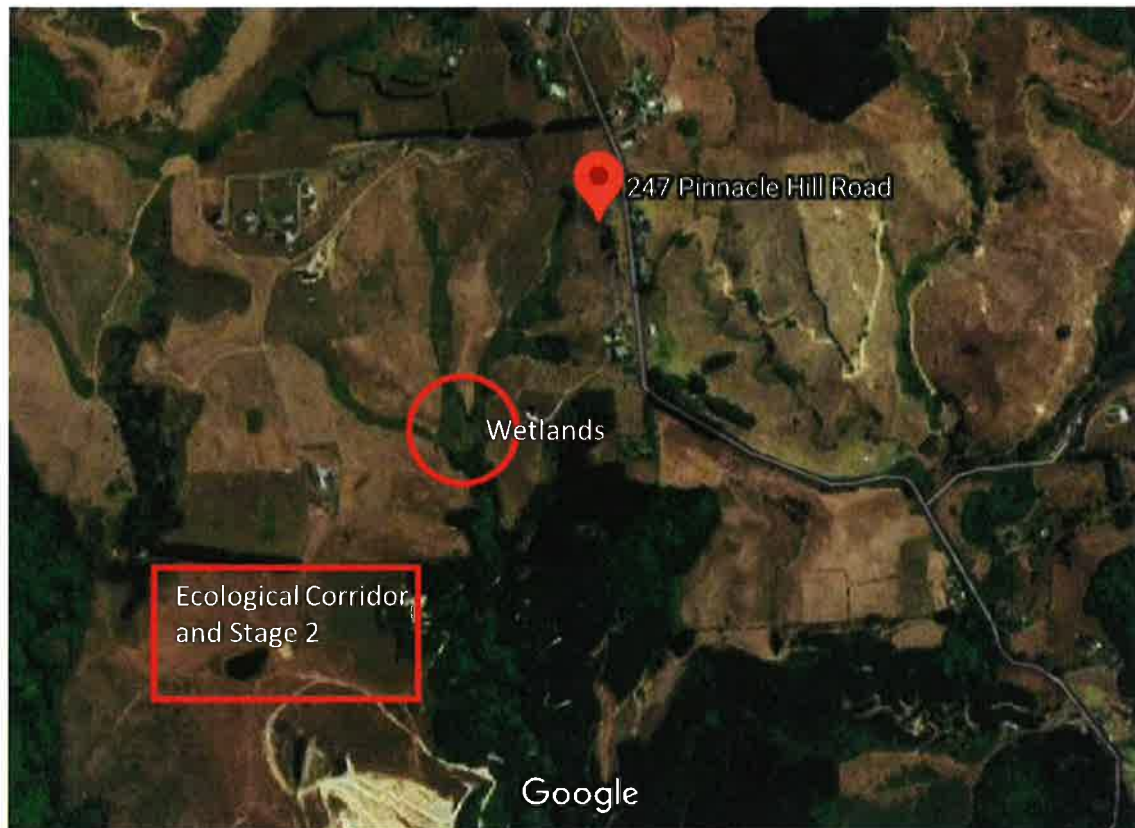
We OPPOSE the proposed development and ask that the Walkato District Council DECLINE the application.

The photos and latest satellite image below show the location and outlook for our property with the proposed development indicated as "Stage 2".



Submission from Aaron Baker and Emma West
247 Pinnacle Hill Rd
Mangatawhiri
2675

Google Maps location showing our property location. The wetlands that we believe have been excluded from the impact assessment in relation to the proposed development are also shown:



The following submission is aligned with the Form 13 requirements:

- Specific part of the application our submission relates to
 - The reasons for our views
 - Precise details on amendments and general nature of conditions
-

Submission from Aaron Baker and Emma West
 247 Pinnacle Hill Rd
 Mangatawhiri
 2675

The specific parts of the application that our submission to **OPPOSE relates to are:**

Part	Details
Visual and landscape effects	<p>Increased visual pollution</p> <ul style="list-style-type: none"> - The proposed planting throughout an 'ecological corridor' is simply starting too late and likely to be insufficient to alleviate the visual pollution for local residents and tourists to the region who walk Mt William and Te Araroa (New Zealand's Trail) - The earthworks and vegetation removal (both Restricted Discretionary Activities) are expected to significantly impact the views of residents to Mt William, Pukekawa and further south. We believe that it may open up a view into the "overburden" of the quarry for local residents despite the planting which hasn't yet started and with no start date provided.
Amenity and Character effect	<p>While the applicant and consultant has determined of their own opinion that there <u>will not be</u> a loss of rural amenity values or rural character, we cannot see how this can be maintained given the scale and location of the proposed development. At best, in our opinion which is shared by concerned residents, the impact will be significant – certainly not minor. As per 6.3:</p> <ul style="list-style-type: none"> - <i>"Limited clear views of the site and proposed expansion"</i> – those enjoying the Mt William walkway have not been included in the assessment - <i>"Limited fixed viewing audience"</i> – not possible given the location of local residents, especially those at higher elevation and those clearly within the buffer zone - <i>"Proposed small increases in truck movement"</i> – we expect a 50%+ increase which is not 'small'.
Traffic effects	<p>Health and safety concerns from traffic increases</p> <ul style="list-style-type: none"> - Traffic expected ~50%+ increase in haulage trucks from the quarry using SH2, an already dangerous stretch of road that is at its capacity as the key gateway to the Coromandel, with no sign of roading improvements to the best of our knowledge. - Increased CO² emissions can also be expected from additional truck movements. How will CO² impacts be measured and minimised? How will they be offset other than by planting the 'Ecological Corridor'?
Dust effects	<p>Health risks from dust increases</p> <p>Increased dust discharges and airborne silica particulates are well documented risks of such quarry expansions. There will undoubtedly be a negative impact on air quality, one of the Government's key areas of focus for improvement throughout New Zealand.</p> <ul style="list-style-type: none"> - These risks are compounded by regular southerlies and the blustery prevailing westerlies in the region with little in the application to ensure that operations are curtailed or restricted at these times to mitigate the impacts. - Risks will also be exacerbated by the earthworks and vegetation removal which may change the trajectory of the winds in the region, transporting

Submission from Aaron Baker and Emma West
 247 Pinnacle Hill Rd
 Mangatawhiri
 2675

	<p>dust and particulates up the valley to the wetland outlined above, farms and local homes.</p> <ul style="list-style-type: none"> - We collect drinking water off our roof and are concerned that dust from the expansion will impact our only source of water for the home. <p>The current 500m buffer zone for the quarry also puts local residents at direct risk regarding silica particulates, with a number of homes already within the buffer zone.</p>
Vegetation loss	Removal of vegetation is expected to reduce natural carbon capture for the region and exacerbate issues regarding water run-off and erosion.
Noise and vibrations	<p>Noise pollution – increased impact resulting from blasting and general quarry works, much of which will be in close proximity to local residents. This will be exacerbated by the requested extension to the times of operations.</p> <p>Homes within and immediately surrounding the 500m buffer zone will be significantly impacted by noise and vibrations. We question the timing surrounding the noise readings taken, at a time potentially when prevailing winds were not blowing and based on the proximity and level of the current operations.</p> <p>And despite our residence being named regarding sound impacts, no one came onto our property to our knowledge or with our consent to do so, to take noise readings from the southern aspect of the property facing the proposed development which is where our living is within the home. When and where were these taken?</p>
Ecological effects	<p>Wetlands to the north east of the development (behind Stage 2) do not appear to be included in the assessment. With potential changes to the water table and tributaries, bird life may be impacted at a time when Tui, Kingfisher, Grey Heron and Clovers are all returning to the area.</p> <p>Dust deposits carried by regular southerly winds and a prevailing westerly wind are also expected to impact this wetland. These wetlands don't appear to be captured in the images used in the application.</p>
Hours of Operation	There is confusion from contradictory references regarding the requested hours of operation: 7am to 6pm(current) or 7am to 7pm (proposed)?
Community and economic benefits	There is no mention in the application of community or economic benefits. How many jobs will the expansion create?
Duration of the consent	The duration of the consent (45 years) is a concern. The quarry could be sold to a competitor with deeper pockets, with the potential to accelerate the development and aforementioned impacts. There is little commitment to ensuring that the development sticks to <u>minimum timelines</u> to ensure it is not accelerated as the result of a sale.
Exit/Rehabilitation plan	There is no clear evidence of a rehabilitation plan on which the community can determine that the area impacted will add value to the uniqueness of the region following the completion of the development.

Submission from Aaron Baker and Emma West
 247 Pinnacle Hill Rd
 Mangatawhiri
 2675

The reasons for our views are:

- We are a concerned resident that believes greatly in preserving the beauty and ecology of this region when much around it is already being developed to support population growth
- Living in the region since 2011 we have seen a marked increase in traffic on State Highway 2 as the gateway to Coromandel and as haulage trucks have continued to support the development of Pokeno and greater Bombay region. Safety on our roads is a real concern in the region
- We have a 6-year old boy who loves the outdoors and will be directly impacted by the degraded air quality and dust deposits should this quarry be allowed to expand to the extent of the proposed application; and there has been talk of further expansion following Stage 3 which is likely to continue exacerbating the impacts outlined above
- We hold grave concerns for the wetlands and wildlife (birds and frogs) directly behind the proposed Stage 2 development with impacted water tributaries and dust deposits
- We believe that this development will hinder other community-based benefits such as increasing domestic and international tourism to walk Mt William and Te Araroa
- This region is a gem of North Waikato with breath taking views – we simply wish to protect this for current and future generations.
- We have seen and heard of the impacts of such developments on other communities. The feature piece on Fair Go aired on Monday 22 June 2020 and subsequent media covering the concerns and issues with quarry expansion in Canterbury, is a timely reminder of how these developments can impact the health and wellbeing of a community. As the story put it to viewers, this is clearly a case of big business putting “profits before the people”.

Submission from Aaron Baker and Emma West
 247 Pinnacle Hill Rd
 Mangatawhiri
 2675

We seek the following decision from Waikato District Council: *DECLINE*

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions

Size/Scope of the expansion	<p>Increase the buffer zone and reduce the scope of the proposed development to the north (Stage 2) and preserve the existing SNA on the eastern boundary to protect directly impacted residents.</p> <p>Designate low or no touch zones to preserve flora and fauna within the SNA; and minimise any potential risk to the wetlands and residential properties to the north east of Stage 2.</p>
Ecological Corridor	Planting needs to start as soon as possible to optimise the impact of the corridor including CO ² capture and visual pollution.
Times of operation	Retain the current hours and days of operation each year; i.e. 7:00am – 6:00pm. Mon to Sat.
Designated routes for haulage	Designated use of SH2 west to SH1 – not Pinnacle Hill road which is not built for heavy haulage
Stage 2 border	Remain on the southern side of the northern ridge (Stage 2) to minimise visual pollution and optimise the impact of the ecological corridor and noise impacts for those within the buffer zone and at higher elevation.
Further liaison with DOC	To ensure preservation of views from our national walkways – including Mt William which is the highest point in the region.
Wetlands protection and reduction in noise and dust impact	<p>Remain on the southern side of the northern most ridge and reassess the impacts to incorporate the wetland as shown in the updated Google Map image earlier in this submission.</p> <p>Note: the current images used in the application appear to not reflect these SNAs. They may be old images used from previous applications.</p>
Designated minimum time frames for each stage	To ensure that the proposed development does take the requested accumulated 45 years and <u>no less</u> – even under the transfer of ownership of the business and therefore of the consent. The application suggests throughout that the development will take “a long period of time” – however, this may be dramatically accelerated with a sale of the quarry to a larger competitor.
Restrict additional development	Should the development proceed, no further development following Stage 3.

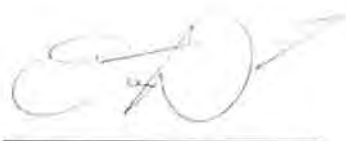
Submission from Aaron Baker and Emma West
 247 Pinnacle Hill Rd
 Mangatawhiri
 2675

Future plan for rehabilitation	An extensive rehabilitation plan needs to be developed with full community and Iwi engagement.
Further collaboration with Iwi given the site visit was in Nov 2018	To ensure that the full impact of the development on the environment and ecosystem is acknowledged, and Te Taniwha o Waikato is Included in the Cultural Values Assessment.
Neighbour engagement	Re-engage with impacted neighbours – not just those giving approval. There appear to be a number of neighbours that have not been consulted with including one off Pinnacle Hill road that sits within the 500m buffer zone to the north east of Stage 2. This is not shown on the maps as the applicant appears to have used older mapping images, possibly from earlier applications for expansion.

Signature of submitter



Aaron Baker



Emma West



Submission form (Form 13)

WDC S42A 223

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 16

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Mark and Karin Joubert: 251 Pinnacle Hill road Mangatawhiri 2675

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are: Environment will change, soil erosion, into creeks, wetlands. Protect our wetlands and wildlife.

Pollution which includes visual, dust, noise and light. Pinnacle Hill rd not built for heavy loads, more trucks on the road will put more stress on the road, unsafe to drive on, road not wide enough.

Increase in trucks, dangerous crossing on SH2, especially in the holiday seasons. Wear and tear on the roads, heavy loads.

Tourism will be affected domestic and international, protect hiking path, Mount William reserve.

Working hours too long, trucks will arrive before 7am and leave after 7pm.

Protect environment, future generations. Protect our views. Quarry expansions do affect communities and their well being.

I seek the following decision from Walkato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....

.....

.....

.....

.....

Number of additional sheets attached

I wish to be heard in support of my submission Yes ☐ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

..... Date

A signature is not required if you make your submission by electronic means

Address 251 Pinnacle Hill road Mangathawhari Postcode 2567

Email mark_joubert@yahoo.co.nz Phone 0278082605

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Walkato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Walkato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@walc.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

Jessica Thomas

From: Joubert Mark <Mark.Joubert@wirtgen-group.com>
Sent: Monday, 29 June 2020 2:29 p.m.
To: Consent Submissions
Subject: #16 Submission - Submission from Mark and Karin Joubert: 251 Pinnacle Hill road Mangatawhiri 2675
Attachments: Submission 1.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon

We oppose the proposed development of McPherson Quarry and ask Waikato District Council to decline the application.

Attached document.

Additional notes:

- We need to protect our environment, flora and fauna and our wetlands in the area.
- Need to protect our views, we don't want to be looking into a quarry, which will be an eye sore.
- Dust pollution will be increased, air quality will be affected.
- Loose vegetation, cause soil erosion and runoff.
- Noise pollution will increase, homes in the area will be affected by noise and vibration.
- Planting needs to start as soon as possible.
- Stay with current hours of work 7am to 6pm.
- Designated routes for trucks to be confirmed, crossing SH2 is dangerous enough, especially in holiday seasons.
- Heavy trucks not to use Pinnacle Hill road not built to take heavy loads
- There will be an increase in traffic/trucks if expansion goes ahead. Increase in CO2 emissions.
- Remain on southern side of the ridge, visual and noise/air pollution do not have an impact on people living on the northern side.
- A rehabilitation plan needs to be developed with the community and with Iwi engagement.
- Include all residents in the area that may be affected to have the opportunity to submit submission.
- Not many residents have been notified, including myself.

Hope your submission is successful.

Best regards
 Mark

Mark Joubert
New Zealand Manager

Wirtgen Australia Pty Ltd
 10 Oak Road, Wiri Auckland 2104
<http://www.wirtgen-group.com/newzealand>

T: 0800 947 8436
 M: +64 278 082 605
mark.joubert@wirtgen-group.com



Submission form (Form 13)

29/6/20
5.47pm
WDC S42A 227

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION #.....17.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Gordon and Helen Bray, on behalf of the Trustees of the Bray

Name of submitter (full name)

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Refer attached submission

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

Refer attached submission

The reasons for my views are

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought. Refer attached submission

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

B J Matheson

30 June 2020

Date

A signature is not required if you make your submission by electronic means

Address PO Box 1008 Shortland Street Auckland 1140

Matheson@richmondchambers.co.nz 09 600 5500

Email Phone

Barrister

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

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Written Submission

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Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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BAL MATHESON

BARRISTER

LLB (Hons) BA (Hons)

29 June 2020

**Waikato District Council
Private Bag 544
NGARUAWAHIA 3742**

By email: consent.submissions@waikdc.govt.nz

MCPHERSON RESOURCES LTD - SUBMISSION BY BRAY FAMILY TRUST

Please refer to submission attached on behalf of the trustees of the Bray Family Trust. I would appreciate confirmation of receipt.

Yours faithfully



Bal Matheson

**Copy: Eloise Lonnberg-Shaw, Kinetic Environmental Consulting Ltd
eloise@kineticenvironmental.co.nz**

Submission on McPherson Resources Quarry

To: Waikato District Council

Submitter: Gordon & Helen Bray, on behalf of Trustees of the Bray Family Trust

Introduction

1. This is a submission to Waikato District Council (WDC) on an application for resource consents by McPherson Resources Ltd (Applicant) in respect of the resource consent applications (Applications) to authorise historical existing use rights and to provide for a significant expansion of the quarry (Quarry).
2. Mr and Mrs Bray live at 211 Pinnacle Hill Road, adjoining the Quarry land, and have lived in their current house for over 20 years.

Concerns about Application

3. Overall, the AEE and supporting reports are inadequate and do not fully or appropriately assess the potential adverse effects of the proposed current or future expanded operations.

Complete lack of consultation

4. Despite being an immediate neighbour to the Quarry, there was absolutely no consultation with Mr and Mrs Bray.
5. Bizarrely the AEE records at 5.1.3 "the McPhersons chose not to approach two neighbours on the basis that it was assumed that written approvals from said parties would not be achievable (largely based on their historical relationship with said parties)". The Brays were one of these listed neighbours, but do not understand the statement or what it could possibly be based on.
6. Irrespective, the comment confirms that the applicant considers that the purpose of the consultation is to obtain a written approval. That is not the purpose of consultation. The approach taken is completely contrary to best practise, and hardly represents a helpful start to a relationship between the applicant and an immediate neighbour.

Existing use rights

7. Considerable weight has been placed on the scale of operations authorised under existing use rights, however proof of existing use rights to the scale described has not been provided in any of the documentation. The Brays' advisers seriously doubt that up to 400,000 tonnes per year is authorised under existing use rights. Further the proposed importation of cleanfill is a quite separate activity that can have no existing use rights. It appears that the applicant is attempting to establish an existing use as high as possible, in order to minimise the degree of potential new effects caused by the proposed new rate of extraction. If the scale of existing uses is far less than presented in the AEE, then the nature and extent of new adverse effects on the surrounding residents will be far greater (including, for example, safety risks at the McPherson Road/SH 2 intersection).
8. If the WDC is proposing to place any weight on the existing use rights in its assessment of environmental effects, then the nature and scale of such use must be demonstrated, and then it must also be demonstrated that the current scale is authorised by existing use rights.

9. Although the AEE states that the “existing use rights/permitted baseline” has only been taken into account with respect landscape visual effects, it is evident that the policy assessment has actually taken into account the existing activities for a far wider range of assessments than just landscape and visual (see, eg, section 4.1.4, 4.2, 7.1, 7.2, 7.3, 8.1, 9 of the AEE).

Transportation effects

10. The increased truck movements will cause significant traffic safety risks at the intersection of McPherson Road and State Highway 2. It is notable that the crash record confirms that there were 6 crashes within only 250m of the intersection within only a 5 year period.
11. The sight distances are inadequate; even if there is able to be “bare compliance” with Austroads Standards, there remains very real traffic safety risks on what is already known as a very dangerous section of State Highway.
12. Contrary to the Opus Report (p 7), the New Zealand Transport Agency has not supported the application - rather, its correspondence confirms that it does not oppose the proposal, provided that certain conditions are agreed to. Because NZTA has not provided its written approval, all effects on the safety and efficiency of SH 2/McPherson Road remain relevant.
13. The traffic assessment is based on quarry operating hours of 7am to 6pm, however other parts of the AEE say that the quarry will be operating 7am to 7pm.
14. There is inadequate stacking room for quarry trucks entering the site. It is not realistic to expect that trucks will arrive “evenly spaced” and some form of platooning is inevitable. There is no justification for an exact 50/50 split in terms of turns right or left out of the intersection.
15. An independent safety audit of the current and proposed upgrade of the intersection should be required to be carried out by NZTA prior to any hearing of this application, and the outcome of that process reported back to the parties, as it is likely that such an audit would recommend further changes (and may not support the proposed increase in use).
16. There is an assumption that trucks bringing in cleanfill will leave with aggregate and while this is desirable (from an efficiency perspective), there is no guarantee that will occur or condition to that effect. Practical experience confirms that direct alignment between contractors disposing of cleanfill and demanding aggregate will seldom correlate exactly such that backloading can occur. Unless there is to be a condition requiring the backloading of cleanfill trucks with aggregate, the volume of traffic expected to the site must be increased to account for the full volume of cleanfill proposed to be allowed to be disposed of at the site.
17. While a future re-alignment of SH 2 would significantly reduce traffic flows past McPherson Road, there is no certainty about when (or even whether) such a re-alignment would occur. Accordingly, no weight can be given to that eventuality in any assessment of potential future traffic effects.
18. There has been no assessment on the effects (safety or otherwise) on other users of McPherson Road, including the residential access and recreational use of the road.

Landscape and visual effects

19. The Landscape and Visual assessment failed to fully consider the impacts from individual private properties (no site visits were made to any residences). To the extent that any effects were considered, these effects were minimised by reference to planting on the affected sites, the limited number of residences, and the gradual development of the quarry over a long time period.

20. There will be significant adverse landscape, visual and amenity effects that were not properly considered. Some of the sites are in extremely close proximity to either the quarry site, and the operations (including the overburden disposal area). There is no guarantee that the proposal will be "gradual" and over a long period of time. There are no proposed restrictions on timing that would ensure that outcome. The effects on the natural character and amenity values will be immediate and profound: they will certainly not be "low or less than minor".
21. The effects of the significant expansion of the quarry will represent significant adverse cumulative effects. This is exacerbated by the applicant's refusal to undertake any mitigation or rehabilitation until all quarrying activities have been concluded. That will be - in the applicant's view - at least 45 years, but in all likelihood will be beyond even that timeframe (which is essentially a permanent effect as far as any resident currently living in the area is concerned).
22. Nor is it appropriate to rely on planting on private properties, particularly in the absence of attending any of the sites to fully understand how those properties are used. The reliance on pine forests for screening - which may be harvested within a short period of time - highlights the weaknesses in an assessment of visual effects that fails to visit the most affected/adjacent properties.

Dust effects

23. The increased activity, including in particular the importation of cleanfill, will create a significant risk of dust effects. The proposal to control dust is based on very limited number of sprinklers, a relatively small water storage volume, a water cart to be used on an "as needed" basis, and a water pump that apparently is unable to operate more than 10 sprinklers at any one time. The historical data to assess potential water use is the period 1952-1961. It is evident that the climate has changed significantly in the 60 years since that time, and any assessment of expected weather conditions for the next 45 years must be based on up to date climate data - with an appropriate allowance for climate change.
24. The AEE notes at 6.7 that the WRC's general requirements would indicate that about 250m³ per day would be required - 200m³ more than the quarry currently uses. It is obvious that the quarry is water constrained and that there is no water available for dust suppression - but the surrounding landowners should not take the risk of that; especially given the significant increase in operations, the proposed new cleanfilling operation of 100,000m³ per year, and the fact that, as the AEE says, this quarry will be operating for at least 'half a century'.
25. Any proper assessment with up to date data is likely to demonstrate that significantly more water will be required than what has been allowed for. That will have implications for the water take applications, which are likely to need to be increased (and the effects re-assessed).
26. There is reference to avoiding any 'screening/crushing in dry, windy conditions' (AEE, 4.1.2), but there is no proposed condition to this effect, and no definition as to what constitutes a 'dry or windy' event. There can be no confidence that this commitment would actually be followed through.
27. There are some references to water storage tanks comprising two 19,000 litre tanks; other references two 20,000 litre tanks. Either way the water storage is inadequate.
28. The proposed cleanfill activity is occurring in very close proximity to property boundaries and it is difficult to understand how the applicant could comply with the stated commitment that "the operations will not result in the discharge of particulate matter" beyond the site (AEE, 4.1.3).

29. There are no proposed conditions on what types of material will be accepted as cleanfill, there is no proposed screening, or trigger levels for assessing any potentially contaminated material being accepted. To the extent that any potentially contaminated cleanfill is accepted, this would have effects on the water quality of any stormwater runoff and would require a far greater suite of monitoring to occur in the stormwater ponds prior to the discharge into the environment of any stormwater (in other words, there should be a concern about contaminants beyond simply sediment). It does not appear that these effects have been assessed by the Waikato Regional Council.
30. There was no proper basis to restrict the notification to those properties whose residences were within 500m. A proper assessment should include all those properties who have any part of their site within 500m. That is because of the obvious point that there can be effects of dust on people's property that extends beyond the immediate house, including on their outdoor recreation space and any planting or other activities within their broader curtilage.
31. The potential dust effects have not been properly considered or assessed, and there is no confidence that the proposals put forward by the applicant will mitigate the dust effects. There can be no confidence that the activity is a permitted activity with respect to dust.

Ecological effects

32. There is no justification as to why the proposed high value ecological areas need to be removed, and why any expanded quarry cannot be limited to those areas that currently do not have indigenous vegetation.
33. There appears to be confusion about where the proposed ecological corridor will be: the AEE (section 3.2.9) refers to it being "in the north", but this appears to where "Stage 4" is proposed (albeit that quarrying is not proposed as part of this application).
34. The area proposed to be planted is wholly inadequate. Compensation of 2:1 and 1:1 is far too low, and not in accordance with best practise. The 100m width should also be increased significantly. There appears to be ample room to increase this width
35. If this area is to be planted for ecological compensation then it should be planted now (to reduce any lag effects), it should be of an appropriate density and species, and it must be subject to protection in perpetuity.
36. The proposed mitigation for the removal of Tributary 1 and the effects on Stream 1 is inadequate.

Noise effects

37. Although some acoustic modelling has been undertaken of some of the activities at some of the locations around the site, there was no assessment of the potential effects on the amenity of the surrounding residents - either from the truck movements, or quarrying operations. Given the proposal to operate 12 hours a day (7am to 7pm), 6 days a week, this is very surprising and concerning.
38. There appears to be an assumption made that if compliance with noise limits can be predicted by a model, then no further assessment of amenity or other effects needs to be considered. That is insufficient.

Planning assessment

39. The planning assessment is deficient. The proposal is noted as being for a non-complying activity, however there is no assessment at all of s 104D (the primary threshold test for such activities).

40. In the assessment of effects, there is a great deal of weight placed on the existing activities, however there is a complete lack of any description of or detail as to how the current operations fall within the ambit of s 10 and can therefore represent an "existing use".
41. The information given as to annual volumes appears contradictory: the AEE says 330,000 tonnes (2017) and 320,000 tonnes (2018).
42. The proposal is to increase this to 490,000 tonnes - an increase of over 33% (assuming that the 2017 and 2018 figures are accurate). Assuming (as you must) that all cleanfill will arrive in trucks that will not be backloaded, this increases the effective truck movements to something in the order of 590,000 tonnes (nearly a doubling of current activity). This is a significant increase in activity, with a concomitant increase in offsite effects and in particular an increase in the risk occasioned by the quarry trucks' use of the SH 2/McPherson Road intersection. (As noted above, the actual level of activity would appear to be less than what is presented in the AEE, and accordingly the scale of effects - and resulting risk - from the proposed level of activity would be greater than assessed.)
43. The assessment of Part 2 of the RMA did not include an assessment of s 7(c), the maintenance and enhancement of amenity values. For the surrounding residents, this is a fundamental failing.

Relief sought

44. Mr and Mrs Bray requests that the Applications be declined in their entirety.
45. Mr and Mrs Bray are not trade competitors, and they wish to be heard in support of their submission
46. If others make a similar submission, Mr and Mrs Bray would consider presenting a joint case with them at a hearing.

Signed on behalf of Mr & Mrs Bray on behalf of the
Trustees of the Bray Family Trust by their counsel, Bal Matheson:



Date: 29 June 2020

Address for service of Submitter:

Bal Matheson

Barrister

Telephone: 09 600 5510

Email: matheson@richmondchambers.co.nz

11.31am



For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 18

CUSTOMER #

Submission form

(Form 13)

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Mount William Limited

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

✓(a) adversely affects the environment; and

✓(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Mount William Ltd is the owner of 12 ha of land neighbouring McPhersons. We have previously communicated with both WDC and WRC outlining our opposition and concerns for (a) the continued Quarry operation post expiry of existing RC (b) a renewal of a Quarry RC into the future (c) an expansion of Quarry activities in the future.

I ☐ support☒ oppose☐ am neutral to the part/s named above.

Give details:

The reasons for my views are: We are directly affected. We border McPherson to the South. The Stage II and Stage I elements of the application are of great concern to us. We live in a rural community. Having an industrial-scale Quarry activity does simply not fit with the ambience and development of an area in the 21st century!

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Primary Claim; Quarry activity to cease

Alternative Claim 1; existing Quarry activity to remain. no expansion
close compliance monitoring

Alternative Claim 2; Stage II to be eliminated

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

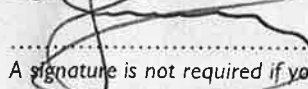
Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter



Date

30/06/20

A signature is not required if you make your submission by electronic means

Address

231 Pinnacle Hill Road

Postcode

2075

Email

flemming@mountwilliam.co.nz

Phone

021 554705

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District
Council, Private Bag 544,
Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

Jessica Thomas

From: Flemming Rasmussen <flemming@mountwilliam.co.nz>
Sent: Tuesday, 30 June 2020 11:31 a.m.
To: Consent Submissions
Cc: eloise@kineticenvironmental.co.nz
Subject: #18 Submission - Re ECM LUC0123/19 McPherson Quarry Submission - Opposing
Attachments: Quarry Submission_page 1 of 2_fwd by email 300620.jpg; Quarry Submission_page 2 of 2_fwd by email 300620.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Please find attached our written submission covering the pending application by McPherson Resources Limited. We opposed the RC being granted.

We have previously been in contact with WDC, WRC as well as Kinetic Environmental. There is a communications trail for both back in 2019.

With this communication being on record, it is very disappointing that we have not been notified about the application in writing by WDC. We only learned about the application and the pending deadline for submissions from another concerned neighbour.

We trust our submission is self-explanatory.

Please confirm receipt of this email.

As we do want to be heard and are in favor of a s 100A RMA process, please use this email, as well as my below mobile number, for all communication.

On behalf of Mount William Limited

--

Flemming H. Rasmussen *MBA, B.Com, MinstD*

Director

E: flemming@mountwilliam.co.nz **M:** +64(0)21594705



Submission form

(Form 13)

30/6/20
1.22pm
WDC S42A 240

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ECM Application # LUC0123/19

ECM

SUBMISSION # 19

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Katrina and Sander Post

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

15.6.3 Vegetation Clearance
6.2.3 Natural Character
6.5 Vibration
6.7 Dust Effects
6.8.4 Effect Management
6.10 Erosion and Sediment Effects

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are... Please see attached.

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Please see attached.

Number of additional sheets attached Two

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Katrina Post

Date 30 June 2020

A signature is not required if you make your submission by electronic means

Address 70 Macks Road Rd 1 Pokeno Postcode 2471

Email katrina@carbyne.co.nz Phone 021 307 913

Contact person's name (name and designation if applicable) Katrina Post

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

To: Waikato District Council
Submitter: Katrina and Sander Post
Date: 30 June 2020

The following is a submission made by Katrina and Sander Post **opposing** the application made by McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an identified Significant Natural Area Schedule 5A area and significant Natural area within the rural zone at 47 McPherson Road and 93 Irish Road, Mangatawhiri.

The specific parts of the application that my submission relates to:

- 1:** 15.6.3 Vegetation Clearance
- 2:** 6.2.3 Natural Character
- 3:** 6.5 Vibration
- 4:** 6.7 Dust Effects
- 5:** 6.8.4 Effects Management
- 6:** 6.10 Erosion and Sediment Effects

We **OPPOSE** the parts named above.

15.6.3 Vegetation Clearance

The removal of 2.45ha of indigenous forest. This has been identified as being a Significant Natural Area. It should not be removed. There is no justification in the report as to why it should be removed.

6.2.3 Natural Character

The indigenous bush will be removed as the quarry expands.

Its states this will happen slowly over time. But is not specific on the time frame. I do not consider this to be "low or less than minor". It should not be removed.

6.5 Vibration

"After undertaking field measurements of blast noise and vibration at a site distance **SIMILAR** to the distance to 231 Pinnacle Hill road."

We have an unconditional sale and purchase agreement on 231 Pinnacle Hill road. We would like the applicant to have to undertake blast noise and vibration tests **AT** 231 Pinnacle Hill road, which is inside the 500m Buffer zone, and provide a report of the effects.

6.7 Dust Effects

This should not be based on the 'general requirements' identified by Waikato Regional Council. The increased activity, including in particular the importation of cleanfill, will create a significant risk of dust effects. The proposal to control dust is based on the use of sprinklers and a water cart "as needed". The historical data used to assess potential water use is from the period 1952-1961. The climate has changed significantly since then, as it may continue to change over the next 45 years. The water usage requirements should be assessed using up to date data. Our house at 231 Pinnacle Hill road is on Tank water collected from the roof and I am concerned about water contamination from increased dust discharges and airborne silica particulates.

6.8.4 Effects Management

There is no commitment as to when the proposed offset planting corridor, will be planted. It should be of an appropriate species and density, and a maximum height should be stated and agreed to. The current shelter belt that is referred to in the report, is a very old row of pine trees that are very close to the end of their useful life. There should be a plan and design in regards to planting a corridor in anticipation for when the row of Pines are no longer viable.

6.10 Erosion and Sediment Effects

For stages 2 and 3 the report states "they contend that it is impractical to put in place detailed designs at this point in time, as the practicality and success of those plans would be too uncertain".

They go on to say the "anticipated erosion and sediment effects will be less than minor". But I don't understand how they can say that they will be less than minor when they have not put in place detailed designs yet?

I seek the following decision from Waikato District Council **DECLINE**

Signed by Submitters



Sander Post



Katrina Post



Submission form (Form 13)

20/6/20
1:37pm
WDC S42A 245

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION #.....20.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Carey Ellison c/- Allied Petroleum

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Consent for operations to continue.

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

Allied Petroleum supply fuel to this site and the quarry has always had compliant, certified equipment which we require to supply.

The site has solid H&S conditions for this site that our drivers appreciate and we require as part of our processes.

McPherson Resources business are strong supporters of local clubs and businesses and the locals appreciate this.

The location is well suited outside of major built up areas with out the need for product to be carted long distances for local projects.

I find the site is always well planted, maintained & unobstrusive and I would welcome more family owned businesses of similar type.

I seek the following decision from Walkato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 30/06/2020

A signature is not required if you make your submission by electronic means

Address 3C/220 Tristram Street Hamilton

Postcode

Email carey.ellison@alliedpetroleum.co.nz

Phone 0278079514

Contact person's name (name and designation if applicable) Carey Ellison

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Walkato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Walkato District Council, Private Bag 544, Ngaurawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@walc.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Submission form

(Form I3)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION #.....21.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Charlotte B Royce McCort

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Visual Amenity

Noise

Dust

Traffic

Tourism

Ecological Effects

please see attached

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

Please see attached

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

We seek the decision to Decline This application.

Number of additional sheets attached

4

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter



Date 01/07/2020

A signature is not required if you make your submission by electronic means

Address 217 Pirakea Hill Rd. RD 1 Mangakohiri Postcode 2615

Email charlotte@autospedengineering.co.nz Phone 0210575573

Contact person's name (name and designation if applicable) Charlotte McLachlan

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

This is a Submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri.

This submission is made by Charlotte and Royce McCort, of 217 Pinnacle Hill Road, Mangatawhiri

Our submission **Opposes** the application.

Submission and reasons why

Introduction

As residents of the Mangatawhiri, Waikato area we have a direct view from our home at 217 Pinnacle Hill Road through to land owned by McPherson and planned for quarry development under Stage 2 of the resource consent application. We are one property back from a boundary resident. As the land lies, we are perched on the west side of Pinnacle Hill Road and face out to Mt William Walkway, with southern views over McPherson land and Pokeno. Quarry activity that comes to the Northern Ridge will change our visual viewpoint.

Current quarry operations are carried out in a Rural Zone under historical existing use rights. Surrounding properties on Pinnacle Hill Road are rural homes, many of which would be closer classified as lifestyle blocks owned by families who have moved into the area to experience a country lifestyle, not impacted by commercial operations.

Had a neighbour not taken the time to inform us of this resource consent application we would have had no knowledge whatsoever of this pending development. On reading over the application, I am concerned that a resource consent application of this nature was not communicated to properties effected on the Northern Ridge.

The existing quarry may well be considered small scale and part of the local landscape for over 60 years but the local landscape has changed and is not what it was 60, 40 or even 20 years ago.

New built homes adorn Pinnacle Hill Road, with provisions for more. An extension of approx. 31 hectares of quarry operations is not '**minor or less than minor**' as so often referred to as, in this application. There are examples all through the application that do not reflect the general state of Pinnacle Hill Road residents as at 2020. Potentially impacted residents are not even included in the noise assessment, for example 215 Pinnacle Hill Road.

McPherson Resources Limited have the financial resources to weight this application for resource consent and have been working on this since at least 2018. It has been difficult and stressful to submit in response to this 2-year groundwork for application. Nevertheless, we have done our best in the timeframe provided to understand the impact, research through the scientific natured documentation and submit a subjective response.

With the repetitive referral to the quarry extensions as being minor or less than minor and the complete lack of consultation with respect to Pinnacle Hill Road residents, we feel we have no choice but to oppose this application for resource consent. Largely, the application and accompanying reports are inadequate and do not fully or appropriately assess the potential adverse effects of the proposed future expanded operations.

Further detail on our reasons for our proposal to this application are provided below.

Visual Amenity

We are concerned that our visual outlook will be impacted and we will view quarry operations and a changed landscape due to these operations. View point 2 in the Opus – McPhersons Quarry Expansion Proposal Landscape and Visual Assessment has been taken from the letter boxes and driveway entrance at 233 Pinnacle Hill Road. **See Figure 1** This is the only view point considered for residents of Pinnacle Hill Road. This does not reflect an accurate visual from my home. **See Figure 2.**

Reference is also made to a shelterbelt screening for Pinnacle Hill Road. I can assure you there is no shelter belt screening my property at this present time. The application refers to a section of pines further west which is due to be harvested in the near future.

The Northern greenbelt will eventually go some length to providing screening. There is no timeframe requirements set out in the application around this planting and we are concerned that the mature trees required to screen will take many years to achieve this goal. The greenbelt is not being implemented as mitigation to Pinnacle Hill Road views but to offset the destruction of a locally significant SNA at Stage 1. (another very concerning point)

My husband and I along with our than 2 daughters (now 3) built at our address 10 years ago. We wanted to live in the country and settle back in the region where we both grew up. We too have history with the area. We selected a lifestyle block and the views at this address were what sold us on this steep and windy piece of land. For our view to change in this manner, with zero consultation and impact assessment is at least; very distressing.

Figure 1



Figure 2 Stage 2 Quarry development shown in RED



Noise Impact

We have concerns around the Noise Assessment carried out by Hegley Acoustics. I was surprised to see our house site has been subject to Noise Level testing. We were never notified of this testing and can only assume the testing was carried out from the roadside as permission would have been required to access our property.

Of interest from the report is the information that the noise modelling was only carried out on Stage 1 and 3 of the proposed quarry extensions. Not until peer review were additional assessments carried out, which I can only assume to then cater for Stage 2, adding further weight to the lack of consideration given to Pinnacle Hill Road residents. Stage 2 is the closest stage of the development to my home and incorporates a high point on the northern ridge. The report omits several homes on Pinnacle Hill Road, 2 of which also have boundaries within the 500m buffer zone.

We simply do not believe that enough consideration has been given to the potential noise impact to residents to the North and East of the quarry development, residing on Pinnacle Hill Road. The report does not advise what time of the day testing was undertaken and the weather conditions at this time. What was the location point considered when noise testing was carried out at my address? Due to the lay of this particular landscape on a still day I can hear laughter from my neighbour's children playing outside; who are over 500m away.

The quarry operates from 7am – 6pm (7pm depending on what document you refer to), six days a week. During the summer months we use our west facing outdoor area most evenings (5pm – 8pm) to share a family meal and enjoy our rural natural environment. We are far from convinced that these moments will not be impacted by the sounds of quarry operations.

We feel this report has grossly underestimated the testing required to accurately assess the impact to my home site and others on Pinnacle Hill Road.

Increased Traffic

We already experience a steady level of truck haulage on Pinnacle Hill Road. The road itself has a 100km speed limit and is narrow, heavily undulated, poorly maintained (more so on the Auckland Council section of the road – North of Medhurst Rd) and contains many blind spots making visibility difficult.

A bus stop for Bombay Primary School and Pukekohe High School students is located on the corner of Pinnacle Hill Road and Medhurst Road. There is also a school bus stop at the SH2 end of Pinnacle Hill Road. I have witnessed students walking this road home on a regular basis. Personally, we have never allowed our own children to walk home from this bus stop as it is just too dangerous.

In addition, Pinnacle Hill Road is part of the National Walkway and from time to time we have a high volume of hikers using the road. There is no footpath on the road and pedestrians often must leave the road (get into the ditch) for traffic to pass safely.

An increased number of trucks on this road further increases the risk of accident whether it be vehicle or pedestrian related.

The current application talks to 16 vehicle movements per hour. On exiting the quarry trucks will turn left or right onto State Highway 2. Having been a resident on Pinnacle Hill Road for 10 years we know first-hand the challenge in turning right on this road and accidents have occurred and will continue to occur. This challenge provides the driver with the option to turn left and turn left again into Pinnacle Hill Road, further increasing truck haulage traffic to this rural country road.

I would strongly challenge the applications 'assumption' to a 50/50 split between left and right turning trucks. Where is the data to support this? Section 6.6.1 references to crashes occurring between 01.01.2013 and 01.05.2018. Where is the data for any crashes that may have occurred between 02.05.2018 and 31.05.2020? which surely is more relative to the timing of this application for consent.

Dust Effects

We are also concerned about the chance of increased dust emissions and dust effects. Increased quarry activity will certainly negatively impact air quality. There are several homes identified in the 500m buffer zone which would be at higher risk of these effects. The applications proposal to control dust again seems inadequate with a limited number of sprinklers and water tanks. The climate has changed dramatically since the quarry commenced its operations and if the future development of the quarry is set to take place over the next 45 years (although there is no written guarantee around this and nothing to stop the expansion happening at a much faster pace) surely assessment should include potential future weather patterns and impacts.

Tourism Impacts

As previously written Pinnacle Hill Road is part of the National Walkway and during the summer months experiences a high volume of hikers making their way along the trail. We are also located close by to the Mt William Walkway. Mt William walkway is a popular DOC track for local, domestic and international hikers. The walkway is accessed via Puketutu Rd, Bombay or McMillian Road, Pokeno. Both Mt William Walkway and at key high points along Pinnacle Hill Road provide breath taking views. Currently these views are not broken by quarry activity and large cuts into our majestic landscape. Any extension to the quarries current operations will impact this unique New Zealand outlook.

Ecological Effects

Our final concern rests with the destruction of a Significant Natural Area in Stage 1 of the proposed quarry extension and the removal of indigenous forest. Areas of the proposed expansion site have been identified as Significant Natural Areas (SNA) largely as a result of the area acting as habitat for the king fern and forming part of the southern limit of Taraire Puriri Forest.

SNAs are an integral part of New Zealand's natural heritage and provide a range of benefits to humans and to other living things. On reading further from literature published by the Waikato Regional Council SNA's such areas of native bush or scrub **See Figure 3** with a dense understorey and few weeds have the benefits of clean air and erosion reduction. Surely these 2 benefits alone are critical to the existing quarry operations, without the added impact of expansion. We fully oppose the destruction of any natural/indigenous bush for the purpose of quarry operations.

Figure 3



Submission form

Notice of submission under the Resource Management Act 1991 (pursuant to section 96) form 13

Notes

- A signature is not required if you are lodging your submission by electronic means.
- If you are making a submission to the Environmental Protection Agency (EPA) please use form 16B. Refer to the EPA website www.epa.govt.nz or call 0800 CALL EPA (22 55 372).
- The closing date for providing your submission to Waikato Regional Council is 20 working days after public notification or notice is served. You must also provide a copy of your submission to the applicant. This should be done as soon as possible.
- If you need any further help, please phone our Resource Use staff on 0800 800 402.

Office use only

File no:

Consent no:

Section 1: Application details

Applicant name: McPherson Resources Limited

Description of proposal:

(Briefly describe the type of consent, and the nature and location of the activity. If the proposal is for a change or cancellation of an existing consent condition, please detail the type and location of consent, the relevant condition and the proposed change. If the application is for a transfer of a water or discharge permit, provide details of the existing activity site and, if relevant, the part of the permit proposed to be transferred.)

RESOURCE FOR CONSENT - APP 137612

The specific parts of the application that this submission relates to are:

VISUAL AMENITY, NOISE, DUST, TRAFFIC, TOURISM
& ECOLOGICAL EFFECTS.

Section 2: Submitter details

We will use your email address as preferred address for service, unless you advise otherwise.

Name	Full name of submitter: <u>CHARLOTTE & ROYCE MCCORT</u>
	Contact person (include designation if applicable): <u>CHARLOTTE MCCORT</u>
Postal address	Street/RD/PO Box/Private Bag: <u>217 PINNACLE HILL ROAD</u>
	Suburb: <u>RD 1 MANGATAWHIRI</u>
	Town/city:
	Postcode: <u>2675</u>
Residential address If different from postal address	Street: <u>AS ABOVE</u>
	Suburb:
	Town/city:
	Postcode:
Email address	<u>charlotteandroyce@gmail.com</u> <u>charlotte@autospreadingengineering.co.nz</u>

Waikato Regional Council, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240.
Phone our enquiries officer on 0800 800 402. www.waikatoregion.govt.nz

Phone number/s

Home: 0210575573

Business: 092384995

Mobile: 0210575573

Fax:

Section 3: Submission on proposal

Please detail your submission below. Attach additional pages if necessary.

I/we (tick one option only):

☐ Support the application/s☒ Oppose the application/s☐ Neither support nor oppose the application/s (neutral submission)

My submission:

PLEASE SEE ATTACHED

The reasons for my views are:

PLEASE SEE ATTACHED

I seek the following decision from the consent authority:

(Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.)

WE SEEK THAT THE RESOURCE CONSENT APPLICATION
FOR CONSENT BEING MADE BY
MCPIERSON RESOURCES LIMITED BE DECLINED IN FULL
BY WAIKATO DISTRICT COUNCIL

Please tick either yes or no to the following options:

I/we wish to be heard in support of this submission

☒ Yes ☐ No

I/we will consider presenting a joint case at a hearing if others make a similar submission

☒ Yes ☐ No

I/we request the functions, powers and duties required to hear and decide the application/s are delegated to one or more hearing commissioners who are **not** members of Waikato Regional Council.

☐ Yes ☐ No

(A request for delegation of hearing and decision-making authority must be made in writing no later than 5 working days after the submission closing date. You may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make this request in relation to an application to carry out an activity that a regional plan describes as a restricted coastal activity.)

Signature of submitter:



Date: 30/06/2020

(or person authorised to sign on behalf of submitter)

Jessica Thomas

From: Charlotte McCort <charlotte@autospeedengineering.co.nz>
Sent: Thursday, 2 July 2020 8:25 a.m.
To: Jessica Thomas
Cc: Charlotte McCort
Subject: RE: Submission for Resource of Consent Application 137612

Hi Jessica, please note that on my submission for Waikato District Council I had ticked Yes to the third box for the application to have commissioners you are not members of the local authority. This should have been **NO**. Is this email satisfactory instruction for this amendment or should I redo the application form?

Regards

From: Jessica Thomas <Jessica.Thomas@waidc.govt.nz>
Sent: Wednesday, 1 July 2020 2:13 PM
To: Charlotte McCort <charlotte@autospeedengineering.co.nz>
Subject: RE: Submission for Resource of Consent Application 137612

Good afternoon,

Thank you for your submission – we will contact you again after the closing of submissions on 2 July 2020.

