

BEFORE THE WAIKATO DISTRICT COUNCIL AND WAIKATO REGIONAL COUNCIL

IN THE MATTER

of the Resource Management Act 1991 ("**Act**")

AND

IN THE MATTER

of an application by McPherson Resources Limited to the Waikato Regional Council and the Waikato District Council to continue to operate and expand a weathered greywacke quarry in Pokeno

**STATEMENT OF EVIDENCE OF ELOISE LONNBERG-SHAW (PLANNING)
FOR MCPHERSON RESOURCES LIMITED**

16 November 2020

**STATEMENT OF EVIDENCE OF ELOISE MADELEINE LONNBERG-SHAW FOR
MCPHERSON RESOURCES LIMITED**

1. INTRODUCTION

Qualifications and Experience

- 1.1 My full name is Eloise Madeleine Lonnberg-Shaw.
- 1.2 I am a Senior Planner at Kinetic Environmental Consulting Limited in Hamilton, a role I have held for approximately 2.5 years, since the company began trading mid-way through 2018. Before starting this role, I was the Planning Team Leader at Opus International Consultants (now WSP Limited).
- 1.3 I hold two Master's Degrees in law (LL.M) obtained in 2005 and 2006 from the Gothenburg University and University of Queensland respectively. I am an Associate Member of the New Zealand Planning Institute.
- 1.4 I have been engaged in the field of resource and environmental planning for a little over 4 years. Before moving into this discipline, I practiced as a lawyer for around 10 years, 7 of which with one of the local law firms in Hamilton. The majority of my legal experience focused on litigation work, as well as a specialisation in environmental law for the last 5-6 years of my legal career. In that role I assisted clients with resource consent disputes (objections and/or appeals), proposed plan submissions and a range of other environmental/local government policy objections (e.g. rates, development contributions etc).
- 1.5 The majority of my environmental planning experience is based in consultancy resource management work, with a portion of that work focusing on quarries. I have been involved with or advised clients within the quarry industry on and off for the last 8 years (including as a lawyer) and more regularly since starting at Kinetic Environmental. Below is a brief list of my recent quarry-related consenting projects:
 - (a) Tauhei Quarry (preparation of resource consent applications in 2016 and 2020);
 - (b) Tuakau Quarry (preparation of resource consent application in 2018);
 - (c) Waingaro Quarry (preparation of resource consent application in 2018).
- 1.6 My evidence is given on behalf of McPherson Resources Limited (McPherson) in support of the applications lodged with the Waikato District Council (WDC) and Waikato Regional Council (WRC) in 2018.

- 1.7 The application seeks to authorise the ongoing and future operation of the McPherson Quarry located at 47 McPherson Road, Mangatawhiri.
- 1.8 I prepared the necessary resource consent applications, including managing the required specialist inputs as well as overseeing the responses to the section 92 requests for further information. I have visited the site on numerous occasions.

Code of Conduct

- 1.9 I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014), have complied with it, and will follow the Code when presenting evidence to the panel. I also confirm that the matters addressed in this Statement of Evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

- 1.10 This Statement of Evidence provides the following (the relevant sub-heading is noted in brackets in each case):
- (a) A brief overview of the Project, site and application (**The Project, Site and Application**);
 - (b) Comments on the two Section 42A reports in relation to the Project (**Response to s42A Report – WDC/WRC** respectively);
 - (c) Comments on submissions lodged in relation to the Project (**Response to Submissions**);
 - (d) Comments on the draft conditions (**Conditions**); and
 - (e) **Conclusions**.

2. THE PROJECT, SITE AND RESOURCE CONSENT APPLICATIONS

- 2.1 Subject to the content of this Statement, the content of the resource consent application dated 12 December 2019 is confirmed.
- 2.2 The Site and the Project are described in full in the application document and again within the two section 42A reports, both of which do an excellent job at setting out the application, its iterations, the findings of the specialist assessments and the key effects to be considered. For

the sake of brevity, I do not intend on repeating that information within my evidence other than to comment on small number of errors and/or changes to the proposal:

- (a) At paragraph 18 (page 13 WDC S42A) Ms Majoor has noted that *“The application seeks a consent term of 45 years to undertake the proposal in three stages as described in Figure 1.”* This is incorrect – the applicant does not seek a consent term for the land use consent required from Waikato District Council. The purpose of the reference to 45 years is simply to provide an estimate of time for the three stages forming part of the proposal and was not a request for a specified land use consent duration.
- (b) At paragraph 35 (page 18 WDC S42A), Ms Majoor has outlined a summary of key dates. The table is correct, save for omitting to refer to the replacement AEE lodged with both Councils following compilation of responses to the various section 92 requests received after the initial lodgement date. The replacement AEE is dated 12 December 2019 and replaced the prior applications lodged in their entirety.
- (c) At paragraph 2.2 (page 7, WRC report), Mr Rodriguez has noted that the proposal requires consent under the new Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW 2020). More specifically, Mr Rodriguez states that the proposal triggers consent pursuant to Regulation 54 (for the diversion of water from Tributary 1 at wetland 1) as a Non-Complying Activity. Mr Rodriguez relies on section 43(1) of the Resource Management Act 1991 (RMA), which I assume is an error and that the intended reference is section 43B(1) of the RMA. Mr Rodriguez has, however, failed to take into account section 88A of the RMA, which safeguards the activity status of an application after it has been lodged if:
 - (i) A proposed plan is notified; or
 - (ii) A decision is made under clause 10(1) of Schedule 1; or
 - (iii) Otherwise.
- (d) Importantly, Section 88A(1A) of the RMA dictates that in any of the listed circumstances *“the application continues to be processed, considered, and decided as an application for the type of activity that it was for, or was treated as being for, at the time the application was first lodged.”*

- (e) In this instance, the proposal is defined as a Discretionary Activity under the Waikato Regional Plan (as at the time of lodgement, being October 2018). As such and relying on section 88A of the RMA, irrespective of the implementation of the NES-FW 2020, the Discretionary Activity status for this proposal remains.
- (f) On page 34 of Mr Rodriguez' report, he refers to the application estimating that approx. 70% max of overburden will be deposited at the fill site, which is what the AEE outlined (sections 3.2.1 and 3.2.4 of the AEE). In the interest of clarity, it is noted that the overburden disposal volumes outlined in the above sections were based on a highly conservative estimate of the worst-case scenario of how much overburden would be retained onsite (or rather, how much is able to be sold). As confirmed in Mr McPherson's evidence (refer paragraph 2.7), this quarry largely sells brown rock, which some (hard-rock) quarries might typically classify as 'overburden'. As a result, the amount of overburden discharge varies greatly and may at times be reduced to close to 0-5% (if all/most brown rock is able to be sold). Bearing this in mind, the assumed sales volume has been revised to up to 80% of overburden/brown rock (as opposed to 30%, which is the figure used in the AEE).
- (g) As a result of a request from the Panel received on 11 November 2020, the applicant has engaged two hydro-geological experts from Wallbert Gilbert Aztec (WGA) to prepare an assessment of the depth of groundwater at and in the vicinity of the existing and proposed quarry, as well as any potential effects on groundwater levels on neighbouring properties (in particular effects on spring flow within property 219 SH2). While this assessment was not complete at the time of writing this Statement, I have had preliminary discussions with Ms Clare Houlbrooke and Mr Brett Sinclair of WGA. These discussions drew attention to the possibility of the proposed maximum depth of the quarry pits for the future stages resulting in the need for a groundwater take (to allow for water to be pumped out of the pit in the event that the pit is lower than the groundwater level). Should WGA's assessment identify such a need, an assessment against the relevant groundwater rule in the Waikato Regional Plan will be provided to the Panel before or at the hearing.

2.3 As noted above, Michael McPherson (Quarry Manager) has prepared a Statement of Evidence setting out key aspects related to quarrying including some fundamental legislation and regulations in relation to the same which the quarry is subject to and which the applicant took into account when determining the design of the quarry as well as the proposed future staging sequence.

2.4 The following experts have prepared evidence and will be in attendance to answer any questions from the panel and to provide input into our right of reply following the submitters' evidence:

- (a) Andrew Curtis from Pattle Delamore Partners, an experienced air discharge specialist, was engaged to prepare a combined assessment of effects and evidence following the close of submissions. The purpose of his evidence is to address the concerns raised by the submitters and to answer a section 92 request received from Waikato Regional Council on 8 October 2020;
- (b) Kristoffer Hansson from WSP Limited (formerly Opus Consultants Limited) who prepared the Traffic Impact Assessment dated August 2018;
- (c) Nevil Hegley from Hegley Acoustics Consultants who prepared the original Assessment of Noise Effects dated 9 October 2018, in addition to several addendums answering additional queries from WDC;
- (d) Marc Choromanski from Ecology New Zealand, who prepared the Ecological Impact Assessment, Ecological Management Plan (both dated October 2019) and a number of responses to section 92 further information requests from WRC (I note that Mr Choromanski's evidence also addresses the potential and actual vegetation effects, even though Opus International Consultants (now WSP Limited) prepared the original Vegetation Assessment dated 2018);
- (e) David Mansergh of Mansergh Graham Landscape Architects, who prepared the various responses to the section 92 requests for further information from WDC (I note that Mr Mansergh's evidence also addresses the effects identified in the original Visual Assessment prepared by Opus International Consultants (now WSP Limited) in 2018).

3. RESPONSE TO S42A REPORT – WDC

3.1 In this section, I have addressed the key planning issues raised in the s42A report prepared by WDC where there is disagreement or further clarification required. For clarity I wish to note that I largely agree with the assessment contained within the s42A report. There are however a number of areas/sections within the assessment with which I disagree, but these do not impact on the overall conclusions or recommendations of the s42A report, which I support (save for specific comments and/or concerns regarding some of the suggested conditions of consent, which I address later in this report).

Traffic

- 3.2 Paragraphs 104 to 127 (pages 29-33 WDC S42A) set out the traffic effects of the proposal, submissions on the same and summaries of the mitigation and two technical reports. On the whole, I agree with Ms Majoor's assessment and summary, except for the following points.
- 3.3 In paragraph 107 (page 30 WDC S42A) Ms Majoor refers to the Heavy Vehicle Pavement assessment carried out by GM Transportation. I have read the GM Transportation assessment and note that the proposed Heavy Vehicle Impact Fee (HVIF) is proposed to be charged as a lump sum payment that is to be paid "*within three years from the commencement of this consent.*"
- 3.4 While accepting that a HVIF is payable (as it is for most quarries) and Ms Majoor's suggestion of a lump sum payment of the same, I have questions around the calculation of the lump sum. Having queried GM Transportation about the calculation, I have been informed that in spite of the reference to tonnages in the calculation spreadsheet (page 419 WDC S42A), the amount is not based on tonnages but rather pavement life. I understand that the pavement life is calculated using estimated vehicle movements over a period of time (or in this case, an additional 165 vehicle movements per day, less the 'baseline' of 12 HV/day, refer page 407 WDC S42A).
- 3.5 As a planner I accept that it is not my place to comment on the calculation of the HVIF, but I query the rationale behind it and, more importantly, whether it is in fact based on 165 vehicle movements per day for 365 days of the year? If it is, these movements effectively mean that the quarry would have sold 490,000 tonnes p.a. which is the maximum volume applied for, as that is the only time when these vehicle movements are estimated to be able to be reached. Whether calculated based on 'life of the pavement' or the 'life of the quarry', the result appears to be the same: the lump sum proposed to be paid over 3 years after commencement is based on the quarry operating at maximum capacity for the majority of the time.
- 3.6 On this basis, I ask that WDC provide further clarification for the calculation of the HVIF and, if it is based on the quarry operating at full capacity, providing for a slightly reduced lump sum figure allowing for reduced vehicle movements (say e.g. basing the lump sum payment on an average of 100 vehicles per day for 365 days per year, with top-up payments required to be made to Council for any year when that average has been exceeded).
- 3.7 At paragraph 124 (page 33 WDC S42A) reference is made to NZTA (now Waka Kotahi or WK) not having been made aware of the amended assumption of the traffic split at the

SH2/McPherson Road intersection at the time GM Transportation prepared their report. While perhaps unbeknownst to GM Transportation, I can confirm that WK was made aware of the amended split assumption and received a draft version of the applicant's traffic expert, Mr Hansson's evidence on 29 October and 5 November 2020 (respectively). WK have since formally confirmed that they have no concerns around the amended assumption – refer to **Attachment A** appended to this Statement.

Historical Vegetation Removal

- 3.8 Paragraphs 88-89 (page 26), 144 and 147-152 (pages 36-37 WDC S42A) of Ms Majoor's report refers to historical removal of (what is presumed to have been) indigenous vegetation, the grounds for which appear to be the ISNF and/or SNA layering in the ODP and PDP and/or proximity to other indigenous vegetation (but this is unclear). This is a matter which was only brought to the applicant's and my attention in mid-October 2020, in spite of the AEE being lodged in October 2018 and the applicant's ecological technical reports being subject to numerous technical peer reviews and/or expert discussions throughout 2019 and 2020.
- 3.9 At paragraph 89, Ms Majoor notes that *[a]lthough the applicant has not applied for consent for the removal of this vegetation, my view is that this should be addressed in this application- as the applicant should not be given any advantage should this consent application be approved. The outcome from dealing with this matter separately through enforcement action is unknown and no enforcement action has been undertaken to date on this matter."*
- 3.10 I disagree with Ms Majoor's conclusion that the alleged removal of vegetation should be addressed in this application for the following reasons:
- (a) The applicant has not applied for retrospective authorisation of any potentially unauthorised activities and has therefore not provided technical evidence of the effects of the same (if any);
 - (b) Up until mid-October 2020, save for the pre-lodgement discussions between the applicant and WDC (which gave rise to this application being prepared and lodged), at no point has WDC made the applicant aware of any concerns around previously unauthorised activities and/or made myself or the applicant aware of any questions/concerns around the legality of any historical operations;
 - (c) The action to take and the success (or lack thereof) of any enforcement action for breaches of the RMA (if proven) is not the responsibility of the applicant but rather is within the realm of day-to-day operations of local authorities;

(d) Given the lateness of the request/concern from WDC, the applicant has not had sufficient time to assess the alleged removal, including identifying the type, value and size of vegetation, an assessment of the relevant planning framework against the alleged activity, identification of any required mitigation for any unauthorised vegetation removal (insofar as any is proven), or identification of any re-generation/re-growth of indigenous vegetation within the site in the same period of time and the potential for this to offset any alleged vegetation removal.

3.11 For the above reasons, I reject Ms Majoor's argument regarding the historical vegetation removal or that the same would require mitigation through this process. Be that as it may and should the Commissioners be of a mind to agree with Ms Majoor, I provide a response to the invitation to *"provide details of ways that the loss of historic vegetation removal can be offset"* (para 152, page 37 WDC S42A) in the following paragraphs.