Kind regards

Jessica Thomas

Senior Consents Administrator

Waikato District Council

■ P 07 824 8633 ■ F 07 824 8091 ■ Call Free 0800 492 452

Private Bag 544, Ngaruawahia 3742

www.waikatodistrict.govt.nz

www.facebook.com/WaikatoDistrictCouncil



Please consider the environment before printing this e-mail

From: Charlotte McCort [<mailto:charlotte@autospeedengineering.co.nz>]
Sent: Wednesday, 1 July 2020 2:04 p.m.
To: rsubmissions@waikatoregion.govt.nz; Consent Submissions
Cc: Charlotte McCort; Royce McCort
Subject: Submission for Resource of Consent Application 137612

To whom it may concern,

Please find attached our completed Form 13 and supporting documentation in relation to the Application for Resource for Consent (APP137612) made by McPherson Resources Limited. As I understand there are sections of my submission pertaining to WRC and WDC as such I have emailed to both submission addresses. Please confirm receipt of this application.

Regards

3:35 pm



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 22

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Brittany Aker and Jason Johns

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

See attached

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are See attached

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

See attached.

Number of additional sheets attached

6 pages

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Sign Here

A signature is not required if you make your submission by electronic means

Date 30/06/2020

Address 215 Pinnacle Hill Road

Postcode 2675

Email brittany.aker@hotmail.com

Phone 021 2655 747

Contact person's name (name and designation if applicable) Miss Brittany Aker

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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This is a Submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri.

This submission it made by Brittany Aker and Jason Johns, of 215 Pinnacle Hill Road, Mangatawhiri

This submission **opposes** the application.

Many of the following sections are a mirror of my next-door neighbours' submission (217 Pinnacle Hill Rd) since the points we have concern over are identical in nature. Others are of more concern to us since we are closer to the proposed quarry expansion.

As residents of the Mangatawhiri, Waikato area we have a direct view from our home at 215 Pinnacle Hill Road through to land owned by McPherson and planned for quarry development under Stage 2 of the resource consent application.

Although not marked by in the consent application as a boundary property all that lies between our property and the boundary of the land owned by the quarry is native wet lands and some of the SNA which the consent proposes to remove. Our property is approximately 50% inside the 500m buffer zone. We have southern and western views that will be greatly impacted by the proposed quarry activity that would see mining activities traverse the northern ridge of its current confinements. Our visual viewpoint will be changed in a manor that cannot be assessed as "minor or less than minor".

As a neighbour with property within the 500m zone I am surprised to find that I have not been warned about this pending development and had only heard of this several days ago from a neighbour. My property has also not been included in any noise assessment. I currently hear the quarry although it is not a nuisance however, we noticed significantly increased levels of disruption from the single digger that was carving out a path on the ridge for what seems to be the outline of the new area of mining. Our valley carries noise and it is easy to hear people speaking to each other on the other side of the valley (hundreds of metres away) I can only imagine how the how will carry if the quarry be allowed to traverse the ridge. A single digger was too much noise and could be heard inside my home through double glazing.

The application and accompanying reports are inadequate and do not fully or appropriately assess the potential adverse effects of the proposed future expanded operations.

Visual Amenity

We are concerned that our visual outlook will be seriously impacted and we will view quarry operations and a changed landscape due to these operations.

View point 2 in the Opus – McPhersons Quarry Expansion Proposal Landscape and Visual Assessment has been taken from the letter boxes and driveway entrance at 233 Pinnacle Hill Road.

See Figure 1

Figure 1



This is the only view point considered for residents of Pinnacle Hill Road. This does not reflect an accurate visual from my home. See Figure 2.

Figure 2



Reference is also made to a shelterbelt screening for Pinnacle Hill Road. I can assure you there is no shelter belt screening my property at this present time. The application refers to a section of pines further west which is due to be harvested in the near future. The Northern greenbelt will eventually go some length to providing screening. There is no timeframe requirements set out in the application around this planting and we are concerned that the mature trees required to screen will take many years to achieve this goal. The greenbelt is not being implemented as mitigation to Pinnacle Hill Road views but to offset the destruction of a locally significant SNA at Stage 1. (another very concerning point)

We are also very concerned that the removal of this ridge due to mining activities will expose us to the currently hidden from view lights of Pokeno. We deliberately went to great expense to build further down the hillside to be out of sight of these lights.

Including an obnoxious light from the dairy factory that is currently hidden from view by the Totoro trees that are planned to be removed. A significant reason for our purchasing this property was to have limited direct light pollution and rural views including native bush.

Noise impact

We have concerns around the Noise Assessment carried out by Hegley Acoustics. I was surprised to see our house site has **NOT** subject to Noise Level testing. Of interest from the report is the information that the noise modelling was only carried out on Stage 1 and 3 of the proposed quarry extensions. Not until peer review were additional assessments carried out, which I can only assume to then cater for Stage 2, adding further weight to the lack of consideration given to Pinnacle Hill Road residents. Stage 2 is the closest stage of the development to my home and incorporates a high point on the northern ridge. The report omits several homes on Pinnacle Hill Road, 2 of which also have boundaries within the 500m buffer zone, one of which is ours.

We simply do not believe that enough consideration has been given to the potential noise impact to residents to the North and East of the quarry development, residing on Pinnacle Hill Road.

See here our house location marked with a red circle and the number 1.



Increased Traffic

We already experience a steady level of truck haulage on Pinnacle Hill Road. The road itself has a 100km speed limit and is narrow, heavily undulated, poorly maintained (more so on the Auckland Council section of the road – North of Medhurst Rd) and contains many blind spots making visibility difficult and has no centre line.

A bus stop for Bombay Primary School and Pukekohe High School students is located on the corner of Pinnacle Hill Road and Medhurst Road. There is also a school bus stop at the SH2 end of Pinnacle Hill Road. I have witnessed students walking this road home on a regular basis.

In addition, Pinnacle Hill Road is part of the National Walkway and from time to time we have a high volume of hikers using the road. There is no footpath on the road and pedestrians often must leave the road (get into the ditch) for traffic to pass safely. An increased number of trucks on this road further increases the risk of accident whether it be vehicle or pedestrian related.

Having been a resident on Pinnacle Hill Road for some time we know first-hand the challenge in turning right on this road and accidents have occurred and will continue to occur. This challenge provides the driver with the option to turn left and turn left again into Pinnacle Hill Road, further increasing truck haulage traffic to this rural country road.

I would strongly challenge the applications 'assumption' to a 50/50 split between left and right turning trucks. Where is the data to support this? Section 6.6.1 references to crashes occurring between 01.01.2013 and 01.05.2018. Where is the data for any crashes that may have occurred between 02.05.2018 and 31.05.2020? which surely is more relative to the timing of this application for consent.

Amenity Value

The removal of native bush and quiet rural views to be replaced by the view of a quarry and the sound of mining activity will greatly decrease the value of all properties in and around this valley.

Dust Effects

We are also concerned about the chance of increased dust emissions and dust effects. Increased quarry activity will certainly negatively impact air quality. There are several homes identified in the 500m buffer zone which would be at higher risk of these effects, including my own. The applications proposal to control dust again seems inadequate with a limited number of sprinklers and water tanks. The climate has changed dramatically since the quarry commenced its operations and if the future development of the quarry is set to take place over the next 45 years (although there is no written guarantee around this and nothing to stop the expansion happening at a

much faster pace) surely assessment should include potential future whether patterns and impacts.

I am concerned about silica being introduced into my families drinking water which we collect from our roof.

Tourism Impacts

As previously written Pinnacle Hill Road is part of the National Walkway and during the summer months experiences a high volume of hikers making their way along the trail. We are also located close by to the Mt William Walkway. Mt William walkway is a popular DOC track for local, domestic and international hikers. The walkway is accessed via Puketutu Rd, Bombay or McMillian Road, Pokeno. Both Mt William Walkway and at key high points along Pinnacle Hill Road provide breath taking views. Currently these views are not broken by quarry activity and large cuts into our majestic landscape. Any extension to the quarries current operations will impact this unique New Zealand outlook. Ecological Effects Our final concern rests with the destruction of a Significant Natural Area in Stage 1 of the proposed quarry extension. Areas of the proposed expansion site have been identified as Significant Natural Areas (SNA) largely as a result of the area acting as habitat for the king fern and forming part of the southern limit of Taraire Puriri Forest. SNAs are an integral part of New Zealand's natural heritage and provide a range of benefits to humans and to other living things. On reading further from literature published by the Waikato Regional Council SNA's such areas of native bush or scrub.

Minimum Mitigation factors

- Modify the stage 1 boundary to include the existing native rated SNA of 2.08ha
- Retain existing border for quarry operations to the East and North East.
- Retain Stage 2 Totara plantation on hilltop to the North East corner, therefore moving stage 2 boundary to southern side of Northern and Eastern ridge.
- Establish vegetation corridor immediately IF consent has been granted
- Operating hours for earthworks and site excavation outside of main pit area reduced to 7am-5pm Monday-Friday (7am- 12pm) Saturday. Retain proposal for no earthworks or noise on Sundays, public holidays and over Christmas.
- End date of the quarry lifespan planned to protect the community and residents for future generations.
- A detailed rehabilitation plan for the end date of the quarry established in consultation with surrounding residents.
- IF quarry expansion is approved with parameters stated above consents need to be applied for and reviewed at the conclusion of each stage to understand ecological & cultural changes within the environment. To assume land, air and water usage will be the same for the next 45 years is inaccurate.

- IF quarry expansion is approved with parameters stated above stage 3 to be actioned 1st away from neighbouring properties.

In Summary, due to the above reasons we oppose this application, a full assessment and independent peer review is needed for ourselves and the residents on Pinnacle Hill Rd in the vicinity of the quarry before any further action is taken. We agree to be heard at a hearing for supporting evidence to this submission.

Jessica Thomas

From: brittany.aker@power-business.co.nz
Sent: Wednesday, 1 July 2020 3:35 p.m.
To: eloise@kineticenvironmental.co.nz; Rcsubmissions@waikatoregion.govt.nz; Consent Submissions
Cc: brittany.aker@hotmail.com
Subject: #22 Submission - RE: Submission Form 13 - ECM Application LUC0123/19
Attachments: Submission.pdf; Submission attachment.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello all,

Sorry I am just correcting the email address for Waikato council. Also please note: I mistakenly ticked "Yes" to the following option on the submission form.

"Pursuant to section 100A...etc" Please adjust this to be "No"

Thank you.

Brittany Aker
Manager – Implementation & Operations

Office: +64 9 950 3306 ext. 212
 Web: www.power-business.co.nz



**Power
Business
Services**

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From: brittany.aker@power-business.co.nz <brittany.aker@power-business.co.nz>
Sent: Wednesday, 1 July 2020 10:48 AM
To: 'eloise@kineticenvironmental.co.nz' <eloise@kineticenvironmental.co.nz>;
 'Rcsubmissions@waikatoregion.govt.nz' <Rcsubmissions@waikatoregion.govt.nz>;
 'consentt.submissions@waidc.govt.nz' <consentt.submissions@waidc.govt.nz>
Cc: 'brittany.aker@hotmail.com' <brittany.aker@hotmail.com>
Subject: Submission Form 13 - ECM Application LUC0123/19

To Whom it may concern,

Please find attached my submission form and attachments to that form.

Kind regards,

Brittany Aker
Manager – Implementation & Operations

7.24pm



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 23

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Megan Clotworthy

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

All the key elements -
- the days of operation
- truck movements
- earthworks
- removal of vegetation
- earthworks

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are that this impacts on us as homeowners
in the district (Pinnacle Hill Road). There will be increased
noise pollution, dust pollution and heavy haulage
traffic.

It is very likely that this could also impact on the
value of the properties in the area and the ability
for re-sale.

I seek the following decision from Waikato District Council:

☐ Approve☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

I would like the entire application
withdrawn.

Number of additional sheets attached

N/A

I wish to be heard in support of my submission

Yes ☐No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

Megan Clotworthy
A signature is not required if you make your submission by electronic means

Date

1.7.2020

Address

262 G Pinnacle Hill Rd.

Postcode

2675

Email

Mangatawhiri
megan@c@rope.school.nz

Phone

021 2576193

Contact person's name (name and designation if applicable)

Megan Clotworthy

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District
Council, Private Bag 544,
Ngaruawahia 3742

Telephone 0800 492 452

Email SubmissionConsent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Submission form (Form 13)

For internal use only

ECM Application # 11841111

ECM # 24

SUBMISSION #

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 93A and 94 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name)

JASON & SHELBY KEMBLE

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatāwhiri

I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

I am ☒ am not ☐ if directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

‡ Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

6.5 VIBRATION

6.7 DUST EFFECTS

6.8.4 EFFECT MANAGEMENT
NOISE

I ☐ support

☒ oppose

☐ am neutral to the part/s named above.

Give details:

The reasons for my views are

on attached documents

I seek the following decision from Waikato District Council:

☐ Approve

☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

on attached.

Number of additional sheets attached

1

I wish to be heard in support of my submission

Yes ☒

No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒

No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒

No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 3 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter



Date

1/7/20

A signature is not required if you make your submission by electronic means

Address 231 B PINNACLE HILL ROAD

Postcode 2675

Email jgkemble@hotmail.com

Phone 0275584233

Contact person's name (name and designation if applicable)

JASON KEMBLE

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 10th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Fiona Lorenberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email info@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

Written Submission

Postal Address Waikato District Council, Private Bag 504, Ngaurunui 3741

Telephone 0800 497 461

Email Submission

Consent.submissions@wdc.govt.nz

The information you have provided for this form is required so that your submission can be processed under the RMA, and your submission will be made available to the public. This information will be entered on a public register and held by the Council and may also be made available to the public for the Council's website. In addition, any incoming correspondence between you and Council will be held in Council's office and may also be made available to the public. Any information collected is administered in accordance with the Local Government Official Information and Access Act 1987 and the Privacy Act 2000. If you have any concerns about this please discuss with a Council Officer prior to lodging your submission. Please note that requests for access to or correction of your data should be made to the Council.

Waikato District Council

Submitter: Jason and Shelby Kemble

Date: 1-Jul-2020

SUBMISSION

Our property is located at 231B Pinnacle Hill Road and we were not consulted at all about this resource consent. We have owned the property since July 2018 and find it very disappointing that we had to find out about the expansion through word of mouth from one of our neighbours. We found out 5 days ago giving us hardly any time to educate ourselves with all the documentation. How were we not included in any correspondence as we are one of, if not the next closest property on the northern side of the quarry next to 231 Pinnacle Hill Road (Flemming Raussmusen).

Not only will this expansion severely impact our view and outlook from the property – it is also a high possibility this will seriously affect any future sale and property value.

We oppose the expansion for the following reasons

6.5 VIBRATION

The consent application states that there were field measurements taken at a site in a similar distance to 231 Pinnacle Hill Road, but it doesn't state what that distance was. How can they guarantee the noise/vibrations won't travel any further up (especially with strong winds which we are prone to get regularly)

6.7 DUST EFFECTS

As I'm sure you are aware all properties located around the quarry are on tank water including ours that is collected from our roof. How can the quarry guarantee the dust won't travel further up towards neighbouring properties, especially with the strong winds we get in Bombay (our house is classed as being in a very high wind-zone).

6.8.4 EFFECTS MANAGEMENT

There are no specific times/dates for the planting corridor to commence or any specific plans of what that planting will be or look like. There is a row of very mature pine trees (stated as the current shelter belt) which obstructs half of the McPherson's boundary. We've heard there are plans to cut these down – is there any chance of a compromise to leave some of these up and any plans for additional planting either side. Details of specimens of planting/heights should be provided to neighbours.



Submission form

(Form 13)

11/7/20
WDC S42A 276
10.58pm

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ECM Application # LUC0123/19

ECM

SUBMISSION # 25

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) COASTAL READING CONTRACTORS LTD

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

TO ENABLE US TO CONTINUE WITH OUR BUSINESS
WE NEED A GOOD QUALITY SUPPLY OF METAL WITHIN
REASONABLE DISTANCE TO OUR JOBS AND MCPHERSON.
CAN PROVIDE THAT.

I seek the following decision from Waikato District Council: ☒ **Approve** ☐ **Decline**

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

[Signature]

Date

25/6/20

A signature is not required if you make your submission by electronic means

Address *133 Kaitiawa Road*

Postcode *2473*

Email *Coastal.reading.contractors.ltd@gmail.com* Phone *0274595847*

Contact person's name (name and designation if applicable)

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council



Submission form

(Form I3)

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ECM Application # LUC0123/19

ECM

SUBMISSION # 26

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Paul Francis Oliver

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Extraction of quarry material

.....

.....

.....

.....

.....

.....

.....

.....

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are

McPhersons are a quality operator and we have a long association with them. They play a vital role in the supply of materials to the trucking and construction industry, and also in market competitiveness around cost to supply.

I seek the following decision from Waikato District Council:



Approve



Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....

.....

.....

.....

Number of additional sheets attached

Nik

I wish to be heard in support of my submission

Yes ☐

No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐

No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐

No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date

1/7/2020

A signature is not required if you make your submission by electronic means

Address 28 Collingwood Road, Waiuku Postcode 2123

Email paul.oliver@kdltd.co.nz Phone 021-446071

Contact person's name (name and designation if applicable)

Paul Oliver - Operations Manager

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waik.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

File No: 25 05 02
Document No: 16618398
Enquiries to: Matthew Vare



30 June 2020

Waikato District Council
Private Bag 544
Ngaruawahia 3742

Private Bag 3038
Waikato Mail Centre
Hamilton 3240, NZ

waikatoregion.govt.nz
0800 800 401

Email: Victoria.Majoor@waidc.govt.nz

Dear Sir/Madam

Waikato Regional Council Submission to Resource Consent Application LUC0123/19 McPherson Resources Limited Quarry Expansion

Thank you for the opportunity to make a submission on Resource Consent Application LUC0123/19 McPherson Resources Limited Quarry Expansion. Please find attached the Waikato Regional Council's submission regarding this resource consent application. It is our view that the Consent should only be approved subject to the robust, science-based conditions to avoid, remedy, and mitigate adverse ecological effects of the proposal and to protect surround kauri from infection from Karui Dieback disease. We would welcome further discussion regarding the development of robust, science-based conditions of consent on these matters.

Should you have any queries regarding the content of this document please contact Matthew Vare, Senior Policy Advisor, Policy Implementation Team directly on (07) 859 0545 or by email Matthew.Vare@waikatoregion.govt.nz.

Regards,

Mark Tamura
Manager Integration and Infrastructure

**Submission from Waikato Regional Council on Resource Consent Application LUC0123/19
McPherson Resources Limited Quarry Expansion**

30 June 2020

Introduction

1. Waikato Regional Council (WRC) appreciates the opportunity to make a submission to Resource Consent Application LUC0123/19 McPherson Resources Limited Quarry Expansion. WRC's primary interest is in relation to the earthworks and removal of indigenous vegetation within an identified Significant Natural Area (SNA) and to provide information to inform appropriate, science-based consent conditions relating to terrestrial and aquatic ecology.
2. With respect to works within the SNA, the Waikato Regional Policy Statement (Objective 3.19, Policy 11.2) addresses the protection of significant indigenous vegetation and significant habitats of indigenous fauna, which reflects s6(c) RMA. Additionally, SNA's have a role in protecting natural heritage. We are of the opinion that the loss of 2.08 ha of kanuka dominated forest within the SNA could have more than minor adverse effects in achieving the objectives of the RPS and to the interests of the Department of Conservation, the Waikato Regional Council and the Waikato District Council in discharging their relevant functions under the RMA.
3. We also wish to bring to your attention the presence of kauri in close proximity to the site. We currently understand this area to be free from Kauri Dieback disease. For this to remain the case, appropriate hygiene measures will need to be in place.

Relevant Matters: Integration of AECOM ecological review recommendations

4. Many of the potential adverse effects to ecology within the applicants' site can be effectively avoided, remedied or mitigated through application of the recommendations outlined by AECOM in "Ecological Review - McPherson Quarry Ecological Impact Assessment (EclA) and Ecological Management Plan (EMP)", dated 31 January 2020. WRC technical staff have assessed and largely concur with the recommendations from this report. The recommendations should be used as the basis for developing appropriate resource consent conditions.
5. When turning the recommendations from the AECOM Ecological Review and the Ecological Management Plan (V5) EclA by Ecology NZ into consent conditions, further certainty of outcome for ecology is required, for example in terms of lizard management:
 - Lizard Management – As detailed above, additional lizard surveys ~~should~~ will be undertaken prior to clearance of the kākūka-dominant forest within the site. This will involve 2 nights of spotlighting and 3 checks of artificial cover objects within the Stage 1 bush block. If lizards are found to be present, a lizard management plan ~~should~~ will be prepared by a Department of Conservation-recognised herpetologist and implemented across the high-valued habitat to ensure native lizards are relocated into retained vegetation of equal or greater quality on-site. Lizard

management ~~should~~ will be undertaken before and during vegetation removal by an appropriately qualified and experienced ecologist.

6. The consent conditions need to translate these requirements clearly so that adverse effects are indeed avoided, remedied, or mitigated. The same approach needs to be applied to the following matters from section 6.3 Recommendations:
 - bat, bird, and fish management
 - planting plan, pest animal management plan
 - Wetland creation/enhancement and planting plan
 - Sediment and erosion control plan

Presence of kauri and kauri dieback

7. In addition to the above, we understand that Kauri are present within 50m of the proposed phase 1 clearance site (see attachment 1). Kauri (*Agathis australis*) are classified as a nationally vulnerable threatened species under the New Zealand Threat Classification System, because of the threat posed to it by Kauri Dieback disease (*Phytophthora agathidicida*).
8. As far as we are aware there is no kauri dieback in the Hunua Ranges and the only sites in the Waikato are limited to the eastern Coromandel. Hygiene therefore of equipment and during operations is very important – especially if machinery is coming onto site from other areas (Northland/Auckland) where there is Kauri Dieback and when operating near kauri.
9. Measures may include strict hygiene protocols where soil samples be taken in proximity of kauri, and for machinery entering the site.
10. We welcome further investigation and consultation with our biosecurity staff, regarding appropriate conditions that if well implemented, will stop transmission of this pathogen and control its spread.

I do wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Submitter details

Waikato Regional Council
 Contact person: Matthew Vare (Policy Implementation Team)
 Email: Matthew.Vare@waikatoregion.govt.nz
 Phone: (07) 859 0545

Post: Private Bag 3038
 Waikato Mail Centre
 Hamilton 3240

I could not gain an advantage in trade competition through this submission
 I am not directly affected by an effect of the subject matter of the submission that:

- (a) does not adversely affect the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Attachment 1: Location of Kauri in relation to quarry site



Attachment 2: List of useful documents, references and links

The kauri dieback website has a number of [hygiene guidelines](#) that will also be relevant for quarry operations that are near kauri including:

Quarry hygiene - https://www.kauridieback.co.nz/media/2018/bpg-quarry-hygiene_v14_final-signed2.pdf

WRC Staff and Contractors Hygiene SOP:

https://discover.wairc.govt.nz/otcs/lisapi.dll?func=ll&objaction=overview&objid=12766845&logSto pConditionID=3278183_880394154_1_open

DRAFT Rural Kauri Hygiene Guidelines (note still in track changes):

https://discover.wairc.govt.nz/otcs/lisapi.dll?func=ll&objaction=overview&objid=14428724&logSto pConditionID=3278193_881075117_3_open



Submission form

(Form 13)

21/12/22
9.13am
WDC S42A 287

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 28

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Andrew Cameron Browne

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

.....

.....

.....

.....

.....

.....

.....

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

I support McPherson Resources application to expand & continue to extract minerals.
The reasons for my views are.....

They are a local business that are respected in the community & provide jobs.

I have done work for McPhersons & used their products I wish to continue to do so.

.....

.....

.....

I seek the following decision from Waikato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 2/7/2020

A signature is not required if you make your submission by electronic means

Address 197 Kohanga Road RD3

Postcode 2693

Email brownecontractingservices@outlook.com

Phone 021507012

Contact person's name (name and designation if applicable) Andrew C Browne

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

11.50am



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 29

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) ... *see attached submission document with list of names of submitters*

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

Wt *Wt*
*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

Wt *Wt*
†I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

See attached submission

.....

.....

.....

.....

.....

.....

.....

Wt *Wt*
† ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

See attached submission

.....

.....

.....

.....

.....

.....

.....

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

See attached submission

Number of additional sheets attached *21*

we I wish to be heard in support of *our* submission

Yes ☒ No ☐

If others make a similar submission, *we* will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act *we* request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Mr. David Phillip Date *02/07/2020*
A signature is not required if you make your submission by electronic means

Address *HEARTLAND FARM 219 State Highway 2 Pukekohe (4 Irish Rd)* Postcode *2471*

Email *David W 2009 @ protonmail.com* Phone *021 060429*

Contact person's name (name and designation if applicable) *David W Phillip*

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council

Submission form

Notice of submission under the Resource Management Act 1991 (pursuant to section 96) form 13

Notes

- A signature is not required if you are lodging your submission by electronic means.
- If you are making a submission to the Environmental Protection Agency (EPA) please use form 16B. Refer to the EPA website www.epa.govt.nz or call 0800 CALL EPA (22 55 372).
- The closing date for providing your submission to Waikato Regional Council is 20 working days after public notification or notice is served. You must also provide a copy of your submission to the applicant. This should be done as soon as possible.
- If you need any further help, please phone our Resource Use staff on 0800 800 402.

Office use only

File no:

Consent no:

Section 1: Application details

Applicant name: *See attached submission document with list of names*

Description of proposal:

(Briefly describe the type of consent, and the nature and location of the activity. If the proposal is for a change or cancellation of an existing consent condition, please detail the type and location of consent, the relevant condition and the proposed change. If the application is for a transfer of a water or discharge permit, provide details of the existing activity site and, if relevant, the part of the permit proposed to be transferred.)

McPherson Quarry L4C 0123/119 & APP 137612

The specific parts of the application that this submission relates to are:

To overrule application.

Section 2: Submitter details

We will use your email address as preferred address for service, unless you advise otherwise.

Name	Full name of submitter:	<i>Various - see attached submission</i>
	Contact person (include designation if applicable):	<i>David W Phillips</i>
Postal address	Street/RD/PO Box/Private Bag:	<i>219 STATE HIGHWAY TWO</i>
	Suburb:	<i>POKENO</i>
	Town/city:	
	Postcode:	<i>2471</i>
Residential address If different from postal address	Street:	<i>as above</i>
	Suburb:	
	Town/city:	
	Postcode:	
Email address	<i>DavidW2009@protonmail.com</i>	

Phone number/s	Home: <i>N/A</i>	Business: <i>N/A</i>
	Mobile: <i>021 0604219</i>	Fax: <i>N/A</i>

Section 3: Submission on proposal

Please detail your submission below. Attach additional pages if necessary.

I/we (tick one option only):

☐ Support the application/s

☒ Oppose the application/s

☐ Neither support nor oppose the application/s (neutral submission)

My submission:

See attached submission of 21 pages

The reasons for my views are:

see attached submission of 21 pages

I seek the following decision from the consent authority:

(Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.)

That the application for any expansion of
the quarry proposal be declined and set aside
noted as set out in attached submission
including requests to mitigate past and future
damages and risks

Please tick either yes or no to the following options:

I/we wish to be heard in support of this submission

☒ Yes ☐ No

I/we will consider presenting a joint case at a hearing if others make a similar submission

☒ Yes ☐ No

I/we request the functions, powers and duties required to hear and decide the application/s
are delegated to one or more hearing commissioners who are **not** members of
Waikato Regional Council.

☒ Yes ☐ No

(A request for delegation of hearing and decision-making authority must be made in writing no later than 5 working days after the submission closing date. You may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make this request in relation to an application to carry out an activity that a regional plan describes as a restricted coastal activity.)

Signature of submitter:

pp David Phillips

(or person authorised to sign on behalf of submitter)

Date:

02.07.2020

McPherson Resources Limited & Waikato District Council & Waikato Regional Council

Re: LU C0123/19 and APP137612

Location: McPherson Quarry, 47 McPherson Rd, Pokeno-Mangatawhiri, 2471.

These submissions are sent by email to each of:

Consent.submissions@waidc.govt.nz

RCsubmissions@waikatoregion.govt.nz and Teresa.Gibbison@waikatoregion.govt.nz
eloise@kineticenvironmental.co.nz

Additional Information to Support Submitters' Opposition to the Application

These submissions accompany the Submission forms supplied by the Waikato District Council & Waikato Regional Council. Under the Resource Management Act 1991 ('the Act') the Waikato District Council & Waikato Regional Council ('the Councils') have each determined we must be served with the notice of Resource Consent Application, as we live nearby and are and become affected parties.

We also each confirm that we are affected parties. We confirm we are not trade competitors of the applicant.

These submissions in opposition to the application are presented and supported by a number of parties/entities/people living or located at or occupying Heartland Farm, State Highway 2, Pokeno-Mangatawhiri, 2471, being the property owner and/or occupiers affected by the application. Those supporting this submission in opposition in part or in whole include, but are not limited to:

David W Phillips

Isaac D Phillips

Stephen Pool

Sara Giles

Graham White

Ian Furse

Lily Nofoagatotoa

Mount William Spring Water Limited

Hambletonian Limited

Heartland Family Trust (prior named Pokeno Farm Family Trust)

Heartland Charitable Trust

Pokeno Quarry Protection Society Inc (yet to be formed)

The address for service of each opposer is: Heartland Farm, 219 SH2, Pokeno-Mangatawhiri, 2471

DISCLAIMER & OBJECTION & WARNING

These submissions are sent without prejudice to all these submitters rights to claim under common law, equity, tort and/or negligence and/or criminal behavior and/or under any statute or any other lawful remedy, in regard to all and any claims arising due to the past, present and future activities by any people and/or by the operations of the said quarry, against any involved party; including all the persons, entities, parties prior involved with the quarry or land thereon, and/or each of those approving and/or supporting the quarry and its expansion over past 6 years and its now proposed further expansions.

Each such quarry participant thereby is hereby given notice that each are knowingly doing or to become contributors in common law and/or in equity (including but not limited to tort and/or negligence) to the various economic and tortuous losses we and our property and all involved thereon have been subjected to and/or face; including but not limited to the human and animal (including racehorses) and bird health effects and/or damage; the impact on the spring water quality and flow in the surrounding area including on Heartland Farm; the effects on all buildings on our property, and amenity, economic and environmental effects on all or any of these persons or people or beings or assets or trees and/or other matters in/on these submitters and their kin and kind and associations and/or on other occupiers (past, present and future) of/on Heartland Farm.

All rights are absolutely reserved. Nothing within these submissions and/or any action or non-action by these submitters are to in any manner belittle or water-down all and any rights (past, present and future) now reserved.

The applicant is responsible for completing a thorough and competent and reasonable technical assessment of effects or likely effects on the environment and on neighbors, like on all life forms occupying Heartland Farm and assets thereon. Both the Councils are responsible and have jurisdiction to ensure this is completed pre application. An over-riding obligation rests with each of the applicant and each Council.

Any responsible approach must involve prior discussions with all affected neighbors and affected other parties, before any application (and/or its assessment of effects) can at all be fairly considered fair, reasonable and/or thorough. To date no one from within the applicant group has EVER bothered to arrange meetings and meet with anyone occupying Heartland Farm.

This lack and/or oversight and/or arrogance by the applicant toward a seriously affected neighbor must be considered and be given weight by Council and their 'to be appointed' Commissioners and if need be later by the Environment Court in regard to the present application.

It is not the affected neighbors' primary responsibility to spend considerable private funds addressing the risk of this application. This is the responsibility of first the applicant (and their assessment of effects experts, which simply must be completed with serious consultation with these submitters) and second the Councils (and their experts). If Council approves the application and it then progresses to the Environmental Court, by then it becomes a joint responsibility of the applicant and the Councils.

Both the Councils are urged to involve, at their initial costs (perhaps passed back to applicant) independent experts, to address and peer review the many real and potential effects of this application which are not yet canvassed or which are canvassed by the applicant in a grossly inadequate manner.

In the meantime, both Councils should immediately put into force an order, comparative to an injunction, stopping all and any extensions to the quarry until the application has been heard and reheard and all appeals exhausted.

In the meantime, both Councils should immediately begin an investigation into all actions the quarry owner/operators have taken in past 10 years, which amount to quarry extensions, and to which no formal application nor approvals were ever made or heard, and where we as an affected neighbor were never consulted. We seek to receive a copy of such investigation; and/or copies of any earlier investigations which either Council instituted.

Due to the size and potential impact of this application and its purposes, and due to the Councils' prior 'deaf-ears' to complaints about the quarry (including various complaints from this submitting property owner and manager), we say it is essential that the Councils delegate their functions and duties to more than one hearing commissioner who are not members of the local authority and who are 100% independent of both the applicant and the industry of the applicant and to any entities who might in the future have any interest in buying the quarry or property from the applicant. Under common law and equity, we reject all and any liability for any such extra hearing costs, and say all hearing costs must be met by the applicant and/or the Councils.

We also reserve our rights to add to our objection/submission summary during the overall hearing process, as once the applicant improves/upgrades its own technical assessment of effects, and begins neighborly dialogue, other matters may arise that we seek to provide input into.

We also say that the applicant's technical assessment supplied to Council and via Council to us, is at this stage grossly deficient. We say Councils' are co-responsible for the deficiencies, and also are co-negligent in accepting a proposal from the applicant when they knew the applicant had not even discussed its proposal with all affected neighbors.

It is further noted that the Regional Council was given the wrong address for ourselves (we presume by the applicant, albeit the Regional Council would hold our correct address) and thereby their notice did not arrive when it should have arrived. These were words within an email we received from Regional Council on 24 June 2020, being the first date of notification of this application from this source:

".....As discussed please find attached a copy of the letter I posted to you earlier this month that was returned with an incorrect address.

Apologies for this, I have corrected your address on my notification list to 219 State Highway 2, RD 1, Pokeno 2471."

Thereby the last date for our lodging the Regional Council submission, if 20 working days is to apply, would become about 22 July 2020. We have rushed our submissions and tried to get all in by the earlier required/stated date of 1 July 2020, but we have not had time to prepare ourselves in the manner we would have preferred had we been provided proper notice; and we thereby apologize for typo or grammar or other errors herein; and we exclude considerations of errors and note there may be omissions.

HISTORY

When the quarry was operated by the McRobbie family, it operated under an existing use right, as a very small quarry. It was then also the clear intent for the quarry to be and remain a very small operation. The McRobbie family demonstrated a concern and respect for its neighbors and toward protecting the native bush bordering the quarry site.

Since the McRobbie family were dismissed as quarry operators, the new operators have taken a different and we say arrogant stance to their purported rights and toward us as neighbors. They have never visited us as neighbors. They have never written to us as neighbors. They have demonstrated not one ounce of care or concern toward their effects and risks on us and all life on Heartland Farm. They have expanded the size of the quarry well outside any existing use rights, without neighbor nor Council formal approvals.

We have complained several times to the Councils', and at least some of those complaints are on the record. At one time of a verbal complaint, Council staff told us they (Council) had not enough staff nor time to investigate or oversee environmental damage or risk arising from the quarry and its unauthorised extensions.

We continued to complain about the expanding and increased use on the quarry site and some of the negative effects on us. We complained it was unlawfully expanding without any formal approvals or consultation. It seems that a wink and a nod by some Council staff may have co-enabled the unauthorised quarry extensions and mass native tree destruction over recent years to begin and then proliferate.

The destruction and mess to what was once beautiful native bush on the hillside facing SH2 can be seen by all from SH2 and from our property; yet this was permitted by the Councils, we understand without formal objection by Councils. We say this is a gross damage and negligence by all contributors, including the applicants and their operators and the land owners and Councils, beyond any lawful process or right.

We say the quarry operates today well beyond any existing use right. We say such historical actions and environmental abuse and rape of mother nature create existing breaches of the Resource Management Act 1991; and if this is proven then these same operators should not be granted any permission to even continue with any quarry, net alone formerly expand it.

We complained to Councils about the unlawful loss of native bush native trees. We complained about the resultant eyesore; and the impact on birds etc. We complained also about excessive quarry blasts/explosions and effects, including those severely shaking our house and buildings and living beings on our property; we complained about the risk to our spring water supply; we complained about the risk to our horse breeding operation; we complained about the impact of dust nuisance; we reiterated we operate an organic farm, depending on subtle energies and peace.

All the above complaints proved to no practical avail; save for the present required public notification/hearing (to which the Regional Council decided not to correctly-time-wise notify us) and for a Council inspector visiting our property while one of our main persons was overseas (because Council did not make an appointment pre-visit with owner's rep). We understand that Council inspector tried to down-play the real complained-of impacts, when discussing matters with a tenant on our property. We

attach only some of the letters we wrote to the Waikato District Council about the quarry. We note we also reported other complaints by phone progressively to both Councils.

We have applied our own time in prior periods, to address other applications to Councils in our neighborhood, in our on-going endeavors to try to protect the organic nature of our property, the ecological diversity thereon, the historical and current water springs, the river transiting our property, the birds (our property is a bird sanctuary, being home to about 35 different species of birds) and those beings living close by in the Mt William Conservation Reserve, and the horses (we breed racehorses), and the bees we are home to, and the people occupying Heartland Farm, several for many years, one for 30+ years to date.

We have had some serious successes environmentally with our approaches. These successes have assisted our desire and practice to farm organically, which we have been adopting for some 30 years. Over this time period we have planted at high expense well over 11,000 trees and bushes plus many additional large shrubs and many herbs on our property. Some of the trees were boundary trees, to try to protect our property from outside pollutants; but protection from all the effects of the quarry and its recent expansion now seems incredibly difficult. The cost and implementation of such protections should not fall on our shoulders, but rather on the shoulders of all the permitting and sustaining the pollutants from the quarry and its multitude of negative effects. Six figure sums have also been expended to protect the spring water source and supply systems on Heartland Farm.

We rely on the technical data and expert opinions submitted by each side in each of the following named prior applications; and we rely also on the court decisions in regard to the first 3 matters listed; as each of these 3 found their way beyond Councils and into Courts. The names on the files in Councils' storage might have slightly different headlines to these now stated herein:

- (i) Hopper Bros v David W Phillips and others re huge commercial fertiliser storage and distribution facility proposed in Irish Rd.
The outcome of this application, which both the Councils had prior approved, was that the Environment Court added such limiting and necessary conditions to it (including that NO dust particles were to fall on our property, due to its impact on peoples and horses breathing and lungs, and its impact on our organic operations), that the applicant did not proceed with the proposal. Subsequently David W Phillips co-approved a much smaller organic fertiliser use, on like Court imposed strict conditions that all loading and unloading was completed inside closed buildings, and that is how the site is used/operates today; and
- (ii) Ahead Timber (prior Aitkenhead Timber) v David W Phillips and others re polluted timber site and pollution to stream and parts of neighborhood. Aitkenhead Timber had proved to be arrogant and very uncaring neighbors. Councils of that time had turned blind eyes away from this disgusting polluted site and challenge. After Aitkenhead's commercial demise the business was taken over by Ahead Timber. After much negotiation and a case in the High Court, Ahead Timber agreed to in part compensate Heartland Farm and to improve dramatically their environmental impact, and in time they become one of the cleaner timber mill operations in NZ. The stream flowing through Heartland Farm became clean again, with the re-appearance today of abundant native water life including eels and fresh cray; and

- (iii) Winstone Aggregates Limited v David W Phillips and Pokeno Protection Society Inc and others in regard to a large quarry proposed on Pokeno Hill. The outcome of this application which both Councils approved, was that the Environment Court added limiting conditions to it. It was also discovered that the rock from this quarry was not hard enough to supply Transit for motorways (despite that being one of the proposed buyers of that rock), and that the main client (Transit) once this was discovered publicly, could not proceed with its proposed purchase of this rock. It was discovered the then CEO of Franklin District Council had sided unfairly and unprofessionally, giving his support to the applicant. Later he resigned. It was also discovered that the then CEO of Winstones had misled some people about aspects of this quarry. Later he resigned. The applicant did not, in the event, ever proceed with this quarry; and
- (iv) Max Birt Timber Mill v David W Phillips and others. Ahead Timber went into receivership and closed. The assets were sold by the bank to Max Birt. Max Birt soon thereafter was required to apply to the Councils to extend operations. Initially Max Birt's experts tried to get the Councils to decide without our Heartland Farm property and occupiers being consulted nor notified. Council then required we be notified. Once we were notified we objected. Council in this case showed an unusual but welcomed initiative, initially encouraging the differing parties to meet to try to solve the challenges between themselves. This happened AFTER the Council CEO had intimated Max Birt and his team should meet and consult with us. The Council aim seemed to be for both differing sides to meet and to try to come back to Council with a settlement of differences. The Council logic seemed to be that, if this was to work, it would save Council and all parties huge costs and huge time delays, otherwise spent on hearings, then litigation. But a risk was, could both sides act responsibly as adults and with compassion toward each other. The proposed operator (Max Birt) and the primarily affected neighbor (D W Phillips) meet many times one to one to discuss possible solutions. In the end (and much quicker than the time it would have taken for 1 hearing) an amicable out of court settlement was reached, which Council co-approved, and which is still operative today. This became an example of what could become a future constructive method of settling neighborhood disputes amicably, by way of meaningful arbitration (albeit in this case the parties met without an outside arbitrator – but the Council took an informal semi-arbitration/referee role). A key in that case was Max Birt accepting without prejudice that he was to operate a business with side effects, and asking what the opposer wanted and how those wants of the opposer could fairly mitigate the operator's effects. Max Birt, in our opinion, acted very responsibly.

In respect to this present submission by McPherson Quarry we assume and rely on the Councils retrieving the above stated prior applications and submissions and Court decisions named 1 to 3 above, and using as guidelines the expert opinions therein and Court decisions relating thereto. It would seem foolish to ignore the matters already canvassed and/or Council and/or Court decisions, especially given the like or inter-related nature of several significant matters.

In addition to relying on our rights under the Resource Management Act 1991 ('the Act') we also rely on other NZ legislation, common law and equity law, and also on rights attributed to us under the English

version of Treaty of Waitangi (see final Littlewood English copy), and/or the maori translated copy, both of which provided equal rights and protection to all NZers. We also rely on the Declaration of Independence of 1835, which provided Sovereignty to maori NZers. Given this, we rely on the kaitiaki of our property and spring water source being passed by Waitaha and maori NZers to David W Phillips in a spiritual ceremony held on Heartland Farm in the presence of Waitaha, local maori hapu and iwi and Native American Indians invited to this international event.

SPECIFIC ADDITIONAL OBJECTIONS

We repeat all we say above and include those matters above within our submissions to each Council, and we now further address additional objections in the order and under the subject matters listed in the Summary of Application sent to us by the Councils, with some added subject matters, some specific to our property.

District Council

1. Landscape and Visual Assessment

- (i) The quarry had minimal visual effect on our property when operated by McRobbies; and
- (ii) In very recent times the new operator has destroyed large areas of native bush to expand the quarry without any consultation with us and with no prior notification; and
- (iii) The effect already on the enviro and visions is disturbing and disastrous, with a large area recently exposed to all who drive along SH2, and also from our property; and
- (iv) We have been in negotiation for some time with a potential buyer of a 'to be subdivided' site on our property; but the site looks directly to the quarry, and this negative visual quarry effect might cause our sale to be lost, or if not lost cause loss in value to the site; and
- (v) We are absolutely opposed to any further striping or degradation of the native bush on the side of the hill opposite our property; and
- (vi) We rely on the bush opposite our property for visual effect, and for bird life habitat and for cleaner air and for nature to be respected and preserved; and
- (vii) No further removal of indigenous vegetation or trees to be permitted; and
- (viii) Begin immediately a compensation tree planting program to replace nearby, every tree destroyed during the 5 year period prior to the this application and every tree removed hereinafter (but this submitter says no trees should be permitted to be removed); and
- (ix) Loss of trees cause a reduction in oxygen and an unstable hill and lost bird habitat and increase noise, and contribute to the serious climate changes now being experienced. If the applicant disagrees with any of these just stated positions, we seek to see expert opinions by applicant countering this and then be granted time to reply; and
- (x) We agree compensation planting should be directed on the quarry site and its surrounds, including as proposed to form a 4.53 ha planted ecological corridor to the north of the existing quarry boundary (but not to the north of any future expansion, as that expansion should be prohibited); and this planting should be implemented forthwith to compensate for the eyesore and plant/tree loss already actioned in a non-

notified manner; AND we say additional substantive planting should be directed to compensate for the south facing eyesore and plant/tree loss, and to encircle the quarry, to enable visual and dust and some sound mitigation barriers; and

- (xi) We say all trees planted must be natives, and be over 1 meter high at time of planting, and be regularly maintained and watered to ensure steady growth, and to include a range of species to ensure useful food and habitat for native birds and associated life forms; and

2. Traffic Impact Assessment

- (i) We have observed dust and dirt being moved from the existing quarry operation onto SH2, as it joins McPherson road, and this creates slippery and dangerous conditions both on McPherson Road and especially on SH 2. This must be prohibited and with specific penalties if breached; and
- (ii) We require a more restrictive limit to the truck movements, to reduce the danger and effects on SH2; and
- (iii) Truck Movements - we seek trucks be fitted with sound silencers; and
- (iv) We seek no trucks be permitted to use the noisy engine braking system on SH2 outside our property and 1 klm either side; and
- (v) We seek daily truck movement be reduced to a total of 60, 30 arriving and 30 leaving and no more. This was and was always to be a small quarry with minimal impact, and this is the understanding of all residents who have bought their home properties nearby; and

3. Noise Assessment

- (i) Noise can be a physical pollutant, that is a fact; and
- (ii) We are very disturbed by operation sounds flowing to our property from the operations in the quarry. This negatively impacts our right to live in peace and harmony, and affects our minds and spirit. We seek to see an assessment of these effects and how they are proposed to be mitigated; and
- (iii) We are very disturbed by blasting sounds flowing to our property from the explosions in/on the quarry. This negatively impacts our right to live in peace and harmony, and affects our minds and spirit. We seek to see an assessment of these effects and how they are proposed to be mitigated; and
- (iv) We are disturbed by relatively high level of truck movements per day flowing to our property from the truck movements in/on the quarry. We seek to see an assessment of these effects on us and on our property and how they are proposed to be mitigated; and
- (v) We seek a set decibel level to imposed that is never exceeded on the perimeter of the quarry property. This should be set by experts after carrying out various assessments with neighborhood involvement; and

4. Contamination and Ecological Reports

- (i) We are told that some seriously polluted soils and/or metal might have been removed from the Ahead-Aitkenhead Timber polluted site, to be secretly buried on the quarry site; and
- (ii) We seek that Councils urgently investigate this; and

- (iii) We seek that Councils' require from the quarry applicant and their directorate and management and land owners, sworn statements (punishable by perjury if untrue) that says either this never happened, or if it did happen then for all detail of dates and quantum and locale be identified and reported to Councils and to all neighbors; and
 - (iv) If it is true, we seek that a criminal investigation be commenced; and
 - (v) If it is true, we require that all polluted soils (which would include PCB's, polluted metal and polluted particles to be dug up and removed to an authorised polluted site; and
 - (vi) We refer to and rely on the information on the web site:
<https://www.veolia.com/anz/our-services/our-services/hazardous-waste/solid-hazardous-waste/contaminated-soils>
 - (vii) The above web site states: *"Contaminated soil is soil polluted with organic and inorganic contaminants, polychlorinated biphenyls (PCBs), heavy metals, PAHs, TPH, acid sulphate or pesticides. Contaminated soil needs to be remediated to remove contaminants. This involves the soil being excavated and treated on site or transported and treated at a licensed facility. Thermal treatment can be used to destroy or remove organic contaminants within soil reducing waste to landfill"* ; and
 - (viii) If it is true, and If the existing operators of the quarry and/or land owners were a party to any such secretive and damming actions, which could pollute all underground water and soils, then they should be banned from operating the quarry forthwith; and
5. Ecological Management Plan – we seek to have meaningful input into this, but cannot when the applicant refuses to communicate with us; and
 6. Hydraulic Assessment- – we seek to have meaningful input into this, but cannot when the applicant refuses to communicate with us; and
 7. Earthfill Methodology
 - (i) The outcome of investigations as described in clause 4 above must be clarified and settled first; and
 - (ii) No deposition right to clean fill at 100,000 cubic metres per annum over 45 years; indeed NO fill to be deposited back on quarry site, until quarry is closed, and then only after expert technical impact assessment fully approves such action without negative impacts; and
 - (iii) No new fill should be permitted on the quarry site, due in part to the threat of polluting or inhibiting underground waters and due to other potential negative effects; and
 - (iv) If any new fill should be permitted, then it must be subjected to many tests for a wide range of pollutants with every separate source contemplated for moving on site, prior to any move, being tested and the test reports as to it being contamination free must be distributed to each neighbor, including to our property; and
 8. Earthworks. We say no approval should be granted to any earthworks for stage 1 or stage 11 or stage 111. We also object to the quantum proposed of discharge of overburden to land; and
 9. No earthworks to be permitted at any time on any Significant Natural Area or any area now treed, including NO removal of 2.45 ha of indigenous vegetation; and

10. Erosion And Sediment Control Plan- this is a serious matter and not sufficient assessment of effects has been entered into. We seek to be guaranteed that the stream running through our farm will not have its flow in any manner slowed due to the quarry and its operations and/or any side effects such as erosion or sediment or otherwise; and
11. Draft Quarry Management Plan – we seek to have meaningful input into this, but cannot when the applicant refuses to communicate with us; and
12. Blasting/Explosives/Vibrations and Frequency Effects:
 - (i) ‘Pokeno’ can mean in English, ‘underground railway station’. This can refer to the fact that there are geological fault lines right beside the quarry which run to Coromandel and north to Cape Colville; and run back to SH1 and up north and down south. Thereby any impact or explosions happening on this important fault line and quarry site get carried far and wide, with impacts vibrationally on earth and earth movement and earth quake. We seek to see expert opinions and impact assessment reports by applicant about the geology and fault lines of or by this site and its environs and how the applicant plans to mitigate effects and risks, and then we seek to be granted time to reply; and
 - (ii) Right beside the quarry and into Pokeno are what some call ‘ley lines’, these being energetic lines under/in the earth carrying energies far and wide. We have had these confirmed by an expert in this field called Frank Moody (now the late Frank). These ley lines and their energy absorbed, emitted and transmitted can be seriously disrupted and disturbed by quarry activities. We seek to see expert opinions and impact assessment reports by applicant about the ley lines of or by this site and its environs and how the applicant plans to mitigate effects and risks, and then we seek to be granted time to reply; and
 - (iii) We seek all neighbors be advised in writing or by email of each proposed blasting and the exact timing and the explosive force/power being used on each occasion; and
 - (iv) Full and detailed records to be maintained in register of each explosion and with right of public access to that register during any work hours; and
 - (v) A strict limit be capped on every explosion force, and to be far lower (at least no more than half the minimum force used at any time in past 5 years) than the present practice, which unfairly and irresponsibly and carelessly shakes our houses on their foundations and causes more damage. We seek to see expert opinions and impact assessment reports by applicant about the shaking of our homes and buildings (no applicant expert in any form has even visited us to date) and how the applicant plans to mitigate effects and risks and to compensate us for all damage and/or accelerated depreciation caused by their quarry and activities thereon, including but not limited to blasting, and then we seek to be granted time to reply; and
 - (vi) A cash fund to be required to be established and as well insurance to be entered into and maintained (with neighbors’ rights stated on the insurance policy, where neighbors can claim via insurance without need to go through applicant) which will reimburse without delay any damage caused by any explosion in the quarry and/or or any other damaging quarry act; and

- (vii) Many of the explosions over recent years have frightened and caused upset to both people and birds and horses living on our property. We should not expect this in a rural living zone. We seek compensation for this disturbance to both our lifestyle and to our minds and nerves and for any damage that horses suffer during blasts/explosions; and
 - (viii) If we are working with horses during an explosion, then they can react with fright and can cause damage to both themselves and to the person then handling them. This is one of several reasons why it is absolutely essential to be pre-warned several days prior to every explosion. By example, it is imperative we do not have horses in for feet trimming or for worming or for weaning or for much other one to one tasks during blasts/explosions; and
 - (ix) We have on our property several buildings, each constructed around 1871, and of some historical significance; in that they are likely to be some of the oldest buildings remaining in this area. They each have existing use rights pre-dating even the establishment of both Councils. Today we name some of these buildings as follows: The Villa; The Attic; The Stables; The Red Cottage (the latter being home to property staff). We hold grave concerns that the extensive vibrational shaking we have had to endure to our historical buildings from the higher force of blasts/explosions since Mc Robbies were dismissed, is damaging them both at foundation level and structurally and also with other damaging side effects. The quarry blasts/explosions in recent years have an earthquake type of effect on us and our buildings. By example, we say each of the following damages are due to the blast/explosions effects and physical shaking and vibrations on our older buildings. We seek an assessment of effects to be completed and mitigated by the applicant to each of these specifics and to other like damage:
 - (a) over past approximately 9 years we have had to spend about \$5,000 (about \$4000 in last 6 years) replacing multiple glass panes in windows. These have cracked or broken with no one being seen to cause the damage. These have occurred in the Villa, its garage, The Stables and The Red Cottage; and
 - (b) over past few years several of our window frames in Villa have had parts vibrationally move and collapse. This has or will cost about \$2,000 to repair; and
 - (c) over past year we have had to endure our front steps of Villa collapsing. A tenant escaped serious injury. This will cost about \$2,500 to repair; and
 - (d) The railings on our Attic and Villa decks have also been shaken loose and need re-supporting. These will cost about \$5,000 to repair; and
13. We also require no explosives to be permitted all of Saturday and Sunday. It is noted that some visitors to our property regard Saturday as their bible's day of Sabbath (see Ten Commandments), while others say it is Sunday. Each are entitled under the NZ Bill of Rights 1990 to their respective beliefs; and neither should be upset or made scared by explosions on a Sabbath day. As well, all our tenants are usually living all day on our property on Saturday and Sunday, and to mitigate blasting/explosion effects on them, any explosions that may be permitted must be only on Monday to Friday during operating hours; and
14. Operating Hours – subject to our clause 11 above, we seek operations be limited to 8am start

and 5 pm close Monday to Friday and from 8am start and 1 pm close every Saturday...and that no quarry works whatsoever, including no truck or vehicle movements on site whatsoever, outside of operating hours; and

15. No right of transfer of consent to any quarry activities from this applying party. Any consent only to apply to present applicant and be non-transferrable; and
16. Use of consent never to be transferred in any title or lease or operational manner to any entity controlled outside NZ; and
17. Economic effects and impact on Amenity Values:
 - (i) The quarry since being expanded in recent years (without specific formal approvals from Council nor any neighbour consultation nor approval) has had a detrimental impact on the value of our property. We seek to stop further devaluation. We seek to hear how the applicant proposes to mitigate this effect, as it is not in the application to date; and
 - (ii) We plan to subdivide our property into 2 extra titles, using the TDR system for subdivision. The quarry since being expanded has had a detrimental impact on the value of each new title planned for our property. We seek to stop further devaluation. We seek to hear how the applicant proposes to mitigate this effect as it is not in the application to date; and
 - (iii) One of our existing two titles now faces due north and looks directly onto the quarry site. This is seriously impacted by the quarry as to visual, noise, dust and more effects. We seek to stop further devaluation of this existing title. We seek to hear how the applicant proposes to mitigate this effect as it is not in the application to date; and
 - (iv) To meet our mortgage payments we rely on tenants occupying buildings on our property. The quarry has effects which discourage tenants occupying buildings on our property, including but not limited to quarry dust affecting people and their cars and washing drying on line and guttering growth and the explosions upsetting and frightening people and birds and more; and
 - (v) Require expert assessments be completed to show the potential economic losses of/to neighbors and how applicant proposes to mitigate these effect; and
 - (vi) Given the significant effect of this quarry on the neighborhood, it would not be unfair for applicant to set aside a minor percentage of turnover (e.g. 20%), with say half of this to be distributed each six months on a 'to be agreed basis' to all neighbors (to cover some damages arising from operating the quarry), including our property, and with say half of this 20% to be held back in Council's care for mitigating serious damage the quarry may cause; and
 - (vii) Seek to see some fixed pre-agreed penalties to apply in event the applicant does not meet or adhere to any of the conditions of any approval; and
18. Completion and Remediation: Require a set date when quarry would be closed and not thereafter extended. With the growing residential uses in the neighborhood, it is paramount that the quarry have a restricted life and a termination date set for all quarry and quarry related

activities; and no extensions be renegotiable. We say this should be a maximum of 21 years. We say part of the gross income from the quarry (say about 10%) should be required to be set aside for future remediation works, including remediation earlier than the 21 year end period; such that at the end of the quarry life there is no ugly eyesore from SH2 or from a neighbors property, and that all natural features are re-sited, with much re-planting and top soil replacement and water remediation; and

19. Hydrological effects – see Regional Council submission; and

20. Climate Change effects

(i) While there exists some considerable debate as to what are the causes of recent climate changes, not one could reasonably argue that there are no significant climate changes now upon us; and

(ii) See this NZ Govt web site <https://www.mfe.govt.nz/climate-change/likely-impacts-of-climate-change/likely-climate-change-impacts-nz> It says, inter alia:

(a) Our changing climate will affect our economy, environment and way of life; and

(b) More frequent extreme weather events

aa. droughts (especially in the east of New Zealand) - Warmer temperatures will alter habitats that are critical to some species, increasing the risk of localised extinction. Hotter summers may damage elements of transport infrastructure, causing buckled railway lines and damaged roads, with disruption and repair costs; and

bb. floods - More frequent intense winter rainfalls. These are expected to increase the likelihood of rivers flooding, and flash flooding when urban drainage systems become overwhelmed; and

(c) A change in rainfall patterns

aa. increased summer rainfall in north and east of the North Island; and

bb. increased winter rainfall in many parts of the South Island; and

cc. Water demand will increase during hot, dry summers. Longer summers with higher temperatures and lower rainfall will reduce soil moisture and groundwater supplies. Drought intensity will likely increase over time. Drier conditions in some areas are likely to be coupled with more frequent droughts; and

(iii) We seek to see the applicant's assessment of effects coupled with the above referred to climate changes over the term of the project. We see no useful study in this regard to date; and

(iv) The area of the quarry and of Heartland Farm and their surrounds suffered in 2020 the worst drought in recordable history. This followed 2 prior serious drought in the prior 7 years. Water supply on Heartland Farm reduced significantly as the drought progressed; and

- (v) In the past month we have suffered 2 flash floods, the most recent being the worst effect wise, blocking the stream exiting our property, and flooding with thick liquid mud the area near our back gate where spring water is collected and sold. The area was so caked in mud and had been flooded up to waist height, that clients could not get to the spring water supply tank. This was around 24-25 June 2020. This required a day to clean up, at our expense; and
- (vi) One fact about climate change is that one of several of the primary causes is the destruction of trees and habitat on the surface of planet earth by humans and usually at the direct of corporations, such as we have seen recently executed by the applicant; and
- (vii) Today, NZ has only about 7% of the forests and native trees it once had, pre the British-European invasion- suggesting about 93% has been destroyed; and
- (viii) Today, NZ and future generations have a huge task of re-planting and re-foresting NZ. One small example is the initiative in Auckland Region which has seen about 1 million trees planted with the help of the Council and school children. Thankfully this example is not alone; but the task is massive. An international example of 'massive', can be seen by the project in Ethiopia to plant one billion new trees in one year; and
- (ix) Sometime in the future, when human minds collectively can grasp that fact that trees produce oxygen that humans' and others breath; and that the living tree has a life and during that life it absorbs carbon dioxide (and some absorb carbon monoxide) - then when that day arrives maybe it will become a crime to cut down any tree without a permit granted by the community. The facts are that trees have a form of breathing, where their respiration is comparable to humans inhaling air (needing oxygen) into the lungs, and their photosynthesis is comparable to exhaling air by humans (exhale including carbon dioxide). Trees respiration absorbs far more harmful carbon dioxide than they release, thanks to the process of photosynthesis. Photosynthesis is a unique chemical process that trees and plants use to turn light energy from the sun into oxygen. "Photosynthesis" is a Greek word meaning "light" and "putting together." During this process, trees harness the sun's energy, using it to put carbon dioxide gas together with water to produce oxygen; and
- (x) When human minds collectively can also grasp that fact that trees are a critical part of the hydrological cycle (refer to Viktor Schauberger's excellent work on this fact), then the destruction of living native trees, without any prior consultation, such as we have witnessed on the hillside facing SH2 by this applicant, might be sealed in the future to become a crime; and
- (xi) Rudolph Steiner is another researcher and writer we rely on in our submissions. He lived for part of the time Hitler was ascending in Germany. To stay alive, given Hitler's threats, Steiner moved to Switzerland. I regard these two intelligent men as similar souls, but coming from opposite energies and using the opposite force of spirit; and

- (xii) Hitler used explosion and hate and division and darkness/secrets and death as key parts of his armory. Steiner used implosion and love and unity and light and life within his approaches; and
 - (xiii) Steiner emphasized, correctly we say, that everything is connected. We see nothing in the applicant's proposal to investigate the effects, given this connectivity of all life in our neighborhood. We seek such expert assessment and mitigation; and
 - (xiv) We say this applicant is taking the old -style Hitler approach to tasks. In that it/he is using explosion and division and secrets and death as key parts of its/his armory. It is time for Councils to consider such application from an enlightened Steiner perspective; which would ensure community inclusive involvement, ensure non-explosive approaches; require planting trees not killing them, begin caring for top-soils and not stripping them, treating streams with respect, not as a dump for their wastes, becoming a natural caretaker and restorer, not a rapist of earths treasures' and having high regard to the water cycle under earth and above earth in everything they do. It is time to honor or creator/God and all co-creation, and not to continue to insult our very source of creation; and
 - (xv) Today the NZ environment is protected (supposedly) from the rape by commercial interests by the Resource Management Act 1919, and by caring Councilors and their expert staff. While today destroying trees and the oxygen they create and the carbon dioxide they dissolve and the water they send back to the sky, is not necessarily today a crime; but the effect on the trees and thereby on us neighboring humans and horses who will have (a) less oxygen to breath, and (b) more pollutants to dissolve within, and (c) a lower rainfall, each have to be assessed and the effects mitigated. We see nothing useful in the applicant's proposal to carry out its obligations to assess and then mitigate effects on trees, oxygen, carbon dioxide, water/rainfall hydrology under the NZ law. We seek (and then have time to respond) an expert assessment report and mitigation report on these critical effects and serious matters; and
 - (xvi) As well as the request in (iii) above, we seek (and then have time to respond) a full climate impact report by the applicant's experts on all the effects of its proposal (including the blasting/explosives) having regard to today's climate and our future climate over the life time of quarry proposal; and
21. Other effects – our property is a bird sanctuary, and has been for some 20 years. About 35 different species of bird live here (including many native to NZ). It took us 10 years before we attracted our second pair of Kereru. We have been told by experts that the birds need various areas of native bush nearby to provide complementary use as secondary homes and as places to rest in flight to/from differing food sources. We seek to see an impact report by bird experts in respect to impacts of stripping or killing of native trees that has taken place around the quarry in past 6 years, and all native tree felling now proposed within in the present application; and

22. We seek to have the Mt William Conservation Reserve bolstered, not dissolved by the quarry sliding closer and closer to a much used and much needed Conservation Reserve. Also in this Mt William Reserve there is a home to many native birds and some majestic huge kauri, some kauri perhaps 800 years of age which would take 4 people to stretch their arms around their girth. The quarry and its proposed growth, simply has to be a seriously negative threat to the life of native birds and these giant kauri trees of nature; and
23. We refer and rely on information on the web site: <https://www.forestandbird.org.nz/> This NZ web site includes the warning words:
- (i) **In forgotten corners of New Zealand, nature is disappearing. Government agencies are failing to protect nature on public land. We have to turn this around, or we will lose more species forever; and**
 - (ii) Our native plants, animals and wild places are like no others on this planet. Yet it has taken humans less than a thousand years to wipe out a significant amount of this natural heritage; and
 - (iii) The draining of wetlands and loss of habitat through development are just some of the major factors that have contributed to more than 50 extinctions; and
 - (iv) Nature on land is still in crisis, despite a growing number of initiatives to expand pest control and restore habitats. Our native plants and animals are continuing to decline across the country, with over 80% of our land-based birds, bats, reptiles and frogs in trouble and
 - (v) A third of New Zealand's land is public conservation land, managed by the Department of Conservation. In these areas, nature appears superficially intact, but in many places wildlife is still disappearing; and
 - (vi) On private land, native habitat is also continuing to disappear due to pressure from development, leaving tiny, disconnected fragments; and
 - (vii) Our soils are deteriorating due to erosion and intensive farming. Diseases such as kauri dieback and myrtle rust threaten our magnificent native tree species; and
24. Have the NZ Conservation Department and NZ Forest and Bird Society each been consulted by the applicant? If not, why not? If yes, what have they said? We seek to a serious assessment and then mitigation of effects on birds and the magnificent mid-aged kauri in the Mt William Reserve, and we say no further native tree destruction should be permitted; and
25. Other effects – we operate an organic farm, and we have 5 different organic orchards on our property, each using several principles including those enunciated by Rudolph Steiner (biodynamics) and Viktor Schauberger (water specialist and forester and naturalist) and Bill Mollison (permaculture and sustainability). We also follow the teachings of Jacques Fresco and his Venus project <https://www.thevenusproject.com> . None of these principals we adopt support the blasts and explosions and vibrations of/to our physical property and our bodies, minds and spirits, or also of/to the subtle energies and other unseen life forms that such explosive behavior causes damage to and creates havoc amidst; and

26. Other effects – some submitters within this proposal have specific religious beliefs and we seek these be honored and protected by the NZ Bill of Rights 1990, and by international legislation and treaties and conventions and other agreements. We can supply a summary of the religious beliefs of two submitters to this proposal on request; and
27. Other effects – we require that all matters addressed and determined by the District Council and /or by the Courts in the Winstone Limited v David Phillips and Pokeno Protection Society and others in regard to a large quarry proposed on Pokeno Hill, be distributed to the applicant and available to objectors, and each matter therein be also addressed by this applicant and be each considered when assessing conditions of operations by the McPherson Quarry; and
28. We seek to be advised of each step which has been taken in past 15 years to grow the quarry from its small existing use right that had effect under McRobbie management. By this we seek a time-line chart showing each step taken to expand or grow the quarry, including but not limited to (i) disclosing the exact dates of each native tree destruction; and (ii) the exact date the top area of quarry expanded; and (iii) the tonnage of each type of rock or metal quarried in each of last 15 years; and (iv) the cash sales turnover in each of last 15 years; and (v) the distribution of sales/turnover by customers (not name of customers, but their locations) in each of last 15 years; (vi) the stats sought in (v) above, but shown for the future budgets to whom increased turnover is proposed to be sold, showing if this is to be used locally or outside our local area and if any is proposed to be use on motorways locally or outside the area. As a part of this information we also seek to be shown records of all communications Council to applicant in the past 10 years, and to be told why the Councils let this quarry grow as it has, without management nor controls being imposed by Councils.

Regional Council (we say that any matters now addressed under this sub-heading are to be also read as though they also apply to the District Council submissions above as well, if they in any manner so apply. We repeat as well, for all Regional Council submissions all the above submissions and prelude raised above under District Council submissions apply where it is relevant they apply)

29. Dust Effects

- (i) The most damming dust effect (of many) is fact it creates dust particles in air, which are then forcibly breathed into lungs by people and horses on our property. This effect was one of reason why the Environment Court required any dust causing operations on the site west of our farm (then Hoppers - including all truck loading and unloading) to be actioned inside strictly closed premises, and with those premises having air ventilation with filters, so no dust escaped. We require the applicant to do no less that the same, and in interim we require applicant to provide expert assessments showing exactly what is in dust particles (including any arising from blasts/explosions and/or truck movements and or any other cause) and an assessment of these dust effects and how applicant proposes to mitigate these effects, and then we seek to be granted time to reply; and

- (ii) We presented in the Hopper case specific expert opinions from a leading veterinary expert about dust effects on the breathing passages and lungs of horses - when forced to breath such dust as the quarry creates when operating unprotected. This expert opinion outlined how such exposure can create negative impact their race ability as they mature. We rely on the same expert opinion, and ask Councils to retrieve it from their records, and add it to this file. The vet concerned was Dr Patrick Casey who is based in Kumeu, west Auckland; and
- (iii) We thereby specifically seek all truck movements on site to take place inside a large contained space/building constructed for this purpose and with those premises having air ventilation with filters, so no dust escaped – this being to minimise all dust and noise of filling of trucks and movement of trucks on site to be contained inside the quarry property; and
- (iv) This still leaves the wider quarry being a dust causer – to mitigate this we seek boundary fences or secure screens be constructed at a height of 10 meters around the quarry operating site areas, to ensure most dust is captured on site and to reduce noise effects. An example of such screens being required and provided to mitigate sound and dust effects can be seen internationally on the sides of many motorways. Examples I can show pictures of, are around the new ring road in St Petersburg Russia, and to a lesser extent along part of the sides of the motorway Auckland to Papakura. The example I quote in Russia is more effective, as the sides of walls/screens have inward curves at top to limit exposure of pollutants and dust to outside environ; and
- (v) We seek 8 x daily watering of quarry operational areas with clean water, to minimise dust becoming airborne; and
- (vi) The quarry has dust effects which discourage tenants occupying buildings on our property, including but not limited to quarry dust affecting people and their cars and washing drying on line. We seek the applicant to pay for the lost rents during vacant tenancies and also for all re-advertising of vacant tenancies; and to reimburse us for this cost over past 5 years; and
- (vii) The quarry has dust effects which cause dust depositing on our home and roof causing roof water to be not usable. We seek the applicant to pay for and effect the steam cleaning/water blasting of all our property's buildings once every 6 months; and to reimburse us for this cost over past 5 years; and
- (viii) The quarry has dust effects which cause guttering around roof to have much faster vegetation growth (which in turn if not cleared at a cost every 3 months causes leaks inside house and leaks outside house, as it has sometimes done on our property). We seek the applicant to pay for and effect the cleaning of all gutterings on our property's buildings once every 3 months; and to reimburse us for this cost over past 5 years; and

- (ix) The quarry has dust effects which cause dust depositing on our home and roof and gutterings which has already caused accelerated depreciation and repair needs of these items in/on our buildings, especially the gutterings' and rooves. We seek contribution by applicant to each of these repairs, as have been effected over past 5 years and as will be impacted by the quarry continuing at present unauthorised and uncaring and irresponsible activity levels; and

30. Water table effects

- (i) We seek to be guaranteed that the water tables under our property, will not have their volume in any manner reduced due to the quarry and its blasting/explosions and/or operations or otherwise; and
- (ii) We seek to be guaranteed that the water tables under our property, will not have their water quality negatively impacted in any manner due to the quarry and its operations or otherwise; and
- (iii) We have concerns that the water surface take or any other water take right and/or any water diversion project and/or any high risk erosion areas within quarry property or adjoining, may impact negatively on our property and/or on our springs and/or our 5 different organic orchards and/or farm animals and birds and bees, especially in times of drought as we suffered in 2020; and
- (iv) We require a guarantee that no fracking will ever be permitted; and

31. Effects on springs Heartland Farm

- (i) We refer all parties to our spring water web site at:
www.heartlandsprings.com
- (ii) Heartland Farm relies on the continuing supply of top quality spring water from this long-standing spring source; and
- (iii) We repeat our concerns in clause 30 above, and the spring flow is dependent on a water table level to provide weight to push up naturally the spring from its aquifer source; and
- (iv) This spring source has existing use rights dating back to at least the 1800's; but Waitaha (the Ruka family) tells us this spring and its use by humans' dates back to pre-maori; and
- (v) Mount William Spring Water Limited has water take rights provided by the Waikato Regional Council set at 200,000 liters per day. The formal resource consent was granted by the Waikato Regional Council to the Right Holder by way of the written agreement sent by them to the Right Holder (with the knowledge and consent of the land owner) around 7 October 2011, this following applications made by the Right Holder (with the knowledge and consent of the land owner) around 1 July 2011 and 22 August 2011, and

each Resource Consent being numbered .123205, 122977 and 122976 respectively The water take rights are numbered 123205, 122977 and 122976 respectively; and

- (vi) We seek to be guaranteed (with set in stone serious financial penalties if this guarantee is not honored) that the aquifer supplying spring water to our property will not have its quantum or flow or quality in any manner negatively impacted nor slowed due to the quarry and its operations and its blasting/explosions and/or any side effects from erosion or sediment and/or otherwise; and
- (vii) We seek to be guaranteed (with set in stone serious financial penalties if this guarantee is not honored) that the channel in rocks delivering spring water to the surface of our property from the aquifer supplying spring water to our property will not have its flow nor directions in any manner negatively impacted nor slowed due to the quarry and its operations and its blasting/explosions and/or any side effects from erosion or sediment and/or otherwise; and
- (v) We sell spring water also from our property back gate in Irish Rd. We seek to be assured that the quarry will never impact on the amenity and/or facility presently enjoyed by our property and our customers who drive to collect and buy spring water; and
- (viii) We remain seriously concerned the applicant enlarged its quarry and increase the force of its explosions, without even consulting us about a likely impact on our exiting spring source; and
- (ix) In 2020 we had the most reduction ever seen in our spring flow over 31 years of living on Heartland Farm. We demand that the blasting and explosive force at the quarry be reduced substantively from its present practice and that it also cease during any times of prolonged summer droughts; and
- (x) We require the applicant to complete a detailed assessment of effects of all aspects of their existing operation and proposed operation on our aquifer and its rock channel and the spring flow and quality of spring water. This needs to include geological, geo tech, to identify exactly where the source aquifer is located and its depth and the age of water therein and to assess the effects of the blasts/explosions and their vibrations on all aspects of our spring water source; and
- (xi) We require water quality and flow tests to become a regular exercise paid for by the quarry operator; and

32. Effects on stream Heartland Farm

- (i) We seek to be guaranteed that the stream running through our property will not have its volume in any manner reduced due to the quarry and its operations or otherwise; and

- (ii) We seek to be guaranteed that the flow rate of the stream running through our property will not have its flow rate in any manner impeded nor reduced due to the quarry and its operations or otherwise; and
- (iii) We have concerns that the storm-water discharge applied for may impact negatively the stream flow through our property, especially in times of flash floods. If our stream flow is halted or impacted, it could cause damage to the source and protections around our spring source and/or cause damage to our back gate spring water collection tank and facilities; the latter being evident in June 2020; and

33. Other effects - – we require that all matters addressed and determined by the Regional Council and /or by the Courts in the Winstone Limited v David Phillips and Pokeno Protection Society and others in regard to a large quarry proposed on Pokeno Hill, be distributed to the applicant and available to objectors, and each matter therein be also addressed by this applicant and be each considered when assessing conditions of operations by the McPherson Quarry.



D W Phillips, autographed on behalf of himself as :david-william: from house of phillips and on behalf of all submitters

NZ Address:
c/- Heartland Farm
219 State Highway 2 (SH2),
Pokeno, 2471,
New Zealand (NZ).
NZ Mobile: (64) 021 0604219

ATTACHMENT TO SUBMISSIONS re McPherson's Quarry LU C0123/19 and AAP137612

2 July 2020

Please affix this correspondence to the submissions made today by persons associated with Heartland Farm.

Some communications (but not all) about complaints to Council re Quarry are tabulated herein. The record shows there were also complaints re quarry recorded by Heartland Farm in 2015 and also back in 1998. These are some of the more recent complaints and Council responses:

1 July 2018 (Waikato District Council)

From: davidmvh@gmail.com

Sent: Sunday, 1 July 2018 6:20:44 a.m.

To: "Rates" <rates@waidc.govt.nz>; info@waidc.govt.nz

CC: "Rachel Williams" <interachel@gmail.com>; "Stephen Pool" <sjpool8c@gmail.com>

Subject: Complaints to District Council re Pokeno Quarry

Hi Catherine and Julie,

Can you please pass this email and the quarry complaints herein, onto your relevant complaint service people and inspectorate in the District Council.

The Pokeno Quarry I refer to is located on south side of Bombay Hills, facing our farm and SH2.

Quarry entrance possibly from McPhersons Road.

This complaint is sent by each of the following entities, each authorising this emailed letter of complaint:

David W Phillips

as resident of Heartland Farm &
Pokeno Farm Family Trust as owner of Heartland Farm &
Hambletonian Limited, as lessor of Heartland Farm &
Heartland Farm Charitable Trust based at Heartland Farm &
Wai Ora New Zealand Limited &
Mount William Spring Water Limited

Rachel Williams, a resident at Heartland Farm, and other residents might also soon join this complaint. I have copied this email to Rachel and her NZ mobile phone is:

021 0501589

Please note our land line at farm is no longer connected.

I am out of NZ at present, but this complaint should be dealt with urgency. You can phone Rachel and email me, or I can attend to skype communications

Please advise me by email who will deal with this in Council; and when.

In that earlier complaint/event (about 2 years or so ago) a lady in the District Council did phone me and said she was very busy and had difficulty to following up complaints. She also criticised me for not complaining earlier? She said she would visit quarry site and come back to me. I never heard back from her. This earlier complaint and its context, should be recorded in your files.

Since that complaint negative effects on us from quarry have recently escalated.

The matters of specific complaint are now listed:

1. Recently this quarry has STRIPPED from the landscape and hillside what seems to us as observers, acres of native bush or other greenery (including some sizable native trees being felled), causing a huge increase in bare land scars now seen visually from our farm and from SH2.
2. As a result of above actions, our farm now faces much increase in dust being blown from both quarry and increase bare land around it being blown, all over our organic farm and house and washing and cars and animals on the farm - and over our spring water operation; and of course over us humans.
3. We have no idea what other pollutants are in the quarry dust, especially after heavy machinery use on its land/rocks, and explosives being used on quarry site.
4. Our farm is organic and has been operated in this manner for some 28 years. We strenuously object to this dust nuisance and potential pollutants.
5. We have complained before about the extensive detonation carried out on quarry site; and ask this cease immediately. It not only shakes out homestead, but frightens our animals (which include quality pregnant bloodstock). The dust can damage bloodstock's delicate breathing passages. These are racehorses, and such effects can be catastrophic.
6. As well our farm is a protected site for birds, with about 35 different species now living in our thousands of trees-most trees planted by us. The birds scream each time there is a blast from the quarry, as I am sure they also do in the nearby Mt William conservation reserve.

7. The recent blasts from quarry seem to have increased in intensity; and may well have some detrimental affect on the spring water which has been flowing on our farm at least since 1860's, probably for thousand of years prior.

We depend on this spring for our livelihood, and we have rights to extract up to 200,000 litres per day.

We object to this risk from the quarry, and ask you to ensure you advise the quarry in writing of this risk, and that we hold both Council and them jointly liable in event of damage to our spring supply.

8. We have had complaints from spring water customers, who collect spring water at our back gate; and from tenants at Heartland Farm, who rent space from us.

These complaints to us have included the visual eyesore of quarry, as it has widened its own footprint/landscape significantly in recent times; and the dust and the noise and the blasts.

9. We can now hear much more noise from the quarry, even on Sundays, as the heavy machinery cuts into landscape and rocks get pulverised. This noise has increased what seems to be 5-fold in past year; due either to increased operating times or lack of surrounding green bush/treed borders, or some other unidentified reasons. We seek the increased noise to stop, including to stop altogether on Sundays.

10. Other matters to be advised.

It is also noted we recently had a Regional Council person at our farm, and we did not need to point out to him the ever-growing landscape abuse by this quarry. He knew of it (indeed anyone travelling along SH2 can see the ever-growing area of desolation-what is happening and who approved its recent extension?) and he indicated to me he was disgusted this recent extension to quarry area and bush/native trees/site clearance was permitted by council; but it was outside his area of council operations.

In addition to this complaint begin taken seriously by Council, and follow-up being advised to us in writing as soon as possible, we seek to have sent to us also the following:

11. The name and address of the quarry owner today, and their contacts. If the operator today is different to the entity receiving approvals from council, then also the name and contacts of that earlier entity.

12. The name and address of the land owner and their contacts.

13. A copy of any council approvals and conditions (resource consent) of operation, and the latest date thereof; including all conditions to mitigate damage and noise and dust and spread of pollutants and blasts and the limit to operating times.

14. The next date any council approval is required.

15. Reasons why, as affected neighbors, we have never been consulted (in any manner whatsoever) about this quarry, by either the quarry operator, land owner or either of the Councils.

16. What rights we have to further our complaints, and how, especially if Council decides once again not to act to protect us as affected neighbors.

PLEASE NOTE ON THIS QUARRY FILE, WE SEEK TO BE CONSULTED AND HEARD ON EVERY APPLICATION OR CHANGE OR USE OR OTHER MATTER RE THIS SITE AND THIS QUARRY - in addition to this complaint begin followed up and also with questions herein being answered.

sincerely,
David

David W Phillips

& Pokeno Farm Family Trust as owner of Heartland Farm
& Hambletonian Limited, as lessor of Heartland Farm
& Heartland Farm Charitable Trust based at Heartland Farm
& Wai Ora New Zealand Limited
& Mount William Spring Water Limited

NZ Address:

Heartland Farm
219 State Highway 2 (SH2), Pokeno, 2471,
New Zealand (NZ).

NZ Mobile: (64) 021 0604219 (not connected)

Web Site: www.heartlandsprings.com

3 July 2018 (Waikato District Council)

from: **Ian Boddington** <Ian.Boddington@waide.govt.nz>
to: "davidmvh@gmail.com"
<davidmvh@gmail.com>

cc: Tania Mulder <Tania.Mulder@waidc.govt.nz>,
"interachel@gmail.com"
<interachel@gmail.com>,
Craig Birkett <Craig.Birkett@waidc.govt.nz>

date: 3 Jul 2018, 14:04
subject: Com0005/19
mailed- waidc.govt.nz
by:

Mr Phillips

Your complaint has been received by WDC. Com0 005/19 refers:

I was up in Maramarua this morning so called into your address and spoke with Rachel. I explained the current situation regarding McPhersons Quarry with her and informed her of the following:

- 1: The quarry was under operating under existing rights which allowed the mining to continue after the RMA was introduced in 1991. The quarry site was in the old Franklin District
- 2: In or around 1995 Franklin requested the quarry apply for a Land Use Consent to continue their operation. Shortly thereafter the request was reversed and existing use rights reinstated.
- 3: Maramarua came into the Waikato District in 2010.
- 4: The quarry did not register in any of our consent checks until a complaint from yourself was received in late 2015 in relation to blasting activities.
- 5: Although the blasting records showed no breeches it was determined that the intensity of the operation had increased and the tonnage from the site plus the bench clearing undertaken over the years triggered the need for a Land Use consent
- 6: Since that time McPhersons Quarry have been working with a consent planner consultant to prepare and present the requested application to WDC.
- 7: The vast majority of that time was in discussions with NZTA
- 8: Waikato District Council are expecting this application to be made some time in the next two to three weeks.
- 9: A decision was made to allow the quarry operation to continue while Resource Application was being prepared.
- 10: I will place your complaint on the property file so that when a WDC planner is allocated this application when received, the planner will be aware of your interest in this property.
- 11: It will be up to the WDC planner to determine who and who is not an affected party.

12: If as expected you are identified as an affected party you will then have an opportunity to make submissions in relation to the application.

13: Waikato Regional Council are aware of the quarry and do have discharge consents relating to storm water treatment and control in place.

I have closed off this complaint in lieu of the pending application but it will remain on Council records.

If you have any other questions please ask.

Regards

Ian Boddington

Monitoring Officer

Waikato District Council

3 July 2018 (Waikato District Council)

from: **David Phillips** <davidmvh@gmail.com>

to: Ian Boddington
<Ian.Boddington@waidc.govt.nz>

cc: Tania Mulder
<Tania.Mulder@waidc.govt.nz>,
"interachel@gmail.com"
<interachel@gmail.com>,
Craig Birkett
<Craig.Birkett@waidc.govt.nz>

date: 3 Jul 2018, 18:23

subject: Re: Com0005/19

Hello Ian,

Thanks for your email.

I think it is unfortunate that your visit was made without a pre arranged time.

I also think it is not good (nor probably legal) that WDC has sat on my complaint re blasting 2015; and never once come back to me nor made any step to limit or control or mitigate that complained of damage between 2015 and today.

I also do not accept that this complaint be closed off by you/Council, as you write you have so actioned.

Rachel wrote to me about your visit, and added:

"First questions upon entrance into the attic office from him (ian) were could the quarry be seen from where we stood and looked out the window. It could not, second questions was reasserting the points of concern in your email were recognised and understood by me, which they were."

Ian, the fact is my attic office has one small window facing north.

What is not recorded by Rachel or you, is the fact my attic bedroom has french doors facing north to quarry and the quarry can be seen and heard from these doors.

Further, my attic deck is a part of my home, and standing on my deck outside the attic one can see near all of the quarry,,,,,and the quarry sounds (and some dust) comes direct across from quarry to my deck, as it is a straight line between each; such that I cannot do anything peaceful there on days quarry is working. I often in summer close the attic doors due to quarry sound and/or dust coming inside.

One other matter i raised with Council in my recent complaint you do not address at all, this being the the very recent stripping and destroying by quarry management of acres of native bush/native trees prior on and around quarry site.

I do accept quarry can operate, as it now is, on existing use rights. It seems on this point Council and i are now in agreement, but it begs the question as to how it has operated for some years (espec 2015-2018) in a near uncontrolled manner.

You write (in your point 5) that the quarry blasting records in 2015 showed no breaches - but what was there to beach, if there were no Council imposed conditions of land use to mitigate environmental effects? The blasts physically shake our home! Is that fair and lawful?

You write in your point 13 that WRC has some conditions of use. What are these exact conditions (please send them to me, as I requested in my earlier letter); and please advise do they cover mitigating the dust and sound pollutants. If not, why not?

It is URGENT that limits within many conditions are imposed urgently, which are requested and required by me and all other named parties in my letters of complaint - mitigating conditions to blasts, to dust, to noise, to operating hours, to the eyesore being created, to many operating pollutants. As well, native bush on site should be protected, should it not?

Why were the land and air applications not required by Councils to be filed and notified to affected parties by quarry operators in early 2016?

Once before this quarry was tiny; in comparison with its much larger scope today. This point is also one that I and council seem to be in agreement on.

Prior use rights were that it worked a few days a week, with responsible McRobbie operators. Today it has different operators (I say now with irresponsible operators, who show not the lawful concern required of them to environment, nor neighbors) and the scope today is far far bigger than ever before- expanding operations much in 2016 -2018, in front of Council eyes, while Council awaited lodging of a consent application.

This is a terrible indictment of Councils, given you each allowed 'permitted' uncontrolled quarry growth in late 2015-mid 2018, knowing an application was required, but had not been lodged; while the unlawful expansion of the quarry hurt the environment and affected parties, and probably broke environmental laws in the process of the hurried recent late 2015-mid 2018 quarry expansions.

Now the quarry also seems to work any of the 7 days in a week.

I say all blasting and all works to destroy native bush and dust and noise hazards should be stopped forthwith, until land use and air quality applications are made and all affected parties are heard.

Should Council not be prepared to follow proper process, then I will take my complaints to Environment Court, seeking orders therefrom. Should council not involve my interests in all applications before it, and permit us to submit and be heard, then the Environment Court will certainly be asked to become involved to protect our and our environments interests, should Councils ignore them.

Could you also please answer in writing, and one by one please, each of the 16 questions i raised before.

Some remain unanswered by you, in your letter of today. By example I must be sent name and address of quarry operator, so I can also put them on notice.

I also now seek from you/Council, a copy of the all the council papers which record the matter you raise in your point 9, viz:

"

A decision was made to allow the quarry operation to continue while Resource Application was being prepared.

"

For ease of answering my earlier unanswered questions, I repeat the questions herein:

The matters of specific complaint are now listed:

1. Recently this quarry has STRIPPED from the landscape and hillside what seems to us as observers, acres of native bush or other greenery (including some sizable native trees being felled), causing a huge increase in bare land scars now seen visually from our farm and from SH2.
2. As a result of above actions, our farm now faces much increase in dust being blown from both quarry and increase bare land around it being blown, all over our organic farm and house and washing and cars and animals on the farm - and over our spring water operation; and of course over us humans.
3. We have no idea what other pollutants are in the quarry dust, especially after heavy machinery use on its land/rocks, and explosives being used on quarry site.
4. Our farm is organic and has been operated in this manner for some 28 years. We strenuously object to this dust nuisance and potential pollutants.
5. We have complained before about the extensive detonation carried out on quarry site; and ask this cease immediately. It not only shakes out homestead, but frightens our animals (which include quality pregnant bloodstock). The dust can damage bloodstock's delicate breathing passages. These are racehorses, and such effects can be catastrophic.
6. As well our farm is a protected site for birds, with about 35 different species now living in our thousands of trees-most trees planted by us. The birds scream each time there is a blast from the quarry, as I am sure they also do in the nearby Mt William conservation reserve.
7. The recent blasts from quarry seem to have increased in intensity; and may well have some detrimental affect on the spring water which has been flowing on our farm at least since 1860's, probably for thousand of years prior.

We depend on this spring for our livelihood, and we have rights to extract up to 200,000 litres per day.

We object to this risk from the quarry, and ask you to ensure you advise the quarry in writing of this risk, and that we hold both Council and them jointly liable in event of damage to our spring supply.

8. We have had complaints from spring water customers, who collect spring water at our back gate; and from tenants at Heartland Farm, who rent space from us.

These complaints to us have included the visual eyesore of quarry, as it has widened its own footprint/landscape significantly in recent times; and the dust and the noise and the blasts.

9. We can now hear much more noise from the quarry, even on Sundays, as the heavy machinery cuts into landscape and rocks get pulverised. This noise has increased what seems to be 5-fold in past year; due either to increased operating times or lack of surrounding green bush/treed

borders, or some other unidentified reasons. We seek the increased noise to stop, including to stop altogether on Sundays.

10. Other matters to be advised.

It is also noted we recently had a Regional Council person at our farm, and we did not need to point out to him the ever-growing landscape abuse by this quarry. He knew of it (indeed anyone travelling along SH2 can see the ever-growing area of desolation-what is happening and who approved its recent extension?) and he indicated to me he was disgusted this recent extension to quarry area and bush/native trees/site clearance was permitted by council; but it was outside his area of council operations.

In addition to this complaint begin taken seriously by Council, and follow-up being advised to us in writing as soon as possible, we seek to have sent to us also the following:

11. The name and address of the quarry owner today, and their contacts. If the operator today is different to the entity receiving approvals from council, then also the name and contacts of that earlier entity.

12. The name and address of the land owner and their contacts.

13. A copy of any council approvals and conditions (resource consent) of operation, and the latest date thereof; including all conditions to mitigate damage and noise and dust and spread of pollutants and blasts and the limit to operating times.

14. The next date any council approval is required.

15. Reasons why, as affected neighbors, we have never been consulted (in any manner whatsoever) about this quarry, by ether the quarry operator, land owner or either of the Councils.

16. What rights we have to further our complaints, and how, especially if Council decides once again not to act to protect us as affected neighbors.

sincerely,
David

David W Phillips

NZ Address:

Heartland Farm
219 State Highway 2 (SH2), Pokeno, 2471,

9 July 2018 (Waikato District Council)

Thanks David for your reply.

The issues you have raised will be addressed in the Land Use Application that is due to be presented to WDC within the next week or two.

I also indicated in my previous email it will be a WDC planner that will decide who will be affected parties.

I indicated that your concerns will be placed on the quarry file held by WDC and I will ensure that the WDC planner allocated this application when submitted is aware of your concerns.

Monitoring blasts relates to noise and vibration neither of which breached District Plan rules by way of explanation.

Regional Council deals with storm water and any other water concerns and largely lay outside WDC's concerns relating to quarry management.

McPhersons own the quarry and have for a long time. McRobbies used to run the quarry under agreement until a few years back when full management reverted back to the property owners. The two brothers now operating the Quarry are Michael and Stephen with a registered address of 47 McPherson Road Pokeno 2471 NZ and have been the operators since 2009.

There are letters dating back to 1998 on WDC file recovered from ex Franklin showing your written concerns relating to noise and blasting. These will also be available and part of the planners determinations.

Com0133/16 related to your last complaint and you were contacted by monitoring officer Tania Mulder from our Tuakau office. The thread of that conversation is noted and resulted in the complaint being closed which is where I came into the picture. As a result of my visit, McPhersons were advised that a consent was necessary. That is where we now are currently.

I will advise you when the consent application is received and the consent number allocated to it and who the planner is.

Regards

Ian

17 Sep 2018 (Waikato District Council)

Hi Ian,

I recall on 9 July 2018 you wrote to me about the next door quarry, vis a vis my complaints. Your reply included words now repeated herein in italics:

"The issues you have raised will be addressed in the Land Use Application that is due to be presented to WDC within the next week or two.

I also indicated in my previous email it will be a WDC planner that will decide who will be affected parties.

I indicated that your concerns will be placed on the quarry file held by WDC and I will ensure that the WDC planner allocated this application when submitted is aware of your concerns."

I am still overseas, and have not received any update by email nor any copy of any application or submissions the quarry owners may have filed with Council.

Can you please update me.

Is Council yet in receipt of any application? If 'no', when is it expected? If 'yes', when was it received?

If Council is in receipt of any application please send to me a copy by email.

Has the WDC planner yet decided who might be or are affected parties.?

If 'yes' who are the affected parties, and do they include our farm?

If our farm is excluded please advise the reasons; and also advise how the farm can appeal such decision.

My letter emailed of 3 July 2018 put Council on notice of our farm being affected by the quarry, and listed specific complaints.

Our position as an affected party remains, I repeat the points 1 to 16 I listed and sent to you on 3 July 2018, and ask Council to take heed of those 16 points then listed; and I also repeat:

"Should council not involve my interests in all applications before it, and permit us to submit and be heard, then the Environment Court will certainly be asked to become involved to protect our and our environments interests, should Councils ignore them."

Please at all times make sure all matters sent to our farm are also copied to me by email.

sincerely,
David

David W Phillips/ Hambletonian Limited

NZ Address:

Heartland Farm
219 State Highway 2 (SH2), Pokeno, 2471,

19 July 2018 (Waikato Regional Council)

On Thu, 19 Jul 2018 at 16:03, Jennie Cox <Jennie.Cox@waikatoregion.govt.nz> wrote:
19 July 2018

Mr David Phillips

I write in response to your request for information relating to the Quarry situated on McPhersons Road, Pokeno.

You sought the following information:

0.1. The name and address of the quarry owner today, and their contacts. If the operator today is different to the entity receiving approvals from council, then also the name and contacts of that earlier entity.

0.2. The name and address of the land owner and their contacts.

The current owner of the quarry is listed with Council as McPherson Resources Limited. A search on the Companies Register confirms the details for the company as:

McPherson Resources Limited

C/-Michael McPherson, 47 McPherson Road, RD 1, Pokeno 2471

The earlier entity who owned the Quarry/consents prior to McPherson Resources Limited was McRobbie Dowling Ltd. A search of the Companies Register confirms the details for that company as:

McRobbie Dowling Limited

Bhw Limited, Suite 3, 27 Bath Street, Parnell, Auckland, 1052

0.3. A copy of any council approvals and conditions (resource consent) of operation, and the latest date thereof; including all conditions to mitigate damage and noise and dust and spread of pollutants and blasts and the limit to operating times. Email File(s) attached

The original consents were granted to McRobbie Dowling Ltd. Please find attached the Consent Evaluation reports relating to the Water Consent - Surface Water Take (RC116085) and the Discharge Permit – Discharge to water (RC116015).

These consents were transferred by request to McPherson Resources Limited in 2010 – Refer the attached letter Transfer of Resource Consent.

There is a new application in process and the Resource Officer responsible for this is Emma Cowan.