3.12 Ms Majoor notes that most of the removal *"appears to have happened"* during a time when the quarry was operating under existing use rights. She further notes that *"it appears there is an additional 2ha (approx.) of vegetation that has been removed post 1997 on the eastern quarry face."* (para 144, page 36)

3.13 At paragraph 152 Ms Majoor notes that *"It is therefore only vegetation removal carried out post June 2011 which would require consent, being approximately 1.95ha (minus 2.5% of 2ha)"*, relying on when the Operative District Plan (ODP) became operative, which is a sensible conclusion with which I agree. However, repeating the same reservations regarding the lateness of this request and lack of assessment of the size and type of vegetation as I have above, I also note that should I agree that the alleged removal is appropriate to address through this process (which I do not), I disagree with Ms Majoor's calculation of what would have been permitted vs. what would have needed a consent.

3.14 While not specifically referred to in Ms Majoor's evidence and while noting that the relevant rule of the ODP – Franklin section is Rule 15.6.3.1 (which outlines Permitted Activities across the District), I do not agree with Ms Majoor's application of the Rule. Of relevance here are subsections (v), (ix) and (X) of the Rule, which read as follows:

(v) The treatment or removal of dead, damaged or diseased INDIGENOUS trees or other works relating to INDIGENOUS trees immediately necessary to avoid any actual or potential damage to the life, health or property on the site on which the trees are located or any adjacent site.

(ix) The cutting, damaging or destroying of any individual INDIGENOUS tree or number of INDIGENOUS trees constituting INDIGENOUS bush where the total contiguous bush area from which the tree or trees is/are to be affected is less than or equal to 1 hectare in area.

(x) Where any area of INDIGENOUS bush is over 1 hectare in area, the clearing of a single area or a series of smaller areas of INDIGENOUS bush to a maximum of up to 2.5% of the total area of the canopy of any contiguous area of INDIGENOUS bush and other INDIGENOUS vegetation as existed on a site as at 4 November 2009.

3.15 One of my concerns with Ms Majoor's application of the Rule and ensuing conclusion of the need for additional mitigation, is that it appears to be based solely on aerial images and also either fails to assess the activity against all of the above sub-sections of the Rule, or (alternatively) wrongly assesses the activity against the same.

3.16 The applicant has made me aware that a proportion of trees removed historically (whether indigenous or not), would have been removed for health and safety reasons. Quarrying is a high-risk industry with substantial dangers, including those posed by overhanging vegetation over/around steep faces. In that sense and in order to meet the relevant health & safety mining regulations (which Mr McPherson has expanded upon in his evidence, refer to paragraphs 4.4 and 4.5), in certain situations vegetation needs to (and has been) cleared to ensure the safety of workers.

3.17 In addition, Ms Majoor has not provided an assessment or even assumption of whether the alleged removal formed part of a "*contiguous bush area*" which was or was not "*less than or equal to 1 hectare in area*". This is crucial to any assessment of compliance with the Rule, as it directly impacts on what is permitted vs. what needs consent.

3.18 Lastly, Ms Majoor's assessment of sub-section (x) of Rule 15.6.3.1 appears incorrect. Rather than assessing the "*total area of the canopy of any contiguous area of indigenous bush and other indigenous vegetation as existed on a site as at 4 November 2009*", she appears to have assessed the area of 'permitted' removal as follows:

- (a) Overall area of (alleged) indigenous vegetation removed (by her calculations) = 2 ha
- (b) Less 2.5% of 2 ha (being the total area of the (alleged) indigenous vegetation removed) = 0.05 ha
- (c) Equals total removed (alleged) indigenous vegetation 'in breach' of Rule 15.6.3.1(x)
=> 2 ha – 0.05 ha = 1.95 ha

- 3.19 I disagree that the above calculation is how any alleged breach should be calculated, which should instead be based on the overall area of indigenous vegetation existing within the site as at 4 November 2009.
- 3.20 Importantly, Ms Majoor's assessment also fails to consider and/or calculate the size of any areas of indigenous vegetation re-generation/growth within the site in that same period (i.e. between 2011 and 2018), which arguably would be relevant to any assessment of required mitigation (as there may be some offsets already achieved IF the vegetation removed was indigenous and IF that removal failed to meet either of the permitted activity sub-sections identified above – neither of which has been assessed to date).
- 3.21 In addition to the above planning comments, Mr Choromanski has provided a response to Ms Majoor's comment regarding the removal in his expert evidence (paragraphs 6.5 to 6.6) as follows:
- 6.5 *I have not undertaken a retrospective assessment of this clearance to validate Ms Majoor's findings. However, in the event that the Commissioners are of mind to agree with Ms Majoor and in an effort to respond to WDC's invitation to offer further mitigation, I note that should any unauthorised historical indigenous vegetation clearance be proven and mitigation shown to be required, I would suggest that any such removal could be addressed with offset planting at a ratio of 2:1. The size of the actual area requiring mitigation would have to be calculated by an experienced ecologist such as myself and reviewed/approved by WDC, but opting for the 'worst-case' scenario and adopting Ms Majoor's calculation of 1.95 ha, this would equate to an additional 0.975 ha of planting being required.*
- 6.6 *I would advocate that any such offset planting should be incorporated into the northern corridor, further strengthening its ecological functionality.*
- 3.22 I agree with Mr Choromanski and also wish to add (in addition to my comments above) that calculating the size and/or value of already removed vegetation (and any need for mitigation for the same) on the basis of old aerial images, should be done with extreme caution. The margin of error for approximating an area in this way is not small, nor is an assumption as to the type and value of vegetation likely to be very reliable.
- 3.23 In conclusion and repeating again that I reject Ms Majoor's recommendation for further mitigation without investigation into the specifics of the alleged removal, as noted in Mr

Choromanski's evidence, should said investigation prove that mitigation is required, the applicant is willing to offer a compensation ratio of 2:1 of the same.

Visual and Landscape

3.24 In paragraphs 225 to 226 in the WDC S42A report (pages 47-48), Ms Majoor talks about the 'statutory baseline' used by Council's visual and landscape peer reviewers, Boffa Miskell, in assessing the magnitude of the landscape and visual change of the quarry. Mr Mansergh has responded to these comments in his evidence (refer paragraphs 119 to 127) and I do not repeat his response herein other than to say that I agree.

3.25 In paragraphs 238 to 240 (page 54 WDC S42A), Ms Majoor talks about proposed additional mitigation to the west of Stage 3, purportedly required to address 'visual effects' of the quarry from the top of Mt William. Of note is that neither Mr Mansergh nor Council's landscape architect peer reviewer, Mr May, have suggested that such mitigation would serve as effective mitigation against any visual effect from this viewpoint. In fact, Mr Mansergh's response is as follows:

129. As outlined in my assessment of effects, due to the oblique viewing angle and distance involved, additional mitigation planting in this area is not likely to be effective. This can be seen in the photomontages on pages 49 to 55 of my graphic evidence (attachment 7) and the model.

130. It is however unclear why the Council Planner has recommended that additional mitigation planting as this does not appear to be a recommendation of the Consultant Landscape Architect.

3.26 I agree with Mr Mansergh and note that without any technical evidence supporting the requirement for the proposed mitigation (and/or any identified practical benefit), Ms Majoor's suggestion is unsubstantiated and not in line with accepted RMA criteria for effects management. In other words, I reject the requirement for further mitigation along the western boundary of Stage 3, relying on Mr Mansergh's evidence in relation to the same.

Conceptual Site Closure Plan and Site Rehabilitation Plan

3.27 In paragraphs 246-248 of her report (page 55 WDC S42A), Ms Majoor provides her view and reasoning for requiring the applicant to prepare a Conceptual Site Closure Plan and Site Rehabilitation Plan. Mr Mansergh has provided a response to this in his evidence, as follows:

141. *In terms of the requirement to prepare a conceptual site closure plan and a site rehabilitation plan (conditions 30 , 31, and 32), a sensible design for the conceptual closure plan is unlikely to be able to be developed without a clear understanding of the final shape of the extraction area and overburden volumes available for use in the restoration process. This information is unlikely to be available until well into stage 2 or possibly stage 3.*

3.28 Relying on Mr Mansergh's evidence, I reject the recommendation for a condition requiring the preparation of a Conceptual Site Closure Plan and/or a Site Rehabilitation Plan within two months of commencement of the consent and add the following grounds:

- (a) The effects and success of quarry rehabilitation measures are site-specific and the appropriateness of rehabilitation post-closure is entirely dependent on a range of factors, including the contour and general aesthetics of the quarry upon completion. Be that as it may, there are a range of rehabilitation options considered generally available to quarries upon closure, which have already been identified and are outlined in paragraph 245 of Ms Majoor's report (page 55). When implementing a combination of these options, most (if not all) quarries will be successfully rehabilitated after closure.
- (b) While I accept that conceptual plans can be helpful from the point of view of assisting lay people (neighbours and/or the public) to visualise the 'end-result' by providing a simplistic idea of what the quarry *may* look like when no longer in operation, when prepared too far out from quarry closure they arguably provide very limited benefit to a resource consent process and/or territorial authority. In fact, the consent condition as proposed (condition 30, page 479 WDC S42A) would require a 5-yearly update to the same plan. If implemented, this could lead to not only confusion as to which iteration would apply (as you could end up with no less than 9 iterations of the same plan over the life of the quarry), but it may also end up exacerbating issues and/or concerns amongst those who would arguably benefit the most from such a plan (i.e. lay people or neighbours). Of note is that of the potential 9 plans prepared, only the very last one would provide any real idea of what the quarry could/will look like once operations close and rehabilitation completed.
- (c) Importantly, if prepared too early the conceptual nature of the plan would become its prime feature, as it is more or less a guessing-game when prepared too far out from closure. Of importance here is that it is generally accepted in the industry that

quarries typically apply for resource consents to extract minerals on a 'worst-case' basis, i.e. applying for maximum annual tonnage volumes (which may or may not be achieved from year to year, depending on demand) based on assumptions of the total volume of available aggregate. While drilling and testing can provide a clearer indication of the available resource, it does not provide absolute certainty of the total volume of mineral available in any one location. In other words, it is very difficult to predict with any real certainty yearly extraction rates several decades in advance, and/or the total time the quarry will operate for. Both of these factors impact on the final look of the quarry and the time it will take to get there and therefore, the helpfulness of any conceptual closure plan.

- (d) Likewise, the benefit of a rehabilitation plan (aimed at providing details of how to *"achieve the future landforms and groundcovers detailed within the Conceptual Site Closure Plan"*) serves little purpose at this stage in the process, especially when taking into account Ms Majoor's acknowledgement that *"the staging of the quarry and landform does not lend itself to progressive rehabilitation."* (para 247, page 55 WDC S42A)

3.29 For the above reasons, I have suggested that these two conditions are re-worded (I discuss conditions later in this Statement).

Community Liaison Group

3.30 Ms Majoor has suggested a condition requiring the applicant to establish a Community Liaison Group consisting of representatives from the consent holder, local residents, iwi and WDC (conditions 71, page 486 WDC S42A). No reasoning appears to have been set out in her report for recommending that such a group be established. The purpose of the group has been identified as follows:

- (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.*

3.31 Ms Majoor further suggests that this group meet on a monthly basis for the first year of operation and every 6 months thereafter (condition 72, page 487 WDC S42A).

3.32 I reject with Ms Majoor's recommendation for the following reasons:

- (a) Ms Majoor accepts that the effects of the proposal are able to be mitigated and/or offset with appropriate consent conditions, the majority of which require ongoing and/or continuous monitoring and reporting (such as for traffic, dust, erosion and sediment control, landscaping/planting, water discharges etc);
- (b) McPherson are and always have been open and happy to discuss any concerns of any of its neighbours (even though few such complains have been received, refer to Mr McPherson's evidence, paragraphs 3.4 and 3.5). This same invitation to discuss queries or concerns extends to local iwi and/or WDC. In that regard, I can see no obvious and measurable benefit from including a consent condition stipulating a formal process for such discussions when the door is always open for this same purpose. In fact, the McPhersons would hope/expect that any neighbour (or local iwi) with concerns would first approach the Quarry Manager (or any other staff member) directly, as opposed to choosing any other avenue (such as calling Council);
- (c) The range of management plans suggested by both WDC and WRC include requirements of keeping/maintaining and reporting on any complaints received (most importantly the overarching Site Management Plan). In other words, there is already a formal mechanism for complaints to be provided to, received by and acted upon by the McPhersons. Operating with this type of complaint register is standard procedure for quarries in the district and from what I understand, they generally achieve good results in terms of addressing environmental concerns/issues as/if they arise.

3.33 It is also important to note that the McPherson Quarry is a small, family-operated quarry with less than 5 staff members. As such, a stipulated requirement for monthly meetings (with specific reporting elements) with certain members of the community (without any need for known concerns) would come at a great expense to the business yet without an identified benefit and/or need for the same. Given that any person is welcome to discuss complaints or concerns directly with either of the two Mr McPhersons, I consider the stipulation of a Community Liaison Group to be unreasonable and not justified in law.

4. Response to S42A report – WRC

4.1 In this section, I have addressed the key planning issues raised in the s42A report prepared by WRC where there is disagreement or further clarification required. For clarity I wish to note that I largely agree with the assessment contained within the s42A report. There are however

a number of areas/sections within the assessment with which I disagree, but these do not impact the overall conclusions or recommendation of the s42A report, which I support (save for specific comments on the suggested conditions of consent, which I address later in this report).

SNA Removal

4.2 On page 23 of his report, Mr Rodriguez has commented that *“it is unclear whether the proposed vegetation loss within the SNA and the stream reclamation are unavoidable, avoidance is more consistent with the RPS than offering compensation.”* I find this comment surprising, given that this is a matter that I have discussed with WRC on numerous occasions in post-lodgement liaisons (in person and in writing). Several references have been made to why avoidance is not possible, with a couple of examples listed below:

- (a) *“In terms of the ability to retain this vegetation, we note that the proposal has been put together by experienced specialists and while assessing a range of factors, including the environment, health and safety of workers, best quarrying practices and what works in practice based on the make-up of the site. Bearing all of this in mind, it is our specialists’ professional opinion that it would not only be impracticable but significantly less safe to retain such a small portion of regenerated indigenous forest in the sole interest of avoiding it, particularly when there are other ways to ensure that any effects of that removal are minimised. More importantly, the SNA to be removed is in fact an old overburden area that the McPhersons have let regenerate with indigenous vegetation over the last 30-40 years, something which has involved ongoing pest species control and weeding to ensure success (a matter which was discussed with WRC during the site visit for the peer reviewer).”* (refer Section 92 Response dated 21 January 2019)
- (b) *“We have explained many times and again in the sentence above why this [SNA] vegetation needs to be removed immediately.”* (email from myself to WRC and WDC, dated 14 February 2020, refer to **Appendix B** appended to this Statement)

4.3 Mr McPherson has also addressed this issue in his evidence by explaining the background to the proposed design/staging of the quarry expansion, refer to section 4.0 of his statement.

4.4 In addition to all previous explanations for why avoidance is not achievable in this instance, Mr McPherson’s evidence demonstrates why the vegetation cannot be retained and that

careful consideration was taken in preparing the proposed staging design at McPherson Quarry.