I have been advised by the Resource Officer Martin Keep that he will be carrying out the 2018/19 Financial year audit in a period of heavy rainfall and will be taking water samples of any discharges off site to ensure compliance with the Waikato Regional Council minimum requirements and old consent conditions.

Once the new consent is granted a further compliance audit will be carried out.

Jennie Cox Democracy Advisor | Democracy, Community and Services

WAIKATO REGIONAL COUNCIL | Te Kaunihera ā Rohe o Waikato

P: +6478590897

F: [facebook.com/waikatoregion](https://www.facebook.com/waikatoregion)

Private Bag 3038, Waikato Mail Centre, Hamilton 3240

17 Sep 2018 (Waikato Regional Council)

from: **David Phillips** <davidmvh@gmail.com>
to: Jennie.Cox@waikatoregion.govt.nz
cc: Rachel Williams
<interachel@gmail.com>
date: 17 Sep 2018, 02:18
subject: Re: Response REQ135884 -
Quarry situated on McPhersons
Road, Pokeno

Hi Jennie,

Thanks for replying.

I was away from all email contact when your reply came in.

I ask, why is our farm owner, as a very close neighbor to the quarry, and certainly being an affected party, not given any opportunity to consider and submit to any application now before Council?

Please advise Council's Emma Cowan that we seek to see all present/new applications, and to have opportunity to be consulted before Council finalises any new quarry conditions or approval.

Please advise Council's Martin Keep that we seek a copy of his Audit findings re water samples to be sent to us each time such audit is undertaken.

Who is responsible for enabling the quarry owners over the past year, to strip off native forest/trees off part of their site - causing, as it must, major increase in storm water run off and pollutants from the quarry site? As well it has wrecked bird life-homes, and caused a major eye-sore from SH2 and from our farm decks.

What is quarry being asked to do to mitigate and to re-plant?

Does Regional Council have any control over blasting from the quarry and/or dust nuisances?

If 'no' please advise; if 'yes' please advise what controls you have imposed by way of specific conditions.

Why are you not doing things to require mitigation of effects, and why not co-involving affected parties like our farm?

No one from the quarry owners has EVER come to consult with us about their proposed destructive works in and around the quarry. No one from quarry owners have ever bothered to come ask us about the effects on us as neighbors - and nether has Council. Why?

I await Council's replies. Please send replies to me by email.

sincerely,
David

David W Phillips/Hambletonian Limited

NZ Address:

Heartland Farm
219 State Highway 2 (SH2), Pokeno, 2471,

New Zealand (NZ).

NZ Mobile: (64) 021 0604219 (connected)

Web Site: www.heartlandsprings.com

Russian Address:

Rubensteiner 2/45, Apartment 10,

St Petersburg, 191025,
Russia.

Russian Mobile: +7 981 936 4323 (connected)

We Chat: david2268nz
Skype: davidwilliam2009

11 October 2018 (Waikato Regional Council)

TO D Phillips

davidmvh@gmail.com

Tēnā koe David

REQ138608 – request for information – McPherson Road quarry

Thank you for your request for information received by Council on 17 September 2017 (current request).

By way of background I have included below a copy of your previous related request (previous request) and Council's response emailed to you on 19 July 2018. A number of documents were provided to you at that time as described in the copy of the response below.

Your current request and Council response in each case is recorded as follows:

Request 1:

Why is our farm owner, as a very close neighbor to the quarry, and certainly being an affected party, not given any opportunity to consider and submit to any application now before Council?

Council's response:

Waikato Regional Council has received resource consent application APP137612 relating to a suite of activities associated with the operation of McPherson Quarry. The processing of the application was initially placed on hold awaiting further information and application for additional activities. The additional information was provided on 28 September 2018 and accordingly processing of the application recommenced on this date. The applicant is in the process of undertaking consultation with potentially affected parties and the notification decision has not yet been made. A copy of the application is enclosed. If you wish to discuss the proposal, you may do so with the Processing Officer Emma Cowan (07 858 6073, emma.cowan@waikatoregion.govt.nz) or direct with the applicant's consultant Christian McDean (Kinetic Environmental, 021 383 404, christian@kineticenvironmental.co.nz).

Request 2:

Please advise Council's Emma Cowan that we seek to see all present/new applications, and to have opportunity to be consulted before Council finalises any new quarry conditions or approval.

Council's response:

A copy of the application is enclosed. Refer to comments above.

Request 3:

Please advise Council's Martin Keep that we seek a copy of his Audit findings re water samples to be sent to us each time such audit is undertaken.

Council's response:

Martin has indicated that compliance audit reports will be provided to you when they are carried out. He will visit the site when it's raining and do a sample run the next time, the results will be incorporated into his compliance audit report.

Request 4:

Who is responsible for enabling the quarry owners over the past year, to strip off native forest/trees off part of their site - causing, as it must, major increase in storm water run off and pollutants from the quarry site? As well it has wrecked bird life-homes, and caused a major eye-sore from SH2 and from our farm decks.

Council's response:

Waikato Regional Council will investigate your claims. However it would be helpful if you could provide any supporting evidence.

Request 5:

What is quarry being asked to do to mitigate and to re-plant?

Council's response:

In relation to the current application, the environmental effects assessment has not yet been undertaken by Waikato Regional Council. The level of effect and corresponding ecological mitigation (if required) will be considered during the effects assessment.

Request 6:

Does Regional Council have any control over blasting from the quarry and/or dust nuisances? If 'no' please advise; if 'yes' please advise what controls you have imposed by way of specific conditions.

Council's response:

Blasting and vibration are controlled under District Council regulation. Waikato Regional Council does monitor dust discharges. The current application if granted will have a suite of conditions to monitor and control dust. The conditions schedule has not yet been drafted.

Request 7:

Why are you not doing things to require mitigation of effects, and why not co-involving affected parties like our farm?

Council's response:

As discussed in the above responses, with regard to the current application, the effects assessment and notification decision have not yet been made as the application has been, until recently, on hold.

Request 8:

No one from the quarry owners has EVER came to consult with us about their proposed destructive works in and around the quarry. No one from quarry owners have ever bothered to come ask us about the effects on us as neighbors - and nether has Council. Why?

Council's response:

The assessment of potentially affected parties has not been made with regard to the current application. The level of consultation required will be assessed during the notification decision. Please

don't hesitate to contact Council's Processing Officer or the applicant's consultant direct if you would like to discuss the proposal and any concerns that you may have.

Please contact me if you have any further queries.

Nāku, nā

Sarah McLeay

Statutory Processes Advisor

Waikato Regional Council

Doc # 13083631 Page 3

Your previous request responded to by Council is set out below (Council's reference REQ135884):

On Thu, 19 Jul 2018 at 16:03, Jennie Cox <Jennie.Cox@waikatoregion.govt.nz> wrote:

19 July 2018

Mr David Phillips

I write in response to your request for information relating to the Quarry situated on McPhersons Road, Pokeno. You sought the following information:

0.1. The name and address of the quarry owner today, and their contacts. If the operator today is different to the entity receiving approvals from council, then also the name and contacts of that earlier entity.

0.2. The name and address of the land owner and their contacts.

The current owner of the quarry is listed with Council as McPherson Resources Limited. A search on the Companies Register confirms the details for the company as:

McPherson Resources Limited

C/-Michael McPherson, 47 McPherson Road, RD 1, Pokeno 2471

The earlier entity who owned the Quarry/consents prior to McPherson Resources Limited was McRobbie Dowling Ltd. A search of the Companies Register confirms the details for that company as:

McRobbie Dowling Limited

Bhw Limited, Suite 3, 27 Bath Street, Parnell, Auckland, 1052

0.3. A copy of any council approvals and conditions (resource consent) of operation, and the latest date thereof; including all conditions to mitigate damage and noise and dust and spread of pollutants and blasts and the limit to operating times. Email File(s) attached

The original consents were granted to McRobbie Dowling Ltd. Please find attached the Consent Evaluation reports relating to the Water Consent - Surface Water Take (RC116085) and the Discharge Permit – Discharge to water (RC116015). These consents were transferred by request to McPherson Resources Limited in 2010 – Refer the attached letter Transfer of Resource Consent.

There is a new application in process and the Resource Officer responsible for this is Emma Cowan.

I have been advised by the Resource Officer Martin Keep that he will be carrying out the 2018/19 Financial year audit in a period of heavy rainfall and will be taking water samples of any discharges off site to ensure compliance with the Waikato Regional Council minimum requirements and old consent conditions. Once the new consent is granted a further compliance audit will be carried out.

Jennie Cox Democracy Advisor | Democracy, Community and Services

WAIKATO REGIONAL COUNCIL | Te Kaunihera ā Rohe o Waikato

P: +6478590897

F: [facebook.com/waikatoregion](https://www.facebook.com/waikatoregion)

Private Bag 3038, Waikato Mail Centre, Hamilton 3240



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 30

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Marilyn Thompson & Nigel Cowan

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

See attached sheets

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are:

See attached sheets

I seek the following decision from Waikato District Council:

☐

Approve

☒

Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

See attached sheets

Number of additional sheets attached

I wish to be heard in support of my submission

Yes

☒

No

☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes

☒

No

☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes

☒

No

☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter



Date 2 July 2020

A signature is not required if you make your submission by electronic means

Address 40 McPherson Road, RD1, Pokeno

Postcode 2471

Email marilyn.thompson@xtra.co.nz

Phone 021 905088 (Nigel)

Contact person's name (name and designation if applicable) Nigel Cowan

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

Thompson & Cowan Submission
To



McPherson Resources Limited Consent Application
Public Notification



2 July 2020

Submission form (Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION #.....

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991 SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) **Marilyn Thompson and Nigel Cowan**

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 Mcpherson Road and 93 Irish Road Mangatawhiri

- **We are not a trade competitor for the purpose of Section 308B of the Resource Management Act 1991**

The specific parts of the application that our submission relates to are:

We oppose the Development and Expansion Plans for the McPherson Quarry including:

- Mineral extraction of 490,000 tonne of weathered greywacke annually for a period of up to 45 years over three stages.
- Hours of operation- 7:00am to 7:00pm Monday to Saturday.
- 165 daily truck movements (approx. 82 arriving to the site and approximately 82 trucks departing from the site including importation of cleanfill)
- Earthworks with a volume of approx. 18,784,018 m³ over approx. 28.77 ha (Stage 1 = 8.72 ha, Stage 2 = 8.39 ha, Stage 3 = 11.66 ha) and vertical faces with a maximum of 15m high with 7.5m wide benches.
- The deposition of cleanfill with a maximum volume of 100,000m³ per annum over a period of 45 years.
- Removal of 2.45ha (In Stage 1 and Stage 3) of indigenous vegetation within an Identified Significant Natural Feature and Schedule 5A area (policy overlay area under the ODP)
- All expansion of the Quarry Operations since 1999, that exceed the legally defined consents. We suggest that present day quarry operations are well in excess of the current consent limits and would now appear to be already aligned with a significant part of Stage 1, prior to the Consent process being completed.

- **We oppose the part/s named above.**

The reasons for our views are...Summary

The proposed expansion of the quarry operation will have catastrophic impact in the following ways:

- detrimental impact on peaceful and quiet rural lifestyle, and natural surroundings including native birds and animals
- reduces the amenity value of our property to us
- reduces the commercial value of our lifetime asset
- potential health issues related to effects of quarry dust in the air and gathering in our house water supply
- increased risk to public road safety

Built in 1999 when the quarry was a contained and managed operation under McRobbie Dowling Ltd, our home is adjacent to the McPherson property. More recent and rapid expansion has resulted in considerable impact on our visual landscape.

Listed below are factors already having a detrimental impact on our lifestyle. **ANY** further increase in quarry operations will exacerbate these.

1. Dust
2. Contamination of house drinking water
3. Vibration and shock waves from blasting, resulting in house damage
4. Heavy Traffic on McPherson Rd, and safety at State Highway 2 intersection
5. Noise
6. Visual distortion of rural landscape
7. Loss of amenity value

Detail**1. Dust****a. Dust & Clean Air Contamination (Pollution)**

Over recent years we have witnessed the increasing level of Dust pollution and the effect this is having on our ability to live normal lives.

In dry conditions we experience large clouds of dust coming off the quarry roads, the loading area and the overburden areas (which is already rising from the valley floor). Dust hovers and blows around the corner of the quarry face, streaking across the valley on the predominant Westerly/North-westerly and South Westerly winds. Trucks exiting the quarry gate on McPherson Road are often enveloped in dust and are very regularly lost from site in the dust cloud before passing the Graham property gate halfway down McPherson Road. McPherson Road becomes coated in grey dust down to the SH2 corner and beyond.

On wet days or occasions when the sprinkler system is activated there is reduced dust levels. (Note the sprinkler system does not appear to include the quarry loading and crushing areas.) On these occasions the dust (in the form of mud) will often "cake" on the trucks and is dropped on McPherson Road in a thick slippery slurry, often running from the Quarry gate down McPherson Rd towards and on to SH2.

The absence of wheel wash facilities for dust mitigation is obvious, and all internal quarry roads should be sealed.

b. Dust Coating the house

Our house and any outside equipment are very quickly coated with thick fine dust which finds its way into the house, coating everything. Vehicles in the enclosed garage are also coated.

The dust also collects in the house guttering turning into a dark sludge that sprouts weeds and various grasses requiring regular cleaning and flushing. We have found ourselves with no option but to contract a local supplier to complete regular six-monthly flushing using a mobile platform and water blaster. In between his visits we are using ladders and water hoses to attempt to keep it clear.

2. House Water Supply contamination - Dust

Our water tank supply system takes the rainwater from the roof (contaminated with dust and sludge) and stores it in a 20,000-litre tank. We now have to have this emptied and flushed using water blasters on an annual basis. In Dec 2019 we noticed our water tank supply had a very strong smell and a test confirmed we had e-coli present in the supply. This required us to dump the water tank supply and have the tank cleaned and treated. We have recently installed an expensive multi filtering and UV light system to attempt to control the contamination of the house water supply from the roof of our house. The roof sludge continues to enter the tank and we are experimenting with a manual "first flush" system as a way to reduce the quarry dust entering into our house water system.

Given our experience with the extreme levels of dust generated at the McPherson Quarry and the known effects of Respirable Crystalline Silica dust (RCS) we are extremely concerned about the effect of dust on our health.

As the dust pollution effects for us are one of our main problems already, and the quarry development activity according to the consent documentation has not yet kicked off, we have to expect the problem will become more critical for us with the quarry expansion.

3. Vibration and Shock Waves from Blasting

a. Blasting

The noise from blasting has been less obtrusive in recent times since the recent blasting is inside the quarry pit and the eastern current pit face is sheltered from our house. Clearly this will change during the quarry expansion and is of concern.

b. Vibration effect on house structure

The greater immediate concern is the vibration and ground acceleration movement during blasting. The shock waves created run through our house rattling windows loudly and have caused damage to our house structure. The concrete tiles on the floor of our house have developed long fracture cracks in both the foyer and downstairs bathroom.

Also, on several occasions the concrete roof tile caps have become insecure and had to be re-cemented back on the roof ridge lines. We continue to find roof cement chunks in the guttering and on the concrete deck around the house and cracks in the cap cement can be seen confirming this is ongoing.

4. Heavy Traffic

The McPherson Quarry is only around 300 metres from the SH2 intersection. This is already a busy intersection with poor visibility along SH2 at the corner.

The proposed growth of traffic, many being truck and trailer units, is a major public safety concern as trucks attempt to manoeuvre slowly out on to SH2. Also, trucks turning right from SH2 into McPherson Rd can wait for some time to have sufficient clearance to turn right.

We note in the consent application a mitigation plan that will create:

- "at least 151 m forward visibility for westbound traffic to observe and respond to a right turning truck from McPherson Road to SH2 "
- "A 42m right turn bay on SH2 to provide sufficient stacking space for a truck and trailer unit to wait on SH2 in order to undertake safe right turning movements into McPherson Road"
- "An Auxiliary Lane for left turning vehicles from SH2 to McPherson Road. The auxiliary lane will be 100m long and commence at the barrier flare approximate 10m east of Graham Bridge. It is recognised that it will be shorter than the MOTSAM requirements for a standard auxiliary lane"

The Graham Bridge traffic constriction is a complicating factor that does not appear to be addressed.

Also, due to traffic volumes on SH2 the proposed 42m turning bay accommodating only one truck and trailer will be insufficient and tails of heavy traffic will regularly occur on SH2.

We cannot see how a safe solution can be achieved as traffic is squeezed back into narrow single lanes on the bridge. We have had a discussion with NZTA and they confirmed we should include these concerns in our response to the Public Notification process. It is our opinion that a wider bridge can be the only solution to keep the traffic flowing.

We see this as reason alone to rescind the previously "qualified" approval of the McPhersons Quarry Traffic Plan, by NZTA.

5. Noise

a. Levels

We note significant variation in noise levels at our house. Levels of noise vary according to wind direction, equipment in use in the quarry and level of quarry activity. Our hand-held noise meter indicates high levels of noise on occasions, normally associated with increased activity and wind direction.

It seems the influence of prevailing winds directly over the quarry operation channelling directly over our property has not been addressed in any of the "expert" (consultant) documentation. It is well known in the area that even when you cannot detect the wind in the Pokeno Valley it is always present, from the west travelling down the valley. This prevailing wind influence has equal impact on both Dust and Noise pollution given our obvious downwind position.

If the true influence of this was recognised in Fig 12 (Pg 26) as a "pollution indicator", then the diagram would show a "ballooning" in the eastern direction over our property and other eastern properties.

b. Trucks

Truck noise is evident from empty rattling on metal roads and full trucks exiting the quarry pit on engine/exhaust breaking, taking away the pleasure of quiet rural living.

c. Crushing plant

The operation of rock crushing and the sounds of steel machinery grinding against hard rock becomes a background cacophony of noises, often for long periods at a time, taking away the pleasure of quiet rural living.

d. Drilling

The high-pitched background (screaming/whining) during drilling of bore holes for blasting, often runs day and night as holes are bored over a period varying up to 2 weeks or more in duration.

e. Tipping Deluge

Tipping noises echo across the site and valley when large quantities of metal are dropped into trucks or down a metal screening face, often accompanied with large clouds of dust. This is a significant level of noise which drowns out all other operational noise during the event.

6. Visual Effects

Given our proximity to the Quarry (approx 300 metres) and the quarry has expanded into our view in recent years, the visual impact of the development of the quarry is of significant concern. The valley floor is now already covered with dusty metal tracks, derelict and rusty machinery and most previous pasture has been stripped and replaced with dusty overburden, replacing the rural outlook of green space and bush. During extended periods of rain, the tracks and existing water courses become braided ribbons of brown mud running down into streams. Ponds flood over and cover the main access track (adjacent to the main dwelling) again flooding into the water table and down to the natural streams flowing into the Pokeno Swamp and Waikato river.

People live in this area as a choice to enjoy a semi-rural lifestyle. Quarry expansion will only serve to reduce the enjoyment of rural living. Notably, our location and proximity to the quarry appear to have been omitted by WSP Opus in their LVA report of August 2018, where they claim expansion of the quarry will not result in a loss of rural amenity values or rural character. We strongly challenge this opinion and disagree with this point of view.

We also oppose the clearance of indigenous vegetation on identified SNA's. As stated, there is 2.45 ha due to be removed in the current Resource Consent quarry expansion plans. Mitigation of additional planting takes no accounting of the impact this has on neighbouring properties or future generations.

7. Amenity Value

The Proposed Quarry expansion plans will have a devastating effect on the amenity value of our property. Growth to date, that appears to be well outside current consent levels, has already had significant impact in many ways as mentioned in this submission. All these contribute to the value of our property asset, as well as the value of our lifestyle at 40 McPherson Road.

We have lived on our property since 1993, and in the current house since 2000. While we respect the right for neighbours to live and use their own land, we do not feel this should be done with the disrespect for and in a manner that affects others in the neighbourhood.

<p>We seek the following decision from Waikato District Council: Decline</p>

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

- 1. Any Expansion of the quarry beyond the operational level of 1999/2000 being the time we built our house.**

We see no way of amending the application that will address our key issues of dust, damage to our property and concerns for a healthy living environment. Already these are at significant levels of concern and further growth will only worsen the situation. Additionally, we note several of the reports in the consent application are up to 2 years old, and impact measurements taken then are much less than we are experiencing now.

- 2. We question the assumption that McPherson's have the right to operate the quarry as it is currently operating.**

By their own admission McPherson's advise extraction rates as 330k tonnes (2018) and 320k tonnes (2017). We need to see copies of current Consents that clearly state they have been legally entitled to operate at this level.

- 3. The "qualified" approval of the McPherson Traffic Plan by NZTA to be reviewed**

We seek confirmation that suitable changes can be made to Graham's Bridge to enable free and safe traffic flow and mitigate public safety risk. Our concern is the complication of the constriction of traffic flows across the bridge, and the resulting congestion and increased risk of serious accidents.

The letter dated 19 March 2019 from NZTA to Kinetic consulting appears to omit the influence of Graham's Bridge constriction on passing traffic.

- 4. Lack of dynamic modern day (24x7) pollution monitoring across the Quarry and neighbouring properties in the QMP**

The discussion lacks consideration of modern concerns and lacks modern technological approach to controls, the McPherson plan attempts to minimise the level of dust contamination and refers to some 1960's type practises to address the issue, with no form of checks and balances.

This section includes the recommendation for recognition of the influence of climatic conditions on the impact and levels of dust and noise pollution, we recommend the implementation of weather station technology in the quarry that alerts quarry management and surrounding neighbours when certain activities should be restricted or ceased for reasons of compliance.

We request detailed clarification of the monitoring and controls of all environmental factors within the quarry perimeter and surrounding areas, the details to include the minimum standards for a healthy environment, the measurement technique and sampling protocols, the built in "trigger" points when compliance is not maintained, the alarm and notification mechanisms, expected compliance recovery time frames, remedial activity details and shutdown thresholds for unsuccessful attempts to remediate. We believe these management techniques would be expected in any modern quarry environment where the risk of pollution influences the lives of workers on site and in the neighbouring vicinity.

- I wish to be heard in support of my submission **Yes**
- If others make a similar submission, I will consider presenting a joint case with them at the hearing. **Yes**
- Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority. **Yes**

Additional Considerations for our submission

1. We have never been visited by or had any contact from any of the McPherson Resources experts or consultants for the purpose of consultation or consideration during the last 5 years...
2. McPherson Bros have never consulted with us for the purpose considering their plans and possible impact on us. They did give us envelope with an initial request for us to advise if we were happy to provide written approval of the expansion plans. This document was in our opinion a very poor attempt to gain our approval with no assurances of meaningful and technical mitigation plans to protect our peaceful lifestyle.
3. The McPherson Bros continue to show disregard for any resulting impact on the amenity value or commercial value for our peaceful lifestyle and lifetime asset.
4. We require an assurance from WDC & WRC that the resource consent (in any form) will not include the right of transfer of ownership unless another full public consent notification process is conducted for any new owners.
5. Any resource consent should not include a full 45-year, 3 stage plan end to end. Stages 2 and 3 should be subject to full compliance of resource conditions in prior stages (i.e. stages 1, and 2) as measured by council.
This would provide neighbourhood stakeholders a level of ongoing assurances that the quarry continues to meet its compliance obligations.
6. Given the lack of consultation with us, and outdated consulting reports in the application documentation, we feel incredibly pressured to make key judgements without having all the current facts. We need more time and expert assistance to bring this together.
7. Given our submission re the pollution effect of the quarry on our house property we challenge the Kinetic conclusion (9.0) of the environmental effects (of the expansion proposal) will be less than minor.
8. Our description of the numerous impacts of the quarry operation are real life experiential based observations as witnessed continually from approximately 300 meters from the quarry. These observations are genuine and based over several years, during all seasons, 365 days a year and 24 hours every day. We note that the Consultants reports are predominately derived from desktop or "calculated" exercises with some additional brief observations and equally brief conclusions from an office desk. As an exception, the Ecological Impact Assessment and Vegetation Report while admitting to a desk top review appears to have included some worthwhile on-site activities.
9. From our observations all of the water that ends up in the Pokeno Valley (where the quarry is) must travel out of the valley through one exit point, the Grahams stream Bridge under SH2. During heavy rains over the upper section of the valley (as witnessed recently) the Grahams stream is substantially polluted by the various quarry road dust and mud silt ending up across the road in the Pokeno Swamp and Waikato river. Flood control at the quarry needs attention in our view.

Supporting photos

1. Tile cracks in downstairs bathroom



2. Tile cracks in house foyer entrance



3. Impact of traffic carrying mud and dust onto road



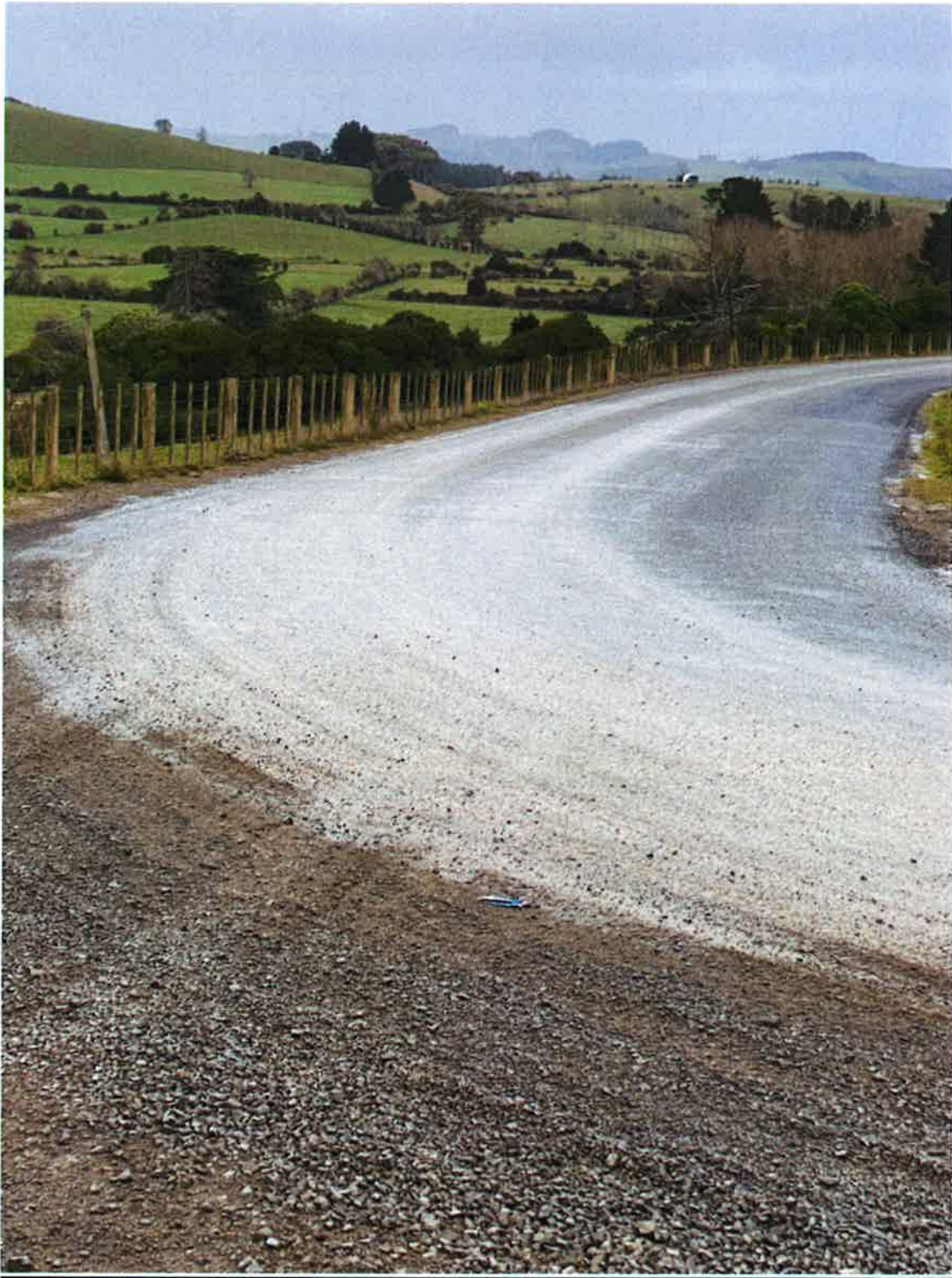
Corner SH2 and McPherson Rd



Corner SH2 and McPherson Rd



Quarry exit onto McPherson Rd



Quarry exit onto McPherson Rd

Dust



Flood Control?









Submission form

(Form 13)

For internal use only
ECM Application # LUC0123/19
ECM
SUBMISSION # 31
CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Phnick Hill Rd Residents as per 4 of the attached document

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☒ directly affected by an effect of the subject matter of the submission that

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor
Select one

The specific parts of the application that my submission relates to are:
Give details (attach separate sheets if necessary):

lack of consultation
Visual Impacts
Noise / Traffic Impacts
Dust
Ecological Issues

we ☐ support ☒ oppose ☐ am neutral to the part/s named above.
Give details:

The reasons for my views are See attached

I seek the following decision from Waikato District Council:

☐ Approve☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought

The residents who join in these submissions request that the applications are DECLINED by the WDC / WRC

Number of additional sheets attached

4

I wish to be heard in support of my submission

Yes ☒No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

See attached [Signature]

Date 2/7/2020

A signature is not required if you make your submission by electronic means

Address 217 Pinnacle Hill Rd, RD 1 Mangakangi Postcode 2675

Email charlotte@autospeedengineering.co.nz Phone 0210575573

Contact person's name (name and designation if applicable) Charlotte McCort

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

APPENDIX A: SUBMISSIONS CONTINUED

To:

Waikato District Council and Waikato Regional Council
Private Bag 544
Ngaruawahia 3742

RE: SUBMISSION ON RESOURCE CONSENT APPLICATION MADE BY MCPHERSON RESOURCES LIMITED to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri.

Description of Proposal

1. This is a community submission made to the Waikato District Council (**WDC**) and Waikato Regional Council (**WRC**) on behalf of the below mentioned residents of Pinnacle Hill Road (**Residents**) with respect to the following applications made by McPhersons Resources Limited (**Applicant**):
 - a. **ECM Application LUC0123/19**
2. The above applications (**Application**) relate to the significant expansion of the Quarry belonging to the Applicant (**Quarry**).
3. This submission **opposes** the Application.
4. The Residents note that this submission comprises a brief report outlining concerns and as such the Residents are prepared to speak to same and elaborate at hearing.

Submissions on Proposal*Lack of Consultation*

5. Of particular concern shared by the Residents is the significant lack of consultation with those who own properties which neighbor the Quarry.
6. Page 2 of the Resource Consent Application and Assessment (**AEE**) suggests that the area surrounding the quarry is primarily used for farming "with some lifestyle blocks located around the site."

7. Contrary to the AEE, Pinnacle Hill Road which borders the proposed expansion is mostly residential in nature.
8. The Residents were only made aware of the Application by word of mouth less than 5 days prior to the deadline for submissions. This is completely unacceptable.

Visual Impacts

9. Despite the assertions made in the AEE suggesting that there will be no visual impact as a result of the proposed expansion, several properties on Pinnacle Hill Road face directly towards the expansion. The existing shelter belt is not adequate to screen the expansion as suggested in the AEE and comprises a single row of historic and aging pine trees.
10. If the quarry expands not only will the residents in the neighboring lifestyle blocks lose their exceptional view thus devaluing their properties, they will also be faced with an increase in noise, dust and heavy vehicle traffic as further discussed below.
11. Additionally, the Mount William Walkway also neighbors the Quarry and the visual impacts with respect to same will be significant.
12. There is no guarantee that the expansion will be 'gradual,' and over a long period of time as suggested in the AEE due to the lack of proposed actual restrictions.

Noise/Traffic Impacts

13. The increased truck movements as a result of the expansion will cause significant traffic safety risks at the intersection of McPherson Road and State Highway 2 which the New Zealand Transport Agency (NZTA) and the Applicant have recorded as not being equipped to deal with heavy traffic movements.
14. The AEE also fails to take into account the increased heavy haulage traffic on Pinnacle Hill Road.
15. Pinnacle Hill Road does not have a footpath for walkers and for the most part is blind to oncoming vehicles within 100m. The road is inappropriate for a large volume of heavy haulage trucks but is the preferred route for trucks coming from the Quarry as they are able to turn left out of the Quarry thus avoiding the busy T intersection.
16. The AEE also suggests that cleanfill be dumped at site, but that this will cause not additional traffic based on the assumption that all trucks bringing in cleanfill will leave with aggregate. While this would be effective, there is no guarantee that this will occur and from a practical perspective it is naïve to presume that all contractors disposing of cleanfill will also require further aggregate at the same time.

17. The AEE provides a report with regards to the impact the noise will have on surrounding properties. No information was provided as to the time of day or the weather conditions as at the time of the testing.

Dust

18. The AEE accepts and confirms that the expansion will result in increased activity both with regards to quarry activity and also cleanfill disposal which will cause an increase to dust.
19. Reference in the AEE is made with regards to water storage and a sprinkler system, which, based on the historical data provided, appears inadequate to properly control dust if the expansion is to proceed.
20. The AEE also notes that there is no risk to human health or fauna but no data to confirm same has been provided.
21. The current system to mitigate dust is also largely ineffective with residents of the neighboring properties complaining of a fine layer of dust collecting on windows and vehicles. This will only increase if the expansion goes ahead.

Ecological issues

22. Areas of the proposed expansion site have been identified as Significant Natural Areas (SNA). The AEE has identified 13 native bird species as inhabiting same with 2 being at risk as well as native fish species also present with some listed as at risk and in decline.
23. The risk in losing these species and the destruction of their habitat to make way for the expansion is simply unacceptable.
24. The AEE also does not provide any landscape mitigation or rehabilitation plan and states that this will only be put forward when stage 3 is put in place, which could be in excess of 10 years away. There is accordingly no way for the WDC to be sure that the Applicant is even intending to attend to same.

Decision sought from the Consent Authority

25. The Residents who join in these submissions request that the applications are **DECLINED** by the WDC and are prepared to expand on these submissions at hearing.
26. The below Residents by writing their names and addresses electronically intend that same be taken as an electronic signature and their approval of these submissions.

Residents in support:

Names and addresses

Mark Steward and Nikki Chambers	149b Pinnacle Hill Road
Marja Spencer and Jamie McKinstry	209 Pinnacle Hill Road
Helen and Gordan Bray	211 Pinnacle Hill Road
Cliff and Natalie Jones	213 Pinnacle Hill Road
Brittany Aker and Jason Johns	215 Pinnacle Hill Road
Charlotte and Royce McCort	217 Pinnacle Hill Road
Mark and Karin Joubert	251 Pinnacle Hill Road
Richard, Tom and Andre Jane	223 Pinnacle Hill Road
Giovanna and Alistair Reay	233A Pinnacle Hill Road
Jason and Shelby Kemble	231B Pinnacle Hill Road
Hamish Parker and Amy Lovisa	233D Pinnacle Hill Road
Aaron Baker and Emma West	247 Pinnacle Hill Road
Katrina and Sander Post	231 Pinnacle Hill Road
Belinda Duggan and Andrew James	233B Pinnacle Hill Road
Mike and Carina Gore	231A Pinnacle Hill Road
Petrea and Joe Ardagh	258 Pinnacle Hill Road
Nishi and Wayne Parkhill	258 Pinnacle Hill Road
Josh and Michelle Neale	235 Pinnacle Hill Road
Tod and Nicola Kirker	233C Pinnacle Hill Road

21/7/20
1:58pm



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 32

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Auckland/ Waikato Fish & Game

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Please see attached submission 'AWFG McPherson Submission WDC'

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

Please see attached submission 'AWFG McPherson Submission WDC'

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Please see attached submission 'AWFG McPherson Submission WDC'

Number of additional sheets attached 3

I wish to be heard in support of my submission Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Jane Shaw Date 02.07.2020

A signature is not required if you make your submission by electronic means

Address 156 Brymer Road, Hamilton Postcode 3289

Email jshaw@fishandgame.org.nz Phone 0210 250 6861

Contact person's name (name and designation if applicable) Jane Shaw

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Statutory managers of freshwater sports fish, gamebirds and their habitats.

To: Waikato District Council

Submitter: Auckland/Waikato Fish and Game (AWFG)

Submission on: LUC0123/19 McPherson Quarry

Applicant: McPherson Resources Limited

I am not a trade competitor for the purposes of s 30B of the Resource Management Act 1991

The specific parts of the application that my submission relates to are;

- The application to:
 - To expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone (LUC0123/19)
- The AEE and s 92 responses.

My submission is that;

I oppose the application.

1. Fish and Game is a statutory body established under the Conservation Act (1987): to manage, maintain and enhance the sports fish and game bird habitat resource in the recreational interests of anglers and hunters (s26Q(1)); to assess and monitor the conditions and trend of ecosystems as habitats for sports fish and game (s26Q(1)(a)(iii)); to represent the interests and aspirations of anglers and hunters in the statutory planning process (s26Q(1)(e)(i)); and to advocate the interests of the Council, including its interests in habitats (s26Q(1)(e)(vii)).
2. There is insufficient information to assess land use impacts upon the receiving waterways. The AEE provides no data relating to the impact upon surface water released from the site currently or projections of what the impact is likely to be in future with the proposed changes to the site's operation.

3. The application does not contain any proffered consent conditions and in the absence of such we are unable to determine whether the effects of the application will be adequately avoided, remedied or mitigated
4. Many of the technical investigations required to determine the effects are currently lacking. The hydrological assessments highlight several potential risks that require further investigation. Customarily these would be included as part of an application.
5. Fish and Game are concerned about the potential effects on game bird and trout habitat within the catchment and cumulative effects on downstream environments.
6. The site contains ecologically significant freshwater habitat and vegetation that will be impacted by the proposal and the application fails to adequately avoid, remedy or mitigate those effects.
7. Any increase in sediment due to the proposal would exacerbate sedimentation occurring in downstream Fish & Game wetlands during flood events.
8. The reports indicate that there will be considerable movement and storage of soil and cleanfill near waterways. This activity has the potential to release significant quantities of contaminants into the environment, including but not limited to sediment, arsenic, mercury, zinc, lead and copper and cause changes to pH. There is insufficient information on how this risk will be avoided remedied or mitigated.
9. The tributaries downstream are already overallocated in terms of N, P and suspended solids due to the impact of substantial existing stressors.
10. The discharge occurs into the Waikato River Catchment which is contaminated beyond its assimilative capacity and this is recognised in the Vision and Strategy. Improvements to the Waikato River are required, and applications should reflect actual and meaningful reductions of contaminants. These outcomes are not secured by the terms of the current application. The proposal enables degradation, at odds with relevant policies, and gives no security that the policy direction will be actioned. Relevant policy documents should be appropriately implemented. These include:
11. Any consent conditions should require improvements consistent with the requirements of the Vision and Strategy, operative NPS Freshwater Management RPS, NZCPS and PC1 and should ensure the life supporting capacity of water will be safeguarded consistent with Part 2 RMA.

Relief sought:

12. Decline the application.

I wish to be heard in support of this submission.

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Dated at Hamilton, this 30th June 2020.



**Jane Shaw
Environmental Officer
Auckland/Waikato Fish and Game**

21/7/20
2.16pm



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 33

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Maja Spencer & Jamie McKinstry

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

* I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

please see attached separate document

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are please see attached separate document

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

please see attached separate document

Number of additional sheets attached

6

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

[Signature] Date *1/07/20*
A signature is not required if you make your submission by electronic means

Address *209 Pinnacle Hill Rd, Bawby* Postcode *7675*

Email *spencermarya@hotmail.com* Phone *0274 896350*

Contact person's name (name and designation if applicable) *Maria Spencer*

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

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SUBMISSION TO WAIKATO DISTRICT COUNCIL

RESOURCE CONSENT APPLICATION FOR MCPHERSON RESOURCES LTD

Marja Spencer & Jamie McKinstry

209 Pinnacle Hill Rd, Mangatawhiri, R.D.1 Bombay, 2675

01.07.20

MCPHERSON RESOURCES LTD in the matter of resource consent applications
AUTH137612.01.01 – AUTH137612.06.01

This submission to the Waikato District Council is to confirm that we **oppose** the application from McPherson Resources Limited to expand their quarry operations and subsequent removal of the Significant Natural Areas (SNA). The following document seeks to explain and demonstrate our grounds for opposition.

Introduction

The property at 209 Pinnacle Hill Rd, Bombay has been in our family for a period of 22 years. My husband Jamie and I now own this property and have had the privilege of living there since 2007, building a house and starting a family with our now 2-year-old twin girls.

We have enjoyed a longstanding positive relationship with the McPherson brothers (Mike and Steve) as neighbours and consider them to be friends, with both neighbours helping to lend a hand when in need.

Both Jamie and I would like to make it clear we are not opposed to the quarry operations in its current state as *'the quarry is a relatively small operation which is largely unseen from beyond its existing site'* (pg. 4**).

However, due to the size and scale of the proposal, as well as the significant impact to the amenity value of our property and surrounding community, we are forced to oppose this application for further quarry expansion under the current consent application.

Our house is located on the South Western corner of our property boundary. It is perfectly positioned to maximise views to the west across the McPherson farm towards Mt William. As per figure 1 it is well within 500m buffer zone from quarry operations.



Figure 1: 209 Pinnacle Hill Rd, house location and buffer zone

We oppose the resource consent application for the following reasons:

- **Negative visual impact**
- **Removal of Significant Natural Area (SNA)**
- **Environmental (Flora & Fauna) impact**
- **Negative impact on amenity, property values & loss of rural ambience**
- **Noise pollution**
- **Discharge of dust to air, on both environmental and health grounds, and including (but not limited to) PM10 dust and respirable crystalline silica.**
- **Truck Movements**
- **Future Development**

Visual

- There will be a significant impact to our existing views from both stage 1 & 2 developments.
- The visual impact from our outlook at night has not been considered. It will dramatically increase the light pollution from the newly developed Pokeno subdivisions and industrial area. Our house was designed and built specifically to avoid these views and to take advantage of the bush and rural outlook.
- Instead of looking over native bush and rural views, we will be exposed to the workings of an open quarry. (Fig 2 & 3)
All rooms on the west facing side of our home will be impacted, particularly the master bedroom, children's bedroom and main living areas.
- The proposed expansion alters the visual perception of the activity considerably. It will change our outlook from one of rural paddocks and bushland to that of an industrial site.
- Within the application** or ecological assessment* There has been no mention of the impact this expansion will have of the Mt William Walkway (DOC).

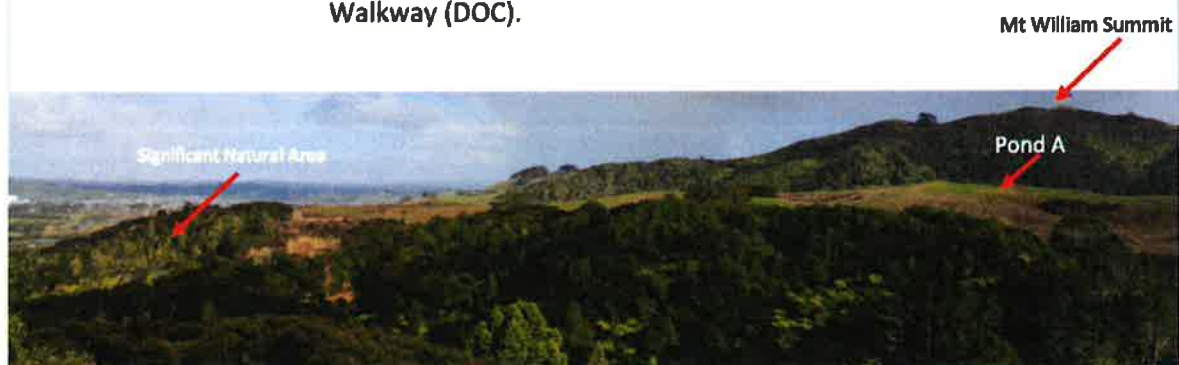


Figure 2: Current landscape, photo taken from our boundary 10m from house

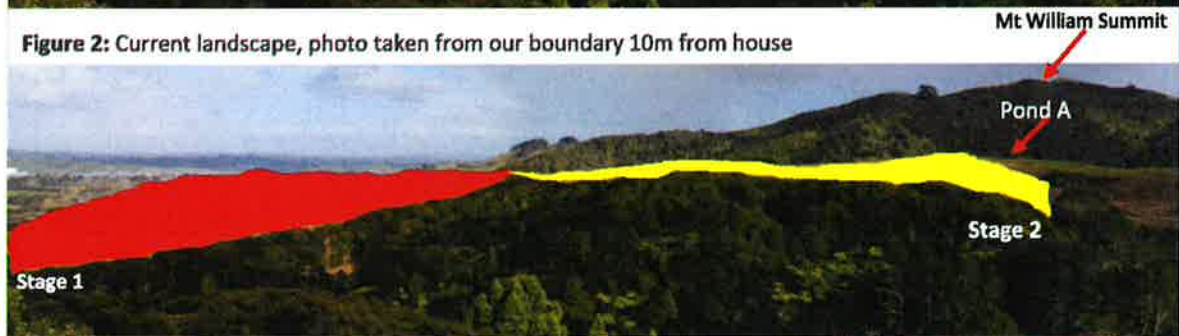


Figure 3: Altered landscape with proposed quarry expansion

** Resource Consent Application & Assessment of Environmental Effects – Updated post lodgement

**Significant
Natural Area
(SNA)**

- An area of Significant Natural Area (SNA) is to be removed on the eastern edge of Stage 1 (2.08ha). This area has been identified as an SNA for sound ecological reasons and it must be protected for future generations.
- If SNAs are permitted to be removed, it will set a precedent for future development across the Waikato Region.
- The proposed plantings to the North of the property to offset the removal and destruction of the SNA needs to be planted regardless as an environmental duty of care for the quarry operation and to establish a forest corridor where currently, none exists.
- We consider that preservation of indigenous flora should be mandatory as again, a site environmental duty of care and not swept aside to suit mining interests.

Flora & Fauna

- The planned vegetation corridor on the northern boundary has no time frame for establishment. Planting needs to be undertaken immediately to allow for establishment and regeneration of native bush.
- There are additional mature native trees not recorded as impacted within the consent application. These trees will be eliminated if the planned excavation is permitted.
- Our property at 209 Pinnacle Hill Rd is set on 11.5 acres, the majority of which is covenanted native bush. It has an abundance of indigenous tree species, notably Kauri, Rimu & Totara which we treasure and endeavor to protect. Such an environment is a habitat for birdlife including but not limited to tui, kereru, fantail and morepork.
The proposed quarry expansion and operation, with its dust, noise pollution and ecological issues will threaten this habitat by significantly reducing the current buffer zone to the quarry.

Amenity Value

- My husband and I have put everything we have into the building of our home, monetarily, emotionally, and physically in order to continue our family legacy on this property and provide a uniquely New Zealand environment for our young family to grow. To have the intrusion of an industrial facility on our rural lifestyle with all the accompanying consequences (visual, noise, dust, light pollution) is devastating to us.
- Our architecturally designed home has a wide appeal for a prospective buyers' market who seek a rural/natural lifestyle. Should the resource consent be granted it will negatively impact on our property value.

Noise

- Inconclusive noise level tests have been undertaken. Considering the fact that the quarry will operate for 12 hours a day, 6 days a week this is of considerable concern to us.
- The application is also not clear about exactly what the hours of operation will be. Clarification needs to be given for what business hours of operation are.
- Additionally, the acoustic modelling has not taken into account any expansion of quarry activities. When production is increased either by the existing owner or after sale to a company that increases capital expenditure, it is reasonable to expect that the number of crushers and other machinery will increase along with an increase in noise and dust.

Dust

- Quarry expansion will invariably have increased airborne dust and silica particulates affecting air quality.
- Reference is made to avoiding screening/crushing in dry, windy conditions (4.1.2) but we are concerned this requirement will be hard to police.
- Our property (209 Pinnacle Hill Road) is within the 500 metre buffer zone as per Fig 12** and we will be at direct risk.

** Resource Consent Application & Assessment of Environmental Effects – Updated post lodgement

Traffic

- It is widely known that SH2 and in particular the section between SH1 and Maramarua is a dangerous section of road for motorists.
6.6.2** To rely on the proposed Section A improvements by the NZTA is incorrect as there is no immediate plan for this upgrade.
- The assumption of a 50/50 split between left and right turning trucks has been made, evidence needs to be created to support this assumption. The mitigating factors planned are not enough to limit the risks for motorists along SH2.

Future Development

- As per the application the proposed expansion plan is to cover a 45-year timeframe. There is no intended end plan for this quarry and restoration of the natural landscape, no planting is planned until the end of stage 1&2.
Even though the proposal states that a replanting plan will be made, no structured timeframe for rehabilitation is provided. For a proposal with such significant ecological impact, the absence of a timeframe is a failing of the application.
- The suggested timeframes for each stage do not have limitations. If the quarry was to be purchased by a larger organization with additional resources, this timeframe will be dramatically decreased. To state there will be a gradual change is incorrect, as it cannot be guaranteed.

Conclusion

Due to the above reasons we **oppose** this application. We request that this application is **declined** by the Waikato District Council. We require a full assessment and independent peer review for ourselves and the residents on Pinnacle Hill Rd in the vicinity of the quarry before any further action is taken.

We agree to be heard at a hearing for supporting evidence to this submission.

We will be presenting a comprehensive submission at the hearing, and will expand on all the above points.

Signed by Submitters:

Marja Spencer (owner)

Jamie McKinstry (owner)



Submission form

(Form 13)

WDC S42A 381

2/7/20
2:34 pm

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 34

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) John William Milham

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

The quarry material provided to me, is planned for access to Kauri die back areas

I seek the following decision from Waikato District Council:

☒ Approve☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

.....

.....

.....

.....

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐No ☒

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date

A signature is not required if you make your submission by electronic means

Address 543A WEST COAST ROAD ORATUA PostcodeEmail gavin.trenching@xtra.co.nz PhoneContact person's name (name and designation if applicable) JOHN MIZAM

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 35

CUSTOMER #

Submission form

(Form 13)

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) BEUNDA DUGGAN & ANDREW JAMES

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

6.2 Visual and landscape effects

6.4 Noise

6.6 Traffic effects

6.7 Dust effects

6.8 Vegetation loss effects

also impact on those ^{living} above the quarry not adequately considered in R.C. application

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are: Impact on views & rural ambience, impact on property values, increase in noise pollution, increase in dust pollution and its effects on health and environment, removal of indigenous forest in an SNA, other environmental factors, increase in truck movements on SH2 & Pinnacle Hill Rd, and ^{the impact on} those living north and north-east of quarry not adequately considered in the resource consent application

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

We will be presenting a submission at the hearing and where we will expand on all the above points.

Number of additional sheets attached —

I wish to be heard in support of my submission

Yes ☒ No ☐

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☒

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Belinda Duggan

Date 1/7/20

A signature is not required if you make your submission by electronic means

Address 233B Pinnacle Hill Rd R.D.1. Bombay Postcode 2675

Email bduggan@sta.co.nz Phone 021 692 5929

Contact person's name (name and designation if applicable) Belinda Duggan

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngauruhia 3742

Telephone 0800 492 452

Email Submission

info@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

2/1/20
3.47pm

Submission form

(Form 13)

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ECM Application # LUC0123/19

ECM

SUBMISSION # 36

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) JOCELYN SCOTT

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☒ am not ☐ # directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

†Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

- a) Hours of operation Mon-Sat 0700 - 1900
- b) Number of truck movements a day = 165 = 14/hour
= ONE TRUCK EVERY 4 MINUTES
- c) Length of time = 45 years
- d) Removal of 2.45ha of indigenous vegetation
- e) Earthworks within a Significant Natural Area

I ☐ support ☒ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are Noise of operation, ~~business~~ increased heavy traffic on highway 2, dust pollution, visual pollution loss of native vegetation are all unacceptable features to be brought into an area with a significant number of dwellings in close proximity

I seek the following decision from Waikato District Council: ☐ Approve ☒ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Decline all of the application

Number of additional sheets attached

0

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☒ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☒ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter or person authorized to sign on behalf of the submitter

Jocelyn Scott Date 2/7/2020

A signature is not required if you make your submission by electronic means

Address 433 Pinnacle Hill Road Postcode 2675

Email *jocelyndscott@gmail.com* Phone 0226780034

Contact person's name (name and designation if applicable) *Jocelyn Scott*

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Waikato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Waikato District Council, Private Bag 544, Ngaurawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@waikato.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.



Submission form

(Form 13)

For internal use only

ECM Application # LUC0123/19

ECM

SUBMISSION # 37

CUSTOMER #

Submission on an application concerning resource consent that is subject to public notification by consent authority Sections 95A and 96 of the Resource Management Act 1991

SUBMISSIONS MUST BE RECEIVED BY WAIKATO DISTRICT COUNCIL NO LATER THAN 5PM ON THURSDAY 2ND JULY 2020

To: Waikato District Council

Name of submitter (full name) Dowling Contractors Limited - Robert Lewis Dowling

This is a submission on an application from McPherson Resources Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation clearance of an Identified Significant Natural Area Schedule 5A area and Significant Natural Area within the Rural Zone at 47 McPherson Road and 93 Irish Road Mangatawhiri

*I am ☐ am not ☒ a trade competitor for the purpose of Section 308B of the Resource Management Act 1991

* Select one

† I am ☐ am not ☐ ~~# directly affected by an effect of the subject matter of the submission that~~

(a) ~~adversely affects the environment; and~~

(b) ~~does not relate to trade competition or the effects of trade competition~~

† Delete this paragraph if you are not a trade competitor

Select one

The specific parts of the application that my submission relates to are:

Give details (attach separate sheets if necessary):

Continuation of normal quarrying activities

I ☒ support ☐ oppose ☐ am neutral to the part/s named above.

Give details:

The reasons for my views are.....

I seek the following decision from Walkato District Council: ☒ Approve ☐ Decline

Give precise details, including any parts of the application you wish to have amended and the general nature of any conditions sought.

Number of additional sheets attached

I wish to be heard in support of my submission

Yes ☐ No ☒

If others make a similar submission, I will consider presenting a joint case with them at the hearing

Yes ☐ No ☐

Pursuant to section 100A of the Resource Management Act I request that you delegate your functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the local authority

Yes ☐ No ☐

If you make a request under section 100A of the Resource Management Act, you must do so no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter of person authorized to sign on behalf of the submitter

Date 24/06/20

A signature is not required if you make your submission by electronic means

Address 48 Baird Rd, Pokeno

Postcode 2471

Email admin@dowlingcontractors.co.nz

Phone 0212487141

Contact person's name (name and designation if applicable) Robert Lewis Dowling

This is the person and the address to which all communications from the Council about the submission will be sent

Note to Submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant whose address for service is Eloise Lonnberg-Shaw - Kinetic Environmental Consulting Limited, PO Box 9413, Hamilton 3240 or email eloise@kineticenvironmental.co.nz as soon as reasonably practicable after you have served your submission to Walkato District Council

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991

Written Submission

Postal Address Walkato District Council, Private Bag 544, Ngaruawahia 3742

Telephone 0800 492 452

Email Submission

Consent.submissions@walc.govt.nz

The information you have provided on this form is required so that your submission can be processed under the RMA, and your name and address will be publicly available. The information will be stored on a public register and held by the Council, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and Council will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the Council.

APPENDIX E

HISTORICAL AERIALS OF THE QUARRY

Appendix E – Historic Aerials of the Quarry



Figure 1 – 1995 Aerial from Property file

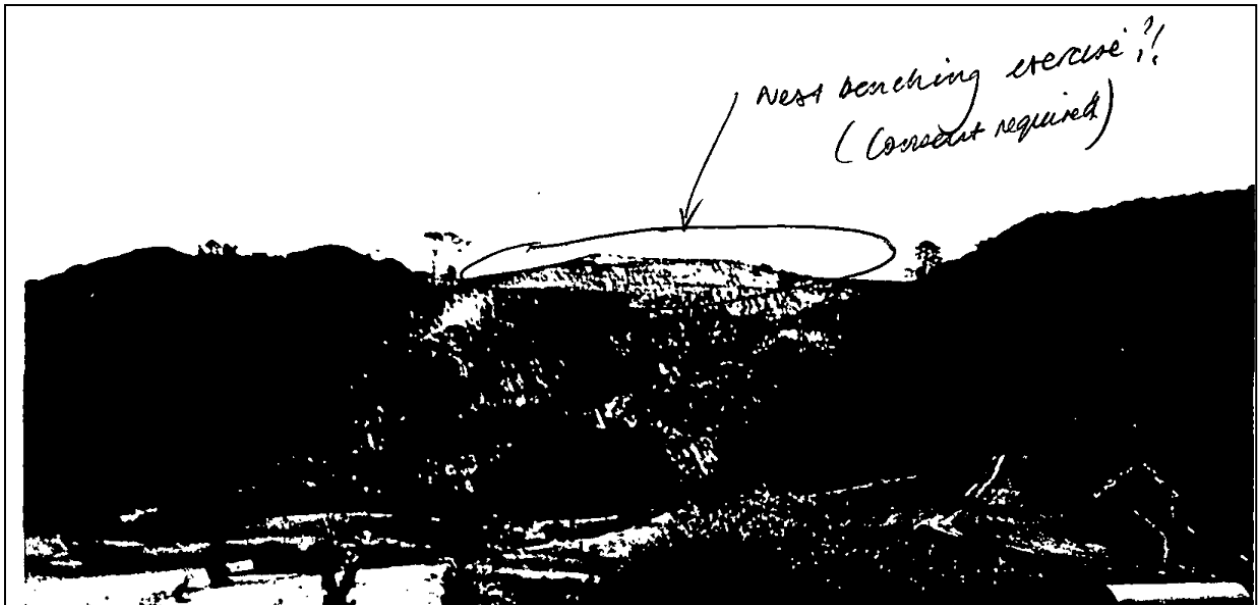


Image 1 - Image from file note in 1995 of quarry face indicating area of next benching exercise which would trigger resource consent



Image 2 – Photograph from 1995 of quarry face

Waikato Regional Council have provided the below vegetation map on top of WRAPS2002 and the same for WRAPS2017 shows vegetation clearance between 2002-2017.

The clearance is kanuka dominated forest and losses can be split into date ranges as follows:

0.56 ha 2002-2007

0.32 ha 2007-2012

2.0 ha 2012-2017

Rule 15.6.3.1(x) only permits removal of 2.5% where to indigenous bush is over 1ha as existing on a site at 4 November 2009.



Figure 2 – 2002 WRAPS



Figure 3 – 2017 WRAPS

APPENDIX F

TRAFFIC REVIEW PREPARED BY GRAY MATTER

3 November 2020

Waikato District Council
Private Bag 544
Ngaruawahia 3742

Attn: Victoria Majoor



Gray Matter Ltd
2 Alfred Street
PO Box 14178
Hamilton, 3252
Tel: 07 853 8997

17_143

Dear Victoria

MCPHERSON QUARRY, POKENO – TRANSPORTATION REVIEW

1. Introduction

McPherson Quarry (the Applicant) has made an application for consent to continue with their existing quarry operation on McPherson Road and support future expansion.

Waikato District Council (WDC) has engaged Gray Matter Ltd to peer review the traffic and transportation aspects of the proposal. This proposal seeks consent to extract and move 490,000 tonnes of material per annum.

This letter presents our assessment to support WDC's Section 42A report. It includes:

- = A summary of the key aspects of the application from a traffic and transportation perspective;
- = Comments on the Applicant's assessment and main areas of agreement and disagreement;
- = Summary of the Submitters' traffic concerns;
- = The nature and extent of traffic effects from the proposal including mitigation; and
- = Recommended conditions.

Our review is based on:

- = McPherson Quarry Traffic Impact Assessment, WSP (2018) (TIA);
- = McPherson Resources Limited, Resource Consent Application & Assessment of Environmental Effects – Updated Post-Lodgement, Kinetic Environmental (12 December 2019) (AEE);
- = Site visit and observations on Friday 23 October 2020; and
- = Additional information provided by WSP, email from Kristoffer Hansson to Naomi McMinn dated 29/10/2020.

2. Site Location and Proposal

The application is for consent to continue with the existing quarry operation and support a future expansion of the quarry operation. The proposal is for a maximum 490,000 tonnes per year of extraction and movement of quarry material. The application also seeks permission to import clean fill in trucks that are leaving the site with quarry material. The AEE anticipates up to 100,000 m³ of clean fill per annum¹.

We understand the proposed operational hours are 7am to 7pm (12 hours) for six days per week (Monday to Saturday). Note that the TIA is based on 11 hour working days, 7am to 6pm.

The quarry locality is shown in Figure 1. The quarry is located near the end of McPherson Road. There are two residential dwellings located just past the quarry on McPherson Road.

¹ AEE Section 4.1.3

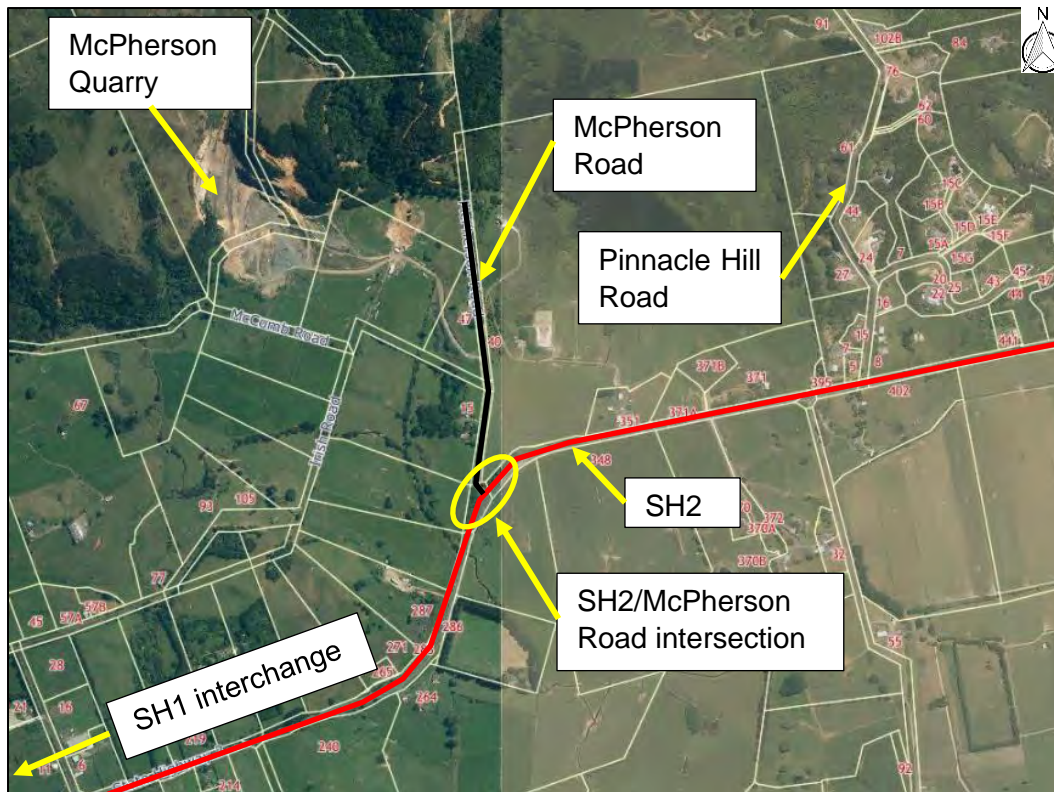


Figure 1: Quarry Site Location

3. Existing Environment

3.1. Existing Site Activity

We understand that there are no existing use rights. However, the quarry has been in operation for some time. The Application² states that the quarry extracted:

- = 330,000 tonnes of material in 2017; and
- = 320,000 tonnes of material in 2018.

The TIA states that the quarry transported 400,000 tonnes of quarry material in 2017. We understand this was estimated at the time of the TIA. The actual tonnage for 2017 was 330,000 tonnes as per the AEE.

The TIA concludes that the recommended mitigation measures (discussed below) are considered appropriate for the proposal taking into consideration the potential future function of SH2.

3.1.1. Existing Truck Data

WSP have provided truck load data at the quarry for the period between 1st November 2019 and 21st October 2020³. Based on the data provided, the key existing quarry movements are summarised:

- = Maximum: 165 loads = 330 trucks/day
- = Minimum: 1 load = 2 trucks/day
- = Average: 56 loads = 112 trucks/day
- = 85th percentile: 87 loads = 174 trucks/day

Note that 1 load = 2 truck movements (in and out). When we refer to movements it means the same thing as trips, i.e. 2 trips = 2 vpd (light and heavy vehicles) or 2 trucks/day (heavy vehicles only).

WSP estimate that this represents 280,000-300,000 tonnes of quarry material extracted over the 11-12 month period. The profile in Figure 2 shows that there are variations in daily loads throughout the year. There do

² Kinetic Environmental Application Report (AEE) Section 3.1.1

³ Email from Kristoffer Hansson to Naomi McMinn dated 29/10/2020

not appear to be any distinctive seasonal variations. We would typically expect a period of increased demand for aggregate during the earthworks season (1st October to 31st March). We note this data was recorded during the COVID-19 pandemic lockdown restrictions and is not likely to be representative of typical activity over that time. The maximum number of daily loads is 165, around 3x the average number of daily loads.

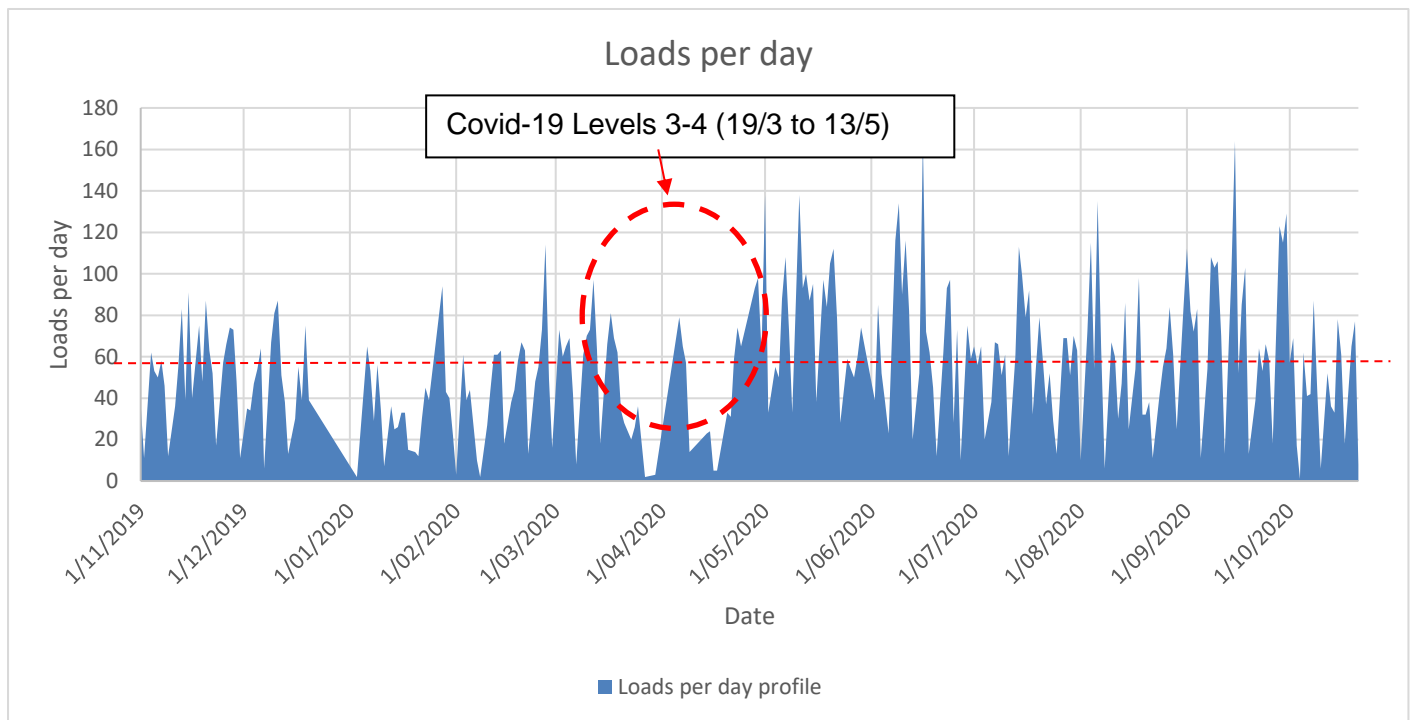


Figure 2: Daily quarry load profile (data provided by WSP 29/10/20) (red line indicates average daily loads)

3.2. Surrounding Network

The site access is located 325m from the SH2/McPherson Road intersection. The TIA does not provide the traffic volume for McPherson Road. The mobileroad.org estimate is 173 veh/day with 7% HCV. WDC have provided RAMM data for McPherson Road. The 2020 RAMM estimate is 150 veh/day with 4% HV on McPherson Road. The percentage of HVs appears low given that the quarry is currently operating from the site.

McPherson Road is formed for around 80m beyond the site access and provides access to two properties. It is an unformed paper road beyond that.



Figure 3: McPherson Road and the quarry vehicle crossing

The TIA reported six crashes at the McPherson Road/SH2 intersection during the five year period (January 2013 to May 2018). We have completed a search of the Waka Kotahi NZ Transport Agency Crash Analysis System (CAS) data for the McPherson Road/SH2 intersection (2015-2020 inclusive). There have been six reported crashes during this period as well (collision diagram attached at Appendix E). We note that there has been one crash since the WSP TIA was written (crash occurred 4/1/2019). There does not appear to be an existing crash issue related to movements to/from the SH2/McPherson Road Intersection.

3.2.1. Future SH2 Realignment

We understand that this section of SH2 has been considered for realignment. Commute Transport Consultants completed a re-evaluation summary for the SH2 Pokeno to Mangatarata realignment⁴.

The proposed works are summarised in the Waka Kotahi (NZTA) map shown in Figure 4. The future realignment of SH2 would reduce traffic passing the existing SH2/McPherson Road intersection. It is unclear when this project will be implemented.

⁴ SH2 Pokeno to Mangatarata, Re-evaluation summary – Commute Transportation Consultants (24 October 2018)

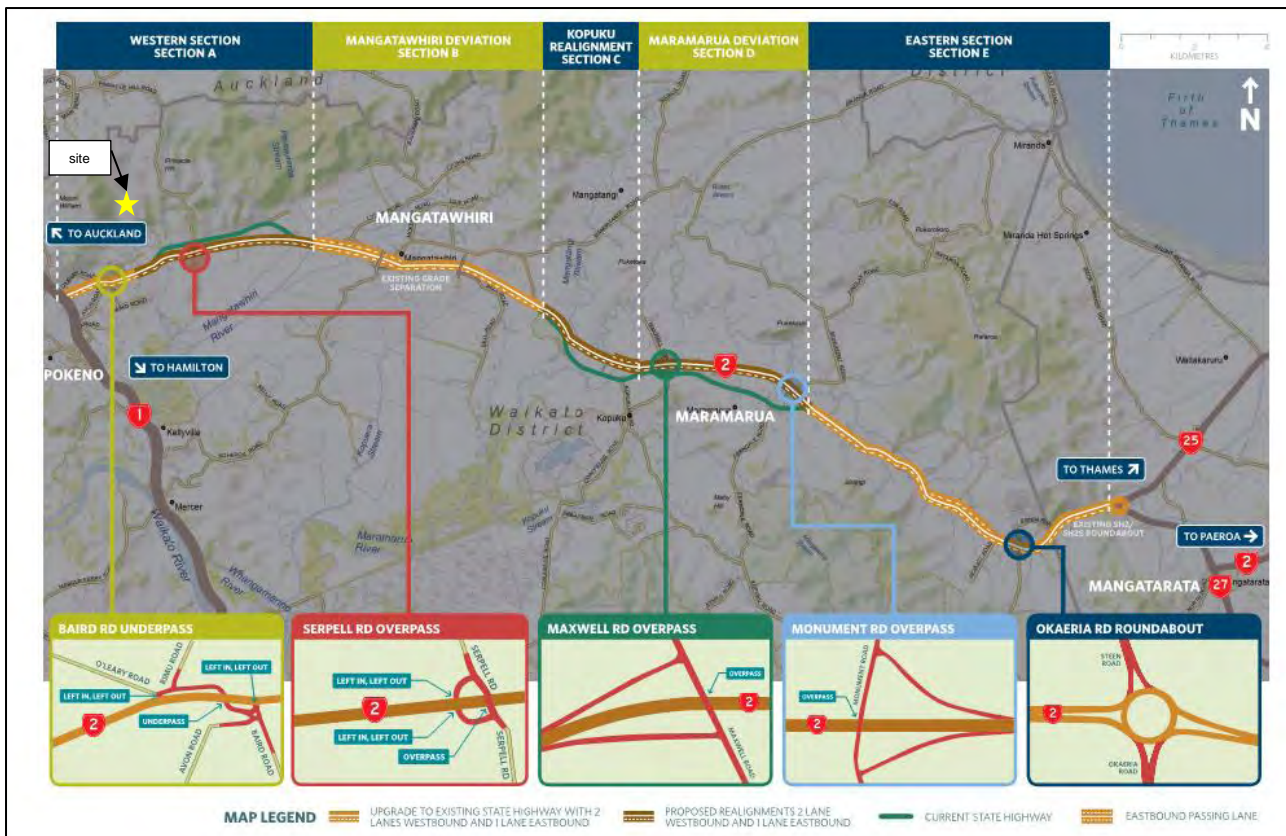


Figure 4: Proposed SH2 Works

4. Proposed Vehicle Access and Internal Circulation

The proposal does not change the existing vehicle access arrangement on McPherson Road. The TIA does not include an assessment of the existing vehicle crossing or internal circulation.

We have been provided information from WSP⁵ stating that the normal operation of the quarry includes one loader working and the normal capacity for loading is 12 truck loads per hour. The email states that the quarry has the capacity to load a maximum of 24 truck loads per hour if there are two loaders working in different locations. The further information provided by WSP also states this means the truck movements will be distributed over the day and will assist with internal circulation.

As shown below, there are potholes and deficiencies in the existing surface at the vehicle crossing that should be repaired.

⁵ Kristoffer Hansson email to Naomi McMinn dated 29 October 2020



Figure 5: Existing vehicle crossing and poor condition of surface

The WDC District Plan requires 250m sight distance for a rural vehicle crossing located within a 100km/h speed environment. The visibility to the right (towards SH2) is restricted due to the combined horizontal geometry of McPherson Road and the height of the adjacent paddock. Based on aerial photos there is approximately 90m visibility available which complies with the District Plan requirement of 90m for a 50km/h speed environment. The Mega Maps tool⁶ indicates a mean operating speed of less than 40km/h. This appears reasonable as the majority of traffic would be decelerating to turn into the quarry vehicle crossing or access the two dwellings.



Figure 6: View from the existing vehicle crossing towards SH2

Since the vehicle crossing is located near the end of McPherson Road movements are likely to be limited to left-in and right-out and there will only be a low number of vehicles passing the site to access the two properties (around 20 veh/day). Although visibility does not meet the District Plan requirement for a 100 km/h

⁶ <https://megamaps.abley.com/Maps/>

speed environment, it complies for a 50 km/h speed environment. There does not appear to be any existing safety issues at the vehicle crossing. The additional truck movements will increase the likelihood of interaction between opposing vehicles at the vehicle crossing.

The existing gate is located approximately 12m back from the edge of seal. It is desirable to set the gate back further to ensure a truck and trailer can wait clear of the traffic lane. We recommend that the gate is located 22m from the edge of seal to provide enough stacking space for one truck and trailer.

Given the increase in turning movements, we recommend that the vehicle crossing is formed to RITS standards for heavy commercial/industrial vehicle crossing and that the swept paths are checked to ensure that the layout is sufficient for two-way movement. The final layout will need to be approved by Council prior to operation.

5. Trip Generation

The TIA trip generation is based on the following assumptions:

- = 50% of haulage vehicles are trucks (10 tonne payload) and 50% being truck and trailer units (30 tonne payload), resulting in an average payload of 20 tonnes per haulage vehicle;
- = The quarry will operate between 7.00am to 6.00pm (11hrs)⁷ for six days per week (Monday to Saturday);
- = The quarry will operate 297 days a year (with the facility closed on Sundays, 2 weeks over Christmas and public holidays, equating to 68 days a year);
- = Consistent movement of trucks throughout the day; and
- = 50/50 split between left and right turning trucks at McPherson Road/SH2.

Using the above assumptions, the TIA assesses daily trip generation as 165 truck movements per day (approximately 82 inbound and 82 outbound). The TIA averages the daily truck movements over 11 hours which results in hourly movements of 16 vehicles per hour (8 inbound and 8 outbound). We note that if the movements were averaged over a 12 hour day the hourly movements would reduce to 13 veh/hr.

The TIA states that some trucks travelling to the quarry will transport clean fill and leave loaded with extracted quarry material. The TIA states that the clean fill operations will not generate additional truck movements. The transport assessment appears reasonable based on the information provided.

Further assessment from WSP and Kinetic Environmental Planning states that based on client provided information on recent markets and activity, the directional split at McPherson Road/SH2 is more likely to be 70/30 with more vehicles heading to and from Auckland.

Based on the above amended assumption it is likely that the majority of vehicles will be turning left in and right out via SH2. The turning proportions are summarised in the table below.

Entering McPherson Road (8 veh/hr)		Exiting McPherson Road (8 veh/hr)	
Left-in	Right-in	Left-out	Right-out
6 veh/hr	2 veh/hr	2 veh/hr	6 veh/hr

Table 1: Hourly vehicle movements at the McPherson Road/SH2 Intersection

The clean fill operation will mean there will be laden trucks inbound and outbound. Provided that the clean fill is transported in trucks heading to the quarry to collect aggregate, there is no change to the expected number of trucks per day. The TIA does not provide the number of expected clean fill trucks. Based on an average load⁸ of 12 m³ the number clean fill trucks is 28 loads/day, around a third of the average quarry trucks expected.

⁷ We note that it has since been confirmed that the quarry operates 7am -7pm (12hrs)

⁸ Based on a combination of truck only and truck and trailer units.

6. Peak Trip Generation

The peak operating scenario occurs when two loaders are working in two different areas with a capacity of 24 loads/hour resulting in 48 truck movements/hour. Extended over the proposed 12 hour working day this equates to 576 trucks/day. Based on normal loading operations (1 loader capable of 12 loads/hour) is 24 truck movements/hour and up to 288 trucks/day.

48 truck movements/hour is around one truck every 75 seconds. Based on the turning split of 70/30 (and equal inbound/outbound split) would be one truck turning right into McPherson Road every 8-9 minutes. The right turn bay with 42m stacking is considered adequate for the peak demand.

The dominant right-out movement towards SH1 would result in 17 trucks/hr turning left in and 17 trucks/hr turning right out of McPherson Road. The proposed left turn auxiliary lane will provide for the increase in left turning trucks.

Given the through volume on SH2, the additional right turn demand from McPherson Road will increase queuing and delays on McPherson Road leading to drivers risking smaller gaps to turn right, particularly during peak traffic periods on SH2. Although the turning volume of one truck every 3-4 minutes is relatively low, these vehicles will be fully laden with larger gaps required to account for the slower vehicle acceleration. We consider that extended periods of operation at maximum loading is likely to lead to safety risks at the intersection and increased risk of queuing at SH2/McPherson Road.

A daily maximum of 210 truck movements would allow for some increased production to meet peaks in demand and a daily average of 165 truck movements (calculated over three-months) would control the frequency/ intensity of the peak periods.

7. Summary of Trip Generation

Based on the TIA and considering the existing quarry data, and given the existing activity has no existing use rights, the average trip generation of the proposal is:

- = Daily truck movements = 165veh/day (approximately 82 inbound and 82 outbound); and
- = Hourly movements = 16 veh/hr (approximately 8 inbound and 8 outbound).

The TIA does not provide information on light vehicle trips such as staff and servicing movements associated with the proposal. However, these movements are likely to be low (around 10-20 veh/day). The trips generated by light vehicles are not considered significant when compared to the increase in truck movements.

The proposal results in an increase in truck movements on SH2 of approximately 0.4-1.3%. SH2 is a regional state highway which carries approximately 17,000 veh/day of which approximately 2,050 are heavy vehicles. We agree that the quarry is appropriately located with ready access to the regional arterial network and that the heavy vehicles generated by the quarry are typical of the current vehicle mix on SH2 given the form and function of the road.

8. SH2/McPherson Road Intersection

The existing intersection is priority controlled with no channelised right turn treatment. We note that the TIA states that sight distances have not been measured on-site but measured based on imagery. The TIA includes an assessment of turning treatment warrants and based on turning proportions a right turn bay and left turn auxiliary lane is warranted.

The proposal includes improving sight distances, provision of a right turn bay and left turn auxiliary lane for access to McPherson Road. Consultation with Waka Kotahi has informed the design. The following mitigation measures are proposed:

- = Modification of the bank and vegetation on the southern side of the McPherson Road/SH2 intersection;
- = 42m right turn bay to allow sufficient stacking space; and
- = Auxiliary left turn lane (approximately 100m long).

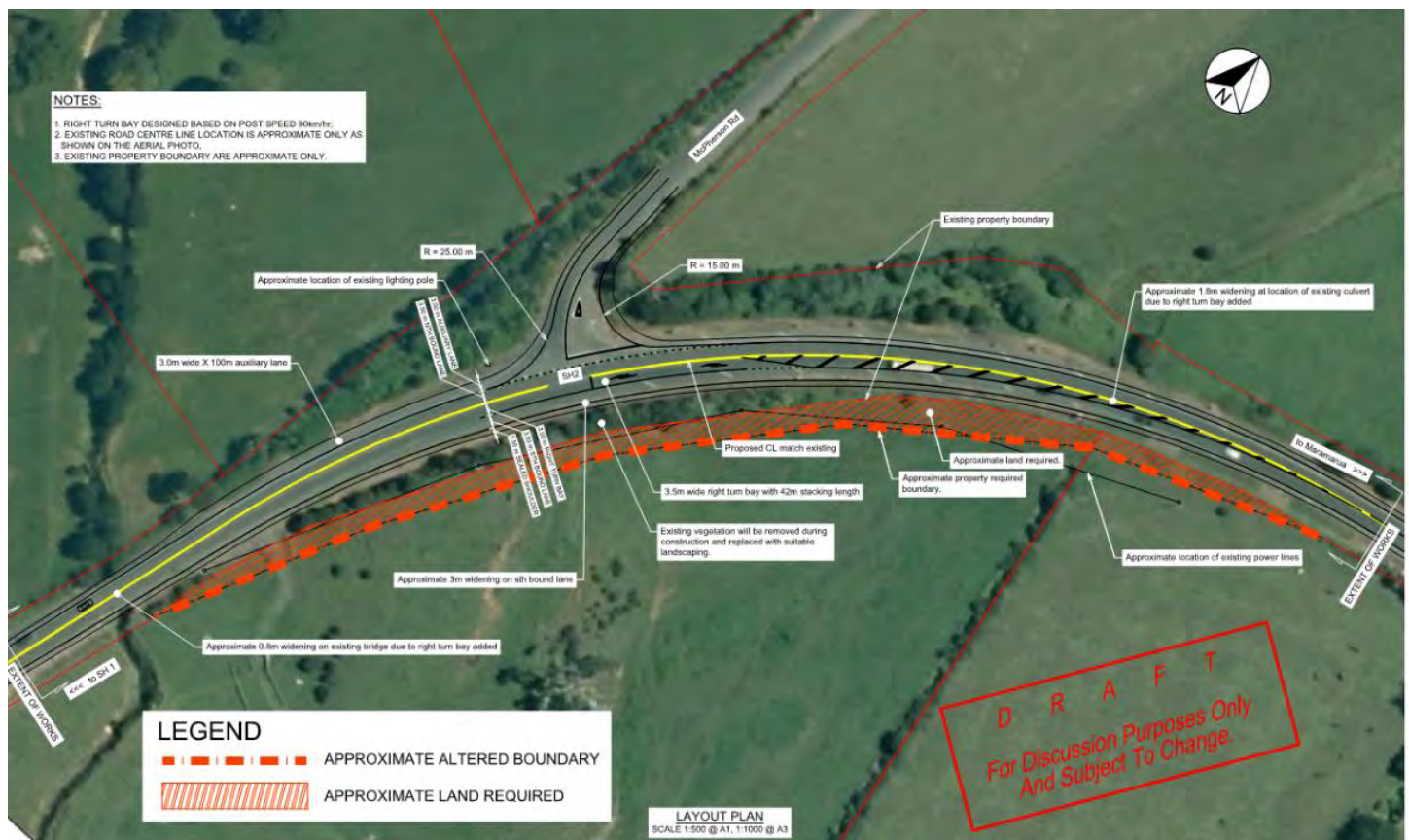


Figure 7: Proposed McPherson Road/SH2 upgrade (Appendix A)

During our site visit we observed an area of ponding at the SH2/McPherson Road intersection and it appears that trucks are tracking over the edge of the seal. The proposed intersection upgrade shows the radius for the left turn being modified and we expect this will address the ponding and existing edge break issues.



Figure 8: Existing ponding at the SH2/McPherson Road intersection and faded limit line markings.

9. Heavy Vehicle Pavement Impacts

In 2018 Gray Matter completed a heavy vehicle impact fee assessment for the initial application by McPherson Quarry to extract 490,000 tonnes/year. The assessment was based on an increase of 38 HCV/day on the basis that the existing quarry operation had existing use rights. We understand that existing use rights do not apply⁹ and have therefore reassessed the pavement impact¹⁰.

The revised assessment based on the previous Waikato DC draft policy results in a financial contribution of \$53,992. If the fee were collected over 45 years¹¹ the contribution would be \$1,200/year. We recommend that if Council chooses to collect a heavy impact fee that the contribution should be collected as a lump sum over a period of 1-3 years to minimise administration costs and to enable it to be used for improvements to McPherson Road.

The assessment of the heavy vehicle impact fee considers the cost to replace the full width of pavement. The impact of clean fill loaded inbound trucks on pavement condition has already been accounted for in the fee. There would be additional pavement impacts if the number of inbound loads exceeds the number of outbound loads. As discussed above, our assessment is that around 28 inbound loads per day will be clean fill trucks, around a third of the expected quarry loads.

We recommend that monitoring and reporting of the clean fill loads be a condition of consent to ensure the impacts on the pavement are consistent with the assumptions in the Application.

10. Submissions

10.1. Waka Kotahi (NZTA)

Waka Kotahi (NZTA) are not opposed to the proposal and have outlined conditions to mitigate their concerns related to road safety, in particular at the SH2/McPherson Road intersection. The conditions are attached at Appendix B. The conditions address sight distance requirements, stacking space and left turn auxiliary lane at the intersection.

⁹ Email from Victoria Majoor to Naomi McMinn dated 20 October 2020.

¹⁰ Baseline heavy vehicles = 12 HV/day which allows for what could reasonably be expected as permitted activity

¹¹ Section 3.2.2 of the AEE states the expansion could be up to 45 years, depending on the resource volume and demand.

We understand that WDC had asked NZTA to provide comments on submitter concerns regarding traffic flows across Grahams Bridge and the increased safety risk. NZTA have provided the following comment in response:

- = *The submitters concerns regarding constriction of traffic flows across the bridge and increased risk of serious accidents was a factor considered when reviewing this proposal. Waka Kotahi consider the deceleration (auxiliary) lane will enable slow moving vehicles to move off the highway before reaching McPherson Road so eastbound vehicles should not be adversely effected, and improvements to sightlines through banking works will ensure westbound vehicles are able to safely view any heavy vehicles manoeuvring right from McPherson Road and amend speeds accordingly.*

10.2. Other Submitters

Traffic related concerns were raised by submitters and are summarised in the table below with mitigation outlined where required.

Submitter concern	Effect	Mitigation required
= Increase in traffic on SH2 which is already a dangerous stretch of road and at McPherson Road intersection.	Increase in traffic increases safety risk at the McPherson Road/SH2 intersection.	Adequate sight distances, space for deceleration lane clear of through lane and right turn bay at the SH2/McPherson Road intersection. Addressed through conditions ensuring the intersection improvements are consistent with conditions provided by NZTA.
= Quarry traffic directional split – assumed as 50:50 split.	Potential for more right turn movements. We note that since the TIA was prepared, WSP have amended their assumption of directional split to 70:30. This would mean an average of two right turns/ hour into McPherson Road. If all inbound vehicles were to turn right into McPherson Road then there would be eight right turn movements per hour. The dominant movement towards SH1 will result in around six trucks/hr turning right out and left-in to McPherson Road.	The auxiliary left turn lane and right turn bay provides space for vehicles to turn with minimal disruption to through traffic. The intersection form should be in accordance with the conditions proposed by NZTA requiring construction of a right turn bay and an auxiliary left turn lane We note that the time of writing this report NZTA had not been advised of the amended trip distribution. In my view, the mitigation proposed is adequate.
= Inadequate sight distances;	Increased risk of crashes on SH2 and McPherson Road.	Proposed design to accommodate appropriate sight distances. This should be addressed through conditions requiring compliant sight distance at the intersection.
= NZTA approval- This has not been given- rather they confirm they do not oppose the application;	NZTA do not oppose the proposal. NZTA have provided conditions to mitigate adverse effects on SH2.	Include proposed conditions outlined by NZTA in the consent.
= Queuing of trucks;	The proposed stacking length at the right turn bay is 42m which is sufficient for two truck and trailer units. The proposal could result in an additional eight trucks per hour turning right into McPherson Road or one truck every 7-8 minutes. There is likely to be sufficient space for trucks to queue in the right turn bay.	42m is sufficient stacking to accommodate the proposed demand. Addressed through conditions requiring a minimum stacking length of 42m for the right turn bay.

Submitter concern	Effect	Mitigation required
<p>= Grahams Bridge and SH2 accident zone concerns.</p>	<p>Submitters raised the concern that the bridge already results in constraints. The existing lane arrangement at the bridge has adequate lane widths but narrow shoulders.</p> <p>The additional traffic is unlikely to result in disproportionate change in safety effects at Grahams Bridge.</p> <p>Correspondence from NZTA states that they considered submitter concerns when reviewing the proposal.</p>	<p>We understand WDC has asked NZTA to comment on this.</p> <p>NZTA have stated that the concerns were considered when reviewing the proposal. No further mitigation is required.</p>
<p>= Additional heavy vehicle movements on Pinnacle Hill Road</p>	<p>It is unclear why quarry traffic would use Pinnacle Hill Road. The quickest route to SH1 would be via a right turn out of McPherson Road.</p> <p>We understand that the applicant does not propose to use Pinnacle Hill Road.</p>	<p>Quarry traffic is unlikely to use this route as there are more direct alternative routes to SH1.</p> <p>No mitigation is required.</p>
<p>= Dust, dirt on road</p>	<p>Dust on the roads results in safety issues in particular where dirt tracked onto the road results in road marking being less visible.</p>	<p>Could be addressed through conditions which cover requirements for water carts onsite and wheel wash stations on-site prior to the vehicle crossing to minimise dust and debris being tracked onto the road.</p> <p>Sealing at the entrance within the site would also minimise the risk of dust and debris being tracked onto McPherson Road.</p>
<p>= Traffic on McPherson Road</p>	<p>During peak operating periods there could be up to 48 trucks/ hour or one every 75 seconds.</p>	<p>The additional traffic is unlikely to result in significant efficiency effects on McPherson Road. McPherson Road has sufficient capacity to accommodate the additional traffic.</p> <p>The pavement impacts have been assessed and a fee is required to compensate for pavement impacts. A condition that restricts daily truck movements would manage truck movements during periods of high demand and reduce the risk of adverse safety effects at the SH2/McPherson Road intersection.</p>
<p>= Increase in heavy vehicles on SH2</p>	<p>An increase in trucks on SH2 could result in an increase in safety risk. The proposal increases the number of heavy vehicles on SH2 by approximately 0.4-1.3%. SH2 is a regional state highway and the increase in heavy vehicles on SH2 is unlikely to result in significant adverse effects on SH2.</p>	<p>Conditions requiring improvements at the SH2/McPherson Road intersection and to manage daily truck numbers are necessary.</p>
<p>= Inadequate stacking room for quarry trucks entering the site</p>	<p>Insufficient stacking space could result in a vehicle blocking other vehicles on McPherson Road while waiting to turn into site.</p>	<p>The vehicle crossing and internal road should allow for two-way movement and sufficient stacking for at least one truck and trailer unit. This can be addressed with conditions.</p>

Submitter concern	Effect	Mitigation required
= Crossing SH2 is dangerous in holiday season	The proposal increases the number of turning movements on McPherson Road. This increases the risk of crashes. However, the proposal provides mitigation in the form of a right turn bay and left turn auxiliary lane.	Conditions requiring improvements at the SH2/McPherson Road intersection and to manage daily truck numbers are necessary.
= Clean fill trucks	There is no guarantee that clean fill trucks will be backloaded with aggregate. Therefore, there could be more trucks to and from site.	This should be addressed with a condition requiring monitoring of clean fill and backloads and condition on total number of vehicle movements.

Table 2: Traffic Related Submission Concerns**11. Evaluation of Transportation Impacts**

Our assessment of the potential adverse traffic related effects of the traffic associated with the proposal is summarised below:

Transportation Impact	Discussion	Significance	Recommendations
Efficiency – additional trips on the surrounding network	The proposal results in an average of 165 veh/day. The existing traffic volumes on McPherson Road are relatively low. The additional turning movements at the McPherson Road/SH2 intersection is unlikely to result in significant efficiency effects on SH2 or McPherson Road.	Low	Condition addressing the requirements for a right turn bay and left turn auxiliary lane. Condition restricting daily truck movements.
Safety – intersection	The proposal results in increased movements at the SH2/McPherson Road intersection. The existing intersection does not comply with sight distance requirements due to the intersection being located on a curve. The proposal provides a left turn auxiliary lane and a right turn bay.	Medium-High	The required sight distance should be provided. The turning treatments at the proposed intersection minimise the adverse safety and efficiency effects. This should be addressed through conditions including a condition restricting daily truck movements to reduce the risk of adverse safety effects at the intersection.
Safety – vehicle crossing	The proposal results in an increase in movements at the existing crossing. There does not appear to be an existing safety concern at the vehicle crossing and McPherson Road is a low volume road. However, the vehicle crossing should be formed to RITS standards and vehicle tracking should be completed to demonstrate that two-way movement can be achieved including sealing of the proposed vehicle crossing.	Low	Conditions to address upgrading including sealing of the vehicle crossing, relocating the gate to allow a truck and trailer to wait without encroaching on McPherson Road and clearing vegetation to improve sight distance at the vehicle crossing.
Safety – Internal circulation	No information has been provided regarding internal circulation. The circulation plan should include swept paths to determine that two-way movement can be achieved at the crossing and show the location of the weighbridge to confirm that it does not restrict two-way movement.	Low	This should be addressed through conditions requiring a circulation and loading plan including the weighbridge location.

Transportation Impact	Discussion	Significance	Recommendations
Safety – cyclists and pedestrians	The increased number of trucks increases risk to pedestrians and cyclists. There are no existing facilities for cyclists or pedestrians and there is likely to be a very low number of pedestrian and cyclists, but pedestrians and cyclists are vulnerable.	Very Low	Effects on pedestrian and cyclists are likely to be minimal given the rural location. No further mitigation is required.
Pavement impacts	The additional traffic loading is likely to deteriorate the pavement faster. A Heavy Impact Fee assessment was completed in 2018 which has been updated. The revised assessment concludes that a Heavy Impact Fee is required and should be collected on a lump sum basis to minimise administration costs.	Medium	A condition requiring a heavy impact fee.
Dust and debris on road	There may be additional dust and debris which could be tracked on the road we recommend that wheel wash stations are installed to ensure that vehicles leaving the site are not tracking dust or debris onto the road. Providing a substantial seal area at the vehicle crossing will also minimise the risk of dust being tracked onto McPherson Road.	Low	Provide wheel wash stations on-site. Ensure water carts are on-site to minimise dust. Provide a sealed area within the site at the entrance. Can be addressed through conditions.