- 4.5 Of note is that the proposal originally included more SNA vegetation removal (some in Stage 3) which was deemed to be able to be avoided after further discussions with WRC. As such, WRC is well aware that avoidance of SNA vegetation is a matter that the applicant is aware of and has adopted where appropriate/possible.
- 4.6 Importantly, both Mr Choromanski and Council's ecology peer reviewer (Mr Jonker from AECOM), have concluded that *"the level of mitigation offered is likely to compensate the adverse ecological effects of the works provided that the recommendations in Table 6 [are] accepted by the applicant [and] are delivered alongside the mitigation proposed by the applicant."* (page 23 WRC S42A)
- 4.7 Mr Choromanski has commented on the 'Table 6' recommendations in his report and confirms that agreement has been reached between himself and Council's peer reviewer as to the mitigation measures required for the SNA removal (including all other outstanding ecological mitigation measures in 'Table 6'), which the applicant accepts and proffers to undertake (refer to Appendix A of Mr Choromanski's evidence, which is not repeated herein).

Habitat Monitoring Plan

- 4.8 On page 24 of his report, Mr Rodriguez has noted that *"I have recommended monitoring conditions in the Habitat Monitoring Plan (which must include Matauranga Maori Monitoring) to ensure that the objectives of the EMMP are met."* No other reference is made to the suggested Habitat Monitoring Plan in Mr Rodriguez's report, nor any reasons/grounds for requiring the same, other than the wording used in the condition itself. The condition reads as follows: (condition 39, page 85 WRC S42A)

"The Consent Holder shall provide a Habitat Monitoring Plan to determine if physical habitat values that develop in new or restored channels, wetland and mitigation areas are similar or better than those present in the original channel including:

- a) Methods for pre and post works monitoring of aquatic stream habitat for a minimum of 3 years;*
- b) Identification of suitable sampling sites and sampling regimes.*
- c) Matauranga Maori Monitoring".*

- 4.9 Relying on Mr Choromanski's evidence and the fact that agreement has been reached between the two ecologists on all outstanding ecological mitigation measures (refer 'Table 6' in Appendix A of Mr Choromanski's evidence), I reject Mr Rodriguez' recommendation for a Habitat Monitoring Plan.

Erosion and Sediment Control

- 4.10 On pages 24-25 of his report, Mr Rodriguez has commented on the flocculant bench testing suggested by McPherson's erosion and sediment control specialist, Southern Skies, and notes that "[u]ntil a CTMP has been prepared the type of chemicals and dosage remain unknown, however, will be subject to WRC review and approval." As outlined in paragraph 4.39 below, a CTMP has already been prepared and sent to WRC for approval and as such, the type and dosage of chemicals is known.

- 4.11 On page 25 of his report, Mr Rodriguez makes the following statement:

"Subject to implementation of the detailed ESCP prepared by Southern Skies for the current operation, and further detailed ESCP's for each stage of works based upon the above listed high-level plans, I consider the sediment management system to be in accordance with best practice standards outlined within WRCs TR2009/02 Guideline. Appropriate to minimise potential sediment discharge effects from the quarry, fill site and ancillary activities.

However, to quantify and proportionately compensate the effects of cumulative sediment discharge on an annual basis over the consented life of the quarry I recommend that sediment yield be measured on an ongoing and continuous basis. I recommend that consent conditions be imposed to install auto samplers on the outlets of final sediment treatment devices to measure sediment yield and quantify a proportionate level of enhancement to the catchment with a focus on improving water quality."

- 4.12 Mr Rodriguez further recommends that *"consent conditions be imposed to install auto samplers on the outlets of final sediment treatment devices to measure sediment yield and quantify a proportionate level of enhancement to the catchment with a focus on improving water quality."*
- 4.13 While I accept that it is reasonable to request annual monitoring and reporting on potential sedimentation effects, I do not agree that the condition as worded is suitable for a quarry operation, nor that a monitoring plan is required to ensure compliance.

- 4.14 As it is, the applicant (in its capacity as a consent holder of a current discharge permit) has already prepared and implemented new erosion and sediment controls consisting of two brand new sediment retention ponds (SRP). The ESCP prepared by Southern Skies (in response to a compliance report from 2019 requiring changes to the existing erosion control measures) was submitted to and subsequently approved by WRC by email dated 2 May 2019 (I note that while Mr Rodriguez makes reference to this email on page 111 of his report, the wrong email is attached to his report – as a result I have attached the correct email as **Appendix C** to this Statement).
- 4.15 Following construction of the new SRPs, the applicant engaged Cirtex to complete flocculation bench testing and prepare the appropriate Chemical Treatment Management Plan (CTMP). This plan was sent to WRC for approval on 29 September 2020, after which Mr Rodriguez noted that WRC would “*provide comments if necessary*”. No comments or response re the CTMP were received and as such, approval can be assumed.
- 4.16 The proposed Sediment Deposition Monitoring Plan (SDMP) would include baseline surveys of pre-works sediment deposition. This information is not available in this situation as the SRPs are already operating. In addition, proposed condition 5(b) already includes a stipulated maximum suspended solids concentration, meaning a baseline survey would be of limited value.
- 4.17 The remaining aspects of the proposed SDMP appear more suitable to a temporary construction activity involving limited earthworks, as opposed to an ongoing quarry operation where ‘earthworks’ form part of the day-to-day operation.
- 4.18 Based on the above reasons and while I agree that monitoring and annual reporting of sediment (or suspended solids) levels are appropriate as consent conditions, I reject the recommendation for an SDMP and have proposed changes to the consent conditions accordingly (more on this below).

Cleanfill and Overburden Disposal Site

- 4.19 On page 30 of his report, Mr Rodriguez discusses the proposal to discharge up to 100,000 tonnes of cleanfill on the site per annum. He also notes that “*the capacity of the proposed fill site is unclear.*” In response and as mentioned in paragraph 2.2(f) above, Mr Mansergh has helpfully prepared a table of the proposed overburden/cleanfill site capacity (based on the size of the area and the proposed Earthfill Methodology prepared by HD Geo). A copy of the updated table contained in section 3.2.4 of the AEE can now be found in Attachment C of Mr

Mansergh's evidence. By this estimation, the cleanfill/overburden site capacity is just over 1.5M m³.

- 4.20 Bearing this in mind, it is accepted that the capacity of the cleanfill/overburden site could be reached before the end of Stage 3 (or the estimated 45 years of operation). In saying that, in the event the cleanfill/overburden site should reach capacity before the consent for the same expires (I address duration later in this report), naturally the discharge activity will have to cease and/or a new site will have to be identified and authorised through the usual resource consenting process. In other words, it is in the applicant's best interest to only accept cleanfill and/or discharge overburden in volumes which would allow retention of some fill site capacity for as long as possible.
- 4.21 I would also note that similarly to the mineral extraction rate applied for, the cleanfill volume applied for is on a 'worst-case' basis (i.e. a maximum volume that is able to be achieved), as opposed to the expected demand year on year. In that sense, it is anticipated that some years the demand for cleanfill will be significantly less. Likewise, it is assumed that demand for brown rock will fluctuate, which will impact on how much overburden is sold vs. discharged onsite.
- 4.22 On page 32 of his evidence, Mr Rodriguez has commented on the overburden/cleanfill site and the geotechnical report prepared by HD Geo. He concludes by saying that *"[d]etailed design plans have not been provided. A condition of consent has been recommended to ensure the fill site is designed and supervised by a chartered professional engineer."* While I accept that designs of the area have not been provided and that providing more details around this is reasonable, I do not agree with the proposed wording of the consent condition as it would effectively mean that the McPherson Quarry would have to employ its own geotechnical engineer who is onsite all the time in order to ensure said person *"undertake supervision and certification of all works to ensure that cut slopes and fill sites are individually and appropriately assessed for stability during and following individual cutting and filling operations."* (emphasis added) I would argue that this type of condition is suitable for a one-off construction project involving site specific earthworks, but not appropriate for a quarry operation which involves a range of 'cutting' and 'filling' which sit outside of traditional 'earthworks'. I also have not heard of other quarries of this size and scale having to employ geotechnical engineers.
- 4.23 Also, Mr McPherson's evidence covers the basis and regulations around Certified Quarry Managers, which includes the need for a certain level of understanding/skill in maintaining

quarry working surfaces, safety around benching operations and risk identification/management in the extractive industry. In other words, I believe continuous monitoring by a geotechnical engineer is unreasonable when a certified quarry manager has the skillset to ensure that the cut and fill sites are stable. However, if stability around the overburden/cleanfill site is of concern, I accept that it is reasonable for the applicant to provide a stability report to Council with regular intervals (such as at the completion of one layer and before moving onto the next layer). As such, I have recommended that the condition be re-worded accordingly.

Planning Instruments

- 4.24 On page 42 of his report, Mr Rodriguez has assessed the proposal's compliance with objective 3.19 of the Waikato Regional Policy Statement (RPS) as follows:

"The applicant proposes mitigation and compensation with regard to adverse effects to the environment. As discussed in the AEE, the mitigation proposed by the applicant and the additional mitigation recommended by AECOM is considered appropriate. However, the additional mitigation has not yet been accepted by the applicant. Additionally, the proposed loss of 2.08ha manuka forest within the SNA has not been adequately mitigated or demonstrated as unavoidable. ... On the basis of the above, I consider the activity to be contrary to Obj 3.19, and specifically with regard to works within the SNA contrary to Policy 11.2." (emphasis added)

- 4.25 I reject Mr Rodriguez' assessment for the following reasons:

- (a) Neither of the ecologists have assessed the proposed mitigation for the SNA vegetation removal as 'inadequate' but rather have reached agreement on what measures are required to adequately mitigate the effects of the same, i.e. planting and maintaining a 4.56 ha indigenous ecological corridor;
- (b) As noted earlier in my Statement, the SNA vegetation removal has been confirmed as unavoidable many times throughout this consent process (and the reasons reiterated to WRC on several occasions) and again in Mr McPherson's evidence;
- (c) Since the drafting of Mr Rodriguez' report, Mr Choromanski and Mr Jonker have agreed on all outstanding mitigation measures, which the applicant now proffers as part of the proposal (refer Appendix A of Mr Choromanski's evidence);

- (d) Mr Choromanski has concluded in his report that the ecological corridor *“aims to enhance on-site and offsite biodiversity values, demonstrating consideration of landscape level spatial connections, and eco-system functionality.”* (para 6.36)

4.26 For the above reasons and relying on the assessment of the RPS outlined in the AEE, (refer section 7.1) and on Mr Choromanski’s evidence, I argue that the proposal is consistent with Objective 3.19 and Policy 11.2 of the RPS.

Consent duration

4.27 On page 49 of his report, Mr Rodriguez has provided comments on duration, noting as follows:

“The applicant has not specified preferred consent durations, [sic] I consider that in this case a consent duration of 20 years is appropriate. The applicant has not demonstrated the projected lifespan of the quarry and the proposed expansion.”

4.28 I disagree that that the proposal as set out in the AEE does not demonstrate a projected lifespan of the quarry and the proposed expansion. Throughout the AEE as well as in the various technical specialist reports, reference has been made to the estimated timeframe for each of the three stages, namely:

- (a) Stage 1 and Stage 2 (collectively) – 10-15 years
- (b) Stage 3 – up to 30 years

4.29 While only estimates, the very purpose of providing timeframes for each of the three stages was to showcase not only to Council but to all other affected parties, the anticipated lifespan of the quarry (insofar as this can be done with any certainty). In addition, based on the significant time and investment required by McPherson to go through this consent process to date (refer paragraph 3.8 of Mr McPherson’s Statement) and with additional investments required to install the measures identified as required by the proposed consent conditions (most of which the applicant accepts without change), I argue that a consent term of 20 years is too short and fails to provide the McPhersons with the required level of certainty for the future of their business. Rather, I believe that the maximum term of 35 years is more acceptable in the circumstances.

4.30 I also wish to add that with the level of compliance monitoring and reporting required by the suggested consent conditions (many of which the applicant accepts), both WDC and WRC will be well equipped to fulfill their respective obligations as monitoring authorities, which will highlight any non-compliances swiftly and (in some instances) automatically.

Dust

- 4.31 Mr Rodriguez has recommended the stipulation of a condition which requires *“on-going consultation with potentially affected residents”* in respect of dust *“to ensure any reasonable concerns are addressed.”* (condition 32, page 83 WRC S42A)
- 4.32 I disagree with his recommendation for the following reasons:
- (a) Mr Rodriguez has accepted that *“dust emissions from the site can be minimised provided the applicant applies dust control methods”*;
 - (b) Mr Curtis has confirmed in his evidence that *“with the mitigation measures proposed in the Application, together with the additional measures I have recommended, including monitoring, ... there is a low potential for off-site dust effects.”* (para 8.1, page 29). WRC’s air discharge peer reviewer, Mr Brady, has confirmed that *“I concur with his [Mr Curtis’] 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”* (page 445 WDC S42A);
 - (c) The suggested Site Management Plan (recommended by both Councils) contains a formalised process for the quarry to act and report on any complaints received (whether related to dust or any other aspect of the quarry’s activities) through the maintenance of a formal Complaints Register. Having a register is the industry standard way of addressing complaints, and is in my opinion a more suitable way of responding to any reasonable concerns of any potentially affected, as it ensures that action is required when/if any problems occur as opposed to at stipulated times without identified concerns/issues to discuss;
 - (d) In addition, Mr Rodriguez has recommended that the McPhersons *“install, operate and maintain continuous dust monitoring equipment”* with alarms (conditions 21 and 22, page 82 WRC S42A), as well as appropriate weather stations for wind and rain (conditions 23 and 24, pages 82-83 WRC S42A). These monitors will provide ongoing and automatic monitoring which will alert the McPhersons of any key risks relating to dust. In my opinion, this form of monitoring is more preferable to an ad-hoc requirement to talk to ‘potentially affected residents’ on an ‘on-going’ basis (noting that this wording is unsuitably vague and open to interpretation).
- 4.33 Mr Rodriguez has also recommended a condition that would require McPherson to consult with ‘key stakeholders’ when preparing the Ecological Management and Mitigation Plan or

EMMP (refer to condition 35, page 84 WRC S42A). He has not indicated a purpose or reason for this recommendation in his report and appears to contradict his earlier statement in respect of Fish & Game, being that *“provided best practice erosion and sediment controls are implemented, the effects of stormwater discharge from the site to water quality will be no more than minor”* (being the main issue raised in the submission by Fish & Game), refer to page 11 WRC S42A.

- 4.34 Considering the fact that two ecologists have already agreed on the content for the EMMP and a 90% complete version of it exists (in the shape of the EMP lodged with the application), I disagree that the proposed consultation will add anything to this process. If WRC accept that the adverse ecological effects will be managed with the implementation of the measures outlined in the EMP (later EMMP), I can see no benefit to adding another layer of consultation to the preparation of the same.

5. RESPONSE TO SUBMISSIONS


- 5.1 The submissions made by the 37 submitters have been addressed directly within the two 42A reports (insofar as these oppose the proposal and are able to be addressed as part of this process) as well as the technical evidence prepared by both the applicant's experts and Council's peer reviewers. I agree with their respective assessments and conclusions and will therefore not directly address the submissions within my evidence.
- 5.2 I note that it is expected that some/all submission points will be elaborated on during the hearing and we will seek to respond to those points as necessary through our right of reply.