Table 3: Evaluation of Transportation Impacts

The proposal results in an increase in trips on McPherson Road and at the McPherson Road/SH2 intersection. The increase in movements increases the risk of collisions at the intersection. To minimise the effects the proposal includes improving sight distance, forming a right turn bay at the intersection and a left turn auxiliary lane.

The proposal should include confirmation of circulation and loading arrangements to determine the location of the weighbridge and demonstrate that on-site circulation can be achieved and adequate dust control measures on-site.

Typically, we would expect seasonal peaks in demand for aggregate. The quarry capacity with two loaders working is 24 trucks loads per hour, 48 truck movements per hour. Prolonged operation at this intensity is likely to lead to unacceptable safety risks at the McPherson Road/SH2 intersection. We recommend a daily cap on the number of heavy vehicles generated by the quarry. This would allow the Applicant to respond to meet peaks in aggregate demand and provide the community with more certainty about the frequency and intensity of the peaks.

12. Recommendations and Suggested Conditions

We recommend that the conditions include the conditions proposed by NZTA. In addition, the conditions should also address the following:

- = Prior to operation of the quarry, the consent holder shall upgrade the SH2/McPherson Road intersection in general accordance with Opus drawing 3-39019.00_SK001.
- = The consent holder shall, no later than 31 March each year, provide Waikato District Council with an annual report detailing the following information for the previous calendar year:
 - (i) Daily numbers of truck movements;
 - (ii) Monthly aggregate volumes extracted; and
 - (iii) Monthly clean fill volumes entering the site.

The consent holder must keep a register of daily truck movements, daily aggregate volume leaving the site and daily clean fill material entering the site. This information must be made available to an authorised officer of the Waikato District Council within 10 working days upon request.

- = The maximum number of heavy vehicle movements generated by the activity shall not exceed:
 - (i) Daily maximum of 210 HCV movements/day; and
 - (ii) Daily average of 165 HCV movements/day (calculated over a three-month period)
- = The consent holder shall submit engineering plans detailing the vehicle crossing and proposed haul road to the Council's Manager Development Engineering for approval in a technical certification capacity in advance of any construction works being undertaken. The design of the vehicle crossing should be in general accordance with the RITS diagram D3.3.4 and accommodate left turn in and right turn out movements by heavy vehicles, including:
 - o Tracking for the design vehicle.
 - o Relocating the gates to be set back at least 22m from the edge of the McPherson Road carriageway.
 - o Sealing the vehicle crossing (grade 3/5 chip) and the driveway for a minimum of 40m within the site.
 - o Removal of vegetation to improve sight distance at the vehicle crossing.
- = The consent holder shall prepare and submit a Quarry Circulation and Loading Management plan to demonstrate that the internal vehicle circulation avoids any impacts on McPherson Road such as queuing or parking within the shoulders/berm. This should include:
 - o swept paths to demonstrate two-way movements through the gate.
 - o identify holding/waiting areas for trucks waiting for the weighbridge.
 - o weighbridge location;
 - o loading areas and arrangements;
 - o internal circulation roads including any passing bays; and
 - o internal parking arrangements for staff and visitors.
- = Payment of a heavy vehicle impact fee of \$53,992 in a lump sum over 1-3 years.
- = The consent holder shall minimise the tracking of dirt and loose material onto the public road as far as practicable. Any spillage onto the public roadway must be cleaned as soon as practicable.

13. Conclusion

The proposal results in an increase in heavy vehicle trips on McPherson Road and at the McPherson Road /SH2 intersection. Compared to the baseline (no existing use rights) the increase is 165 trucks per day. The proposal increases turning movements at the McPherson Road/SH2 intersection and includes upgrading the intersection to provide a right turn bay, an auxiliary left turn in lane and improved sight distance.

We recommend conditions limiting daily trip generation by heavy vehicles to 210 trucks per day, and average daily trip generation of 165 trucks per day (calculated over three months). This framework allows the Applicant to respond to meet peaks in aggregate demand and provide the community with more certainty about the frequency and intensity of the peaks.

Subject to the conditions outlined in Section 12 above to mitigate the potential adverse effects, the proposal appears to be acceptable.

Please contact us if you have any questions.

Yours sincerely



Vinish Prakash
Engineering Technologist

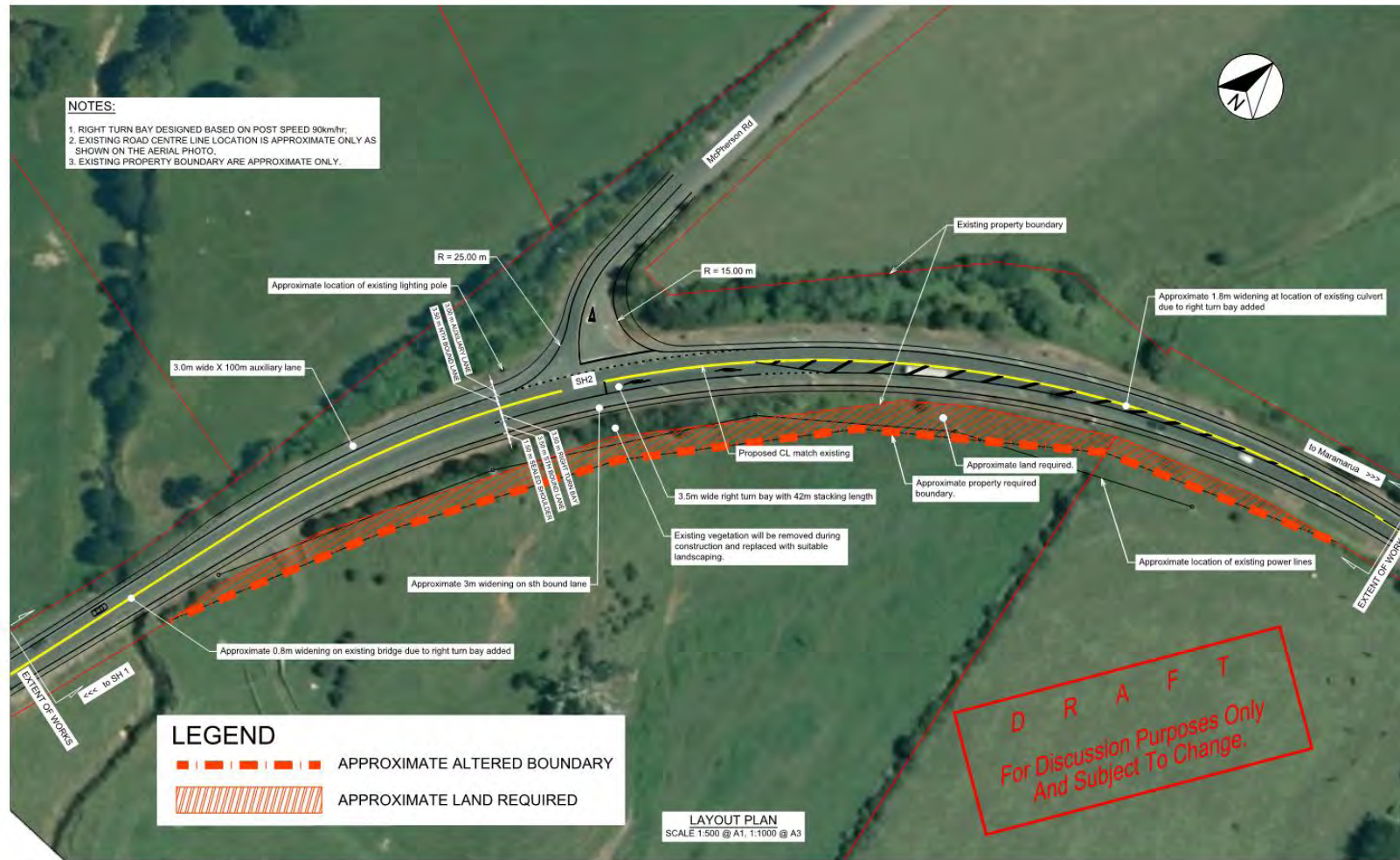


Naomi McMinn
Civil/Transportation Engineer

Appendix A – RTB Concept Plan



3-39019.00_SK001



1:500 @ A1
1:1000 @ A3
Digital Street View A1 (M145M)

Plot Date: 14 Aug 2019 @ 9:27 AM Path: G:\330000\39019_00\Fencourt sand extraction\Traffic\McPherson Quarry RTB\3-39019.00 RIGHT TURN BAY PLAN SK001.dwg SK001

**MCPHERSON ROAD - SH2 JUNCTION
RIGHT TURN BAY DESIGN**

Appendix B – NZTA Conditions

This information is provided from Waikato District Council



19 March 2019

Delivered via email: eloise@kineticenvironmental.co.nz

Dear Eloise,

Proposed Upgrade of McPherson Rd/SH2 intersection in relation to the operation of McPherson Quarry - 47 McPherson Road, Mangatawhiri

Thank you for submitting your client's proposal to the NZ Transport Agency (Transport Agency) for comment. As you will appreciate, millions of dollars are invested in the transport network each year and the Transport Agency has an interest in ensuring this investment is not compromised, including by ensuring land use and subdivision do not impact on the safety and efficiency of the transport network.

The Transport Agency understands your client is seeking resource consent to extract a yearly tonnage of 492,000 from McPherson Quarry. This proposal includes modifying the McPherson Road intersection with State Highway 2 to include a right turn bay, short deceleration lane for the left turn into McPherson Road and earthworks to maintain sight distances from the intersection.

The key issue for this proposal is achieving appropriate sight distances for westbound traffic on SH2 to slow-moving vehicles that have already turned right out of McPherson Road. Based on Austroads 2016 Part 3, the stopping sight distance for a car travelling at 90 km/h with a reaction time of 2.5 seconds is 151 m. Following initial consultation with the Transport Agency plans have been provided which demonstrate the required 151 metre sight distance can be met.

State Highway 2 in this location is declared a limited access road under the Government Roadings Powers Act 1989 (GRPA). Section 91 of the GRPA enables the Transport Agency to authorise the use of a crossing place on a limited access road, impose conditions on its usage, specify the location of a crossing place or cancel the right to use any crossing place if legal access is available from another road. In accordance with Section 92 of the GRPA, no person may drive or move any vehicle or animal, or permit any vehicle or animal to be driven or moved, on to or from any limited access road except at any crossing place authorised by the Transport Agency.

Based on the information provided, the Transport Agency requires the following conditions to be met so as to avoid/mitigate effects on the transport network. Subject to these conditions being met, the Transport Agency is **not opposed** to the proposal as detailed in the application prepared by Opus for the continued extraction and processing of a high-quality source of aggregate and the associated intersection upgrade, dated 15 August 2017, and further information received 21 January 2019.

Conditions

NZTA Reference: 3170146

This information is provided from Waikato District Council

1. No works shall be undertaken within State Highway 2 without the prior approval of the NZ Transport Agency pursuant to Section 51 of the GRPA. A Traffic Management Plan and Consent to Work on the Highway shall be submitted to and approved by the Transport Agency at least seven working days prior to the commencement of any works on the state highway.
2. The annual haulage from McPherson Quarry shall be limited to 492,000 tonnes per year.
3. Detailed engineering design plans for the intersection must be submitted to the New Zealand Transport Agency for approval prior to any works associated with its construction commencing. Detailed design should consider, but not be limited to the following:
 - Superelevation and drainage for surface water on the pavement as per Austroads guidelines;
 - Heavy vehicle turning paths;
 - Cross-sectional drawings to indicate batter slopes, drainage lane width and property boundaries;
 - Traffic movement at the intersection for calculation of right turn bay length;
 - Re-alignment of guardrail;
 - An advance warning sign for heavy vehicle crossing as per MOTSAM (sign to be located to the west of the SH2/McPherson Road intersection)
4. An independent safety audit shall be conducted during detailed design of the intersection with State Highway 2 and post construction. Each audit shall be carried out by an appropriately qualified auditor experienced with intersection design and appointed in consultation with the Transport Agency. Any recommendations made by the auditor that require changes to design and construction shall be approved by the Transport Agency.
5. Drawings provided indicate the sightlines are extending into private property. The applicant shall provide evidence that batter slopes and vegetation will not obstruct the required sight lines of 151 metres in perpetuity.

To apply for any necessary approvals or for confirmation that the above conditions have been met, please contact the Transport Agency directly on consentsandapprovals@nzta.govt.nz or call 07 958 7220.

Please be aware that this response is the Transport Agency's current view of the situation. If your application changes or is put on hold for any length of time, the Transport Agency may need to review the application again. Thank you for undertaking consultation with us. Please feel free to contact me if you have any questions or require further information.

Yours sincerely



Emily Hunt
Consultant Planning Advisor
DDI: 07 958 7884
Email: emily.hunt@nzta.govt.nz

NZTA Reference: 3170146

Appendix C – NZTA Email

Vinish Prakash

To: Naomi McMinn
Subject: RE: McPherson Quarry Consent Application - SH2

From: Victoria Majoor <Victoria.Majoor@waidc.govt.nz>
Sent: Tuesday, 13 October 2020 10:58 AM
To: Naomi McMinn <Naomi.McMinn@graymatter.co.nz>
Subject: FW: McPherson Quarry Consent Application - SH2

Hi Naomi,

See response from NZTA below.

Cheers

Victoria

From: Emily Hunt <Emily.Hunt@nzta.govt.nz>
Sent: Monday, 12 October 2020 9:22 am
To: Victoria Majoor <Victoria.Majoor@waidc.govt.nz>
Subject: McPherson Quarry Consent Application - SH2

Morning Victoria,

Sorry for the delay in getting back to you on this one. Please see the Waka Kotahi NZ Transport Agency response below:

The applicant is proposing to undertake upgrades to the intersection of McPherson Road and State Highway 2, however these do not extend to Graham Bridge. These include:

- *Modification of the bank and vegetation on the southern side of the McPherson Road/SH2 intersection to provide at least 151m forward visibility for westbound traffic to observe and respond to a right-turning truck from McPherson road to SH2;*
- *A 42 metre right turn bay on SH2 to provide sufficient stacking space for a truck and trailer unit to wait on SH2 in order to undertake safe right turning movements into McPherson Road; and*
- *An Auxiliary Lane for left turning vehicles from SH2 to McPherson Road. This lane will be 100m long and commence at the barrier flare approximately 10m east of the bridge.*

The applicant undertook consultation with Waka Kotahi which resulted in various mitigation measures being incorporated in the proposal, as detailed above and in the attached submission.

Waka Kotahi is satisfied that the mitigation offered by the applicant will enable free and safe traffic flow and that if there are unforeseen effects on the highway network these will be identified and mitigated through the independent safety audit which Waka Kotahi required as a condition and was agreed to by the applicant.

The submitters concerns regarding constriction of traffic flows across the bridge and increased risk of serious accidents was a factor considered when reviewing this proposal. Waka Kotahi consider the deceleration (auxiliary) lane will enable slow moving vehicles to move off the highway before reaching McPherson Road so eastbound vehicles should not be adversely effected, and improvements to sightlines through banking works will ensure westbound vehicles are able to safely view any heavy vehicles manoeuvring right from McPherson Road and amend speeds accordingly.

Let me know if you have any further questions.

Kind regards,
Emily

Emily Hunt

Planner

Consents & Approvals – Transport Services

DDI +64 7 958 7884 / **M** +64 27 319 3256

E emily.hunt@nzta.govt.nz / **W** nzta.govt.nz

Waka Kotahi NZ Transport Agency

Hamilton / Level 1, Deloitte Building, 24 Anzac Parade

PO Box 973, Waikato Mail Centre, Hamilton 3240, New Zealand

Appendix D – Revised Heavy Vehicle Impact Fee Calculation

Assessment of Pavement Impacts - McPherson Road

Waikato District Council Draft Methodology

updated 6/11/2020

no existing use rights

	HCV Baseline for Ridge Road Quarry Assessment in 2017	Baseline HCV for this assessment	Road length	Existing Pavement Thickness	Future traffic	Design Pavement Thickness	Revised Design Life	Reduction in Design Life	Period for NPV Calcs	Overlay Depth	Overlay Costs	Rehab Costs	Total Costs	SPPWF	NPV Costs (overlay and rehab)
		HCV/day	(km)	(mm)	67.39726	(mm)	Years	Years	Years	(mm)	\$	\$			
					79	496	4.9	20.1	4.9	108	\$ 19,656	\$ 130,000	\$ 149,656	0.752	\$ 112,485
McPherson Road		12	0.325	388											
										Total	\$ 19,656	\$ 130,000	\$ 149,656		\$ 112,485

12.11

For NPV calc

12.5
25

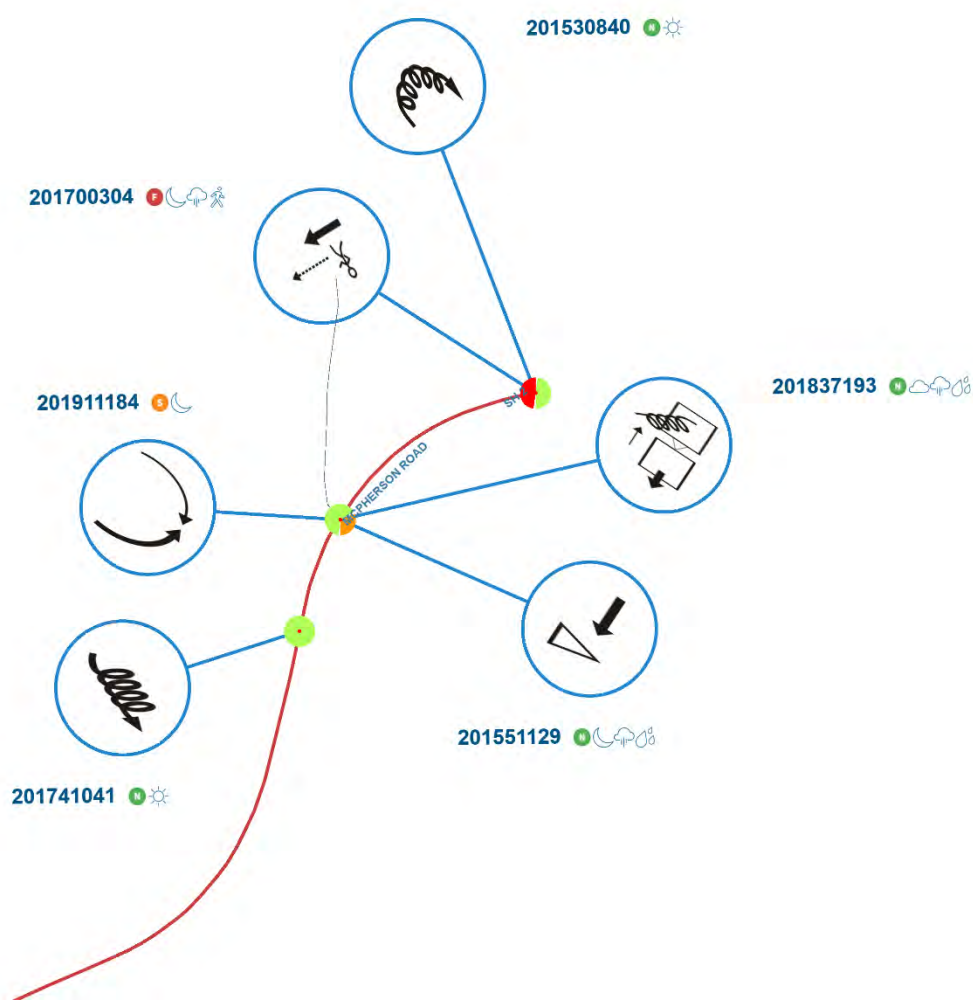
	Total Cost	\$/t
Total cost	\$ 112,485	\$ 0.005
Quantity (m3)		
conversion factor	N/A	
Quantity (tonne)	22,140,000	

Life 45 years

Annual cost	\$ 2,500
-------------	----------

With FAR	52%	\$ 53,992.90
Cost per tonne	\$ 0.002	
Annual cost	\$ 1,200	

Appendix E – CAS Collision Diagram



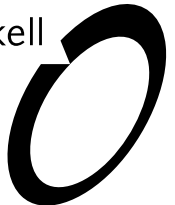
APPENDIX G

VISUAL AND LANDSCAPE REVIEW PREPARED BY BOFFA MISKELL

28 October 2020

Victoria Majoor
Senior Planner
Waikato District Council
Private Bag 544
Ngaruawahia 3742

Boffa Miskell



Dear Victoria,

McPhersons Quarry Expansion Proposal Landscape and Visual Assessment: Review of Submissions

1.0 Background

In June 2019 Waikato District Council (WDC) engaged Boffa Miskell Ltd (BML) to undertake a review of the landscape and visual assessment (LVA) prepared by WSP Opus for the proposed McPhersons Quarry expansion. Following BML's review, Mansergh Graham Landscape Architects Ltd (MGLA) were engaged by the applicant to review and respond to the s92 request for information.

Following this response, Boffa Miskell confirmed its support of the methodology, effects ratings and conclusions and considered them to be a reliable assessment of the proposal and existing landscape.

The application was limited notified in accordance with s95A(8)(b) by Waikato District Council as it was considered that “ *visual landscape effects will be more than minor on the environment*”¹ due to the proposed activity.

54 properties were notified as part of this process and 36 submissions were received. Of these submissions, 16 opposed the activity for reasons regarding landscape and/ or visual effects. Following these submissions nine properties were visited by BML, WDC and MGLA on the 6th August 2020 to record and assess potential impacts from these vantage points.

WDC have requested that Boffa Miskell Ltd provide a preliminary assessment of visual effects associated with this view, ahead of receiving a revised MGLA Landscape and Visual Assessment report. This letter provides a preliminary assessment to guide Council on the likely degree of effect however does not form a full independent assessment of landscape and visual effects. The final peer review of the MGLA assessment, considering additional matters, will be provided following receipt of this material.

¹ Notification Decision Report, Waikato District Council, 10th July 2020

1.1 Statutory Baseline

During the review of the submissions and after further investigation, WDC became aware that in 1995, Franklin District Council determined that the quarry was operating under existing use rights. It was also determined that future works, including a major benching exercise and partial removal of a grassed knoll would result in “significant and potentially adverse²” visual effects. At this time the quarry was extracting 6-7,000 tonne of material per year.

Between 1997 and the present day, the rate of extraction within the quarry has increased. In the past three years the rate of extraction has been between approximately 320,000 – 400,000 tonnes per year. WDC consider that due to the degree of work, the existing use rights only apply to the visual effects of the quarry between 1994-1997. The existing assessments by WSP Opus and MGLA have not also considered this statutory baseline in regard to the magnitude of the landscape and visual change.

It is considered that although quarrying is an established activity in this area, the increased rate of extraction (and change) has potential to increase the sensitivity of the viewing audience.

As the applicant and WDC have different views on the appropriate baseline environment, this letter considers potential landscape and visual effects against the existing environment (i.e. as assessed by the applicant), and the statutory baseline as determined by WDC.

2.0 Submissions

Of the 36 submissions that were received, 16 submissions opposed the activity for reasons regarding landscape and/or visual effects. Nine properties were selected to be visited to represent 17 properties identified in 12 submissions which had concerns regarding visual effects (listed below). These properties were visited on the 6th August 2020 by MGLA, BML and WDC to record views towards the proposed developments under direction from land owners.

1. 40 McPherson Road (Submitter #30)
2. 209 Pinnacle Hill Road (Submitter #33)
3. 211 Pinnacle Hill Road (Submission #17)
4. 215 Pinnacle Hill Road (Submission #22)
5. 217 Pinnacle Hill Road (Submitter #21)
6. 219 State Highway 2, Heartland Farm (Submitter #29)
7. 231 Pinnacle Hill Road (Submitter #18)
8. 231B Pinnacle Hill Road (Representative of views from 231A, 233A, 233B, 233C, 233D, 233E, 233F and 235) (Submitters #24, #29, #31 and #35)
9. 247 Pinnacle Hill Road (Submitter #15)

The following comments and responses (grouped under issue headings), acknowledge that further details regarding each submission may emerge during the submitters' preparation of evidence for the council hearing. At present, written detailed responses to the submissions have not yet been received from the applicant. However, it was indicated by a letter from the applicants planners Kinetic Environmental that the MGLA Visual Landscape Report is “based on the quarry as it appears today and compares that to what it will look like should the

² Quarry Status Report, Franklin District Council, 9th November 1995

*consent application be granted*³. This report considers potential landscape and visual effects against the WSP Opus / MGLA baseline of the existing environment and the WDC baseline.

2.1 Landscape Character Effects

11 of the submissions raise concerns regarding the potential for adverse landscape character effects as a result of the application⁴. These submitters have queried the level of effects reported within the assessment, the extent of native vegetation to be removed as part of the application and vegetation removed previously during the expansion of the quarry.

BML response – against the existing environment:

The WSP Opus assessment relies on the existing presence of the quarry and its presence setting a precedent in the landscape *“The quarrying activity is not new to the landscape, as the quarry has been in operation over 60 years, and as such is considered part of the existing landscape character”*. In section *“4.3 Site Landscape Content”* of the assessment, the quarry is described as being *“in operation for 60 years, so the appearance of cut faces has been a consistent element in the landscape and the expansion won’t be a new element in the landscape and is considered to be part of the existing landscape”*⁵. These factors contribute to the landscape character being assessed as being of *“low”* sensitivity for all stages by WSP Opus. Within the context of this baseline and the additional landscape character information provided by MGLA in the s92 response. It is considered by BML that the landscape description, magnitude of change and level of effects rating were reliable.

BML response – against the statutory baseline environment:

With consideration of the 1997 baseline environment, the expected sensitivity of the receiving environment has the potential be greater than when assessed against only the existing environment (at the time of application)..

When applying the statutory baseline of annual extraction rate, and then assessing the proposed expansion of the quarry, the extent of modification and magnitude of change is substantially greater than what exists on site today. By this we mean that had the quarry operated within it’s permitted extraction rate the existing environment would be substantially less modified than what currently exists.

As noted above MGLA have not undertaken an assessment against the statutory baseline and we acknowledge that there are complexities to applying this when it is difficult to determine the likely landform a permitted extraction rate would have resulted in.

It is considered the sensitivity of this landscape remains consistent with what has been assessed by WSP Opus and MGLA. However, when considering the scale and volume of extraction and applying the statutory baseline, the magnitude of change is increased to a moderate degree. As a result, the potential degree of adverse landscape effect are likely to be moderate.

³ LUC0123/19 - 47 McPherson Road – Response to Further Information Request, Kinetic Environmental, 7th October 2020

⁴ Submissions #2, #17, #15, #18, #19, #22, #30, #29, #33, #35, #36

⁵ McPherson Quarry Expansion Proposal, Landscape and Visual Assessment, WSP Opus, 31st August 2018.

2.2 Visual Effects – Proposed mitigation screening vegetation

Several submitters raised concerns that proposed mitigation planting will not provide sufficient screening for all properties.

Subsequent to the aforementioned site visit, the applicant has revised their proposed ecological planting strategy to include additional ecological corridor planting and approximately 0.7ha of 20m wide “exotic screen planting”. This additional screen planting is aimed at mitigating the visual effects of both Stages 2 and 3 of the proposal.

BML response:

The proposed ecological corridor to the north will provide a small amount of visual screening for most properties to the north of the proposal in combination with the existing retained shelterbelt. The additional proposed exotic screen tree planting will reduce visual effects for the properties along Pinnacle Hill Road, in particular at 215 Pinnacle Hill Road which sits at a lower elevation. The audience at 209 Pinnacle Hill Road to the east will also experience some benefit from the additional screen planting, due to their position in relation to the quarry activities. It is considered that overall the proposed mitigation planting for properties accessed from Pinnacle Hill Road will lower visual effects however partial views of Stage 2 and Stage 3 are expected to be attained.

Views from properties to the south (particularly at 219 State Highway 2), will experience little benefit from the proposed mitigation planting due to planting being positioned lower in the view corridor for elevated properties. However, the additional proposed screen planting provided will soften the form of the ridgeline as the trees mature.

It is noted that MGLA has yet to provide an assessment of visual effects pertaining to these views and the degree of effectiveness of the mitigation planting.

2.3 Visual effects on neighbours– Views from individual properties from site visits, not previously assessed

A total of 12 submissions were made regarding the visual assessment representative of their properties and the effects on their properties being greater than those stated. The visual effects cover a range of properties, however due to the limited amount of publicly accessible vantage points the photographs provided within the assessment were unable to accurately represent private viewpoints. Consequently, as a result of the site visit, this preliminary assessment can be undertaken. For consistency these effects ratings are in line with the Landscape and Visual Amenity Effect – Rating System within Appendix Two the MGLA assessment.

Five of the properties visited are considered to have views that do not align closely to the viewpoints described in the MGLA report⁶. These views have been described below with consideration of the existing environment and statutory baseline.

⁶ 40 McPherson Road (Submitter #30), 209 Pinnacle Hill Road (Submitter #33), 211 Pinnacle Hill Road (Submission #17), 215 Pinnacle Hill Road (Submission #22), 219 State Highway 2 and Heartland Farm (Submitter #29)

40 McPherson Road (Submitter #30)**BML response – against the existing environment:**

The view from this property are relatively well contained with outlooks from the main living areas generally orientated in a south western direction. Views west towards the quarry face are predominantly screened by a linear band of mature trees around the eastern edges of the property. Oblique views are available to the west of existing quarrying activity and access roads from the side window of the master bedroom upstairs, over intervening trees in the short distance. The proposed further expansion works are expected to be partially visible from inside the residence. The rolling form of the escarpment roll descends into the gently undulating pastoral landscape. Partially filtered views are available of exposed material, ancillary work and accessways to the south of the quarry in the middle distance of the view contrasting with the green fields beyond.

Although residential audiences are expected to have a higher sensitivity to change, the expected changes to this view are considered to be relatively limited. The adverse visual effect from inside the residence at Stage 1 of the works are likely to be Low – Moderate. For Stage 2 the potential adverse visual effects are expected to be Very Low and for Stage 3; negligible.

BML response – against the statutory baseline

Whilst difficult to determine what the exact landform would have been had the quarry operated within its permitted extraction rate, the degree of visual change remains a theoretical exercise. It is noted for this viewing audience, the views to the east have limited visual exposure to the quarry face. This viewing audience is likely to have a moderate to high degree of visual sensitivity. The magnitude of visual change to the view, when applying a 'theoretical' magnitude of visual change from 1997 and including the proposal, is likely to be moderate. This is based on the 1997 scenario that the ancillary works to the south of the quarry would be substantially smaller in scale and possibly not visible at all for this viewing audience.

With this in mind adverse visual effects on this audience with respect to the statutory baseline in Stage 1 of the works are expected to be Moderate in nature, Stage 2 effects are expected to be Low, Stage 3 effects are expected to be Negligible.

209 Pinnacle Hill Road (Submitter #33)

Surrounding mature trees partially enclose this property preventing the availability for panoramic views. Views from this property are predominantly available from the main living floor, central living area, outside deck area and master bedroom. Open views to the west towards Mount William are available from these areas and a limited vista south west towards Pokeno is available from the master bedroom.

As the existing quarry is not visible from this property it is considered that statutory baseline view will be the same as the existing view and has not been considered separately.

BML response – against the existing environment:

The existing view to the south west is tightly framed between existing mature trees, with native forest visible in the near distance. Rising landform in the middle distance of the view comprises retained forest on the southern face, a grassed plateau and partial views of a vehicular access track visible on the east facing slope. Views to the

west comprise rolling landform containing a ridge of native forest in the middle distance with a cleared grass plateau beyond. The background of the view comprises the heavily treed eastern side of Mt William.

Stage 1 of the proposed quarrying activity are expected to only affect the view south west towards Pokeno and not views west towards Mt William. Earthworks lowering the land form and stripping topsoil will be visible in the middle distance as removal of native vegetation and extraction takes place. This will eventually result in elongated views towards Pokeno as the quarrying activity moves below the near distance intervening landform and tree line.

Stage 2 of the proposed works will have no additional effects on the south westerly view. However, quarrying activity will be visible in the middle distance of views west towards Mt William as quarrying activity lowers the landform of the greased plateau. Intervening native vegetation will partially screen views of the continued quarrying works as they lower into the landscape. Views of the northern extent of benching works are expected to be visible in the middle distance of the view through the majority of Stage 2 works. Established screening vegetation will help to screen approximately half of the benching landform, however open views over retained vegetation of half of the benching works will likely remain.

Stage 3 of the works are not expected to be visible. Stage 2 benching will remain visible to the west until greening and re-vegetation works take place as part of a quarry closure plan.

Potential visual effects associated with Stage 1 of the works are expected to be Low – Moderate in nature. Stage 2 effects are expected to be High while the topsoil stripping and early works are undertaken but reduce to Moderate as the activity lowers behind screening and then eventually Low. Stage 3 effects are expected to be Low to Very Low.

211 Pinnacle Hill Road (Submission #17)

BML response – against the existing environment:

This residential property is positioned lower in the landscape than the other nearby properties accessed from Pinnacle Hill Road. This the property is surrounded by established mature amenity planting which restricts views from the property and the immediate surrounding gardens to the near distance. In addition to this the property has a buffer of plantation pine woodland to the south west between the residence and the quarry. Glimpsed long distance views of Mt William are however visible over the top this amenity planting.

As the existing quarry is not visible from this property it is considered that statutory baseline view will be the same as the existing view and has not been considered separately.

Views of the existing and future quarry will not visible from this residence and therefore it is expected that the proposed quarry works will have no visual effects on this audience with respect to the existing environment and statutory baseline.

215 Pinnacle Hill Road (Submission #22)

Panoramic views to the south afforded from this property comprise rising grassed landform to the right of the view in the near to middle distance and falling landform covered in native vegetation the left. Beyond this far reaching views comprise flat pastoral plains with a rising mountain range forming the background of the view in the far distance. Existing quarrying operations are not visible within this view.

The existing quarry is not visible from this property it is considered that statutory baseline view will be the same as the existing view. Therefore the following only considers the existing environment.

BML response – against the existing environment:

Stage 1 of the proposed quarry expansion will require the stripping and lowering of landform in the in the middle distance of the view to the left. Heavy earthworks machinery will be visible as the top soil is stripped and the first few layers of material are excavated. The landform will drop below retained native vegetation and landform in the middle distance of the view as material is excavated. It is not expected that this will not represent a substantial change in the view overall.

Stage 2 of the proposed work will include the removal of a larger area of land form in the middle distance of the view. Extensive views of machinery will likely be available as top soil is stripped and initial layers of material are extracted. This lowering of the landform is expected to open up views towards the eastern extents of Pokeno. However, proposed mitigation planting along the edge of the quarry extension is expected to filter and screen views towards quarrying works and Pokeno as the screening vegetation matures.

From this vantage point it is not predicted that direct views will be afforded of the Stage 3 works, due to proposed intervening screen planting and landform.

Potential visual effects associated with Stage 1 of the works would likely be Low to Low – Moderate in nature, Stage 2 effects would potentially be High while the top soil stripping and early works are undertaken but would likely reduce to Low – Moderate as the landform lowers and then eventually Low, Stage 3 effects would likely be Very Low.

219 State Highway 2, Heartland Farm (Submitter #29)

Views north east from existing dwellings on Heartland farm are relatively well contained by a mixture of mature native and exotic tree species which line the internal access road, lot boundaries and the northern eastern corner of the property. Glimpsed views are available of the top the existing quarry face are available from the top deck of the main dwelling in the centre of the property.

BML response – against the existing environment:

The upper reaches of Stage 1 of the proposal would be expected to be visible over intervening vegetation as vegetation is cleared and benching works occur.

Stage 2 of the proposal is expected to extend the Stage 1 back into the landform partially behind retained landform and vegetation. This stage will not expand the visibility of the quarry or the loss of landscape features.

Stage 3 of the proposal is not expected to be visible from this vantage point.

Due to the limited amount of the quarry visible from the top deck of the dwelling at the centre of Heartland Farm the degree of change is confined. The potential visual effects are likely to be Low for stage 1, Very Low for stage 2 and Negligible for Stage 3.

BML response – against the statutory baseline:

Whilst it is challenging to determine the exact landform that would be visible had the quarry operated with the permitted extraction rate the baseline for this viewing audience would have likely comprise a quarry face approximately 70-80m wide and a large area native vegetation in proximity. From this angle of view it is considered that the quarry face would appear slight.

The view north east towards the quarry is expected to have a limited visual exposure to the quarry face. This viewing audience is likely to have a moderate degree of visual sensitivity. The noticeable change to the view, when applying a ‘theoretical’ magnitude change from 1997 including the proposal, the magnitude of change is likely to be low – moderate to moderate. This is based on the assumption that the extent of the visible quarry face would be substantially reduced in scale and considers the degree of visual change with the proposal.

With this in mind adverse visual effects likely to be experienced from the top deck of the dwelling would likely be Low – Moderate for stage 1, Low for stage 2 and Negligible effect for Stage 3.

BML response – against the existing environment:

Of the Nine properties visited to assess the potential impacts of individual properties. Four of the properties visited (listed below) are considered to be adequately represented by the MGLA assessment view descriptions and level of effects ratings shown in Table 1.

The existing quarry is not visible from this property it is considered that statutory baseline view will be the same as the existing view

1. 217 Pinnacle Hill Road (Submitter #21) – Represented by Viewpoint 2 of the MGLA assessment
2. 231 Pinnacle Hill Road (Submitter #18) – Represented by Viewpoint 2 of the MGLA assessment
3. 231B Pinnacle Hill Road (Representative of views from 231A, 233A, 233B, 233C, 233D, 233E, 233F and 235) (Submitters #24, #29, #31 and #35) – Represented by Viewpoint 2 of the MGLA assessment
4. 247 Pinnacle Hill Road (Submitter #15) – Represented by Viewpoint 2 of the MGLA assessment

2.4 Visual Effects – Views from Mt William Walkway

A number of submissions refer to effects from Mt William Walkway not assessing or adequately assessing the potential visual effects from this audience.

BML response – against the existing baseline:

The visual effects from the Mt William Walkway are represented by viewpoint location seven in the MGLA report. These views are further detailed in the visual simulations provided, which details the expected changes at the proposed work stages. The MGLA assessment considers the impacts on this audience and concludes “*Stage 1 will have a Low-Moderate adverse effect, stage 2 will have a Moderate adverse effect and stage 3 will have a High adverse effect. It should be noted that the rate at which effects change will be a gradual*”⁷. It is considered that the visual descriptions and expected visual effects reported by MGLA are accurate and reliable.

BML response – against the statutory baseline

Although it is difficult to determine what the exact landform of the quarry would have been, had they operated with the permitted extraction rate, it is likely that the eastern facing quarry slope would be less noticeable. The audience at and around Mt William would likely have a high degree of sensitivity. The noticeable change to the view, when applying a ‘theoretical’ magnitude of visual change, 1997 and including the proposal, is likely to be high. This is based on the view from the Mt William Walkway of having very little exposure to quarrying activity when applying the statutory baseline.

Within the context of this adjusted sensitivity of the audience it is considered that Stage 1 would have Moderate adverse effects, Stage 2 would have High adverse effects and Stage 3 would have Very High adverse effects.

2.5 Visual Effects – Removal of intervening landform and ridgeline opening up views

Several submitters have queried the visual effects as a result of quarrying activity opening up views to the south and south west. Submitters residing at 209 Pinnacle Hill Road further assert that the removal of intervening land form opening up views of the Pokeno industrial area.

BML response – against the existing baseline

As detailed in 2.3 of this report, private residences were visited to determine potential visual effects on each individual viewing audience. Although the lowering of landform will open up views in the to the south and southwest for some properties. It is considered that for the majority of properties to the north of the quarry which have existing open expansive views. Within this context wider the loss of landform will neither introduce a new element into the view or result in a dominant feature being

⁷ Response to the s92 Request for Additional Information, Mansergh Graham Landscape Architects, November 2019.

introduced into views, due to the wider context and distance from Pokeno. Potential visual effects on the properties at 215 and 209 Pinnacle Hill Road in particular are likely to be more affected by the lowering of landform in the middle distance than other properties.

2.6 Change to visual effects on previously assessed Viewpoints in relation to the statutory baseline

BML response – against the statutory baseline

Although it is difficult to assess the precise views from the 1997 statutory baseline, however it is possible to say that the increased rate of extraction has made an obvious change to the landscape. However the change in the statutory baseline views from properties to the north of the site are not expected to have substantially change due to the lack of views of existing quarry work. Properties to the south with a direct view of the quarry face are expected to have more pronounced change in view, when considering the statutory baseline coupled with the proposed expansion.

All of the viewpoints provided within the MGLA assessment are expected to have differing exposure to quarrying activity when considered against the 'theoretical' magnitude of visual change from 1997. Viewpoint 2 is expected to have very little or no view of the existing quarry and therefore the level effects is likely to be in line with the MGLA assessment of effects.

As detailed earlier within this review, the sensitivity of the audiences and the resulting magnitude of change of these audiences is likely to be higher than in the existing environment. This will likely result in a potentially higher level of visual effects being experienced. These alternate effects ratings have been listed in Table 1 below.

It should be noted that BML have not undertaken a fully landscape visual effects assessment and the potential visual effects below are in correlation with increase audience sensitivity and the 'theoretical' magnitude of change expected from each vantage point.

Table 1 comparing visual effects from the original WSP Opus Assessment, Mansergh Graham s92 response visual assessment and the level of effects against the adjust 1997 baseline.

Visual Audience from MGLA Assessment	WSP Opus Assessment level of effects ratings	MGLA Assessment level of effects ratings against the existing environment	BML potential visual effects considering the statutory baseline
Viewpoint 1: SH2, Southern Palms	Low	Stage 1: Very Low Stage 2: Very Low Stage 3: Low	Stage 1: Low Stage 2: Low Stage 3: Low - Moderate
Viewpoint 2: 233 Pinnacle Hill Road	Low	Stage 1: Negligible Stage 2: Low Stage 3: Negligible	Stage 1: Negligible Stage 2: Low Stage 3: Negligible
Viewpoint 3: 93 Irish Road	Moderate	Stage 1: Low- Moderate Stage 2: Very Low Stage 3: Negligible	Stage 1: Moderate Stage 2: Low Stage 3: Very Low
Viewpoint 4: SH2, outside 286	SH2 – Very Low Residential - Moderate	Stage 1: Low - Moderate Stage 2: Moderate Stage 3: Low	Stage 1: Moderate Stage 2: High Stage 3: Moderate
Viewpoint 5: 113 Baird Road	Low	Stage 1: Low - Moderate Stage 2: Low Stage 3: Low	Stage 1: Moderate Stage 2: Low - Moderate Stage 3: Low – Moderate
Viewpoint 6: Hitchens Road, Pokeno	Very Low	Stage 1: Very Low Stage 2: Low Stage 3: Moderate	Stage 1: Low Stage 2: Low – Moderate Stage 3: Moderate - High
Viewpoint 7: Mt William Summit	N/A	Stage 1: Negligible and Low - Moderate Stage 2: Very Low and Moderate Stage 3: Negligible and High	Stage 1: Low - Moderate Stage 2: Moderate - High Stage 3: High - Very High

3.0 Recommended Mitigation Measures:

Recent mitigation measures to address identified landscape and visual effects will require further detail to ensure the assessed effectiveness of the mitigation measures are achieved and maintained. With quarry operations these typically will align with staging of works and integrate into quarry management plans. The following measures are considered a way of providing certainty to the 'preferred' mitigation measures. It is important that performance outcomes for mitigation planting, that relate to density, height and timeframes are included in the recommended material below.

A detailed landscape plan and landscape management plan shall be prepared by a suitably qualified landscape architect. This may form part of the quarry management plan and shall be in general accordance with the Landscape Mitigation Plan (Reference). These shall include:

- An annotated planting plan(s) which communicate the proposed location and extent of all areas of planting, including any

revegetation, reinstatement planting, mitigation planting and natural revegetation

- A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity
- Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements
- An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing
- A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:
 - i. Irrigation
 - ii. Weed and pest control
 - iii. Plant replacement
 - iv. Inspection timeframes
 - v. Contractor responsibilities
- The consent holder shall provide to the council a detailed staging and commitments to performance outcomes and time frames.
 - This staging plan should be prepared by a landscape architect or suitably qualified person
 - The staged maintenance plan should outline performance targets for proposed screening planting and should include but not be limited to:
 - Minimum heights of trees
 - Planting density
 - Screening requirements

4.0 Conclusion

It is considered that the applicant's LVA to date is well considered and commensurate to the proposal and its potential effects overall, within the context of the existing environment. However, in lieu of receiving a response from the applicant's Landscape Architect (MGLA) assessing the additional private viewpoints it is not possible to make a determination on the assessment as a whole. The above provides guidance on the potential degree of effect however remains subject to receipt of further assessment from MGLA, particularly taking into regard BML's role as peer reviewer.

The additional mitigation measures proposed by the applicant to address potential effects of Stage 2 and 3 appear to appropriately address identified potential adverse visual effects. Further detail is required to ensure that these measures are successful.

In relation to the statutory baseline provided by council it is considered that this conflicts with the existing environment used in applicant's assessment. This has resulted in the likely visual effects being greater than those predicted in the applicant's LVA assessment. Within the context of the statutory baseline we are not able to concur with the outcomes and conclusions of the applicant's assessment and effects ratings.

If you require any further clarification on the above, please do not hesitate to contact the undersigned.

Yours faithfully

BOFFA MISKELL LTD



Oliver May - Author
Senior Professional / Landscape Planner



Rebecca Ryder - Reviewer
Associate Partner / Landscape Architect

APPENDIX H

NOISE AND VIBRATION REVIEW PREPARED BY MARSHALL DAY ACOUSTICS

14 October 2020

Waikato District Council
 Private Bag 544
 Ngaruawahia 3742

Attention: Victoria Majoor

Dear Victoria

MCPHERSON QUARRY – ACOUSTIC PEER REVIEW

The Waikato District Council has engaged Marshall Day Acoustics (MDA) to undertake a peer review of the acoustic aspects related to McPherson Quarry's proposal to obtain consent for their current operations, and to expand operations in several stages.

The noise assessment was undertaken by Hegley Acoustic Consultants (HAC). We reviewed the following documentation relating to acoustic effects, with the application and in response to requests for further information:

- Resource Consent Application & Assessment of Environmental Effects by Kinetic Environmental, dated 31 Jan 2019.
- Assessment of Noise Effects report No. 18185, by HAC, dated 9 October 2018.
- Letter in response to Section 92 request, by HAC, dated 2 July 2019 (first S92 response).
- Letter with further information in response to a further Section 92 request, by HAC, dated 24 July 2019 (second S92 response).
- Letter with further information in response to a further Section 92 request, by HAC, dated 5 August 2019 (third S92 response).
- Letter with further information relating to an assessment of effects and predicted noise levels at the upper floor levels of neighbouring dwellings, by HAC, dated 5 October 2020 (fourth S92 response).
- Various emails between the project planner and WDC planner containing information clarification, new information, and progressive changes to the original application.

We have also reviewed a number of submissions received and provide responses to those. We have reviewed 15 submissions that were provided to us, all of which raise noise and/or vibration concerns.

1. Hours of operation

Following some uncertainty about the proposed hours of operation (e.g. 7am to 6pm, 7am to 7pm, or 7am to 7pm allowing for "emergency works" from 5am to 7am and 6pm to 10pm), we now understand that the proposal is for hours of operation to be 7am to 7pm, Monday to Saturday.

A number of submissions made reference to the long hours, including Saturday, with some suggesting that Saturday hours should be restricted to 1pm only.

While the character of the area appears to change from rural to lifestyle, the area is zoned Rural. The predicted noise levels are not unreasonable for a rural environment, and therefore we do not recommend a reduction in Saturday operating hours for acoustic reasons.

2. Noise performance standards

The quarry is located in the Waikato District – Franklin Section, in the Rural zone. HAC recommends applying the relevant noise limits of the Proposed Waikato District Plan. We agree with this recommendation.

In addition, we recommend that blasting noise be controlled through conditions.

3. Vibration performance standards

The HAC report does not discuss vibration. The AEE contains a section on vibration (Section 6.5) which deals with blast noise, not vibration.

The submissions have included reference to adverse vibration effects, and while we cannot comment on the validity of some submissions' assertion that blasting vibration has caused damage to buildings, we consider that a vibration control should be included in the conditions.