6. CONDITIONS / MITIGATION

- 6.1 I have reviewed and commented on the suggested conditions for the resource consents as proposed by the respective s42A reports in this Statement. For the most part the proposed conditions are standard and the applicant accepts them as fair and reasonable. However, there are a number of conditions that in my view require amendment and/or removal (some of which I have addressed above).
- 6.2 For ease of reference, I have copied the suggested conditions and added tracked changes and comments on those which the applicant proposes to amend and/or remove (on a line by line basis), please refer to **Appendix D** (WDC suggested conditions) and **Appendix E** (WRC suggested conditions) appended to this Statement. I have also prepared clean sets of the conditions (as amended by myself) in **Appendices F** (WDC) and **G** (WRC).

7. CONCLUSIONS

- 7.1 The resource consent applications, specialist assessments, s42A reports and the evidence submitted in support of the McPherson application have outlined the details of the proposal and have demonstrated that the effects of granting the resource consents with conditions (albeit potentially amended) are acceptable.
- 7.2 The owners of McPherson are experienced quarry men who have spent most of their careers in the industry. In addition, they employ qualified staff and provide appropriate on-site training which ensures that the site maintains a high standard of operation with acceptable environmental effects.
- 7.3 The application and s42A reports have considered the proposal against the terms of the relevant planning instruments, particularly the RPS, the WRP, the ODP and the PDP and found that it will be consistent with the vast majority of all relevant objectives and policies in those instruments.
- 7.4 For the reasons outlined above, I consider that the McPherson proposal will meet the sustainable management purpose of the RMA and that both Councils can grant consent subject to conditions (with a 35-year term for the WRC consents).



Eloise Lonnberg-Shaw

16 November 2020

APPENDIX A – Waka Kotahi / New Zealand Transport Agency Approval

Eloise Lonnberg-Shaw

From: Emily Hunt <Emily.Hunt@nzta.govt.nz>
Sent: Monday, 16 November 2020 8:14 AM
To: Eloise Lonnberg-Shaw
Subject: 2020-0682 - McPherson Quarry - Draft traffic evidence - Confidential and without prejudice

Good morning Eloise,

Thank you for providing the traffic evidence for review by Waka Kotahi. I have had our Network Manager and Safety Engineer review the information provided which includes the adjusted traffic split at the State Highway 2 intersection.

While it is recognised this is a change from the initial information assessed, Waka Kotahi is satisfied that this does not result in any additional safety concerns and that any adverse effects on the state highway network are mitigated by the proposed works agreed upon by the applicant and detailed in the original Waka Kotahi submission.

Thank you for the ongoing consultation with Waka Kotahi. Please let me know if you have any further questions.

Kind regards,
Emily

Emily Hunt

Planner

Consents & Approvals – Transport Services

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Waka Kotahi NZ Transport Agency
Hamilton / Level 1, Deloitte Building, 24 Anzac Parade
PO Box 973, Waikato Mail Centre, Hamilton 3240, New Zealand

APPENDIX B – Email to WRC and WDC dated 14 February 2020 (re SNA avoidance)

Eloise Lonnberg-Shaw

From: Eloise Lonnberg-Shaw
Sent: Friday, 14 February 2020 4:21 PM
To: Emma Cowan
Cc: Jorge Rodriguez; Victoria Majoor; Christian McDean
Subject: RE: McPherson Quarry APP137

Hi Emma

Thank you for sending those answers through (noting that a couple of the questions did not accurately reflect the concerns we raised, but will leave that as is).

Ecology

As noted during our meeting, the applicant is happy to start planting the 'northern corridor' as soon as consent has been granted, but we are not convinced that AECOM's response adequately addresses our actual query. The main reason we are objecting to the need to start planting 12 months before the SEA can be removed is because of AECOM's failure to identify a direct ecological benefit between the proposed lag of the removal and the planting. As mentioned, we accept the general benefits of allowing plants time to grow to gain the requisite ecological value, but none of the reports prepared by either of the ecologists (save for this last recommendation by AECOM) have specifically identified the reasons or need for a 12-month 'hold period' and/or how this would outweigh the detriment caused to the applicant in being unable to break any new ground for 12 months. This is particularly important given that the only SEA to be removed is in Stage 1, meaning the first stage of the expansion. AECOM in their response to your question made what seemed to be a vague statement about the 12 month delay in SEA removal based on Lyndsey's experience of 'development planning'; this doesn't really make sense or seem relevant. We have explained many times and again in the sentence above why this vegetation needs to be removed immediately.

APPENDIX C – Email from WRC dated 2 May 2019 accepting Southern Skies ESCP

Eloise Lonnberg-Shaw

From: Emma Cowan <Emma.Cowan@waikatoregion.govt.nz>
Sent: Thursday, 2 May 2019 12:35 PM
To: 'mike@mcphersonroad.com'
Cc: landmanagement@xtra.co.nz; Martin Keep; Jorge Rodriguez; Eloise Lonnberg-Shaw; Christian McDean
Subject: McPherson Quarry ESCP

Hi Mike

Thank you for providing the Erosion and Sediment Control Plan (ESCP) prepared by Southern Skies Environmental Limited, dated 17 April 2019 (WRC doc # 14165834). The ESCP includes recommendations to improve the erosion and sediment controls for the current quarry operation. The ESCP has been reviewed by the WRC and is considered to be appropriate.

Please arrange a pre-construction site meeting as soon as convenient so that the sediment retention ponds can be constructed prior to winter (weather dependent). Please invite the contractor, consultant and Kerry Pearce (landmanagement@xtra.co.nz) to the meeting.

The ESCP implementation works are to enable the erosion and sediment controls to be upgraded as they relate to the current quarry operation. The quarry is not to undertake stripping or expansion works until a decision on the current applications has been issued.

Please don't hesitate to contact me if you have any queries on the consent application or Martin Keep if you would like to discuss the current operation and consent monitoring.

Kind regards

Emma Cowan Resource Officer | Land Development, Resource Use
WAIKATO REGIONAL COUNCIL | Te Kaunihera ā Rohe o Waikato
Take a look at the work we do
P: +6478586073
M: +6421798277
F: facebook.com/waikatoregion
Private Bag 3038, Waikato Mail Centre, Hamilton, 3240, New Zealand

APPENDIX D – Proposed amendments to WDC conditions (tracked)

#	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strikethrough)	Reasoning
5	5. Earthworks within the SNA shall not exceed 1,249,468 <u>1,500,000</u> m ³ .	The volume of 'earthworks' (defined in the ODP as " <i>the disturbance of land surfaces by blading, contouring, ripping, moving, removing, excavating, placing or replacing soil or earth, or by cutting and filling operations</i> ") will depend on the accuracy of the estimated depth of topsoil and/or overburden. In that sense and while aggregate cutting does not appear to fit within the description of 'earthworks', for the sake of clarity I consider that it is reasonable to include a discrepancy buffer for any miscalculations.
11	<p>11. Within two (2) <u>six (6)</u> 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).</p> <p>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.</p> <p>The SMP shall include, but not be limited to, the following matters:</p> <p>...</p> <p>(l) Conceptual Site Closure Plan (CSCP);</p> <p>(m) Site Rehabilitation Plan (SRP);</p>	<p>The preparation of the Site Management Plan (and all other plans feeding into it) will require careful consideration and will be dependent on the availability of a range of technical specialists. As noted by Mr Mansergh, "<i>[d]ue to the long timeframe over which quarrying will occur, a short delay in the timing requirements around the mitigation plan will be immaterial in terms of the effectiveness of the mitigation.</i>" (para 140)</p> <p>I have also outlined in my evidence why I reject the recommendation to prepare a CSCP and/or SRP at this stage and therefore I do not consider it is appropriate that these plans form part of the Site Management Plan.</p>
13	13. Within two (2) <u>six (6)</u> 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) <u>for Stage 1 of the expansion. E&SCPs for Stages 2 and 3 (respectively) shall be submitted to the Waikato District Council's Monitoring Team Leader for certification a minimum of two (2) months prior to commencing on each respective Stage.</u>	Both WRC and WDC have agreed that detailed ESCPs beyond Stage 1 cannot be prepared until later in the process. In that regard, ESCPs for Stages 2 and 3 will have to be prepared in advance of commencing on those stages (respectively)
18	<p>18. Within two (2) <u>six (6)</u> 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).</p> <p>...</p> <p>(g) description of the stormwater management system (including design specification,</p>	The cleanfill/overburden area is already covered by the ESCP prepared for the whole of the site, which covers all stormwater management.

#	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
	location and management of all structures; and	
20	<p>20. Within two (2) <u>six (6)</u> 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.</p> <p>...</p> <p>(b) identify holding/waiting areas for trucks waiting for the weighbridge <u>to exit the Site</u>;</p> <p>(c) weighbridge location;</p>	While I accept that this is a standard condition, the applicant does not operate a weighbridge and considering there are a range of ways in which to record sales, I do not agree that this condition is required.
22	<p>22. Within two (2) <u>six (6)</u> 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.</p> <p>...</p> <p>(i) Shelterbelts or windbreak fences to minimise dust issues for neighbouring dwellings.</p>	Mr Curtis' evidence has made no reference to the need for shelterbelts or windbreak fences. Relying on his expert opinion and in order to avoid any uncertainties, I propose that the paragraph is removed in its entirety.
25	<p>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:</p> <p>(a) Restoration and enhancement of a minimum (indigenous re-vegetation equivalent):</p> <p>i. Planting of native species to form the 4.56ha ecological corridor (and any additional planting to offset historic removal of indigenous vegetation);</p> <p>ii. Planting with native species of 10 m either side of the <u>tributary to</u> Waipunga Stream <u>insofar as it is situated within the Project Site</u></p> <p>...</p> <p>(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</p>	<p>Relying on Mr Choromanski's evidence, I propose that the condition be amended to reflect the agreement reached with Mr Jonker.</p> <p>With respect to the 'historical removal', I refer to the grounds outlined in my Statement and propose this be deleted.</p>

#	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
	<p>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 <u>which will consist of re-surveying carried out by a suitably experienced ecologist no less than 1 week prior to felling trees of each stage (1-3). Should the ecologist identify a need for vegetation removal protocols after the survey, the EMMP will be updated accordingly. For certainty it is noted that the requirement for bat management implementation will be determined by the Project bat ecologist.</u></p> <p>(c) Lizard Management Plan, including the installation of minimum 5 lizard log piles within the northern corridor. <u>which will consist of additional survey effort to be undertaken (being no less than two (2) additional nights spotlighting and three (3) checks of artificial cover objects and manual searches) by a suitably qualified ecologist. If lizards are detected during the surveys, the consent holder shall prepare a Lizard Management Plan which will outline methodologies to search for and relocate lizards into retained habitat of equal or greater value on-site.</u></p>	
28	<p>28. Within two (2) <u>six (6)</u> 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.</p> <p>(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:</p> <p>(i) Mitigate the landscape and visual amenity effects of the proposal from the dwelling at 209 Pinnacle Hill Road.</p> <p>(ii) Mitigate landscape and visual amenity effects of the proposal from views from Mt William Summit by planting to the west of stage 3.</p>	<p>Relying on Mr Mansergh's evidence with respect to the additional planting recommended to address the visual effects from 209 Pinnacle Hill Road, and relying on my own evidence with respect to the suggestion of planting to the west of Stage 3, I propose that sub-sections (a)(i) and (ii) be removed in their entirety.</p>

#	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
30 & 31	<p>30. Within two (2) months of the commencement of this consent <u>At least ten (10) years prior to the completion of quarrying operations</u>, 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:</p> <ul style="list-style-type: none"> (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. <p>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.</p>	<p>Relying on Mr Mansergh's evidence, I propose that the timing of presentation of a Conceptual Site Closure Plan and Site Rehabilitation Plan be postponed to 10 years before quarry closure.</p>
32 & 33	<p>32. Within two (2) months of the commencement of this consent <u>At least ten (10) years prior to the completion of quarrying operations</u>, 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:</p> <ul style="list-style-type: none"> (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; 	

#	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
	<p>(i) Monitoring procedures; and, (j) Reporting and review procedures.</p> <p>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.</p>	
37	<p>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), and Section 164 Parish of Mangatawhiri (RT NA2D/961) <u>or any new allotments or RT's created covering the relevant areas</u> 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.</p>	<p>The amended wording of the condition reflects the two parcels affected by the ecological corridor and also ensures that the condition is able to be met in the event new RTs are issued for any of these two parcels.</p>
42	<p>42. At least 20 working days prior to the commencement <u>implementation</u> 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:</p> <p>...</p>	<p>Amending the wording of these conditions to link back to the implementation rather than commencement of consent ensures that the applicant has enough time to prepare the relevant plans as well as to ensure that the work is carried out (which is unlikely to be able to happen within a 20 working day period).</p>
45	<p>45. Prior to the commencement <u>implementation</u> 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.</p>	
47	<p>47. Prior to the commencement <u>implementation</u> of this consent, the Consent Holder shall upgrade the site entrance in accordance with the design plans certified in Condition 46.</p>	

#	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in striketrough)	Reasoning
51	51. The Consent Holder shall pay the Waikato District Council a pavement impact fee of \$ [TBC] plus GST. The pavement impact fee shall be paid within three years from the commencement of this consent.	For the reasons outlined in my evidence, I ask that this amount be further clarified by WDC before the applicant will agree to the same. I also note that the proposed amount in the GM Transportation assessment is different to the amount set out in proposed condition 51.
63	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.	Relying on Mr Curtis' evidence, I propose that this condition be deleted in its entirety on the basis that there is no technical evidence to support the need for a wheelwash. In addition, the McPherson Quarry does not have or intend to have a weighbridge.
65	65. Geotechnical investigations, completion and site stability/suitability reports <u>with respect to the cleanfill/overburden filling area</u> 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.	Relying on the grounds set out in my evidence, I propose that this condition be amended to only relate to work carried out on the cleanfill/overburden area. I also consider that it is reasonable and sufficient to rely on the ability and skill of a suitably qualified geo-professional to prepare and sign off on any required geotechnical investigations, as opposed to reference being made to NZS 4404:2010.
67	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.	Relying on my evidence with respect to the ability of certified quarry managers to inspect and maintain rock and soil slopes (including faces and benches), I propose that this condition be deleted in its entirety.
68	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.	This aspect is already covered by the ESCP and condition 13, as the only stormwater controls relevant to the site will be those pertaining to erosion and sediment control.
69	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.	The condition as worded appears to be more suitable to a temporary construction site where open areas need to be kept at a minimum. With respect to quarrying, there will be several 'open' areas at any given time, but the effects of the same insofar as erosion, sediment and dust are concerned, are able to be managed with the other measures outlined in the conditions without needing to enforce a limit on the size of the open area.

#	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strikethrough)	Reasoning
70	<p>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.</p>	This is already covered by the ESCP and condition 13.
71	<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p>	Relying on the grounds set out in my evidence, I recommend that these conditions be deleted in their entirety.