The Proposed Waikato District Plan does not to contain any vibration limits. The Operative Waikato District Plan – Franklin Section references AS2187.2. This standard sets a vibration limit for blasting, of 10 mm/s PPV at dwellings, but also recognises that this level may be not appropriate. It states that *"In the absence of a particular site-specific study which may determine the appropriate damage criterion, then peak particle velocity is suggested as a damage criterion and a maximum level of 5 mm/s is recommended for blast design purposes..."*.

We consider that a vibration limit of 5 mm/s PPV is appropriate to avoid building damage and deal with amenity effects, provided prior notification is given.

Recommended condition wording is included in this letter.

4. Existing environment

Some ambient sound level measurements for daytime have been provided by HAC. The ambient sound environment is described as being affected by noise from SH2 and potentially SH1, and natural sounds. A summary of measured noise levels provided by HAC in various documentation are summarised below:

Survey area	dB L _{Aeq}	dB L _{A90}
231 Pinnacle Hill Road	44	40
211 – 221 Pinnacle Hill Road	39	35
57B and 77 Irish Road	49	46

These levels are as expected for a rural environment during daytime and support the District Plan daytime noise limit of 50 dB L_{Aeq}.

We note that submissions call into question the measurement timing, duration and results. While it is unfortunate that no long duration survey was undertaken to gain a fuller understanding of the ambient environment, we are satisfied that the measured levels show a snapshot of the receiving environment that is within an expected range. The wind direction during the measurement at 231 Pinnacle Hill Road was described as being from south west, so from the quarry and SH1 to the receiver position. The ambient noise levels provided by HAC are within the range expected in the area, also supported by MDA surveys undertaken on unrelated projects in the area.

5. Noise level predictions

HAC predicted noise levels for various operating scenarios, both existing and future. Allowance was made for all equipment operating concurrently and in "worst case" locations for each stage. Noise level predictions are generally undertaken for a universal downwind situation, i.e. the modelling algorithm assumes downwind propagation to all receivers. Therefore, noise levels would reflect a reasonable worst case in terms of meteorological conditions.

The predicted noise levels indicate that compliance with the daytime noise limit can be achieved at all dwellings for all stages of works, including the fill activities in the south of the site.

Predictions have been provided for the notional boundary and the upper floor level of multi storey houses. Generally, the upper floors will receive higher noise levels due to less terrain and incidental shielding. The highest predicted noise level is 49 dB L_{Aeq} at the upper floor of 40 McPherson Road. This level is just compliant with the 50 dB L_{Aeq} daytime noise limit, which suggests that the quarry needs to carefully manage its noise generation in order to ensure compliance at all times.

6. Blast notification

Blasting at the quarry has been briefly discussed in the HAC report, namely that the rock extracted is not hard, and therefore blasting will not generate high noise or vibration levels at closest dwellings.

A number of submissions comment on adverse effects from blasting, including potential building damage, annoyance and startle. We have discussed blast vibration limits in section 3 above.

Regarding startle, some submitters request notification of blasts. That is a common management measure, where blasts are notified to people in the vicinity prior to the blast occurring (e.g. 30 min prior and then again 1 min prior). Such notification can be undertaken via siren over a wider area, or more targeted via text message. Either has been used successfully at other quarries, and we recommend that a similar regime is implemented at this quarry. Both options are pros and cons. Sirens may result in additional noise pollution as they need to be at a level that notifies a wider area, however, sirens are easy to use and means that everyone in the vicinity is aware of the impending blast. Text messages are targeted at those neighbours that are concerned about blasting, but may be missed if reception is insufficient or people do not have their phone on them.

We recommend gauging submitters' preference on notification and condition one blast notification option.

7. Trucks on the road

Trucks on the public road are not controlled by the relevant zone noise limits. Nevertheless, the effect should still be assessed, particularly if the road would not otherwise carry a large number of heavy vehicles.

Some submitters are concerned that trucks to or from the quarry will use Pinnacle Hill Road, a windy road that carries very low traffic volumes in general, and even less heavy vehicles. The latest traffic count on Pinnacle Hill Road that is available, was done in 2010, and showed a daily traffic flow of 540 vehicles, with 1% heavy vehicles (i.e. 5 per day). Upscaling to 2020 at 3% non-compounding per year, would result in a daily traffic flow of around 700 vehicles per day and 7 trucks.

Further questions for clarification to the applicant show that it is not intended that quarry trucks would use Pinnacle Hill Road, unless they are delivering material to a project on that road. Therefore, in our opinion, no further assessment is required.

8. "Emergency Works"

The AEE seemed to seek the formalisation of some limited night-time works during the shoulder periods from 5am to 7am and from 7pm to 10pm. The third S92 response dated 5 August 2019 from HAC, states that *"other than possible emergencies no night work is proposed"*.

We are unsure about what the applicant defines as an "emergency". The second S92 response from HAC states that: *"it is understood the activity that would occur when the lower night-time noise limits are applicable is when it is necessary to move overburden after hours for safety reasons"*. We have based our assessment on this statement.

In our opinion, emergency works would be required infrequently, be unplanned and occur only in situations where health and safety are at risk. It appears unusual to set timeframes for these works as health and safety considerations do not normally fall within predetermined times. We consider that actual emergency works would not fall under the general operational noise limits but would be governed by other legislation.

We are also reluctant to “normalise” emergency works with a condition that effectively permits night-time works – site planning should be sufficiently organised to ensure that no after hour work are required.

Our experience with a large number of quarries across New Zealand is that such condition is unusual. We have not come across it in the past and query why McPherson Quarry would run differently to all other quarries we have been involved with.

In our opinion, the only two valid options forward are;

- The application is for quarry operations to extend from 5am to 10pm, in which case a full and proper assessment of effects (including noise effects) over the entire period of proposed operation would be required. We note that the third S92 response does not provide ambient night-time noise levels as requested, which does not allow for an assessment of effects; or
- The application is for quarry operations between 7am and 7pm Monday to Saturday (as set out in point 1 of this letter), without “special provisions” for works that should not be occurring in the first instance.

Overall, we concur with the noise level predictions, but disagree with the potential to extend the works through “emergency works” provisions, which should only occur unexpectedly and unplanned, and would be covered by health and safety requirements rather than standard noise limits. Section 16 of the RMA remains in force in any event.

9. Assessment of effects

An assessment of effects has been provided in the fourth S92 response. Generally, predicted noise levels and measured ambient noise levels are similar.

The quarry activities will be audible at receivers not only when activities are in close proximity but also at other times, due to the character of the noise. At times of low ambient sound (e.g. still days with little traffic flow on the surrounding roads) quarry noise levels will be more prominent, particularly for dwellings near, or elevated above, the site with line of sight to the quarry operation. However, audibility is not an assessment requirement, but rather if the noise level is reasonable in the context of the environment.

Based on the measured levels provided, noise level surveys undertaken by MDA on an unrelated project in the area and the HAC assessment of effects, the predicted quarry noise levels would not be unreasonable compared with existing noise levels. The quarry will be audible and noticeable but should not interfere with normal day to day residential activities.

Should the applicant apply for an extension of hours of 5am to 10pm to allow for “emergency works”, authorised through conditions, then further work would be required including;

- An assessment of effects based on ambient noise levels during the early morning/late at night, and
- An assessment of the potential for annoyance/sleep disturbance at nearest houses.

10. Submissions

We have reviewed 15 submissions that addressed noise and/or vibration concerns. All these submissions were in opposition to the proposal. A summary of reviewed submissions is set out below.

No	Submitter	Address	Concerns	Responses
18	Mt William Ltd	12ha nth of the quarry	- amenity and ambience of the rural areas	Discussed under 9. Assessment of Effects
15	Aaron Baker and Emma West	247 Pinnacle Hill Rd	<ul style="list-style-type: none"> - health concerns because of noise - general noise and vibration concerns - noise impact from additional blasting and general quarry works - impact on homes in the 500m buffer zone - queries about the noise survey: not during prevailing winds and not taken on their site 	Discussed under 2. Noise Performance Standards, 3. Vibration Performance Standards and 4. Existing Environment
21	Charlotte and Royce McCourt	217 Pinnacle Hill Rd	<ul style="list-style-type: none"> - no consideration of dwellings on north ridge - noise effects from operations 	<p>We requested additional information for the Stage 2 proposal and its effects on dwellings to the north of the quarry. This was provided in due course and has been reviewed and taken into consideration.</p> <p>Based on the noise level contours, noise levels up to 40 dB L_{Aeq} could be expected at the upper floor of 217 Pinnacle Hill Road.</p>
19	Katrina and Sander Post	7D Macks Road/soon 231 Pinnacle Hills Road	<ul style="list-style-type: none"> - vibration from blasting - queries about the noise survey: not taken on their site 	Discussed under 3. Vibration Performance Standards and 4. Existing Environment
22	Brittany Aker and Jason Johns	215 Pinnacle Hill Rd	- noise can be heard over long distances (e.g. single digger too loud and could be heard inside trough double glazing)	Discussed under 9. Assessment of Effects – audibility is not an assessment criterion
23	Megan Clotworthy	262G Pinnacle Hill Rd	- general noise from operations	Discussed under 9. Assessment of Effects

No	Submitter	Address	Concerns	Responses
30	Marilyn Thompson and Nigel Cowan	40 McPherson Rd	<ul style="list-style-type: none"> - blasting vibration resulting in house damage - change in blast noise when it moves out of pit and shielding - Concrete tiles have developed cracks, concrete tile roof caps got lose and needed to be fixed - general quarry noise (crusher noise, drilling, noise from tipping into trucks) - wind has strong effect on noise (prevailing wind from west, truck noise from empties rattling) 	<p>Potential for vibration damage discussed under 3. Vibration Performance Standards. We consider that if appropriate limits are set for noise and vibration from blasting, effects can be appropriately managed. We have recommended lower vibration limits in accordance with the relevant standard, given the assertions made by submitters.</p> <p>Comments on general quarry noise are discussed under 9. Assessment of Effects</p> <p>Comments on the effects on wind are discussed in 5. Noise Level Predictions</p>
29	David Williams for Heartland Farms and Various	219 SH2	<ul style="list-style-type: none"> - noise from trucks on local roads - restrict quarry operations to Mon-Fri 8am – 5pm and Sat 8am – 1pm - noise limit should be applied at quarry boundary, not notional boundary - blasting noise - notification of blasting in writing to reduce startle effect on horses and people - reduction in blast size to reduce vibration - vibration impacts on historic buildings on site - no blasting on Saturday and Sunday 	<p>Truck noise discussed in 7. Trucks on the Road</p> <p>Operating hours discussed under 1. Hours of Operation</p> <p>In rural areas, the appropriate assessment location is at the notional boundary as the sites are large and only the area surrounding a dwelling is protected. This is confirmed in the relevant New Zealand standards and the District Plan.</p> <p>Blasting noise and vibration discussed under 2. Noise Performance Standards and 3. Vibration Performance Standards. Notification of blasts is discussed in 6. Blast Notification, and recommended to be included in the conditions.</p>

No	Submitter	Address	Concerns	Responses
24	Jason and Shalby Kemble	213B Pinnacle Hill Rd	- vibration predictions for dwellings further away	Discussed under 3. Vibration Performance Standards. We note that vibration dissipates at distance. Therefore, vibration will be lower further away.
31	Pinnacle Hill Rd residents	149b, 209, 211, 213, 215, 217, 251, 223, 233, 231B, 233D, 247, 231, 233B, 231A, 258, 235, 233C PHR	- noise from truck haulage on Pinnacle Hill Rd	Truck noise discussed in 6. Trucks on the Road
33	Marja Spencer and Jamie McKinstry	209 Pinnacle Hill Rd	<ul style="list-style-type: none"> - insufficient noise monitoring - possible expansion after consent, e.g. not taken account of potential additional equipment - long operating hours 	<p>Monitoring discussed under 4. Existing Environment.</p> <p>We have to rely on the accuracy of the information provided including the type and size of equipment. However, the noise and vibration limits in the conditions will control the level of effects permitted.</p> <p>Operating hours discussed under 1. Hours of Operation</p>
35	Belinda Duggan and Andrew James	233B Pinnacle Hill Rd	- Considers that there is now more noise. Further information will be provided at the hearing	We will await further information to respond to.
36	Jocelyn Scott	433 Pinnacle Hill Rd	- general quarry operation noise	Discussed under 9. Assessment of Effects
17	Gordon and Helen Bray (have Bal Matheson as lawyer)	211 Pinnacle Hill Rd	- assessment of effects missing, currently only assessment of compliance	Discussed under 9. Assessment of Effects
16	Mark and Karin Joubert	251 Pinnacle Hill Rd	- general noise and vibration effects	Discussed under 9. Assessment of Effects

11. Recommended conditions

We recommend that the following conditions be attached to any consent granted:

1. McPherson Quarry shall only operate between the hours of 7am and 7pm, Monday to Saturday. No quarry activity, including, but not limited to, extraction, overburden removal, transport and distribution of material, shall occur outside those hours.
2. Noise from all activities within the quarry, measured at or within the notional boundary of any other site in the Rural Zone, shall not exceed the following noise limits:
 - a. 50 dB L_{Aeq} 7am to 7pm all days
 - b. 45 dB L_{Aeq} 7pm to 10pm all days
 - c. 40 dB L_{Aeq} and 65 dB L_{AFmax} 10pm to 7am all days
3. Noise from all activities within the quarry, measured within any site in any zone other than the Rural Zone, shall not exceed the noise limits for that zone.
4. Noise shall be measured in accordance with the requirements of NZS6801:2008 Acoustics – Measurement of Environmental Sound and shall be assessed in accordance with the requirements of NZS6802:2008 Acoustics – Environmental Noise.
5. The noise created by the use of explosives for any blasting activity within the quarry measured at or within the notional boundary of any other site shall not exceed a peak sound pressure level of 128 dB $_{Zpeak}$.
6. The vibration created by the use of explosives for any blasting activity within the quarry shall not exceed 5 mm/s PPV at any building not on the same site.
7. Blasting shall be limited to two occasions per day between 10am and 4pm, Monday to Saturday, except where required for safety reasons. Each blast shall be notified *[to relevant parties via siren/text message]* 30 minutes and again 1 minute prior to the blast occurring.
8. A blast register shall be maintained at the quarry office and shall be made available to Council on request.

We trust this information is satisfactory. If you have any further questions, please do not hesitate to contact us.

Yours faithfully

MARSHALL DAY ACOUSTICS LTD

Siiri Wilkening

Acoustician

APPENDIX I

AIR QUALITY CORRESPONDENCE BY TERRY BRADY CONSULTANTS

Jessica Thomas

From: Jorge Rodriguez <Jorge.Rodriguez@waikatoregion.govt.nz>
Sent: Friday, 6 November 2020 4:00 pm
To: Victoria Majoor
Subject: FW: conditions
Attachments: Attachment information; Draft Air Quality Conditions TJB.docx

Jorge Rodriguez | TEAM LEADER | Land Development, Resource Use
 WAIKATO REGIONAL COUNCIL | Te Kaunihera ā Rohe o Waikato
 P: +6478590903
 M: +64212459186
 F: facebook.com/waikatoregion
 Private Bag 3038, Waikato Mail Centre, Hamilton, 3240

-----Original Message-----

From: terry@tbc.pl.net <terry@tbc.pl.net>
Sent: Thursday, 5 November 2020 4:35 PM
To: Jorge Rodriguez <Jorge.Rodriguez@waikatoregion.govt.nz>
Subject: conditions

CAUTION: This email originated from outside of Waikato Regional Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Hi Jorge

Changes in Track/Change

Overall, the main issues have been addressed in the evidence. I do have a number of technical issue disagreements with Andrew but they are not significant in the big picture.

I concur with his assessment of expected particulate and TSP/PM10 effects and that they should be no more than minor provided that the recommended mitigation procedures are followed

w.r.t. silica I agree with the conclusions that he has made that the measured silica in the water tank is most likely normal wind blown dust, dirt and sand from the general area. However he has not addressed the issue of crystalline silica i.e. quartz because they used the same coarse analytical method that the Cowan's used that does not differentiate between the different forms.

I am inclined to accept his assessment of the amount of water required but it is based on only locations within 300m of a residence. I need to be convinced that this is adequate given the very complex terrain in the area of the quarry that will cause significant swirling.

Bottom line, is that provided the proposed conditions are complied with, then the effects will be minor

I will put all my views and opinions in a more formal report for the hearing, and I should be able to get it sorted next week.

Regards
 Terry

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1. The consent holder shall operate mining and associated processes and other operations in such a manner that the emission of dust, smoke and odours are reduced to a practicable minimum, in accordance with at least the following measures.
 - i. The use of water carts or sprays to suppress dust from coal extraction and handling, topsoil and overburden removal, handling and storage, and from site access roads, haul roads and other frequently trafficked areas, on an as required basis;
 - ii. The revegetation of disturbed land which is currently not being worked;
 - iii. The regrassing of topsoil stockpiles;
 - iv. Surface remediation of the OPA and any bunds to promote vegetation cover as soon as possible after working areas are completed
 - v. Where practical, locating topsoil stockpiles where they provide wind protection for exposed/excavated areas;
 - vi. Restricting vehicle speeds on dry days and during periods of strong wind
 - vii. The installation of a truck wash near the site exit, and construction and maintenance of a sealed section of road between it and the public road; and
 - viii. Covering or dampening of loads on vehicles leaving the quarry which could create a dust nuisance.
 - ix. Use of fixed sprinkler systems for dust control on and around the site offices and coal stockpiles

2. The consent holder shall ensure that no particulate matter resulting from activities authorised by this resource consent causes an objectionable or offensive effect beyond the boundary of the site being that land described as XXXXXXXXXXXXX

Note: For the purpose of condition 3 of this resource condition, the Waikato Regional Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato Regional Council deems it so after having regard to:

- i. The frequency, intensity, duration, amount, effect and location of the suspended or particulate matter; and/or
 - ii. receipt of complaints from neighbours or the public; or
 - iii. relevant written advice or a report from an Environmental Health Officer of a territorial authority or health authority.
3. Should an emission of particulate matter occur that has an objectionable or offensive effect, the consent holder shall inform the Waikato Regional Council within 24 hours of the incident and provide a written report to the Waikato Regional Council within five days of being notified of the incident. The report shall specify:
 - i. the cause or likely cause of the event and any factors that influenced its severity;
 - ii. the nature and timing of any measures implemented by the consent holder to avoid, remedy or mitigate any adverse effects; and
 - iii. the steps to be taken in future to prevent recurrence of similar events.

4. The discharge shall not significantly impair visibility beyond the boundary of the land described in condition 3 above.

Dust Management Plan

5. The consent holder shall provide the Waikato Regional Council with a Dust Management Plan at least 20 working days prior to the commencement of activities authorised by this consent. This Plan shall be submitted to the Waikato Regional Council for its approval to ensure compliance with conditions of this consent. The aim of the Plan shall be to minimise any potential dust nuisance effects beyond the boundary of the property and shall address, but not necessarily be limited to, the following matters:
 - a) Procedures for undertaking a daily site inspection, including summarising the outcome of the inspection in a daily environment diary. This could also include but is not limited to:
 - a. Operation of watercart;
 - b. Any dust mitigation implemented; and
 - c. Any exceedance of dust monitoring alert levels and the result of any investigations in to the causes of the exceedance.
 - b) Procedures that will be adopted to ensure that fugitive dust emissions are minimised from the roadways, working areas and stockpiles, including wind speed triggers that shall initiate specific mitigation measures;
 - c) Details of the dust mitigation measures to be used on the site, including both fixed and temporary systems;
 - d) Identification of roles and positions of responsibility, including responsibility for ensuring the effective application of dust control measures identified in b) and c) above;
 - e) Provision and maintenance of 20 kph speed limit signs on all unsealed access roads;
 - f) Total Suspended Particulates ("TSP") or PM₁₀ particulate monitoring locations, alert levels and trigger levels and actions;
 - g) Details of how the nett TSP concentrations will be calculated.
 - h) Maintenance procedures for the TSP monitoring equipment and weather station;
 - i) Shelterbelts or windbreak fences to minimise dust issues for neighbouring dwellings.
 - j) Reporting procedures;
 - k) Dust Management Plan review procedures;
 - l) Complaint receipt and response procedures.

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6. The Dust Management Plan required by condition 6 shall be certified in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing.
7. The consent holder shall undertake all works within the site in accordance with the certified Dust Management Plan. Any subsequent changes to the Dust Management Plan shall only be made with the written approval of the Waikato Regional Council, acting in a technical certification capacity and prior to the implementation of any changes proposed.
8. The consent holder shall ensure that a copy of the certified Dust Management Plan, including any approved amendments, is kept onsite and this copy is updated within 5 working days of any amendments being approved. The Dust Management Plan shall be produced without unreasonable delay upon request from a servant or agent of the Waikato Regional Council.

Monitoring and Reporting

9. Within two months of commencement of this consent, the consent holder shall install, operate, and maintain continuous dust monitoring equipment for Total Suspended Particulates (TSP) or PM₁₀ particulate. The methodology, number and location and of TSP the monitors shall be agreed with the Waikato Regional Council acting in a technical certification capacity and in accordance with the approved Dust Management Plan pursuant to condition 6 of this consent. Monitoring shall be carried out for a minimum period of one year at each location, after which time the methodology, frequency and location may be reviewed by the Waikato Regional Council.
10. The monitoring equipment shall be fitted with an alarm system linked to a site office, with the alarm set at a 'trigger level' approved in writing by the Waikato Regional Council requiring immediate action to be taken as necessary to reduce site dust emissions from the site.
11. Within two months of the commencement of this consent, the consent holder shall install and maintain equipment onsite that accurately monitors and records wind speed and direction at a location that will record wind patterns that are representative of the site environs. The consent holder shall keep accurate records of wind speed and direction throughout the period when soil is exposed on the site as a result of the exercise of this consent. The wind speed and direction sensors shall have minimum stall and start speeds of 0.5 metres per second. The meteorological station shall be serviced and maintained at least annually and in accordance with the manufacturer's instructions. A log shall be maintained of the meteorological data recorded under this condition. The log shall be made available to the Waikato Regional Council on request.
- 11.
12. Within two months of the commencement of this consent, the consent holder shall install and maintain a rain gauge onsite and shall record rainfall data on a daily basis. The consent holder shall keep accurate records of daily rainfall data.
13. The consent holder shall record the following in a daily log
 - i. Records of Total Suspended Particulate measurements;
 - ii. Any dust control equipment malfunctions and any remedial action(s) taken;

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Commented [TJB2]: Consistent with Mercer Mushrooms

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Commented [TJB3]: Already logged on Data Logger

- iii. Any visible emission of dust and the source;
- iv. ~~Wind direction;~~
- v. ~~iv.~~ The frequency of watercart use and the volume of water applied;
- vi. ~~v.~~ The volume of water used for dust suppression other than watercart usage; and
- vii. ~~vi.~~ The date and signature of the person entering the information.

14. A summary of all the information recorded shall be submitted to the Waikato Regional Council in the Annual Monitoring Report As required by condition xx of Schedule 1 General Conditions. Records shall be made available to the Waikato Regional Council within 10 working days upon request.

Targeted Dust Management Measures

- 15. The consent holder shall cease excavation and overburden placement activities within 400 metres of dwelling locations immediately north of the mine when the wind is blowing from the south and the wind speeds exceed 10 metres per second, as verified by the sites weather monitoring station
- 16. The consent holder must ensure that overburden placement, rehabilitation activities and the spreading of topsoil is avoided, within 400 metres of dwelling locations east and northeast of the OPA when the wind is blowing from the direction of the OPA towards those properties and wind speeds exceed 10 metres per second, as verified by the sites weather monitoring station.
- 17. The consent holder shall maintain 20 kph maximum speed signs along the access roads and ensure that these vehicle speed restrictions are complied with at all times.
- 18. Rehabilitation and re-vegetation of the site shall be conducted as soon as practicable, to minimise dust emissions.

Other Measures

- 19. The consent holder shall be solely responsible for maintaining on-site vehicles in good mechanical order so as to minimise nuisance exhaust emissions.
- 20. The consent holder shall undertake on-going consultation with potentially affected residents, in accordance with the Dust Management Plan required pursuant to condition 6 of this consent to ensure any reasonable concerns are addressed.

APPENDIX J

ECOLOGICAL REVIEW PREPARED BY AECOM

12 October 2020

Victoria Majoor
Senior Planner
Waikato District Council

Dear Victoria

Specialist Ecological Input - Consideration of Ecological Submissions in relation to McPherson Quarry Ecological Impact Assessment (EclA) and Ecological Management Plan (EMP)

1.0 Introduction

This report considers submissions received by the Waikato District Council for an application from McPherson Resource Limited to expand and continue to operate the mineral extraction activities at the McPherson Quarry with associated overburden removal and placement, deposition of cleanfill and vegetation ('the Proposal'). The historical removal of a portion the Significant Natural Area (SNA) to the east of the existing operations have not been included in this statement. This matter will be redressed by Council, as part of the monitoring and compliance process.

2.0 Scope

The scope of this statement includes:

- Review and address the ecological submissions received;
- Based on the review, provide recommendation for the consent conditions;
- Considering the provisions of the new National Policy Statement for Freshwater Management, 2020 (NPS-FM).

3.0 Assessment of submissions relevant to ecology

The submissions addressed in this document were grouped under the following heading:

- Removal of indigenous vegetation and quantity of compensation¹ planting;
- Timing of planting (including ecological corridor);
- Stream mitigation for the removal of tributary 1 and effects on stream 1;
- Operational effects on stream quality (erosion, sedimentation) and hydrology (water table);
- Wetlands and open water;
- Protection of Kauri trees from dieback;
- Operational effects on surrounding ecological habitats from dust and noise pollution;
- Operational effects on game bird and trout fishing within the catchment;
- The need for robust, science-based conditions.

Table 1 in Section 4 provides a summary of references to individual submissions addressed within this statement.

¹ The term compensation has been used by the applicant and the submitters. The NZ Offset Guidelines (2014) defines offset as: "measures taken to compensate for any residual significant, adverse impacts that cannot be avoided, minimised and/or rehabilitated or restored, in order to achieve no net loss loss net gain of biodiversity". The word compensation is applied in this context throw-out this statement.

3.1 Removal of indigenous vegetation and quantity of compensation planting

Ecological mitigation should be calculated based on the level of planting needed to meet the same ecological value as that of the vegetation to be removed or affected. The compensation quantity should consider the representativeness (ecological health/ degree of modification) of the vegetation to be removed as well as the ecological importance of that vegetation. Additional consideration should be given the “lag period” or the time it will take for compensation planting to provide the same ecological value as the vegetation that has been removed.

The value of native vegetation impacted by the Proposal was assessed as **High** for Kanuka-dominated forest. The proposed quarry expansion will result in the loss of 2.45 ha of Kanuka dominated forest, of which 2.08 ha is designated as an SNA². The overall ecological effect of this loss is assessed as **Low**. The main reasons likely informing this level of effect include:

- The relevant areas that meet the significance criteria is relatively small (5% of the overall proposed expansion area);
- Kanuka-dominated forest vegetation units are identified as Least Concern³;
- The significance classification is mainly informed by the position of the native vegetation in relation to Mt William Walkway to the west and the Hunua Ranges to the east and the potential to support species of conservation significance (At Risk and Threatened species). The baseline species assessment determined the residual capacity of the native vegetation to support species of conservation concern is limited and this also influences the connectivity function (position relative to other ecological nodes);
- The ecological health of the native vegetation associated with the proposed expansion is affected by exotic species, livestock damage, pest species and fragmentation. The ability of the native vegetation to provide its ecological services are impaired. The applicants EMMP aims to address these impediments.

The applicant provided the following management measures to mitigate the effects of native vegetation removal:

- Compensation planting of 4.16 ha, at a ratio of 2:1, for the Kanuka-dominated forest (2.08 ha) to the east of the quarry;
- Compensation planting of 0.37 ha, at a ratio of 1:1, for the Kanuka-dominated forest located next to the pond;
- The compensation planting will extend over 4.53 ha and form an east-west ecological corridor between the two SNAs to the north of the quarry. The corridor will be fenced prior to planting, and pest control will take place. It is recognised that the successful establishment of the proposed corridor will have substantial ecological benefits, as it will reconnect native vegetation areas to the west of the quarry with the Hunua Ranges.

Considering the above, the EMMP for the loss of native vegetation is considered fit for purpose provided the following recommendations are implemented:

1. Planting within the corridor should start as soon as possible, but with consideration to any seasonal time constraints that may exist (also refer to Section 3.2);
2. Planting within the corridor should be completed as soon as possible, but should not extend over more than three consecutive planting seasons;
3. It is recommended that the planting mix for the terrestrial habitat is developed further than that presented in the EMMP in Table 8. It is understood that the mix is focused on those locally available species that will ensure rapid canopy closure. However, the mix should include a greater diversity of tree species. The mix is focused on low growing species that are generally not

² EclA report, Section 4.1.1 page 26

³ Singers N, Osborne B, Lovegrove T, Jamieson A, Boow J, Sawyer J, Hill K, Andrews J, Hill S, Webb C. 2017. Indigenous terrestrial and wetland ecosystems of Auckland. Auckland Council;

long living species. The conditions should state that the planting mix will require prior approval from WRC;

4. Plant covers must be applied if Pukeko disturbs planting efforts;
5. The conditions should stipulate that the applicant would need to contact QEII at the start of the planting and that the northern corridor must be placed under a covenant prior to planting being completed.
6. The responsibility for the maintenance of the planting will remain with the applicant until 75% canopy closure and 90% survival rate has been achieved;
7. The responsibility for pest control will remain with the applicant for the lifespan of the quarry as stipulated in the EMMP.

3.2 Timing of planting

A concern was raised regarding the timing of planting. Following a strict interpretation of the like-for-like principle, the lag time should be as small as possible. The applicant therefore needs to demonstrate consideration to lag time and measures taken to minimise the lag period. To this end two measures have been included:

- The inclusion of plant species that ensure quick reestablishment of canopy cover;
- Although not stated as a deliberate intent within the EMMP, the compensation ratio used (e.g. 2:1) also assists in mitigating for the “lag” in ecological utility between planting and vegetation removal.

The significance of the lag period needs to be assessed against the loss of ecological functions within the areas where native vegetation will be removed. As discussed in Section 3.1, the significance of the vegetation to be removed relates to its relative position between other ecological nodes and the potential presence of species of conservation significance. The relevance of the former is limited due to the extent of existing fragmentation, while the latter is limited based in the findings of the baseline assessment. With consideration to the residual functions and the potential implication of a protracted lag period the following is recommended to be included within the consent conditions:

1. Planting must commence in the next planting season from when consent is given; and
2. The northern corridor is planted in no more than three planting seasons.

3.3 Stream mitigation for the removal of Tributary 1 and effects on Stream 1

Some submissions expressed concern about the mitigation for the loss of 311 m of permanent stream associated with Tributary 1 and the downstream effects on the receiving Stream 1 (Waipunga). Submissions include comments on: (1) the direct loss of 311 m permanent stream habitat, (2) hydrological changes (both surface and groundwater) and (3) sediment and potential contamination from the cleanfill material.

1. The EclA assessed Tributary 1 as a degraded system of **Low** ecological value. Although the tributary retains some connectivity to its upper catchment, its instream and riparian habitat reflect a loss in ecological health. Therefore, the ability of the stream to provide its ecological goods and services are impaired. The loss of ecosystem health may be attributed to the surrounding land use, livestock access, exotic species and lack of indigenous vegetation. A single valley head pond (higher up in the catchment) also contributes to some hydrological modification of the stream. The trajectory of ecological degradation is expected to be negative given the status quo, as the causal drivers will remain in place over the medium to long term (if the proposed activities do not occur). Two important features associated with Tributary 1 include a likely NPS FM (2020)⁴ natural wetland (NPS wetland) to the north (from the wooded footslopes) and a likely NPS wetland to the south (prior to the confluence with the Waipunga Stream).

The EclA determined a **High** level of effect on Tributary 1 due to the loss of the permanent stream. A considerable portion of the catchment of the northern wetland will be lost during

⁴ National Policy Statement for Freshwater Management, 2020.

Stage 3 expansion and may therefore impact on the hydrological maintenance of this wetland. Similarly, the hydrological pathway maintaining the southern wetland will be impacted by the reclamation of Tributary 1. The ecological value (**Low**) of Tributary 1 and the anticipated level of effect (**High**) informed the restoration of 930 m reach of receiving Waipunga Stream. Restoration will include planting, fencing and pest control. The Waipunga Stream is assessed as a **High Value** permanent stream, but with some loss in ecosystem health (due to stock access, exotic species, bank erosion and riparian fragmentation etc.). The trajectory of ecological change is likely to be negative given the current land use and drivers of ecological change.

The proposed mitigation for the loss of Tributary 1 within a reach of the Waipunga Stream is based on improving the ecological health of the Waipunga Stream and averting the potential future loss by removing some of the causes of ecological degradation. Based on this the proposed stream mitigation is considered fit for purpose provided the following:

- a. The proposed restoration on the Waipunga Stream is completed effectively;
 - b. Natural wetlands will be hydrologically maintained and will not be affected;
 - c. Erosion and sediment control will be implemented effectively;
 - d. Hydrological modification that may result due to changes in runoff characteristics, groundwater levels and water management are managed in such a way as to not cause a loss in ecological health of the Waipunga Stream and the downstream environment;
 - e. To this end the following additional recommendations are provided:
 - i. The proposed 7.5 m planting either side of Waipunga Stream is increased to 10 m on either side of the stream banks⁵. This is considered to be the minimum width required to ensure that stream function is restored. This is particularly relevant to the eastern bank of the stream, where it is proposed that material / overburden will be stored;
 - ii. It is recommended that the planting mix for the riparian margins is developed further than that presented in the EMMP in Table 10. It is understood that the mix is focused on those species that will ensure rapid canopy closure. However, the objective of the planting is to provide instream shade in the long term, therefore, the species mix at the top of the embankment needs to be developed to include taller tree species. The conditions should state that the planting mix will require prior approval from WRC;
 - iii. The EMMP indicates that there is a section of stream where bank collapse means that plants will be set back from the stream. It is recommended that the conditions state that in areas of erosion or bank collapse the bank should be reprofiled to ensure that the streams natural function is restored on completion of the planting.
2. In terms of hydrological effects to the **wider** downstream receiving environment, a basic analysis of catchment contributions show that the Waipunga Stream drains a catchment of approximately 420 ha of which Tributary 1 contributes about 12.2 ha or 3%. The Mangatawhiri River (immediately downstream of the quarry) drains a catchment of some 930 ha of which the existing and future quarry footprint represents approximately 7%. The total extent of catchment modification is therefore relatively limited, and the potential magnitude of catchment scale hydrological change is expected to be relatively low.

The hydrological effects to the **immediate** downstream environment will be localised but more pronounced. The wetland near the confluence of Tributary 1 (southern wetland) and the Waipunga Stream is likely depended on Tributary 1 for its hydrological maintenance. It is not clear how the potential effect on this wetland will be managed through the

⁵ Becker, K., Blackford, C., Bowden, D., Jamieson, A., Lovegrove, T., Maxted, J., Viljevac, Z. (2001). Riparian zone management – Strategy guideline, planting guide. Auckland Regional Council Technical Publication TP148.

implementation of the EMMP. Similarly, the northern wetland may decrease in extent due to a decrease in catchment size during Stage 3 quarry expansion. The increase in the proposed wetland extension (as part of the EMMP) to the north will further reduce the water budget for the wetland in the south and the catchment modification (specifically the reclamation of Tributary 1) will influence the hydrology of the southern wetland. It is therefore possible that impacts to both wetlands will not be avoided and are not accounted for in the EMMP.

The fitness of the EMMP to maintain existing wetlands needs to be improved. To this end, the applicant must demonstrate that impacts on wetlands will be avoided through the proposed geomorphological and stormwater management. The applicant also needs to demonstrate that the water requirements for the wetlands (and the proposed constructed wetlands) can be met under the proposed EMMP.

An additional recommendation in this regard include: the conditions stipulate that there will be additional buffer planting around the existing and proposed wetland features. The buffer (>5m) should include taller tree species and be placed between the wetlands and the working area. The objective of the plantings would be to increase the potential for species such as New Zealand dabchick (*Poliocephalus rufpectus*) to visit them. It is considered that without this screening it is unlikely that these species would occur.

3. The pre-mitigation effect of sediment on the receiving Waipunga Stream and downstream receiving environment was assessed as **Very High**. Operation effects due to erosion and sedimentation is discussed separately below.

3.4 Operational effects on stream quality (erosion, sedimentation) and hydrology (water table)

Submissions referring to stream quality due to erosion and sedimentation are discussed below. The likely implications of hydrological changes are contextualised in Section 3.3 under point 2.

The potential for indirect impacts on Waipunga Stream (Stream 1) through sediment discharge have been assessed as **Very High** prior to mitigation. These effects also have the potential to alter instream habitat of value for native longfin eel and inanga. Erosion and sediment related risks can be managed through the implementation of erosion and sediment management plan. The scope of the ecological review did not include an erosion and sediment plan, but it is assumed that an erosion and sediment management plan will be a condition of consent (if granted). Key aspects to be included within the erosion and sediment control plan must include:

1. Clear guidelines on controlling the extent of vegetation and soil disturbance to the authorised extent;
2. Control measures must be in place prior to the onset of authorised disturbance;
3. Measures must be inspected at a frequency that will allow rapid response and corrective action;
4. Monitoring of the receiving environment must include relevant measures such as Total Suspended Solids (TSS) or appropriate proxies such as turbidity. The receiving environment must be monitored at a frequency that will allow the detection of chronic or acute sediment inputs and must include a control (upslope) location;
5. The ecological consequences of potential sediment exposure should be assessed against the ecological health of the receiving environment. This can be achieved through included aquatic ecological monitoring at strategically located control and test sites;

Although the potential effect of erosion and sedimentation has been assessed as **Very High**, these effects are preventable through the implementation a suitable erosion and sediment control plan.

3.5 Wetlands and open water

One submission referred to effects on wetlands to the north of the quarry. This is a separate consideration from the wetlands associated with Tributary 1. The wetland indicated within the submission forms part of the headwaters of the stream to the east of the quarry activities and is upslope from the existing and proposed quarry activities. It is therefore unlikely that this wetland

specific wetland be affected. However, the EclA identified several artificial open water bodies (ponds) within the proposed footprint of the quarry. It is not clear from the EclA how the classification of these features relates to the definition of an NPS wetland and if they indeed can be considered artificial.

It was stated that the ecological functioning and therefore the ecological value of the ponds were low. Subsequently a compensation ratio of 1:0.5 for the ponds were recommended within the EMMP. This mitigation measure includes the expansion of wetland features around the Tributary 1 NPS wetlands (refer to section 3.3, point 2). It is important that the EMMP recognises functional services associated with the ponds and consider the provisions of the NPS FM (2020). Functional services are referred to as regulatory and supporting ecosystem services and may include flood attenuation, streamflow regulation, sediment trapping, nutrient and toxicant assimilation and erosion control. It is likely that some or all these ecosystem services are provided by the ponds and the palustrine wetland environment associated with their margins. Conversely, the retention capacity of the ponds may have negative implications for the downstream environment in terms of water availability and hydrology.

The suitability of the EMMP to compensate for the loss of the ponds should take into consideration the habitat value, functional value and potential to improve or degrade catchment hydrology as well as the provisions of the NPS FM (2020). The EclA does not outline specific consideration to the functional services of the ponds within the EMMP, but it is likely that most of these will be represented within the proposed wetland enhancement and creation plan. This notion is based on the successful implementation of the wetland compensation plan (refer to Section 3.3, point 2 for limitation regarding this plan). However, it is recommended that these features and the proposed mitigation measures be assessed in terms of the provisions of the NPS FM (2020).

3.6 Protection of Kauri trees from dieback

Some submissions raised a concern regarding Kauri dieback. Kauri dieback is known to be spreading in in parts of the Waitākere, Hunua Ranges across the upper north Island. The EclA and EMMP did not refer to the presence of Kauri trees within the proposed footprint or enhancement areas. Subsequent ecological reviews of the EclA and EMMP also did not specifically identified Kauri dieback as an issue. However, given the presence of Kauri trees within the surrounding landscape and the soil disturbance that will occur with the project footprint, it is considered that precautional measures must be implemented.

Kauri dieback is the result of contamination with the *Phytophthora agathidicida* pathogen. The pathogen is soil-borne and can spread via water or root to root contact. Water movement through the soil and soil disturbance by humans and animals are the main vectors for transmission.

The existing and proposed project footprint spans between Mt William and Pouraureroa Stream Bush. The Mt William walkway is under DoC control and they currently implement dieback control measures. The native bush to the east of the quarry is connected to the Hunua Ranges of the Auckland Region where dieback is also controlled. The requirement for the control of dieback will depend on the presence of Kauri and the associated pathogen in areas to be disturbed and the likelihood that it will spread. With regards to the water flow contamination pathway, most of the area to be disturbed drains to the south and away from adjacent native bush. The likelihood of contamination through flow is therefore limited. However, soil to soil contamination is possible if contaminated soil, from areas to be disturbed, are transferred to adjacent areas where Kauri trees may occur.

Mitigation measures include hygiene stations, avoidance of soil disturbing activity within a predefined distance of the dripline of kauri trees and avoidance of soil disturbing activity within the wetter months in locations where dieback may occur. It is therefore recommended that access to native bush on either side of the proposed expansion be controlled to prevent the potential spread of dieback to these areas. Access should be restricted as far as possible and where unavoidable, control measures must include soil cleaning and sterilisation stations. Only approved disinfectants (such as Sterigene) must be used at control stations. Details regarding access and dieback should be included into the employee induction and reference should be made to available Kauri dieback resources.

3.7 Operational effects on surrounding ecological habitats from dust and noise pollution

Details regarding dust control measures have not been reviewed. The EclA and EMMP also do not make specific reference to noise and dust pollution. However, it is understood that, with the increase in water allocation for dust suppression in the way proposed, all potential and actual dust effects will be

managed to a standard considered appropriate by the WRC. Moreover, buffer planting will further assist in mitigating operational dust and noise impacts to the receiving environment. Operational activity will be restricted to daytime, thus reducing the potential effects on nocturnal species such as potentially occurring longtail bat.

3.8 Operational effects on game bird and trout fishing within the catchment

Of the 13 game birds, two upland species have been recorded within the baseline assessment. These included California quail (*Callipepla californica*) and Common pheasant (*Phasianus colifronica*). Both inhabit a wide variety of open habitats including grasslands and pastures. No detail is available of the number of individuals supported by the habitat associated with the proposed footprint, or the significance of the local population in a wider context. However, given the adaptability of these species and the large extent of alternative habitat that can be utilised it is not expected that the proposed activities will result in a meaningful impact to local quail and pheasant counts.

None of the wetland game birds have been recorded within the proposed footprint. Furthermore, the project footprint does not extend over any obvious flight paths between larger waterbodies where wetland species may commute. The proposed enhancement of existing wetlands and constructed wetlands (if constructed successfully) will provide suitable habitat for potentially occurring wetland game birds, including some of the duck species (mallards and paradise shelduck).

Potentially occurring trout fish include brown (*Salmo trutta*) and rainbow trout (*Oncorhynchus mykiss*), although neither of these fish are expected to occur in Tributary 1, they have been sampled within the Mangatawhiri River (NFFDB- NIWA 2020). The potential effect of the proposed activities on these species will depend on the potential for indirect impacts on Waipunga Stream (Stream 1) through sediment discharge, which discharges into the Mangatawhiri River and then the Waikato River (refer to Section 3.4). Therefore, the effective implementation of the erosion and sediment plan is likely to manage negative effects on trout species within the receiving environment. Flow effects are not considered pose a meaningful risk to instream habitat and biological cues for trout at a catchment scale (refer to Section 3.3, point 2).

3.9 The need for robust, science-based conditions

The ecological baseline assessment applied industry standard assessment methods for avifauna, bats and lizards, while similar standard approaches were applied for the aquatic ecology assessment. The terrestrial vegetation assessment could benefit from a tree count of species with a DBH exceeding 15cm. This will be particularly useful to inform the compensation quantity for the northern corridor enhancement area.

The assessment of wetlands followed an improvised qualitative approach considering aspects that are likely to indicate habitat value. These included connectivity, thermal regulation and vegetation composition. The EclA does not outline how these aspects have been applied within the overall value assessment. Clarkson *et al.* (2003) provides a New Zealand guideline for determining wetland condition⁶ and it is recommended that this method (or a repeatable version of it) be incorporated into the preconstruction monitoring of the natural wetlands.

Given the potential risk related to erosion and sedimentation to the downstream environment, uncertainties regarding impacts on natural wetlands and the success of efforts to construct additional wetlands, it is recommended to include monitoring of the following into the EMMP:

1. Following the completion of a robust wetland baseline assessment, include the same wetland monitoring on an annual basis. Monitoring should be undertaken during December to February. Reoccurring monitoring efforts should take place during the same period as the initial baseline assessment;
2. Annual aquatic biomonitoring should be included for control and test locations on the Waipunga Stream and the Mangatawhiri River. The biomonitoring regime should at least

⁶ Clarkson BR, Sorrel BK, Reeves PN, Champion PD, Partridge TR and Clarkson BD. 2003. Handbook for the monitoring of wetland condition. Coordinated monitoring of New Zealand Wetlands. A ministry for the Environment Sustainable Management Fund Project (5105)

include habitat and response metrics from the baseline assessment that are sensitive to sedimentation and flow modification.

4.0 Summary of submissions

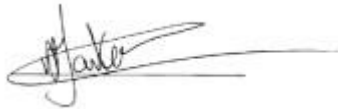
Table 1 provides a summary of the ecological submissions and references to the relevant sections for this S42 report.

Table 1: Summary of submissions relevant to the ecological review with corresponding reference

No	Reasons	Response reference
14	No consideration of effects on wetlands to the north of the quarry	Section 3.2, point 2, Section 3.5 and Section 3.9
	Impacts from quarry operation on these wetlands	Section 3.2, point 2, Section 3.5
17	Justification for removal of indigenous vegetation	Section 3.1
	Location of the proposed ecological corridor shown where stage 4 is (not subject to this application)	Section 3.1
	Compensation of 2:1 and 1:1 insufficient	Section 3.1
	Mitigation for removal of tributary 1 and effects on stream 1 inadequate	Section 3.2 and Section 3.9
19	Justification for removal of indigenous vegetation	Section 3.1
	Timing on removal of indigenous vegetation- no timeframe on removal	Section 3.2
	Timing on planting of ecological corridor	Section 3.2
21	Destruction of any indigenous vegetation.	Section 3.2
22	Destruction of any indigenous vegetation.	Section 3.2
27	Need for robust scientific conditions	Section 3.9
	Measures implemented to manage effects on Kauri dieback	Section 3.6
29	Removal of indigenous vegetation resulting in reduction in oxygen, erosion, increase noise and loss of bird habitats	Section 3.2, Section 3.4, Section 3.7 and Section 3.9
	Further destruction of indigenous vegetation	Section 3.1 and Section 3.2
	Effects of quarrying activities on habitats	Section 3.1, Section 3.2, Section 3.3 and Section 3.9
	Kauri dieback	Section 3.6
30	Removal of SNA and impacts of this removal on neighbouring sites	Section 3.1
31	Oppose any destruction of any indigenous vegetation	Section 3.1
32	Impacts on game bird and trout habitat within the catchment	Section 3.8
	Cumulative effects on downstream environments	Section 3.3, Section 3.4, Section 3.5 and Section 3.9

No	Reasons	Response reference
	No proffered consent conditions to determine whether effects will be avoided, remedied or mitigated	All sections
	Increase in sediment and impacts downstream	Section 3.3, Section 3.4 and Section 3.9
	Potential for contamination in waterways due to proximity of cleanfill areas to streams	Section 3.3 and Section 3.9
33	Removal of SNA setting a precedent	Section 3.1
	Timing of planting of ecological corridor	Section 3.2
	Concern that there is additional mature native trees not been considered that will be impacted	Section 3.1
	Impacts on flora and fauna from operation.	Section 3.7 and Section 3.8
35	Removal of SNA	Section 3.1 and Section 3.2
36	Removal of SNA	Section 3.1 and Section 3.2

Yours faithfully



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APPENDIX K

LAND DEVELOPMENT ENGINEER REPORT WDC

Engineering Assessment (Land Use)

Land Development Engineer	Inderpaul (Paul) Randhawa
Planner:	Cameron Aplin / Victoria Majoor
Date:	19 November 2018
Application No:	LUC0123/19
Applicant:	Michael Peter Spencer McPherson, Iggy Limited, MFTC Limited
Property Address:	47 Mcpherson Road MANGATAWHIRI
Legal Description	ALLT 163 Mangatawhiri SD

INTRODUCTION

Background

McPherson quarry has been operating as small scale operation for many decades under existing use rights on this 156.8ha site in Franklin District. The site is tucked away in the foothills of Bombay Hills on McPherson Road with access from SH2. The quarry extracts weathered Greywacke and has been doing so for many decades. As result of this operation, a large amount of topsoil/overburden has been stripped across the site. There is an existing dedicated overburden disposal area located to the south of the quarry pit. It is understood that operators try to sell as much of the overburden as possible to keep the overburden disposal to a minimum but ability to sell clean fill /overburden is dictated by the market demand.