APPENDIX E – Proposed amendments to WRC conditions (tracked)

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
137612.01.01 Discharge water	9	Within two <u>six</u> months of the consent being granted, the consent holder shall provide the Waikato Regional Council with an updated Flocculation Management Plan (FMP).	While the Chemical Treatment Management Plan has already been submitted to, approved (by omission) by WRC and implemented by McPherson, I accept the condition on the premise that the timeframe be amended to match all other management plans (as outlined in my evidence).
137612.01.01 Discharge water	11	Within two months of commencement of this consent, the consent holder shall provide the Waikato Regional Council with a draft Sediment Deposition Monitoring Plan (SDMP) for certification. The purpose of this plan is to outline the specific monitoring and mitigation measures that will be implemented throughout the duration of this consent to identify, respond to and mitigate for any potential sediment deposition effects occurring within the unnamed tributary of the Waipunga Stream a result of the site earthworks activities on site. The SDMP shall include at least the following: a) Baseline surveys of pre-works sediment composition; b) Specific surveillance and monitoring methods to be implemented during the earthworks to identify any potential areas of sediment deposition occurring as a result of the site earthworks activities (e.g post rainfall/discharge inspections); c) Where any sediment deposition effects are identified, methods for measuring and quantifying the depth and extent of these effects within; d) Trigger levels for implementing further investigation and assessment of sediment deposition effects; e) Where identified triggers are breached, methods for investigating and assessing the effects of sediment deposition; f) Methods to mitigate or environmentally compensate or offset for adverse effects that cannot be avoided or remedied in accordance with Condition 11(b). g) Methods to compile the monitoring information including the suspended solids and/or turbidity autosampler results and calculate the annual cumulative sediment load from the area and activities	For the reasons outlined in my statement, I propose that this condition be deleted in its entirety.

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		<p>subject to this resource consent. Timeframe for the provision of the annual cumulative sediment load calculations to be on no less than an annual basis. If requested in writing by the Waikato Regional Council, the measures to calculate the annual cumulative sediment load shall include;</p> <ul style="list-style-type: none"> i. The use of autosamplers which collect real time turbidity readings of the discharge at each of the final sediment retention device outlets; ii. Methods to estimate a correlation between suspended solids and turbidity; iii. Flow rate meters fitted to each of the final sediment retention device outlets to measure water volumes discharged. iv. Methodology to estimate the discharge of sediment over each sediment retention structure emergency spillway. <p>The SDMP shall be prepared by a suitably qualified ecologist and approved in writing by the Waikato Regional Council acting in a technical certification capacity. The consent holder shall implement the SDMP as required over the duration of the earthworks.</p>	
137612.01.01 Discharge water	12	<p>In the event that the trigger levels in the SDMP are breached and/or the cumulative annual sediment load is greater than background levels, the consent holder shall implement the following measures:</p> <ul style="list-style-type: none"> a) The consent holder shall immediately implement measures to the satisfaction of the Waikato Regional Council to repair, modify or upgrade the site erosion and sediment control measures and shall amend the E&SCP (if required) to prevent any ongoing sediment deposition effects; b) The consent holder shall prepare a Sediment Deposition Mitigation Plan prepared by a suitably qualified ecologist outlining proposed ecological mitigation measures that will be implemented to offset any adverse sediment deposition or cumulative annual sediment discharge effects occurring as a result of the site earthworks activities. The ecological mitigation measures shall be commensurate to the 	For the reasons outlined in my statement, I propose that this condition be deleted in its entirety.

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		<p>identified scale of any offsite sediment discharges and sediment deposition effects occurring and shall comprise measures which contribute to the maintenance of the ecological values of the Waipunga Stream such as riparian plantings, pest control or any other ecological mitigation activity determined to present opportunity for maintenance of ecological values.</p> <p>The Sediment Deposition Mitigation Plan shall be submitted to the Waikato Regional Council for certification within two months of confirmation of the adverse sediment deposition effects occurring and shall be implemented in accordance with the timeframes specified within the certified Sediment Deposition Mitigation Plan.</p>	
137612.01.01 Discharge water	13	<p>The Waikato Regional Council may engage a suitably qualified ecologist (at the cost of the consent holder) to monitor compliance with the approved SDMP and undertake a peer review of the cumulative sediment load assessment of effects and proposed mitigation measures.</p>	For the reasons outlined in my statement, I propose that this condition be deleted in its entirety.
137612.03.01 Land Disturbance high risk erosion	2	<p>The consent holder shall provide an Erosion and Sediment Control Plan (E&SCP) to the Waikato Regional Council by 31 January 2019 for review and approval acting in a technical certification capacity. <u>carry out all activities for Stage 1 in accordance with the approved Erosion and Sediment Control Plan (ESCP) dated 17 April 2019. No later than two (2) months prior to commencing work on Stages 2 and 3 (respectively), the consent holder shall prepare updated ESCPs and submit to the Waikato Regional Council for review and approval acting in a technical certification capacity.</u></p>	As indicated by the date in the consent condition, the ESCP for Stage 1 has already been approved by WRC.
137612.03.01 Land Disturbance high risk erosion	13	<p>The consent holder shall engage a Chartered Professional Engineer with geotechnical and civil engineering experience to direct and supervise appropriate site investigations and undertake supervision and certification of all works to ensure that cut slopes and fill sites are individually and appropriately assessed for stability during and following individual cutting and filling operations, and to ensure that appropriate drainage is installed at each site. Assessment report and certificate for each site shall be provided to the Resource Use</p>	<p>For the reasons outlined in my evidence with respect to quarry managers, I propose that this condition be deleted in its entirety.</p> <p><i>Note: I agree that a condition similar to condition 13 is appropriate for the overburden/cleanfill area but this is not classified as a 'high risk erosion' area. In that sense, I would support moving this condition to AUTH137612.04.01.</i></p>

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		Directorate of the Waikato Regional Council within 10 working days of the Engineer completing the assessment.	
137612.04.01 Discharge of overburden	4	Within two months of commencement of this consent, the The consent holder shall submit an Overburden Management Plan (OMP) at least 20 working days prior to the exercise of this consent.	For the reasons outlined in my evidence, I do not support the timeframe proposed by condition 4 (also noting that the condition as worded, have conflicting timeframes). As such, I propose it be amended and that the timeframe to be adopted be the one relating to implementation (as opposed to commencement of consent).
137612.06.01 Water Diversion	7	Where practicable the consent holder shall control and divert stormwater which is not affected by mining <u>quarrying</u> activities away from areas disturbed by mining <u>quarrying</u> activities.	Mining and quarrying are not synonymous terms and for that reason I propose that all references to 'mining' are exchanged for 'quarrying'.
Schedule 1	1	Except as modified by the conditions below and subject to final detail design, the activities authorised by this consent shall be undertaken in general accordance with the information provided by the applicant in the resource consent application dated 14 November 2016 (WRC doc # 9516322), the application for additional resource consents dated 28 September 2018 <u>11 October 2018</u> (WRC doc # 13142673); and the following supporting documents; a) Report titled 'McPherson Quarry Vegetation Assessment, Expansion Stages 1 to 3', prepared by OPUS, dated 2 October 2018 (WRC doc # 132112321) <u>'Ecological Impact Assessment' dated 16 August 2019 and 'Ecological Management Plan' dated 16 October 2019 (including any modifications and/or updates), both prepared by Ecology New Zealand (WRC doc # [TBC]).</u> b) Report titled 'McPherson Resources Ltd Draft Erosion and Sediment Control Plan (ESCP), Quarry Development Stage #1 – for Resource Consent Application' prepared by OPUS, dated August 2018 (WRC doc # 13212095) <u>'Erosion and Sediment Control Plan' prepared by Southern Skies, dated 17 April 2019 (WRC doc # [TBC]).</u>	The proposed changes reflect the current documentation insofar as it has been updated as a result of peer reviews and/or consultation with Council or stakeholders. The removal of the words 'subject to final detail design' reflects the fact that this is not a construction project and sufficient details have been provided as part of the consent process (subject to the comments I have made with respect to the cleanfill/overburden area).

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		<p>c) <u>Report titled</u> 'McPherson Quarry Resource Consent Support, Hydraulics Assessment Report' prepared by OPUS, dated July 2018 (WRC doc # 13212526).</p> <p>d) Updated AEE titled '<u>Resource Consent Application & Assessment of Environmental Effects</u>', prepared by Kinetic Environmental Limited, dated 11 September 2018 <u>12 December 2019</u>, received by the WRC 11 October 2018 <u>16 December 2019</u> (WRC doc # 13211538 <u>[TBC]</u>).</p>	
Schedule 1	5	<p>Within two <u>six (6)</u> months from the commencement of the consents, the consent holder shall submit a Site Management Plan (SMP) to the Waikato Regional Council for review and approval - acting in a technical certification capacity. The consent holder shall also provide a copy to Nga Uri Whakatupu o Mahanga for their perusal and comment. The SMP shall detail the management, operation and monitoring procedures, methodologies and contingency plans necessary to comply with the conditions of this consent. The SMP shall also specify/include detail on the following:</p> <p>...</p> <p>j) Conceptual Site Closure Plan;</p> <p>k) Site Rehabilitation Plan</p>	<p>The preparation of the Site Management Plan (and all other plans feeding into it) will require careful consideration and will be dependent on the availability of a range of technical specialists. As noted by Mr Mansergh, "<i>[d]ue to the long timeframe over which quarrying will occur, a short delay in the timing requirements around the mitigation plan will be immaterial in terms of the effectiveness of the mitigation.</i>" (para 140)</p> <p>The reference to Nga Uri Whakatupu o Mahanga is assumed to be an error, which I propose to be deleted.</p> <p>I have also outlined in my evidence why I reject the recommendation to prepare a CSCP and/or SRP at this stage and therefore I do not consider it is appropriate that these plans form part of the Site Management Plan.</p>
Schedule 1	8	<p>The consent holder shall rehabilitate all disturbed land. To this end, the consent holder shall develop a Conceptual Site Closure Plan. The Conceptual Site Closure Plan shall be provided to the Waikato Regional Council by [sic] within two months of the consents being granted at <u>least ten (10) years prior to the completion of quarrying operations</u> for review and approval – acting in a technical certification capacity. The consent holder shall review and update the plan every five years and within 6 months of any decision to cease quarrying at the site. The revised Conceptual Site Closure Plan shall be forwarded for review and approval by the Waikato Regional Council, acting in a technical certification capacity. As a minimum, the Conceptual Site Closure Plan shall address the following:</p>	<p>Relying on Mr Mansergh's evidence, I propose that the timing of presentation of a Conceptual Site Closure Plan and Site Rehabilitation Plan be postponed to 10 years before quarry closure.</p>

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		<p>(a) Future landforms following all quarrying activities at the site;</p> <p>(b) Future groundcover following all quarrying activities at the site;</p> <p>(c) Reporting procedures; and,</p> <p>(d) Review procedures.</p>	
Schedule 1	9	<p>The Consent Holder shall develop a Site Rehabilitation Plan. The Site Rehabilitation Plan shall be provided to the Waikato Regional Council within two months of the consents being granted <u>at least ten (10) years prior to the completion of quarrying operations</u> for review and approval - acting in a technical certification capacity. 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. The consent holder shall review and update this plan every 5 years and within 6 months of any decision to cease quarrying at the site. The revised plan shall be forwarded for review and approval by the Waikato Regional Council, acting in a technical certification capacity. As a minimum, the SRP shall include the following:</p> <p>(a) Procedures for progressive rehabilitation;</p> <p>(b) Any specific measures to control erosion;</p> <p>(c) Procedures for pest control;</p> <p>(d) Procedures for noxious weed control;</p> <p>(e) Land and vegetation maintenance procedures;</p> <p>(f) Post closure maintenance methods and after care plans;</p> <p>(g) Approximate timeframes for landscape and rehabilitation events;</p> <p>(h) Approximate costs associated with the implementation of this plan to the stage of conceptual site closure;</p> <p>(i) Monitoring procedures; and,</p> <p>(j) Reporting and review procedures.</p>	
Schedule 1	13	<p>The consent holder shall operate mining <u>quarrying</u> 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.</p>	Relying on Mr Curtis' evidence, I propose the outlined amendments to the condition.

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		<p>a) 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;</p> <p>b) The revegetation of disturbed land which is currently not being worked;</p> <p>c) The regrassing of topsoil stockpiles;</p> <p>d) Surface remediation of the <u>cleanfill area</u> OPA and any bunds to promote vegetation cover as soon as possible after working areas are completed</p> <p>e) Where practical, locating topsoil stockpiles where they provide wind protection for exposed/excavated areas;</p> <p>f) Restricting vehicle speeds on dry days and during periods of strong wind</p> <p>g) The installation of a truck wash near the site exit, and <u>C</u>onstruction and maintenance of a sealed section of road between the <u>site access road</u> it and the public road; and</p> <p>h) Covering or dampening of loads on vehicles leaving the quarry which could create a dust nuisance.</p> <p>i) Use of fixed sprinkler systems for dust control <u>on the site access road</u> and around the site offices and coal stockpiles</p>	
Schedule 1	17	<p>The consent holder shall provide the Waikato Regional Council with a Dust Management Plan within <u>at least</u> 20 working days from the commencement of the consents <u>prior to implementing this consent.</u></p> <p>...</p> <p>i) Shelterbelts or windbreak fences to minimise dust issues for neighbouring dwellings.</p>	<p>Relying on the grounds set out in my evidence, I propose that the timing of the DMP be linked to implementation rather than enforcement.</p> <p>Also, Mr Curtis has not identified a need for shelterbelts or windbreak fences and as such, I reject the inclusion of this reference in the condition.</p>
Schedule 1	21	<p>Within two <u>six</u> months of commencement of this consent, the consent holder shall install, operate, and maintain continuous dust monitoring</p>	

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
Schedule 1	23	equipment for Total Suspended Particulates (TSP) or PM ₁₀ particulate. Within two <u>six</u> 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.	For the same reasons as outlined above, I propose that the time is extended to allow the applicant sufficient time to implement the range of measures stipulated by the conditions.
Schedule 1	24	Within two <u>six</u> 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.	
Schedule 1	27	The consent holder shall cease excavation and <u>of</u> overburden placement activities within <u>300</u> 400 metres of dwelling locations immediately north of the mine <u>quarry in dry weather conditions</u> when the wind is blowing from the south and the wind speeds exceed 10 metres per second, as verified by the <u>site's</u> weather monitoring station.	Relying on Mr Curtis' evidence, I propose the outlined amendments to the condition (in addition to exchanging the word 'mine' for 'quarry', in line with the reasons outlined earlier).
Schedule 1	28	The consent holder must ensure that overburden placement <u>and</u> rehabilitation activities and the spreading of topsoil is <u>are</u> avoided within <u>300</u> 400 metres of dwelling locations <u>west and southwest</u> , east and northeast of the OPA <u>cleanfill/overburden area during dry conditions</u> when the wind is blowing from the direction of the OPA <u>cleanfill/overburden area</u> towards those properties and wind speeds exceed 10 meters per second, as verified by the site's weather monitoring station.	
Schedule 1	32	The consent holder shall undertake on going consultation with potentially affected residents, in accordance with the Dust Management Plan required pursuant to condition 17 of this consent to ensure any reasonable concerns are addressed.	For the reasons outlined in my evidence, I reject this condition and propose that it be deleted in its entirety.
Schedule 1	36	Prior to submitting the EMP required in accordance with condition 25, or undertaking a review of, or amending the EMP, the consent holder shall: a) Forward to the relevant key stakeholders (i.e. Fish & Game NZ, Waikato Regional Council and relevant Iwi) a draft copy of the EMMP	For the reasons outlined in my evidence, I propose that this condition be deleted in its entirety.

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		<p>(or draft changes to the EMMP) requesting their comments in writing within 10 working days;</p> <p>b) Provide at least 10 working days notice of a meeting time to the stakeholders who have commented on the EMMP in which they can meet together with the consent holder (either together or separately) to discuss their comments;</p> <p>c) Consider modifying the EMMP in relation to any comments raised by the stakeholders listed in part (a) of this condition. Where the consent holder determines that some or part of any comments provided by any stakeholder listed in part (a) of this condition should not result in a modification to the EMMP then commentary justifying this decision shall be provided to the Waikato Regional Council when the EMMP is submitted.</p>	
Schedule 1	37	<p>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.</p> <p>Without limiting the above, the ecological remediation, mitigation, and environmental compensation or offset measures shall specifically include the following:</p> <p>(a) Restoration and enhancement of a minimum (indigenous re-vegetation equivalent):</p> <p>i. Planting of native species to form the 4.56ha ecological corridor (and any additional planting to offset historic removal of indigenous vegetation);</p> <p>ii. Planting with native species of 10 m either side of the <u>tributary to Waipunga Stream insofar as it is situated within the Project Site</u></p> <p>...</p> <p>(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</p>	<p>Relying on Mr Choromanski's evidence, I propose that the condition be amended to reflect the agreement reached with Mr Jonker.</p>

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		<p>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 <u>which will consist of re-surveying carried out by a suitably experienced ecologist no less than 1 week prior to felling trees of each stage (1-3). Should the ecologist identify a need for vegetation removal protocols after the survey, the EMMP will be updated accordingly. For certainty it is noted that the requirement for bat management implementation will be determined by the Project bat ecologist.</u></p> <p>(c) Lizard Management Plan, including the installation of minimum 5 lizard log piles within the northern corridor. <u>which will consist of additional survey effort to be undertaken (being no less than two (2) additional nights spotlighting and three (3) checks of artificial cover objects and manual searches) by a suitably qualified ecologist. If lizards are detected during the surveys, the consent holder shall prepare a Lizard Management Plan which will outline methodologies to search for and relocate lizards into retained habitat of equal or greater value on-site.</u></p>	
Schedule 1	39	<p>The Consent Holder shall provide a Habitat Monitoring Plan to determine if physical habitat values that develop in new or restored channels, wetland and mitigation areas are similar or better than those present in the original channel including:</p> <p>a) Methods for pre and post works monitoring of aquatic stream habitat for a minimum of 3 years;</p> <p>b) Identification of suitable sampling sites and sampling regimes.</p> <p>c) Matauranga Maori Monitoring</p>	For the reasons outlined in my evidence, I propose that this condition be deleted in its entirety.
Schedule 1	40	<p>Each year for a minimum of five years, and every fifth year thereafter after the consent is granted the consent holder shall prepare an Ecological Mitigation Monitoring Report which outlines the details of any ecological mitigation and associated monitoring works required under the EMMP which have been undertaken within the preceding 12</p>	I agree with the suggestion of annual reporting with respect to planting, monitoring and pest control, but I disagree that the suggested wording of condition 40 is appropriate. As a result, I propose that the key content of the condition be moved to

Consent #	Condition #	Proposed amendments/deletions (additions are <u>red underlined</u> and removals in strike through)	Reasoning
		<p>month period. The plan shall include, but will not be limited to, the following items:</p> <p>a) Details of any planting or plant maintenance works including the outcomes of any maintenance inspections of established plantings;</p> <p>b) Details and outcomes of any aquatic monitoring;</p> <p>c) Details and outcomes of any plant or animal pest control works including any follow up monitoring of pest.</p>	<p>condition 45 (which addresses annual reporting, more on this below) and that condition 40 is deleted in its entirety.</p>
Schedule 1	45	<p>The consent holder shall provide to the Resource Use Group of the Waikato Regional Council a report by March each year that any of the consents listed at the top of this Schedule are current. As a minimum this report shall include the following:</p> <p>a) overburden stripping undertaken during the preceding 12 months and overburden stripping proposed to be carried out during the following 12 months;</p> <p>b) any water quality data collected in relation to resource consent AUTH139828-05-01 <u>AUTH137612.01.01</u>;</p> <p>c) all daily rainfall records;</p> <p>d) all daily and annual water take volumes;</p> <p>e) the cleanfill volumes and sampling results collected;</p> <p><u>f) any existing ecological monitoring data including details of planting or plant maintenance work, aquatic monitoring and plant or animal pest control;</u></p> <p>f) g) <u>g)</u> a compliance audit of all consent conditions;</p> <p>g) h) <u>h)</u> any reasons for non-compliance or difficulties in achieving compliance with all consent conditions;</p> <p>h) i) <u>i)</u> recommendations on alterations to monitoring required by consent conditions; and,</p> <p>i) j) <u>j)</u> any other issues considered important by the consent holder.</p>	<p>For the reasons outlined with respect to condition 40 above, I propose that this condition be amended to include reference to any required ecological monitoring.</p>

APPENDIX F – WDC Applicant Amended Conditions (clean copy)

Updated WDC conditions (clean)

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 1,500,000m³.

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 six (6) 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).
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 six (6) 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) for Stage 1 of the expansion. E&SCPs for Stages 2 and 3 (respectively) shall be submitted to the Waikato District Council's Monitoring Team Leader for certification a minimum of two (2) months prior to commencing on each respective Stage. The E&SCPs 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 six (6) 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 six (6) 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) 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 six (6) 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 to exit the Site;
- (c) loading areas and arrangements;
- (d) internal circulation roads including any passing bays; and
- (e) 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 six (6) 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) Reporting procedures;
 - (j) Dust Management Plan review procedures;
 - (k) 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 six (6) 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;
 - ii. Planting with native species of 10 m either side of the tributary to Waipunga Stream insofar as it is situated within the Project Site;
 - 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, which will consist of re-surveying carried out by a suitably experienced ecologist no less than 1 week prior to felling trees of each stage (1-3). Should the ecologist identify a need for vegetation removal protocols after the survey, the EMMP will be updated accordingly. For certainty, it is noted that the requirement for bat management implementation will be determined by the Project ecologist.
 - (c) Lizard Management, which will consist of additional survey effort to be undertaken (no less than two (2) additional nights spotlighting and three (3) checks of artificial cover objects and manual searches) by a suitably qualified ecologist. If lizards are detected during the surveys, the consent holder shall prepare a Lizard Management Plan which will outline methodologies to search for and relocated lizards into retained habitat of equal or greater value onsite.
 - (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 six (6) 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.
- (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. At least ten (10) years prior to the completion of quarrying operations, 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 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. At least ten (10) years prior to the completion of quarrying operations, 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 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 163 Parish of Maungatawhiri (RT NA2D/412) and Section 164 Parish of Mangatawhiri (RT NA2D/961) or any new RT's created covering the relevant allotments, 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 implementation 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 implementation 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 implementation 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 \$[TBC] 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.

Additional Engineering Requirements

63. 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.
64. Geotechnical investigations, completion and site stability/suitability report with respect to the cleanfill/overburden filling area shall be prepared and signed by a Geo-professional, who shall provide evidence of suitable professional indemnity insurance cover for the works being investigated, supervised and certified.
65. 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.
66. 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. This work shall be undertaken to the satisfaction of the Waikato District Council's Team Leader-Monitoring.

Complaints register

67. 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.

68. 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

69. 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
70. 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

71. 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

72. 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

I 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).

APPENDIX G – WRC Applicant Amended Conditions (clean copy)

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH137612.01.01

File Number: 60 04 84A

Pursuant to the Resource Management Act 1991, the Regional Council hereby grants consent to:

McPherson Resources Limited
C/- Michael McPherson
47 McPherson Road
RD 1
Pokeno 2471

(hereinafter referred to as the Consent Holder)

Consent Type: Discharge Permit

Consent Subtype: Water - other

Activity authorised: To discharge stormwater

Location: McPherson Rd - Pokeno

Map reference: NZTM 1781144 E 5879449 N

Consent duration: This consent will commence on the date of decision notification and expire on 31 December 2055.

Subject to the conditions overleaf:

CONDITIONS

1. The Consent Holder shall ensure that the works and activities authorised by this resource consent are carried out in accordance with the conditions as set out in Schedule One – General Conditions.

Water Quality and Sampling

2. The Consent Holder shall measure the suspended solids concentration and turbidity at the sampling locations:
 - a) Upstream at a point in the unnamed tributary of the Waipunga Stream unaffected by quarrying
 - b) At a point prior to enter the Stream but after passing through the site stormwater treatment
 - c) At a point no less than 100 metres downstream of the final discharge
3. Sampling required in condition 2, shall be undertaken where there is a rainfall event of greater than 15 millimetres in the preceding 24 hours. The Consent Holder shall within four hours of the rainfall reading being taken, measure the suspended solids concentration and turbidity at the discharge points specified in condition 2. Results shall be forwarded to the Waikato Regional Council on a monthly basis.
4. Within two working days of taking any samples required, the consent holder shall have those samples analysed for suspended solids and turbidity and, pH, and soluble aluminium. The results of the analysis shall be forwarded to the Waikato Regional Council within 7 days of the consent holder receiving results of the analysis.
5. The discharges to the shall be managed such that:
 - a) the discharge does not increase the suspended solids concentration in the receiving water; and,
 - b) suspended solids concentrations after reasonable mixing do not exceed 100 grams per cubic metre; and,
 - c) the discharge does not result in any conspicuous change in the clarity of the unnamed tributary of the Waipunga Stream Stream
6. The Consent Holder shall ensure that:
 - a) the soluble aluminium concentration of any sediment retention pond discharge shall not exceed 0.1 grams per cubic metre; and,
 - b) the pH of any sediment retention pond discharge shall not be less than 6.5 or greater than 8.0 pH units.
7. All earthmoving machinery, pumps, generators and ancillary equipment shall be operated in a manner, which ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities

shall be carried out away from any water body, ephemeral water body, or overland flow path, such that any spillage can be contained so that it does not enter surface water and in accordance with the Hazardous Substances and Spill Prevention Plan.

8. The Consent Holder shall notify the Waikato Regional Council as soon as practicable and as a minimum requirement within 24 hours, of the Consent Holder becoming aware of the limits specified in condition 5 and 6 of this resource consent being exceeded. The Consent Holder shall, within 7 days of the incident occurring, provide a written report to the Waikato Regional Council, identifying the exceedance, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.

Flocculation

9. Within six months of the consent being granted, the consent holder shall provide the Waikato Regional Council with an updated Flocculation Management Plan (FMP). The FMP shall be submitted to the Waikato Regional Council for approval –acting in a technical certification capacity - prior to bulk earthworks commencing. The FMP shall include as a minimum:
 - a) An analysis identifying which ponds require flocculation, this analysis taking into account;
 - (i) The soil's reactivity to flocculants based on soil tests;
 - (ii) The size of the contributing catchment that the pond is treating; and,
 - (iii) The likely duration of the ponds use.
 - b) Specific design details of the flocculation system;
 - c) Monitoring (including pH and any other testing procedures), maintenance (including post-storm) and including a record system;
 - d) Details of optimum dosage (including assumptions);
 - e) Results of any initial flocculation trial; and,
 - f) Contact details of the person responsible for the operation and maintenance of the flocculation treatment system and the organisational structure to which this person shall report.
10. The consent holder shall undertake all activities authorised by this consent in accordance with the certified FMP and any certified changes.

Advice Notes - General

In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.

This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.

This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.

The consent holder may apply to change the conditions of the resource consent under s.127 RMA.

The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.

Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.

If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH137612.02.01

File Number: 60 04 84A

Pursuant to the Resource Management Act 1991, the Regional Council hereby grants consent to:

McPherson Resources Limited
C/- Michael McPherson
47 McPherson Road
RD 1
Pokeno 2471

(hereinafter referred to as the Consent Holder)

Consent Type: Water Permit

Consent Subtype: Surface water take

Activity authorised: To take surface water

Location: McPhersons Rd - Pokeno

Map reference: NZTM 1781144 E 5879449 N

Consent duration: This consent will commence on the date of decision notification and expire on 31 December 2055.

Subject to the conditions overleaf:

CONDITIONS

1. The Consent Holder shall ensure that the works and activities authorised by this resource consent are carried out in accordance with the conditions as set out in Schedule One – General Conditions.
2. The water taken pursuant to this consent must only be used for the following purposes:
 - a) suppressing dust;
 - b) augmenting the volume of water stored in the quarry pit and/or any off-stream storage system.
3. The instantaneous take rate must not exceed 20 litres per second.
4. The daily take volume must not exceed 430 cubic metres.

Advice Note

This surface water take is categorised as a zero net take in the Waikato Regional Council ("WRC") water allocation calculator. The rationale for this categorisation is set out in a memo – identifier 15731323 – stored in the WRC document management system.

5. A water measuring system must quantify water taken from the take location on a continuous basis. The system must have a reliable calibration to water flow and must be maintained to an accuracy of +/- 5%. Within three months of the grant of this consent, evidence of calibration to an accuracy of +/- 5 percent must be provided in writing to WRC.
6. Additional calibration of the water measuring system required by condition 4 must be undertaken by the consent holder:
 - a) at the written request of WRC;
 - b) at a frequency of no less than five yearly from the date that evidence of calibration to an accuracy of +/- 5 percent has been provided to WRC pursuant to condition 4;
 - c) to the satisfaction of WRC.
 - d) Evidence documenting each respective additional calibration must be forwarded to WRC within one month of the calibration being completed.
7. The consent holder must maintain at all times a minimum flow of at least 1.5 litres per second in the unnamed tributary of the Waipunga Stream immediately downstream of the settling pond treatment system by lawfully and continuously discharging water into the unnamed tributary of the Waipunga Stream immediately downstream of the settling pond treatment system.
8. The consent holder must operate a reliable flow calibrated system for managing the exercise of this consent in accordance with condition 6.
9. The consent holder must telemeter – via a telemetry system that is compatible with WRC telemetry system standards and data protocols – continuous 15 minute values of:
 - a) take volume from the quarry pit (in units of cubic metres);
 - b) discharge volume from the settling pond treatment system into the unnamed tributary of the Waipunga Stream.These data must be reported once daily to WRC via the telemetry system. For data (a) and (b) there must be 96 values, respectively, per daily report. When no water is being taken from the quarry pit the data must specify the take volume as zero.