Site plan



Figure 1. Staging Plan showing overburden fill disposal area

SUPPORTING INFORMATION

The following documents that are used for engineering assessment have been submitted with the land use consent application.

- List relevant document
- Updated AEE report by Kinetic Environmental dated 12 Dec 2019
- McPherson Quarry, Earthfill Methodology, dated 20 September 2019, prepared by HD Geo
- Erosion and Sediment Control Plan for the operation of the current stage of the McPherson Quarry and the overburden disposal area. Prepared by Southern Skies Limited, dated 17 April 2019
- Hydraulics Assessment Report External Stormwater, prepared by OPUS, dated July
- Draft Erosion and Sediment Control Plan (ESCP), Quarry Development Stage # 1, prepared by OPUS, dated August 2018
- NZTA submission dated 26 June 2020
- NZTA letter to the applicant dated 19 March 2019
- McPherson Quarry – Heavy Impact Fee Assessment by Graymatter consultants dated 6 Nov 2017 ref: 17-125

ASSESSMENT OF EFFECTS

General (include earthworks)

The applicants are now proposing to expand the quarry operation seeking consent to extract 490,000 tonnes of material annually for the decades to come. It is also proposed to import clean fill to the site and dispose it off with the overburden. The estimated overburden volume from stage 1 is proposed to be 2,477,00 CuM, from stage 2 around 3,700,000 CuM and stage 3 to be around 1,873,000 CuM. The applicant is proposing that approximately 30% of the overburden will be on-sold and remaining 70% will be disposed on site during decades of operation.

The applicants engaged HD Geo to carry out geotechnical assessment of the overburden/clean-fill disposal area to prepare an Earth fill Methodology to minimise the risk of slope failure and erosion in the final landform. HD Geo has prepared a report titled McPherson Quarry, Earthfill Methodology, dated 20 September 2019. It is proposed that the final landform will be used for pasture/ grazing. In their report, HD Geo has made site specific observation and recommendations. The report states that the proposed fill area is flat or gently sloping at less than 5 degrees with very thin layer of topsoil with no indication of weak or saturated soils near the surface. Little or no preparation is likely to be necessary for most of the fill disposal area unless weak or saturated soils are encountered in which case undercut and subsoil drains may be required. Preparation will be required where fill area is to pass over the tributary. The report also recommends spreading the fill in thin horizontal layers and tracking roll it using a D10 bulldozer. Fill is to be monitored and a final geotechnical completion will be required for the fill site and quarry faces. Final landform design should take all recommendations into account. It is considered that with appropriate design and

continuous monitoring until final landform is completed, any adverse effects can be effectively managed and minimized.

The discussion in section 3.2.2 of the AEE report by Kinetic Environmental dated 12 Dec 2019 is of significance for quarrying methodology and operations. All existing and future rock faces exposed during the activity must be cut and benched in accordance with the Health & Safety at Work (Mining Operations & Quarrying Operations) Regulations 2016 (Mining Regulations). It is understood that any existing rock faces which do not comply with the above said Mining Regulation will be amended as soon as practical. A confirmation to this effect may be required by WDC monitoring to ensure compliance.

It is understood that any adverse effects from the quarry operation on the neighbouring property on opposite side of McPherson road have been considered as reverse sensitivity assessment during recent subdivision consents granted to that property owners.

Water

Not relevant

Wastewater

Not relevant

Stormwater

Stormwater is managed onsite with diversion bunds, silt ponds, erosion & sediment control devices before discharging safely to the receiving environment. Proposed stormwater management methodology including various erosion/sediment control measure and treatment of stormwater is acceptable. All erosion and sediment control measures need to be continually monitored to insure compliance with WRC guidelines. It is considered that if appropriately managed any adverse effects of stormwater from the site can be minimised to acceptable level.

PROPOSED ENGINEERING CONDITIONS

General Conditions

Prior to commencing any engineering design or construction works, the consent holder must appoint an appropriately qualified and competent Developer's Representative(s), acceptable to the Waikato District Council.

The consent holder's representative/s must be responsible for:

- (a) project management of the quarrying and filling activities during the planning and construction phases of the development;
- (b) arranging design, and obtaining necessary geotechnical investigation and reports for the quarrying and filling activities, including the preparation of engineering documents and obtaining necessary approvals from Waikato District Council;
- (c) supervision of the works;
- (d) arranging the necessary testing and inspections;
- (e) identifying any non-compliant work and arranging for correction; and

- (f) certification upon completion that the works have been carried out in accordance with the approved documents and sound engineering practice.

Prior to Construction

Engineering Design Management Plan

Within 3 months of the commencement of this consent or at least twenty (20) working days prior to the intended commencement of any works on-site, whichever is the sooner, the consent holder must submit to Waikato District Council for approval in a technical certification capacity, an Engineering Design Management Plan (EDMP).

The objective of the EDMP is to collate and detail in a single document the proposed engineering works associated with the managed fill and quarry operation in order to avoid and minimise the adverse geotechnical effects of the proposed activities.

The consent holder's representative must be responsible for the preparation of the EDMP. The consent holder's representative must appoint a geo-professional as defined in the NZS 4404:2010 to prepare geotechnical aspects of the EDMP. The EDMP shall include, but not be limited to the following matters:

- (a) proposed filling design and staging of the filling;
- (b) fill, overburden and rock slope angles, height, bench widths to be adopted in the extended quarry area and filling operations;
- (c) any further geotechnical investigation and subsequent design of the site as required in relation to rock extraction activities.
- (d) Groundwater and surface water controls measures; and
- (e) Reporting and review procedures for the site works and for the EDMP.

***Advisory Note:** In preparing the EDMP the consent holder's Representative and geo-professional should follow the recommendations of and practices as per Health & Safety at Work (Mining Operations & Quarrying Operations) Regulations 2016 (Mining Regulations).*

The consent holder must operate the site in accordance with the approved EDMP. Any changes to the EDMP must only be made with the written approval of an authorised officer of the Waikato District Council.

During Construction

No later than three (3) months following approval of the engineering design plans required by the above condition, the consent holder must upgrade the site entrance in accordance with those plans for the entrance upgrade and to the satisfaction of the Waikato District Council's Land Development Engineering Team Leader.

A wheel wash facility must be established at an appropriate location in the access-way and main access track must be stabilised to stop debris tracking to the public road network to the satisfaction of the Waikato District Council's Land Development Engineering Team Leader.

The consent holder must require and ensure that all trucks leaving the site to travel over and operate the site wheel wash.

The consent holder must ensure that any debris tracking/ spillage onto any public roads as a result of the exercise of this consent must be removed as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by the Council.

The consent holder, upon becoming aware of the need to clean up the roadway, should advise Waikato District Council's Team Leader – Monitoring of the need for the road to be cleaned up, and what actions are being taken to do so.

The consent holder shall ensure that all vehicles associated with the operation of this consent are confined to within the site, and that at no time shall any vehicle be parked within the public road reserve.

The consent holder must ensure that all cleanfill and overburden disposal is carried out in line with the recommendations of the report titled McPherson Quarry, Earthfill Methodology, dated 20 September 2019, prepared by HD Geo unless an alternative geotechnical report is submitted and approved by Waikato District Council. All recommendations and engineering consideration of the geotechnical report must be adhered to.

Standard sub-soil drains must be constructed at the base of the fill where required.

The consent holder must maintain onsite erosion and sediment control measures in accordance with the Erosion & Sediment Control and Cleanfill Management Plan and the Waikato Regional Council's Erosion and Sediment Control Guidelines for Soil Disturbing Activities: January 2009. Erosion and sediment control measures must be maintained until the Waikato District Council's Team Leader-Monitoring is satisfied that the risk from erosion/sediment transportation has been reduced to a less than minor risk and has provided approval in writing.

Post Construction

All works forming part of the consent which require engineering design, supervision, and testing must be certified by the Certifying Engineer and/or a Geo-professional (who is one of the consent holder's representatives) who shall be a Chartered Professional Engineer. Once appointed, the Certifying Engineer shall not be changed without the approval of the Waikato District Council's in writing.

Geotechnical investigations, completion and site stability/suitability reports must be prepared and signed by a Geo-professional (as defined in NZS4404:2010), who shall

provide evidence of suitable professional indemnity insurance cover for the works being investigated, supervised and certified.

Where subsoil drainage measures or toe bunds are recommended by a Geo-professional, these are to be installed and inspected, recorded and verified by the Geo-professional prior to burial. The consent holder must provide evidence of this certification to Council in the Annual Report required as per condition of this consent.

Rock, soil and waste slopes must be inspected annually by a Geo-professional, to confirm compliance with the EDMP and confirm whether any changes to the EDMP are required. A report detailing the findings of the inspection shall be provided to Council in the Annual Report required as per condition of this consent.

On completion of each stage of the filling activity, the consent holder must provide a final Geotechnical Engineering Report (GER) and Site Stability Report (SSR) prepared by a Geo-professional to the satisfaction Waikato District Council's Team Leader Development Engineering.

The report(s) must include plans showing the location, extent and depth of any fills constructed and the finished levels. The location and level of any underfill drains shall also be noted on these plans. The report(s) is also to confirm that the target static and seismic factor/s have been achieved.

On-going Conditions

Erosion and sediment controls must be maintained and remain in place until the Waikato District Council's Team Leader Monitoring is satisfied that the risk from erosion and instability has been reduced to a less than minor risk and has provided approval in writing.

The consent holder must maintain a site log book of the quantity (m³) aggregates loads, clean fill load, clean fill backloads, where the material was sourced from, type of clean fill received. The site log book shall be made available to the Team Leader, Monitoring, within 48 hours of having received a written request. ‘

Advisory Notes

CAR

A Corridor Access Request (CAR) must be approved in writing by the Waikato District Council - Services Department. prior to undertaking works within the Council road reserve.

Signed By

Inderpaul (Paul) Randhawa
Land Development Engineer
Date: 19 November 2018

APPENDIX L

SUGGESTED CONSENT CONDITIONS

LUC0123/19
Suggested Consent Conditions-

General

1. The quarrying and filling activities at the site shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0123/19 and officially received on the 1st October 2018 and further information provided on 12th October 2018, 18th February 2019 and 7th October 2020 except as amended by the conditions below. Copies of the approved plans are attached. In the case of inconsistency between the application and the conditions of this consent, the conditions of this consent shall prevail.

2. The following definitions are applicable to this consent:

Quarrying activities means the extraction, blasting, processing, storage and distribution of rock from the site and includes ancillary activities such as overburden removal and the treatment of stormwater together with ancillary buildings and structures.

Cleanfill means materials such as clay, soil and inert materials such as concrete, brick or demolition materials, which are free of combustible materials and are not subject to biological and chemical breakdown.

Filling activities means the deposition of cleanfill and overburden on the site.

Commencement of this consent has the same meaning as section 116 of the Resource Management Act 1991.

Extraction

3. The total volume of aggregate extracted shall not exceed 490,000 tonne per annum and the total volume of cleanfill material deposited shall not exceed 100,000m³ per annum.

Indigenous Vegetation Removal

4. The total area of Indigenous Vegetation Removal shall not exceed 2.45ha (2.08ha SNA in Stage 1 and 0.37ha indigenous vegetation in Stage 3).
5. Earthworks within the SNA shall not exceed 1,249,468m³.

Administration

6. 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.

Management Plans

7. A copy of this consent and the approved Management Plans shall be kept on site at all times the activities are being undertaken and shall be produced without unreasonable delay upon request from any authorised officer of the Waikato District Council.

Developers Representative

8. Prior to commencing any engineering designs or construction works, the Consent Holder shall appoint an appropriately qualified and competent Developer's Representative(s), acceptable to the Waikato District Council.
9. The Consent Holder's representative/s shall be responsible for:
 - (a) project management of the quarrying and filling activities during the planning, construction and operational phases of the development;
 - (b) arranging design, and obtaining necessary geotechnical investigation and reports for the quarrying and filling activities, including the preparation of engineering documents and obtaining any necessary approvals from Waikato District Council;
 - (c) supervision of the works;
 - (d) arranging the necessary testing and inspections;
 - (e) identifying any non-compliant work and arranging for correction; and
 - (f) certification upon completion that the works have been carried out in accordance with the approved documents and sound engineering practice.

Prior to Giving Effect to the Consent

10. The Consent Holder shall notify the Waikato District Council Monitoring Team Leader at least 10 days prior to the commencement of any activities associated with this consent. Such notification shall include the following details:
 - (a) names and telephone number/s of the consent holder's representative/s;
 - (b) site address to which the consent relates;
 - (c) the Waikato District Council land use consent reference number;
 - (d) works to be undertaken; and
 - (e) expected duration of the entrance upgrade works.

Site Management Plan

11. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to Waikato District Council's Monitoring Team Leader for certification, a Site Management Plan (SMP).

The objective of the SMP is to set out practices and procedures to be undertaken during the quarrying and filling activities in order to avoid, remedy or mitigate adverse effects of the extraction activities and to comply with the conditions of this consent.

The SMP shall include, but not be limited to, the following matters:

- (a) Quarry extraction areas including alignment, maximum quarry face length and approximate RL, and, approximate maximum depth RL;
 - (b) Aggregate processing areas including site locations and areas;
 - (c) Stockpile areas including site locations and areas;
 - (d) Drainage plans for the areas identified in a) to c) above;
 - (e) Erosion and Sediment Control Plan (ESCP);
 - (f) Overburden Management Plan (OMP);
 - (g) Cleanfill Management Plan (CMP);
 - (h) Dust Management Plan (DMP);
 - (i) Quarry Circulation and Loading Management Plan (QCLMP)
 - (j) Ecological Mitigation and Monitoring Plan (EMMP);
 - (k) Landscape Mitigation and Management Plan (LMMP).
 - (l) Conceptual Site Closure Plan (CSCP);
 - (m) Site Rehabilitation Plan (SRP);
12. The Consent Holder shall exercise this consent in accordance with the Site Management Plan certified in Condition 11. Any subsequent changes to the Site Management Plan must only be made with the written approval of Waikato District Council's Monitoring Team Leader. In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Site Management Plan, then the conditions of this consent shall prevail.

Erosion and Sediment Control Plan

13. Within two (2) months of the commencement of this consent the Consent Holder shall submit to the Waikato District Council's Monitoring Team Leader for certification an Erosion and Sediment Control Plan (E&SCP). The E&SCP shall as a minimum be based upon and incorporate all the relevant principles and practices for the activity authorised by this consent and contained within the Waikato Regional Council document titled

“Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009), and shall include, but not be limited to, the following;

- (a) Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation if required;
 - (b) The design criteria and dimensions of all key erosion and sediment control structures;
 - (c) A site plan of a suitable scale to identify;
 - i. The locations of waterways;
 - ii. The extent of soil disturbance and vegetation removal;
 - iii. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses;
 - iv. Areas of cut and fill;
 - v. Locations of topsoil stockpiles;
 - vi. All key erosion and sediment control structures;
 - vii. The boundaries and area of catchments contributing to all stormwater impoundment structures;
 - viii. The locations of all specific points of discharge to the environment;
 - ix. The location and details of stream stabilisation works in areas of damming, diversion or clearing; and,
 - x. Any other relevant site information.
 - (d) Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
 - (e) Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
 - (f) Maintenance, monitoring and reporting procedures;
 - (g) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
 - (h) Procedures and timing for review and/or amendment to the erosion and sediment control measures listed in the E&SCP; and,
 - (i) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.
14. The Consent Holder shall ensure that the E&SCP is implemented on site in accordance with the methods and timeframes outlined for the various components within the E&SCP certified in Condition 13 to the satisfaction of Waikato District Councils Monitoring Team Leader. Any changes to the E&SCP must only be made with the written approval of Waikato District Councils Monitoring Team Leader.

Overburden Management Plan

15. Within two (2) months of commencement of this consent, the Consent Holder shall submit to Waikato District Council’s Monitoring Team Leader for certification, an Overburden Management Plan (OMP).

The objective of the OMP is to set out the detail and procedures that will be implemented to manage overburden removal and placement and to comply with the conditions of this consent.

The OMP shall include, but not be limited to the following matters:

- (a) A description of the methodology for overburden stripping and disposal;
- (b) Areas to be quarried over the next 12 months;
- (c) Plans for overburden stripping and disposal over the next 12 months;
- (d) Details of maintenance activities undertaken in the previous 12 months, and maintenance activities proposed over the next 12 months;
- (e) The specific location of the placement area;
- (f) The design and construction procedures;
- (g) How sediment losses to natural water will be avoided;
- (h) Earthworks procedures to be adopted during overburden stripping and disposal;
- (i) Measures to avoid the over compaction of soils;
- (j) Timetable of works and re-vegetation;
- (k) Maintenance and inspection procedures;
- (l) Monitoring; and
- (m) Contingency and mitigation measures.

- 16. The OMP plan shall be updated on the 1 April each year or as otherwise agreed in writing with Waikato District Councils Monitoring Team Leader. Any changes to the OMP shall be to the satisfaction of Waikato District Council's Monitoring Team Leader.
- 17. The Consent Holder shall undertake the placement of overburden in accordance with the OMP certified in Condition 15.

Cleanfill Management Plan

- 18. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to Waikato District Council's Monitoring Team Leader for certification, a Cleanfill Management Plan (CMP).

The objective of the CMP is to set out practices and procedures to be undertaken to manage the receipt and disposal of cleanfill at the site and to comply with the conditions of this consent.

The CMP shall include, but not be limited to the following matters:

- (a) procedures to record the name and address of contractors dumping cleanfill at the site;
- (b) the specific location of the cleanfill placement areas;
- (c) cleanfill Acceptance Criteria for cleanfill to be disposed on site;
- (d) a description of operational procedures and monitoring that will be implemented to prevent unauthorised material from entering the site;

- (e) quarantine area and contingency measures for addressing unacceptable fill;
 - (f) specific design details, construction and certification procedures to ensure long term stability of cleanfill areas;
 - (g) description of the stormwater management system (including design specification, location and management of all structures; and
 - (h) procedures for improving and/or reviewing the CMP.
19. The Consent Holder shall operate the site in accordance with the CMP certified in Condition 18. Any changes to the CMP must only be made with the written approval of Waikato District Council's Monitoring Team Leader.

Quarry Circulation and Loading Management Plan

20. Within two (2) months of the commencement of this consent, the Consent Holder shall prepare and submit a Quarry Circulation and Loading Management Plan (QCLMP) to Waikato District Council's Senior Land Development Engineer for certification.

The objective of the QCLMP is to demonstrate that the internal vehicle circulation avoids any impacts on McPherson Road such as queuing or parking within the shoulders/berm. The QCLMP shall include but not be limited to the following:

- (a) swept paths to demonstrate two-way movements through the gate;
 - (b) identify holding/waiting areas for trucks waiting for the weighbridge;
 - (c) weighbridge location;
 - (d) loading areas and arrangements;
 - (e) internal circulation roads including any passing bays; and
 - (f) internal parking arrangements for staff and visitors.
21. The Consent Holder shall operate the site in accordance with the QCLMP certified in Condition 20. Any changes to the QCLMP must only be made with the written approval of Waikato District Council's Senior Land Development Engineer.

Dust Management Plan

22. Within two (2) months of the commencement of this consent, the Consent Holder shall submit a Dust Management Plan (DMP) to the Waikato District Councils Monitoring Team Leader for certification.

The objective of the DMP is to set out the methods and procedures to minimise any potential dust nuisance effects beyond the boundary of the site and comply with conditions of this consent.

The DMP shall include, but not be limited to, the following matters:

- (a) Procedures for undertaking a daily site inspection, including summarising the outcome of the inspection in a daily environment diary. This could also include but is not limited to:
 - i. Operation of watercart;
 - ii. Any dust mitigation implemented; and
 - iii. Any exceedance of dust monitoring alert levels and the result of any investigations in to the causes of the exceedance.
 - (b) Procedures that will be adopted to ensure that fugitive dust emissions are minimised from the roadways, working areas and stockpiles, including wind speed triggers that shall initiate specific mitigation measures;
 - (c) Details of the dust mitigation measures to be used on the site, including both fixed and temporary systems;
 - (d) Identification of roles and positions of responsibility, including responsibility for ensuring the effective application of dust control measures identified in b) and c) above;
 - (e) Provision and maintenance of 20 kph speed limit signs on all unsealed access roads;
 - (f) Total Suspended Particulates (“TSP”) or PM₁₀ particulate monitoring locations, alert levels and trigger levels and actions;
 - (g) Details of how the nett TSP concentrations will be calculated.
 - (h) Maintenance procedures for the monitoring equipment and weather station;
 - (i) Shelterbelts or windbreak fences to minimise dust issues for neighbouring dwellings.
 - (j) Reporting procedures;
 - (k) Dust Management Plan review procedures;
 - (l) Complaint receipt and response procedures.
23. The Consent Holder shall undertake all works within the site in accordance with the DMP certified in Condition 22. Any subsequent changes to the Dust Management Plan shall only be made with the written approval of Waikato District Council’s Monitoring Team Leader.

Ecological Management and Mitigation Plan

24. Within two (2) months of the commencement of this consent, the Consent Holder shall submit an Ecological Management and Mitigation Plan (EMMP) prepared by a suitably qualified and experienced ecologist to the Waikato District Councils Monitoring Team Leader for certification.

The objective of the EMMP is to set out the methods and procedures to remedy, mitigate and environmentally compensate or offset all ecological effects of the quarrying and associated activities with the intent of achieving net improvement and betterment of the existing environment. The EMMP objectives, among other matters, are to:

- (a) Minimise wildlife disturbance arising from the operation of the quarry and associated activities;
- (b) Provide for the restoration, revegetation, enhancement and/or protection of indigenous forest and wetland habitat to remedy, mitigate and environmentally

compensate or offset for the habitat removed or adversely affected resulting from the quarry activities.

25. The ecological mitigation measures addressed in the EMMP shall be based on the remediation, mitigation, and environmental compensation or offset measures documented in the application and further technical reviews. Without limiting the above, the ecological remediation, mitigation, and environmental compensation or offset measures shall specifically include the following:
 - (a) Restoration and enhancement of a minimum (indigenous re-vegetation equivalent):
 - i. Planting of native species to form the 4.56ha ecological corridor (and any additional planting to offset historic removal of indigenous vegetation);
 - ii. Planting with native species of 10 m either side of the Waipunga Stream
 - iii. The riparian plantings shall be at least 930 linear metres of stream;
 - iv. Additional buffer planting around wetlands of at least 5 metres to those stipulated in the Ecological Management Plan submitted with the application
 - (b) Bat Management Plan, including the installation of 25 Kent style bat boxes with predator exclusion bands. To be installed at least 5 m above the ground and on trees located at the forest edge or on a linear feature. If bats are found to be present, then the Bat Management Plan (BMP) will need to be updated to ensure that suitable mitigation is provided.
 - (c) Lizard Management Plan, including the installation of minimum 5 lizard log piles within the northern corridor.
 - (d) Bird Management Plan.
 - (e) Pest and Weed Management Plan including measures and controls to prevent Kauri dieback.
 - (f) Planting Management Plan, including as a minimum:
 - i. Site plantings including species to be planted, size of plants, and where they are to be planted, density of planting, sourcing of plants and fertilising;
 - ii. Site preparation for planting including weed and pest control;
 - iii. Timeline for planting;
 - iv. Ongoing weed and pest control;
 - v. Supplementary/replacement planting plans specifications; and
 - vi. Timing of monitoring maintenance inspections; and
 - vii. Methods to ensure that the plantings are protected and maintained in perpetuity.
26. The Consent Holder shall ensure that the EMMP is implemented on site in accordance with the methods and timeframes outlined for the various components within the EMMP certified in Condition 24 to the satisfaction of Waikato District Councils Monitoring Team Leader. Any changes to the EMMP must only be made with the written approval of Waikato District Councils Monitoring Team Leader.

27. Within the first planting season after the commencement of this consent, the Consent Holder shall undertake planting of the ecological corridor in accordance with the recommendations of the LMMP and EMMP. The planting of the corridor (4.56 ha) cannot take more than three consecutive planting seasons.

Landscape Mitigation and Management Plan

28. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to Waikato District Council's Monitoring Team Leader for certification, a Landscape Mitigation and Management Plan (LMMP) prepared by a suitably qualified landscape architect.

The objective of the LMMP is to identify those landscape features and attributes of the site which are to be maintained, and the finished form of the site to manage the visual and landscape effects of the quarrying and filling activities to an acceptable level.

The LMMP shall include, but not be limited to the following matters:

- (a) An annotated planting plan(s) which outlines the proposed location and extent of all areas of planting, including any revegetation, reinstatement planting, mitigation planting and natural revegetation. Location of planting shall be in general accordance with the mitigation plan prepared by Mansergh Graham Landscape Architects and the updated ecological corridor planting plan dated 21 September 2020, and shall also include additional planting to:
 - (i) Mitigate the landscape and visual amenity effects of the proposal from the dwelling at 209 Pinnacle Hill Road.
 - (ii) Mitigate landscape and visual amenity effects of the proposal from views from Mt William Summit by planting to the west of stage 3.
- (b) A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity.
- (c) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements.
- (d) An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing.
- (e) A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:
 - (i) Irrigation;
 - (ii) Weed and pest control;
 - (iii) Plant replacement;
 - (iv) Inspection timeframes; and
 - (v) Contractor responsibilities.
- (f) A detailed staging maintenance plan prepared by a landscape architect or suitably qualified person. The staged maintenance plan should outline performance targets for proposed screening planting and should include but not be limited to:
 - (i) Minimum heights of trees;
 - (ii) Planting density; and

- (iii) Screening requirements.
- 29. The Consent Holder shall ensure that the LMMP is implemented on site in accordance with the methods and timeframes outlined for the various components within the LMMP certified in Condition 28 to the satisfaction of Waikato District Councils Monitoring Team Leader. Any changes to the LMMP must only be made with the written approval of Waikato District Councils Monitoring Team Leader.

Conceptual Site Closure Plan

- 30. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to the Waikato District Council's Monitoring Team Leader for certification a Conceptual Site Closure Plan (CSCP). As a minimum, the Conceptual Site Closure Plan shall address the following:
 - (a) Future landforms following all quarrying activities at the site;
 - (b) Future groundcover following all quarrying activities at the site;
 - (c) Reporting procedures; and,
 - (d) Review procedures.
- 31. The Consent Holder shall review and update the CSCP every five years and within six months of any decision to cease quarrying at the site. The Consent Holder shall submit any revised CSCP to the Waikato District Council's Monitoring Team Leader for certification.

Site Rehabilitation Plan

- 32. Within two (2) months of the commencement of this consent, the Consent Holder shall submit to the Waikato District Council's Monitoring Team Leader for certification a Site Rehabilitation Plan (SRP). The Site Rehabilitation Plan shall detail rehabilitation objectives, goals and success criteria to be followed in order to achieve the future landforms and groundcovers detailed within the Conceptual Site Closure Plan. As a minimum, the SRP shall include the following:
 - (a) Procedures for progressive rehabilitation;
 - (b) Any specific measures to control erosion;
 - (c) Procedures for pest control;
 - (d) Procedures for noxious weed control;
 - (e) Land and vegetation maintenance procedures;
 - (f) Post closure maintenance methods and after care plans;
 - (g) Approximate timeframes for landscape and rehabilitation events;
 - (h) Approximate costs associated with the implementation of this plan to the stage of conceptual site closure;

- (i) Monitoring procedures; and,
 - (j) Reporting and review procedures.
33. The Consent Holder shall review and update the SRP every five years and within six months of any decision to cease quarrying at the site. The Consent Holder shall submit any revised SRP to the Waikato District Council's Monitoring Team Leader for certification
34. The rehabilitation of the Quarry shall be undertaken such that:
- (a) Where appropriate, and where subsoils and topsoils are available, these shall be used for rehabilitation and the land shall be managed to actively develop stable topsoil mantles generally consistent with topsoils on adjacent areas of land unaffected by quarrying.
 - (b) Where practical the rehabilitated land cover is generally consistent with that on adjacent land unaffected by quarrying.
35. The rehabilitation of the quarry shall be undertaken in accordance with the Site Rehabilitation Plan certified Condition 32 of this consent and shall be implemented under the supervision of persons with appropriate restoration or rehabilitation experience.

Fencing of Indigenous Vegetation

36. The consent holder shall ensure that the ecological corridor as shown on the Ecological Corridor Plan dated 21 September 2020 is fenced with a stock proof fence, generally along the covenant boundaries and in accordance with the Ecological Corridor Plan dated 21 September 2020. The consent holder's attention is drawn to the following minimum standards for fencing:

Number of wires	7
Posts	5 metres apart maximum
Battens	5 between posts minimum

The fence is to be otherwise in accordance with Clause 7 of the Second Schedule to the Fencing Act 1978.

Conservation Covenant

37. The Consent Holder shall agree to a Covenant in perpetuity under the Reserves Act 1977 or Queen Elizabeth II National Trust 1977 being registered on Allotment 22 and Allotment 139-140 Suburban Section I Parish of Maungatawhiri and Allotment 161 and Allotment 163 Parish of Maungatawhiri (RT NA2D/412), Section 164 Parish of Mangatawhiri (RT NA2D/961) to the effect that the ecological corridor referred to in this consent is fenced with a stock proof fence in accordance with conditions of this consent and is to be protected in perpetuity.

The Conservation Covenant is required to refer to the Ecological Impact Assessment prepared by Ecology NZ and dated October 2019 and the Ecological Mitigation and Management Plan certified in Condition 26.

The Conservation Covenant will be prepared by Waikato District Council's Solicitor at the consent holder's expense.

Advice Note: for the avoidance of doubt this condition shall be satisfied once planting is complete (within the first three planting seasons).

Hours of Operation

38. The hours of operation, for all truck movements and for activities associated with the quarrying and filling activities shall be as follows:

Hours of Work:	Monday to Friday	0700 – 1900
	Saturday	0700 – 1900

The site shall not operate on a Sunday or on any public holidays.

39. The entrance to the site shall be securely locked outside of the above hours of operation.

SH2/McPherson Road Intersection

40. The Consent Holder shall provide evidence of a Traffic Management Plan and Consent to Work on the Highway being submitted and approved by the New Zealand Transport Agency at least seven working days prior to the commencement of any works on the state highway.

Advice Note: NZTA require prior approval for works undertaken within State Highway 2 pursuant to Section 51 of the GRPA.

41. The Consent Holder shall ensure that any works undertaken within the state highway are undertaken in accordance with the Traffic Management Plan approved in Condition 40.
42. At least 20 working days prior to the commencement of this consent, the Consent Holder shall submit detailed engineering design plans for the SH2/McPherson Road intersection to the New Zealand Transport Agency for approval prior to any works associated with its construction commencing. Detailed design shall be in general accordance with Opus drawing 3-39019.00_SK001 and shall include, but not be limited to the following:
- (a) Superelevation and drainage for surface water on the pavement as per Austroads guidelines;
 - (b) Heavy vehicle turning paths;
 - (c) Cross-sectional drawings to indicate batter slopes, drainage lane width and property boundaries;
 - (d) Traffic movement at the intersection for calculation of right turn bay length;
 - (e) Re-alignment of guardrail;
 - (f) An advance warning sign for heavy vehicle crossing as per MOTSAM (sign to be located to the west of the SH2/McPherson Road intersection)

43. An independent safety audit must be conducted during detailed design of the intersection with State Highway 2 and post construction. Each audit shall be carried out by an appropriately qualified auditor experienced with intersection design and appointed in consultation with the New Zealand Transport Agency. Any recommendations made by the auditor that require changes to design and construction shall be approved by the New Zealand Transport Agency.
44. The Consent Holder shall ensure that the required sight lines of 151 metres are achieved in perpetuity.

Advice Note: Batter slopes and vegetation removal may be required on part Allotment 200A Parish of Mangatawhiri to achieve the required sight lines of 151 metres in perpetuity. Written notice of any works on part Allotment 200A Parish of Mangatawhiri shall be provided to Waikato District Council's Parks and Facilities Team.

45. Prior to the commencement of this consent, the Consent Holder shall upgrade the SH2/McPherson Road intersection in accordance with the design plans for the SH2/McPherson Road intersection approved in Condition 42.

Site Entrance

46. The Consent Holder shall submit engineering plans detailing the vehicle crossing and proposed haul road to Waikato District Councils Senior Land Development Engineer for approval in a technical certification capacity in advance of any construction works being undertaken. The design of the vehicle crossing should be in general accordance with the RITS diagram D3.3.4 and accommodate left turn in and right turn out movements by heavy vehicles, including:
 - (a) Tracking for the design vehicle.
 - (b) Relocating the gates to be set back at least 22m from the edge of the McPherson Road carriageway.
 - (c) Sealing the vehicle crossing (grade 3/5 chip) and the driveway for a minimum of 40m within the site.
 - (d) Removal of vegetation to improve sight distance at the vehicle crossing.

Advice Note: Prior to undertaking any works within the Council road reserve, a Corridor Access Request (CAR), including traffic management plan, for the works to be carried out in the road reserve, and submitted to the Waikato District Council for approval not less than fifteen (15) working days before starting these works.

47. Prior to the commencement of this consent, the Consent Holder shall upgrade the site entrance in accordance with the design plans certified in Condition 46.

Traffic Movements and Vehicle Register

48. The Consent Holder shall ensure that heavy vehicle movements to and from the site occur only within the site's hours of operation and do not exceed the following levels:
- (a) Daily maximum of 210 HCV movements/day; and
 - (b) Daily average of 165 HCV movements/day (calculated over a three-month period).
49. The Consent Holder must keep a register of daily truck movements, daily aggregate volume leaving the site and daily cleanfill material entering the site. The register shall contain the following:
- (a) registration number of vehicle;
 - (b) time of arrival;
 - (c) approximate size of the load deposited;
 - (d) source and type of material to be deposited; and
 - (e) comments on whether the material is accepted or not.
50. The daily incoming and outgoing logs shall be retained on site at all times and be made available for Waikato District Council inspection during working hours. A copy of the logged information shall be forwarded to the Waikato District Council's Monitoring Team Leader on a six (6) monthly basis from the commencement of this consent.

Heavy Vehicle Impact Fee

51. The Consent Holder shall pay the Waikato District Council a pavement impact fee of \$58,492 plus GST. The pavement impact fee shall be paid within three years from the commencement of this consent.
52. The Consent Holder shall, within ten (10) working days of payment, provide Waikato District Council's Monitoring Team Leader with written notice of the date on which the payment of the pavement impact fee is paid to Council, the amount that was paid, and how the amount was calculated.

Advice Note: the Consent Holder is advised that should a period of 13 or more months pass between payments the Council may start enforcement proceedings against the consent holder, which may include, but is not limited to debt collection.

Noise Management and Compliance Monitoring

53. The Consent Holder shall ensure that all activities on the site, measure at or within the notional boundary of any other site in the Rural Zone, shall not exceed the following noise limits:
- (a) 50 dBL_{Aeq} 0700 to 1900 all days
 - (b) 45 dBL_{Aeq} 1900 to 2200 all days

(c) 40 dBL_{Aeq} and 65 dB_{AFmax} 2200 to 0700 all days

Advice 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.

54. 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*.
55. Within three (3) months of giving effect to this consent, and at any other time when requested by Waikato District Council, the Consent Holder shall engage a suitably qualified acoustic engineer to undertake noise level monitoring from all activities on the site to confirm compliance with Condition 53. The results of this monitoring shall be reported to the Waikato District Council Monitoring Team Leader within 10 working days of the completion of the monitoring.
56. Where the monitoring of noise levels required by Condition 55 demonstrates a non-compliance with Condition 53, the Consent Holder shall take action within five (5) working days to ensure that compliance is achieved and shall report to the Waikato District Council's Monitoring Team Leader, the mitigation actions to be implemented. Following implementation of such mitigation measures a further noise level survey shall be undertaken confirming that compliance with the relevant noise criteria has been achieved, and those results forwarded to the Waikato District Council's Monitoring Team Leader within ten (10) working days of the completion of the monitoring.

Vibration and Blasting for Quarry Activities

57. All blasting and resultant vibration occurring on the site shall comply with the following:
 - (a) The noise created by the use of explosives for any blasting activity within the quarry measured at or within the notional boundary of any other site shall not exceed a peak sound pressure of 128dB_{Zpeak}; and
 - (b) All blasting shall be restricted to between 1000 and 1600 hours Monday to Saturday, except where blasting is required for safety reasons; and
 - (c) Blasting shall be confined to two occasions per day, except where necessary for safety reasons; and
 - (d) The vibration created by the use of explosives for any blasting activity within the quarry shall not exceed 5mm/s PPV at any building not on the same site; and
 - (e) Each blast shall be notified [to relevant parties via siren/text message] 30 minutes and again 1 minute prior to the blast occurring; and
58. Blast records and monitoring results of two (2) blasts, over the calendar year, shall be submitted to Waikato District Council Monitoring Team Leader within the Annual Report to confirm compliance with Condition 57.

Dust and Debris Mitigation

59. The Consent Holder shall ensure that no particulate matter resulting from activities authorised by this resource consent causes an objectionable or offensive effect beyond the boundary of the site being that land described as: CT NA2D/412: Allot 22 PSH of Mangatawhiri , Allot 139 and 140 PSH “ , Allot 161 and 163 PSH “; CT NA2D/497: Allot 162 PSH “; CT NA2D/961 Allot 164 PSH “; CT NA423/102 Allot 159 and 160 PSH of Mangatawhiri; CT NA577/25 Allot 23, 24, 26, 130, 132, 133 Sbrn Sec 1 PSH of Mangatawhiri.

Note: For the purpose of condition 3 of this resource condition, the Waikato District Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato District Council deems it so after having regard to:

- (a) The frequency, intensity, duration, amount, effect and location of the suspended or particulate matter; and/or
 - (b) receipt of complaints from neighbours or the public: or
 - (c) relevant written advice or a report from an Environmental Health Officer of a territorial authority or health authority.
60. Should an emission of particulate matter occur that has an objectionable or offensive effect, the consent holder shall inform the Waikato District Council within 24 hours of the incident and provide a written report to the Waikato District Council within five days of being notified of the incident. The report shall specify:
- (a) the cause or likely cause of the event and any factors that influenced its severity;
 - (b) the nature and timing of any measures implemented by the consent holder to avoid, remedy or mitigate any adverse effects; and
 - (c) the steps to be taken in future to prevent recurrence of similar events.
61. The Consent Holder must ensure that any debris tracking/spillage onto any McPherson Road as a result of the exercise of this consent shall be removed as soon as practical, and with a maximum of 24 hours after the occurrence, or as otherwise directed by a Waikato District Council's staff member, to the satisfaction of the Waikato District Council's Team Leader Monitoring. The cost of the cleanup of the roadway and associated drainage facilities, together with all temporary traffic control, shall be the responsibility of the consent holder.
62. The consent holder, upon becoming aware of the need to clean up the roadway, shall advise Waikato District Council's Monitoring Team Leader of the need for the road to be cleaned up, and what actions are being taken to do so.
63. The consent holder shall maintain a truck wheel wash facility in an appropriate location near the site weighbridge and shall require all trucks leaving the site to travel over the site wheel wash.

Additional Engineering Requirements

64. All works forming part of the consent which require engineering design, supervision, and testing shall be certified by the Certifying Engineer and/or a Geo-professional (who is one of the consent holder's representatives) who shall be a Chartered Professional Engineer. Once appointed, the Certifying Engineer shall not be changed without the approval of the Waikato District Council's Senior Land Development Engineer.
65. Geotechnical investigations, completion and site stability/suitability reports shall be prepared and signed by a Geo-professional (as defined in NZS4404:2010), who shall provide evidence of suitable professional indemnity insurance cover for the works being investigated, supervised and certified.
66. Where subsoil drainage measures or toe bunds are recommended by a Geo-professional, these are to be installed and inspected, recorded and verified by the Geo-professional prior to burial. The Consent Holder shall provide evidence of this certification to Council in the Annual Report required by Condition 75.
67. Rock and soil slopes shall be inspected annually by a Geo-professional, to confirm compliance with the EDMP and confirm whether any changes to the EDMP are required. A report detailing the findings of the inspection shall be provided to Council in the Annual Report required by Condition 75.
68. All stormwater runoff management, drainage, and erosion and sediment control measures shall be constructed and maintained in good working order at all times to the satisfaction of Waikato District Council's Team Leader Monitoring and in accordance with the Waikato Regional Council's Erosion and Sediment Control-Guidelines for Soil Disturbing Activities: January 2009.
69. The Consent Holder shall ensure that, as soon as possible, and within a maximum of 12 months, the areas where filling activities have been undertaken are covered with topsoil and revegetated (or by other approved means) to achieve a minimum 80% coverage and ensure that the total open area across the site does not exceed 5 hectares. This work shall be undertaken to the satisfaction of the Waikato District Council's Team Leader-Monitoring.
70. Erosion and sediment controls shall be maintained and remain in place until (at least) the minimum required cover is achieved, and may only be removed once the Waikato District Council's Monitoring 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.

Community Liaison Group

71. Within three (3) months of the commencement of this consent the Consent Holder shall establish a Community Liaison Group. Members of this group shall include two representatives of the Consent Holder, local residents (from Pinnacle Hill Road, McPherson Road, Irish Road and SH2) Ngati Tamaoho, Ngati Te Ata and Waikato District Council to discuss any issues associated with the operation of the site. The prime purpose of meetings with the Community Liaison Group will be to:
 - a) Explain the progress of the quarry and filling;

- b) Listen to and discuss as far as practicable any community and cultural concerns with the quarry and filling operation; and
 - c) Present and discuss the complaints register and results of any monitoring and/or reporting as required by the conditions of this consent.
72. The Community Liaison Group shall meet on a monthly basis after the commencement of this consent, for the first year of the operation, and thereafter six (6) monthly unless the members of the Community Liaison Group wishes to have the meetings at a more regular interval. A copy of the minutes of each meeting shall be sent to Waikato District Councils Monitoring Team Leader within 20 working days from the date of the meeting.

Complaints register

73. The Consent Holder shall maintain and keep a complaints register for substantiated complaints about the activity received by them. The register shall record:
- (a) the date, time and duration stated by the complainant as to when the event/incident (if possible, specify nature of incident e.g. dust nuisance) was detected;
 - (b) the possible cause of the event/incident;
 - (c) the weather conditions and wind direction at the site when the event/incident allegedly occurred;
 - (d) any corrective action undertaken by the consent holder in response to the complaint; and
 - (e) any other relevant information.

The consent holder shall ensure that the appropriate contact details of the site manager and/or staff member of equivalent position shall be supplied to all people who could be affected by this activity.

74. The complaints register shall be made available to the Waikato District Council at all reasonable times. Complaints received by the consent holder or sub-contractor shall be forwarded to the Waikato District Council, Monitoring Team Leader as soon as practicable and within at most 24 hours of the complaint being received.

Annual Report

75. The Consent Holder shall submit to the satisfaction of Waikato District Council's Team Leader Monitoring, an Annual Performance Report for each year that the consent is exercised. The Annual Performance Report shall include details of the following:
- (a) daily and monthly truck movements;
 - (b) monthly volumes of rock extracted and cleanfill accepted;
 - (c) pavement impact fees paid;
 - (d) geotechnical monitoring undertaken; and

- (e) general compliance with the conditions of this consent
76. The first Annual Report shall be submitted twelve (12) months after the consent holder has given effect to this consent, and all further reports shall be submitted by 31 July for each following year.

Archaeological Discovery

77. In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking works to give effect to the conditions of this consent, the works in the area of the discovery shall cease immediately, and Iwi (Ngati Te Ata and Ngati Tamaoho) and the Waikato District Council shall be notified within 48 hours. Works may recommence with the written approval of the Waikato District Council. Such approval shall be given after the Waikato District Council has considered:
- (a) Tangata Whenua interests and values;
 - (b) the consent holder's interests; and
 - (c) any archaeological or scientific evidence.

Review Condition

78. The Waikato District Council may, by giving notice to the consent holder of its intention to do so under section 128 of the Resource Management Act 1991, review the conditions of this consent 12 months after the date of the commencement of the consent and at the expiry of every 12 months thereafter for the following purposes:
- (a) to review the effectiveness of the conditions of this consent in avoiding, remedying or mitigating any adverse effect on the environment that may arise from the exercise of this consent and, if necessary, avoid, remedy or mitigate such effects by way of further or amended conditions. In particular, adverse effects in relation to:
 - i) noise arising from quarrying and filling activities;
 - ii) dust arising from quarrying and filling activities and/or vehicle movements;
 - iii) traffic effects and pavement effects on McPherson Road;
 - iv) the value of the pavement impact fee; and
 - v) the performance and success of any rehabilitation and the site's geotechnical stability.
 - (b) to address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints;
 - (c) to review the adequacy of, and necessity for, any monitoring programmes or Management Plans that are part of the conditions of this consent;

- (d) to require the Consent Holder, if necessary and where appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment.

The Council will undertake the review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review pursuant to section 36 of the Resource Management Act 1991.

Advisory Notes

1 Lapse Date

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

- I the Consent is given effect to prior to that date.
- or
- (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

2 Other consents/permits may be required

To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Waikato District Plan. The proposal must also comply with the Building Act 2004, Regional Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits shall be obtained prior to development.

Cultural Monitoring

- 3 The Consent Holder is advised of the recommendations which are set out in the Cultural Values Assessment prepared by Ngati Te Ata and Ngati Tamaoho in the which are generally as follows:
- That where the ponds/wetlands are requested the second pond is to be a wetland with raupo to give a final polish (cleanse) and remove any fine sediments found in overburden and clean fill.
 - That a third pond/wetland is established for a final polish prior to discharge to the tributary of the Waiponga stream, and ultimately the Waikato River.
 - That at a minimum there is a two pond/wetland system for the proposed overburden site regarding Stages 2 and 3, especially above the flat land.
 - That the mitigation native ecological corridor is to be provided for as discussed at the onsite up the back behind the large farm wetland.

- That the native ecological corridor is to be fenced which will exclude stock from gaining access and doing irretrievable damage.
- That Iwi (Ngati Tamaoho and Ngati Te Ata) are to receive a copy of the planting proposal and associated management plan once available.
- That where the ponds/wetlands are requested the second pond is to be a wetland with raupo to give a final polish (cleanse) and remove any fine sediments found in overburden and clean fill.
- That a third pond/wetland is established for a final polish prior to discharge to the tributary of the Waiponga stream, and ultimately the Waikato River.
- That at a minimum there is a two pond/wetland system for the proposed overburden site regarding Stages 2 and 3, especially above the flat land.
- That the mitigation native ecological corridor is to be provided for as discussed at the onsite up the back behind the large farm wetland.
- That the native ecological corridor is to be fenced which will exclude stock from gaining access and doing irretrievable damage.
- That Iwi (Ngati Tamaoho and Ngati Te Ata) are to receive a copy of the planting proposal and associated management plan once available.
- That Iwi are engaged directly with the applicant, their agents and the site manager regarding any further required consultation requirements, are informed of the results of all monitoring and consent related assessments relating to the proposed quarry development and expansion.

4 Enforcement Action

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