10. Any intake must be screened with a mesh aperture size not exceeding 3 millimetres by 3 millimetres (or 3 millimetre diameter holes).
11. The velocity of water through any intake screen must not exceed 0.3 metres per second at all times. If requested by WRC, the consent holder must provide information on how this velocity requirement is achieved.
12. At any time during the period July through September, inclusive, WRC may, following service of notice on the consent holder, commence a review of the conditions of this consent pursuant to section 128(1) of the Resource Management Act 1991 for the following purposes:
 - a) to review the effectiveness of the conditions of this consent in avoiding or mitigating any adverse effects on water resources or persons from the exercise of this consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;
 - b) to review the adequacy of and the necessity for monitoring undertaken by the consent holder;
 - c) to review the consistency of conditions of this consent with future changes to the Vision and Strategy set out in Schedule 2 of the Waikato-Tainui Raupatu (Waikato River) Settlement Claims Act 2010 and, if necessary, to address any inconsistency of the conditions of this consent with the changes to the Vision and Strategy by way of further or amended conditions.
 - d) to review the appropriateness of any take rate and/or volume specified in this consent and, if necessary, to address any inappropriateness of any rate and/or volume by way of reducing any rate and/or volume.
 - e) to review the appropriateness of the minimum flow rate specified in this consent and, if necessary, to address any inappropriateness of the minimum flow rate by way of increasing the minimum flow rate.

Advice Notes - General

- In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
- This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
- The consent holder may apply to change the conditions of the resource consent under s.127

RMA.

- The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
- Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH137612.03.01

File Number: 60 04 84A

Pursuant to the Resource Management Act 1991, the Regional Council hereby grants consent to:

McPherson Resources Limited
C/- Michael McPherson
47 McPherson Road
RD 1
Pokeno 2471

(hereinafter referred to as the Consent Holder)

Consent Type: Land Use Consent

Consent Subtype: Land - disturbance

Activity authorised: Earthworks and vegetation clearance in High Risk Erosion Areas in association with the operation of McPherson Quarry

Location: McPhersons Rd - Pokeno

Map reference: NZTM 1781144 E 5879449 N

Consent duration: This consent will commence on the date of decision notification and expire on 31 December 2055.

Subject to the conditions overleaf:

CONDITIONS

1. The Consent Holder shall ensure that the works and activities authorised by this resource consent are carried out in accordance with the conditions as set out in Schedule One – General Conditions.

Erosion and Sediment Control Plan

2. The consent holder shall carry out all activities for Stage 1 in accordance with the approved **Erosion and Sediment Control Plan (E&SCP)** dated 17 April 2019. No later than two (2) months prior to commencing work on Stages 2 and 3 (respectively), the consent holder shall prepare updated E&SCPs and submit to the Waikato Regional Council for review and approval acting in a technical certification capacity. The E&SCPs 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.

Erosion and Sediment Control

- 3. The works authorised by this consent shall be undertaken in such a manner so as to avoid causing any new or exacerbating any existing flooding effects on adjacent land.
- 4. All disturbed or cut vegetation, soil or debris shall be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any waterway.
- 5. The consent holder shall ensure that, as far as practicable, all clean water run-off from stabilised surfaces including catchment areas above the site shall be diverted away from the exposed areas via a stabilised system to prevent erosion. The consent holder shall also ensure the outfall(s) of these systems are protected against erosion.
- 6. The consent holder shall ensure that all erosion and sediment control structures are inspected on a weekly basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. A record shall be maintained of the date and time of inspections undertaken, any maintenance requirements identified, and of maintenance undertaken to all erosion and sediment control structures. Records associated with the maintenance of all erosion and sediment control structures shall be made available to the Waikato Regional Council at all reasonable times.
- 7. Within two months of the commencement or within two weeks of any changes to the Erosion and Sediment Control Plan being implemented, the consent holder shall, submit to the Waikato Regional Council "As Built Certification Statements" signed by an appropriately qualified and experienced professional certifying that erosion and sediment control structures have been constructed in accordance with the certified SMP. Certified controls shall include clean water diversion channels/bunds, sediment retention ponds and decanting earth bunds. The As Built Certification Statements shall be supplied to the Waikato Regional Council within 7 working days of the completion of the construction of those controls. Information contained in the certification statement shall include at least the following:
 - a) Confirmation of contributing catchment areas;
 - b) the location, capacity and design of each structure;
 - c) position of inlets and outlets;
 - d) stability of structures;
 - e) measures to control erosion; and
 - f) any other relevant matter.

Advice Note:

An example template and the information required for the As Built Certification Statement can be found on the Waikato Regional Council website www.waikatoregion.govt.nz/earthworks.

Winter Works

- 8. Earthworks (including stripping) shall not be conducted during the period 1 May to 30 September inclusive during any year that this consent is current, apart from necessary maintenance works,


unless agreed to in writing by the Waikato Regional Council.

9. Requests to undertake earthworks during the period 1 May to 30 September inclusive, for any year that this consent is current, shall be submitted in writing to the Waikato Regional Council by 1 April.

Advice Note: *In considering a request for the continuation of winter earthworks, the Waikato Regional Council will consider a number of factors; including:*

- *The nature of the site and the winter soil disturbance works proposed;*
- *The quality of the existing/proposed erosion and sediment controls;*
- *The compliance history of the site/operator;*
- *Seasonal/local soil and weather conditions;*
- *Sensitivity of the receiving environment; and*
- *Any other relevant factor.*

Site Stabilisation and Removal of Controls

10. The removal of any erosion and sediment control measure from any area where soil has been disturbed as a result of the exercise of this consent shall only occur after consultation with, and written approval has been obtained from, the Waikato Regional Council - acting in a technical certification capacity. In this respect, the Waikato Regional Council will need to be satisfied as to:
 - a) The quality of the soil stabilisation and/or covering vegetation;
 - b) The quality of the water discharged from the rehabilitated land; and,
 - c) The quality of the receiving water.
11. The consent holder shall ensure those areas of the site where earthworks have been completed are stabilised against erosion as soon as practically possible and within a period not exceeding 14 calendar days after completion of any works authorised by this consent. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion to the satisfaction of the Waikato Regional Council - acting in a technical certification capacity.
12. Re-vegetation and/or stabilisation of all disturbed areas is to be completed in accordance with the measures detailed in the document titled "*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*"  dated January 2009) and the approved ESCP.

Advice Notes - General

- In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
- This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
- The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
- The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
- Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH137612.04.01

File Number: 60 04 84A

Pursuant to the Resource Management Act 1991, the Regional Council hereby grants consent to:

McPherson Resources Limited
C/- Michael McPherson
47 McPherson Road
RD 1
Pokeno 2471

(hereinafter referred to as the Consent Holder)

Consent Type: Discharge Permit

Consent Subtype: Land - other

Activity authorised: Discharge overburden to land in association with the operation of
McPherson Quarry

Location: McPhersons Rd - Pokeno

Map reference: NZTM 1781144 E 5879449 N

Consent duration: This consent will commence on the date of decision notification and
expire on 31 December 2055.

Subject to the conditions overleaf:

CONDITIONS

1. The Consent Holder shall ensure that the works and activities authorised by this resource consent are carried out in accordance with the conditions as set out in Schedule One – General Conditions.
2. The activities authorised by this consent shall comply at all times with the standards of resource consent AUTH137612.03.01 which authorises earthworks activities within the site.
3. The consent holder shall ensure that all stormwater runoff shall be directed into purpose built storm water settling ponds for treatment prior to discharge into any watercourse. The quality of the discharge from these treatment ponds shall be in accordance with the conditions of resource consent number AUTH137612.01.01, which permits these discharges.

Overburden Management Plan

4. The consent holder shall submit an Overburden Management Plan (OMP) at least 20 working days prior to the exercise of this consent. The OMP shall detail the procedures that will be implemented to operate in accordance with the conditions of this resource consent and the procedures that will be put into place to control stormwater, minimise the potential for sediment runoff from the site and minimise emissions to air. The plan shall also include but not be limited to the following:
 - i. A description of the methodology for overburden stripping and disposal,
 - ii. Areas to be mined over the next 12 months;
 - iii. Plans for overburden stripping and disposal over the next 12 months;
 - iv. Details of maintenance activities undertaken in the previous 12 months, and maintenance activities proposed over the next 12 months;
 - v. The specific location of the placement area;
 - vi. The design and construction procedures;
 - vii. How sediment losses to natural water will be avoided;
 - viii. Earthworks procedures to be adopted during overburden stripping and disposal;
 - ix. Measures to avoid the over compaction of soils;
 - x. Timetable of works and re-vegetation;
 - xi. Maintenance and inspection procedures,
 - xii. Monitoring,
 - xiii. Contingency and mitigation measures;
5. This plan shall updated on a yearly basis or as otherwise agreed in writing with the Waikato Regional Council and shall be lodged with the Waikato Regional Council by 1 April each year. Any changes to the plan shall be to the satisfaction of the Waikato Regional Council, and shall be confirmed in writing by the consent holder following consultation with the Waikato Regional Council.
6. The consent holder shall undertake the placement of overburden in accordance with the approved Overburden Management Plan.

Erosion/Instability

7. The consent holder shall construct the overburden disposal area in accordance with accepted civil engineering practices.
8. The consent holder shall be responsible for maintaining the re-contoured site in a stable condition and for any erosion and/or slumping that may occur within and adjacent to the site in accordance with the OMP as required by condition 4 of this consent. The consent holder shall undertake and maintain any works that become necessary to avoid, remedy or mitigate the effects of erosion and/or slumping. Works in this regard shall be to the satisfaction of the Waikato Regional Council acting in a technical certification capacity.

Advice Notes - General

- In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
- This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
- The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
- The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
- Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to

continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH137612.05.01

File Number: 60 04 84A

Pursuant to the Resource Management Act 1991, the Regional Council hereby grants consent to:

McPherson Resources Limited
C/- Michael McPherson
47 McPherson Road
RD 1
Pokeno 2471

(hereinafter referred to as the Consent Holder)

Consent Type: Discharge Permit

Consent Subtype: Land - other

Activity authorised: Discharge cleanfill to land outside of High Risk Erosion Areas

Location: McPhersons Rd - Pokeno

Map reference: NZTM 1781144 E 5879449 N

Consent duration: This consent will commence on the date of decision notification and expire on 31 December 2055.

Subject to the conditions overleaf:

CONDITIONS

General

1. The Consent Holder shall ensure that the works and activities authorised by this resource consent are carried out in accordance with the conditions as set out in Schedule One – General Conditions.
2. Activities authorised by this resource consent shall not intercept groundwater and excavations shall be at least one metre above groundwater levels.

Cleanfill Management

3. The consent holder shall record the source, measure the quantity, and identify and log incoming cleanfill. The consent holder shall provide this information to the Council annually, by 31 July, for each year that this consent is exercised.
4. All fill material deposited shall be limited to cleanfill as defined as material that when discharged to the environment will have no adverse effect on people and the environment. This includes natural materials such as clay, soil and rock, and other inert materials such as concrete and brick, or mixtures of any of the above. There shall be no organic material mixed with the fill and/or placed in a position where it may lead to land instability. Cleanfill, deposition authorised by this consent shall exclude;
 - a) material that has combustible, putrescible or degradable components
 - b) materials likely to create leachate by means of biological or chemical breakdown
 - c) any products or materials derived from hazardous waste treatment, hazardous
 - d) waste stabilisation or hazardous waste disposal practices
 - e) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health
 - f) soils or other materials contaminated with hazardous substances or pathogens
 - g) hazardous substances.
5. The consent holder shall provide the Waikato Regional Council with a Cleanfill Management Plan which details the procedures that will be implemented to operate in accordance with the conditions of this resource consent. This plan shall be lodged with the Waikato Regional Council at least three weeks prior to the commencement of any activities authorised by this consent and shall be approved by the Waikato Regional Council acting in a technical certification capacity. This plan shall be reviewed by the consent holder and updated by 31 December 2011, and every three years thereafter. Any changes to the plan shall be confirmed in writing by the consent holder and shall be approved by the Waikato Regional Council, acting in a technical certification capacity.

The Cleanfill Management Plan shall include, but may not be limited to, the following:

- i). the specific location of the cleanfill placement area;
 - ii). Acceptance criteria for cleanfill to be disposed on site
 - iii). Contaminant levels shall be specified at least for the following contaminants: Arsenic, Cadmium, Cyanide, Chromium, Copper, Mercury, Nickel, Lead, Zinc, VOCs and SVOCs and PAHs.
 - iv). a description of operational procedures and monitoring that will be implemented to minimise unauthorised or contaminated material entering the site,
 - v). specific design details, construction and certification procedures to ensure long term stability of cleanfill areas;
 - vi). development of a comprehensive stormwater management system (including design specification, location and management of all structures proposed);
 - vii). measures to avoid the over compaction of soils;
 - viii). timetable of works and re-vegetation measures;
 - ix). contingency and mitigation measures;
 - x). maintenance, monitoring, and inspection procedures;
 - xi). specific dust control measures to ensure that dust emissions are kept to a practicable minimum;
 - xii). site plans showing the location of infrastructure and all other relevant information, and;
 - xiii). procedures to review the management plan.
6. For each 500 cubic metres of material received on site, a composite sample shall be analysed for the following contaminants. Each sample will consist of six sub-samples of equal volume. Results will be compared with the cleanfill acceptance thresholds in the table below.

Table 1: Acceptance Criteria

Trace elements	Acceptance criteria (mg/kg)
Arsenic	17
Boron	15
Cadmium	0.8
Chromium	56
Copper	120
Lead	78
Mercury	1
Nickel	33
Zinc	175
Organic compounds	Acceptance criteria (mg/kg)
TPH C7-C9	110
TPH C10-C14	58
Benzene	0.11
Ethylbenzene	10
Toluene	19
Total Xylene	25
Benzo[a]pyrene (equivalent)	2.8
Total DDT	1.9
Dieldrin	0.1

Unless otherwise agreed with the Waikato Regional Council in writing, the fill material shall be deemed to meet the cleanfill acceptance thresholds when the concentration of each individual constituent is less than the threshold concentration in the table above. In the event that a sample fails to meet the cleanfill acceptance thresholds for one or more analysed constituents, the consent holder shall remove the fill material from the disposal site and dispose to an authorised site.

7. Analysis of the testing shall be undertaken by an appropriately registered laboratory.
8. The consent holder shall measure the quantity, and identify the source of the material and log incoming cleanfill and provide this information to the Waikato Regional Council by 31 March (for the period 31 March to end of February), for each year that this consent is exercised.
9. The consent holder shall engage a Suitably Qualified and Experienced Practitioner to undertake 'end of life' composite sampling of each fill stage prior to capping and rehabilitation of the respective area to confirm the fill site complies with the Maximum Fill Acceptance Criteria. The samples shall be analysed by an accredited laboratory for the full suite of contaminants listed in Condition 8, the test results shall be provided to the Waikato Regional Council within five working days of becoming available.

Advice Notes - General

- In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
- This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
- The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
- The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but

not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.

- Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH137612.06.01

File Number: 60 04 84A

Pursuant to the Resource Management Act 1991, the Regional Council hereby grants consent to:

McPherson Resources Limited
C/- Michael McPherson
47 McPherson Road
RD 1
Pokeno 2471

(hereinafter referred to as the Consent Holder)

Consent Type: Water Permit

Consent Subtype: Diversion

Activity authorised: Divert Water in association with the operation of McPherson Quarry

Location: McPhersons Rd - Pokeno

Map reference: NZTM 1781144 E 5879449 N

Consent duration: This consent will commence on the date of decision notification and expire on 31 December 2055.

Subject to the conditions overleaf:

CONDITIONS

1. The Consent Holder shall ensure that the works and activities authorised by this resource consent are carried out in accordance with the conditions as set out in Schedule One – General Conditions.
2. The activities authorised by this consent shall comply at all times with the standards of resource consent AUTH137612.01.01 which authorises the discharges from the site.
3. The consent holder shall ensure diversion of clean water shall be in accordance with the Erosion and Sediment Control Plan as required by condition 2 of resource consent AUTH137612.03.01.
4. The consent holder shall inform the Waikato Regional Council in writing at least 20 working days prior to undertaking of channel or diversion works, and shall include at least the following information;
 - i. location of proposed works or structures
 - ii. Type and description of the proposed works,
 - iii. Construction and design details,
 - iv. Construction procedures,
 - v. Measures to minimise upstream flooding,
 - vi. Measures to minimise adverse fish passage effects,
 - vii. Measures to minimise erosion,
 - viii. Measures to minimise sediment losses to natural water
 - ix. Mitigation measures
 - x. Timetable of works,
5. The consent holder shall design all structures and diversion channels for a design flow capacity of 1 in 100 years flow events. (1% AEP Annual Exceedance Probability) unless otherwise approved in writing by the Waikato Regional Council acting in a technical certification capacity.
6. The consent holder shall submit to the Waikato Regional Council 'As Built Certification statements', signed by an appropriately qualified and experienced person to certify that cleanwater diversions have been constructed in accordance with the certified Erosion and Sediment Control Plan. . The 'As Built Certification Statement' shall include all information as specified in the 'As Built Certification Sheets' located on the Waikato Regional Council website (<http://www.waikatoregion.govt.nz/earthworks>) and supplied to the Waikato Regional Council within 5 working days of the completion of the construction of those controls.
7. Where practicable the consent holder shall control and divert stormwater which is not affected by quarrying activities away from areas disturbed by quarrying activities.
8. The consent holder shall ensure that water diversions authorised by this consent are carried out in a manner that erosion of the diversion is minimised.
9. The consent holder shall ensure that scour protection is constructed in any outlet structures

10. The consent holder shall ensure that all water diversion channels are maintained in good working order and clear of obstructions at all times.
11. The consent holder shall ensure that the diversion channels at the site are inspected on a weekly basis or within 24 hours of each rainstorm event exceeding 20 millimetres within the preceding 24 hour period. A record shall be maintained of the date, time and any maintenance undertaken in association with this condition which shall be forwarded to the Waikato Regional Council within 5 working days of completion of the works.

In terms of s116 of the Resource Management Act 1991, this consent commences on

Advice Notes - General

- In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
- This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
- The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
- The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
- Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

SCHEDULE ONE – GENERAL CONDITIONS TO BE ATTACHED TO CONSENTS AUTH137612.01.01, AUTH137612.02.01, AUTH137612.03.01, AUTH137612.04.01, AUTH137612.05.01 AND AUTH137612.06.01

CONDITIONS

General

1. Except as modified by the conditions below, the activities authorised by this consent shall be undertaken in general accordance with the information provided by the applicant in the resource consent application dated 14 November 2016 (WRC doc # 9516322), the application for additional resource consents dated 11 October 2018 (WRC doc # [TBC]); and the following supporting documents;
 - a) Report titled 'Ecological Impact Assessment' dated 16 August 2019 and 'Ecological Management Plan' dated 16 October 2019 (including any modifications and/or updates) both prepared by Ecology New Zealand
 - b) Report titled 'Erosion and Sediment Control Plan' prepared by Southern Skies, dated 17 April 2019 (WRC document # [TBC]).
 - c) Report titled 'McPherson Quarry Hydraulics Assessment Report' prepared by OPS dated July 2018 (WRC doc #1321526).
 - d) Updated AEE titled 'Resource Consent application and Assessment of Environmental Effects', prepared by Kinetic Environmental Limited, dated 12 December 2019, received by the WRC 16 December 2019 (WRC doc # [TBC]).

Where there may be differences or apparent conflict between the general conditions and conditions contained in either the individual consents contained within this suite, or any other consent referred to below, the conditions contained in the respective individual consents shall prevail.

2. The consent holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this consent and ensure compliance with those conditions.
3. A copy of this resource consent shall be kept onsite at all times that the works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Waikato Regional Council.
4. The consent holder shall appoint a representative(s) prior to the exercise of this resource consent who shall be the Waikato Regional Council's principal contact person(s) in regard to matters relating to this resource consent. The consent holder shall inform the Waikato Regional Council of the representative's name and how they can be contacted, prior to this resource consent being exercised. Should that person(s) change during the term of this resource consent, the consent holder shall immediately inform the Waikato Regional Council and shall also give written notice to the Waikato Region Council of the new representatives name and how they can be contacted.

Site Management Plan

5. Within six months from the commencement of the consents, The consent holder shall submit a **Site Management Plan (SMP)** to the Waikato Regional Council for review and approval - acting in a technical certification capacity. The SMP shall detail the management, operation and monitoring procedures, methodologies and contingency plans necessary to comply with the conditions of this consent. The SMP shall also specify/include detail on the following:
 - 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
 - f) Water quality monitoring sampling sites.
 - g) Overburden Management Plan
 - h) The Cleanfill Management Plan;
 - i) Dust Management Plan
 - j) Ecological Mitigation and Monitoring Plan
6. The consent holder shall exercise this consent in accordance with the approved Site Management Plan. Any subsequent changes to the Site Management Plan must only be made with the written approval of the Waikato Regional Council. 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.
7. The consent holder must ensure that a copy of the approved Site Management Plan, including any approved amendments, is kept on-site at all times that activities authorised by this consent are being undertaken and the on-site copy of the Site Management Plan shall be updated within 5 working days of any amendments being approved.

Conceptual Site Closure Plan

8. The consent holder shall rehabilitate all disturbed land. To this end, the consent holder shall develop a **Conceptual Site Closure Plan**. The Conceptual Site Closure Plan shall be provided to the Waikato Regional Council at least ten (10) years prior to the completion of quarrying operations for review and approval - acting in a technical certification capacity. The consent holder shall review and update the plan within 6 months of any decision to cease quarrying at the site. The revised Conceptual Site Closure Plan shall be forwarded for review and approval by the Waikato Regional Council, acting in a technical certification capacity. 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.

Site Rehabilitation Plan

9. The consent holder shall develop a **Site Rehabilitation Plan**. The Site Rehabilitation Plan shall be provided to the Waikato Regional Council at least ten (10) years prior to the completion of quarrying operations for review and approval - acting in a technical certification capacity. 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. The consent holder shall review and update this plan within 6 months of any decision to cease quarrying at the site. The revised plan shall be forwarded for review and approval by the Waikato Regional Council, acting in a technical certification capacity. As a minimum, the Site Rehabilitation Plan 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.

10. 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.
- c) The quality of the water discharging from the rehabilitated land is consistent with that discharging from adjacent catchments unaffected by quarrying.

11. The rehabilitation of the quarry shall be undertaken in accordance with the Site Rehabilitation Plan required pursuant to condition 30 of this consent and shall be implemented under the supervision of persons with appropriate restoration or rehabilitation experience.

12. The discharge of untreated surface runoff from rehabilitated land and into surface waters shall only occur after written approval has been obtained from the Waikato Regional Council acting in a technical certification capacity. In this respect the main issues which will be considered by the Waikato Regional Council include:

- a) The quality of runoff from the rehabilitated land;

- b) the quality of runoff from surrounding land under a similar landuse;
- c) the quality of the receiving water;
- d) the potential effects of increased flow within the receiving water course;
- e) intended on-going land management practices; and,
- f) the provision of any ongoing monitoring programme.

Dust

13. The consent holder shall operate quarrying 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.

- a) 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;
- b) The revegetation of disturbed land which is currently not being worked;
- c) The regrassing of topsoil stockpiles;
- d) Surface remediation of the cleanfill area and any bunds to promote vegetation cover as soon as possible after working areas are completed
- e) Where practical, locating topsoil stockpiles where they provide wind protection for exposed/excavated areas;
- f) Restricting vehicle speeds on dry days and during periods of strong wind
- g) Construction and maintenance of a sealed section of road between the site access road and the public road; and
- h) Covering or dampening of loads on vehicles leaving the quarry which could create a dust nuisance.
- i) Use of fixed sprinkler systems for dust control on the site access road.

14. 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 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:

- 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.
15. 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:
- 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.
16. The discharge shall not significantly impair visibility beyond the boundary of the land described in condition 14 above

Dust Management Plan

17. The consent holder shall provide the Waikato Regional Council with a Dust Management Plan at least 20 working days prior to implementing 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:
 - 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) Reporting procedures;
 - j) Dust Management Plan review procedures;
 - k) Complaint receipt and response procedures.
18. The Dust Management Plan required by condition 17 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.
19. 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.
20. 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

21. Within six 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 location and of 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 17 of this consent. Monitoring shall be carried out for a minimum period of two years at each location, after which time the methodology, frequency and location may be reviewed by the Waikato Regional Council.
22. 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.
23. Within six 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 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.

24. Within six 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.
25. The consent holder shall record the following in a daily log
 - a) Any dust control equipment malfunctions and any remedial action(s) taken;
 - b) Any visible emission of dust and the source;
 - c) The frequency of watercart use and the volume of water applied;
 - d) The volume of water used for dust suppression other than watercart usage; and
 - e) The date and signature of the person entering the information.
26. A summary of all the information recorded shall be submitted to the Waikato Regional Council in the Annual Monitoring Report As required by condition 45 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

27. The consent holder shall cease excavation of overburden within 300 metres of dwelling locations immediately north of the quarry in dry weather conditions when the wind is blowing from the south and the wind speeds exceed 10 metres per second, as verified by the site's weather monitoring station
28. The consent holder must ensure that overburden placement and rehabilitation activities are avoided within 300 meters of dwelling locations west and southwest, east and northeast of the cleanfill/overburden area during dry conditions when the wind is blowing from the direction of the cleanfill/overburden area towards those properties and wind speeds exceed 10 meters per second, as verified by the site's weather monitoring station.
29. 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.
30. Rehabilitation and re-vegetation of the site shall be conducted as soon as practicable, to minimise dust emissions.

Other Measures

31. The consent holder shall be solely responsible for maintaining on-site vehicles in good mechanical order so as to minimise nuisance exhaust emissions.
32. If so required by the Waikato Regional Council, the consent holder shall carry out immediate sealing of any problematic dust generating surfaces within the site using hydro-seed/hydro-mulch, polymer soil stabilisers or a similar dust control product to provide instant remediation of dust effects to the satisfaction of the Waikato Regional Council.

33. The consent holder shall ensure that an adequate supply of water for dust control and an effective means for applying that quantity of water, is available at all times during construction, and until such time as the site is fully stabilised unless otherwise agreed in writing with the Waikato Regional Council

Ecological Management Plan

34. The consent holder shall develop a fully detailed **Ecological Management and Mitigation Plan** (EMMP) to remedy, mitigate and environmentally compensate or offset for 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:

- c) Minimise wildlife disturbance and water contamination arising from the operation of the quarry and associated activities;
- d) Provide for the restoration, revegetation, enhancement and/or protection of indigenous forest, wetland and stream habitat to remedy, mitigate and environmentally compensate or offset for the habitat removed or adversely affected resulting from the quarry activities.

35. The ecological mitigation measures addressed in the EMMP shall be prepared by a suitably qualified and experienced ecologist(s) and 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
 - ii. Planting with native species of 10 m either side of the tributary to Waipunga Stream, insofar as it is situated within the Project Site
 - ii. The riparian plantings shall be at least 930 linear metres of stream;
 - iii. Additional buffer planting around wetlands of at least 5 metres to those stipulated in the Ecological Management Plan submitted with the application
- b) The wetland enhancement plan
- c) Bat Management which will consist of re-surveying carried out by a suitably experienced ecologist no less than 1 week prior to felling trees of each stage (1-3). Should the ecologist identify a need for vegetation removal protocols after the survey, the EMMP will be updated accordingly. For certainty it is noted that the requirement for bat management implementation will be determined by the Project bat ecologist.
- d) Lizard Management, which will consist of additional survey effort to be undertaken (being no less than two (2) additional nights spotlighting and three (3) checks of artificial cover objects and manual searches) by a suitably qualified ecologist. If lizards are detected during the surveys, the consent holder shall prepare a Lizard Management Plan which will outline methodologies to search for and rescue lizards into retained habitat of equal or greater value on-site.

- e) Fish Management Plan which shall include details of the measures to be used to avoid and minimise adverse effects on aquatic habitats and biota but not limited to:
 - i. Measures to minimise disturbance and sedimentation in habitats known to support “Threatened” and “At Risk” freshwater fauna,
 - ii. Measures to capture and relocate indigenous fish from stream to be diverted;
 - iii. Measures to minimise potential for indigenous fish
 - iv. Measures to salvage and translocate fish in the stream to be diverted

36. The ecological mitigation measures identified in the certified EMMP shall be implemented:

- a) As soon as practicable within any area of ecological habitat values within the site; or
- b) As soon as areas practicable during the first planting season after the consent is granted
- c) Generally in accordance with the recommendations in the report Ecological Review - McPherson Quarry Ecological Impact Assessment (EcIA) and Ecological Management Plan (EMP), dated 31 January 2020, prepared by AECOM, WRC doc 15756391.

37. If Kauri is identified within 50 metres, of the future overburden stripping area, a vehicle and equipment hygiene procedure shall be adopted including the following:

- a) Define the individual kauri contamination zones comprising either individual kauri trees or kauri management stands that will be affected by the land disturbance,
- b) Divert overland flows away from the contamination zone,
- c) Establish entry and exit routes from each kauri contamination zone,
- d) Establish the on the ground infrastructure necessary to ensure that all vehicles and equipment are cleaned to be free of soil and organic material, or changed for clean gear before moving into, out of, or between kauri contamination zones,
- e) Use inspection and cleaning checklists for each kauri contamination zone and for all equipment and personnel, and retain these records on-site for Council inspection, and
- f) Soil and organic material retrieved from cleaned vehicles and equipment must be either retained within the kauri contamination zone from which it originated, or else retained within the Whangapoua Quarry site.

Advice Note: *A kauri management stand is a group of kauri where the kauri contamination zones overlap and is treated as one kauri contamination zone.*

38. Soil and organic material stripped from kauri contamination zones must be either retained within the kauri contamination zone from which it originated, or else retained within the quarry site.

Machinery

39. The consent holder shall ensure that all machinery used in the exercising of this consent is cleaned prior to being transported to the site to ensure that all seed and/or plant matter has being removed and documented in accordance with the National Pest Control Agencies A series, best practice (Code A16) guidelines, available to download from <https://waikatoregion.govt.nz/assets/WRC/Services/plant-and-animal-pests/Keepitclean.pdf>.

Accidental Discovery

40. In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease and the Waikato Regional Council and Heritage New Zealand shall be notified as soon as practicable and within 48 hours of a discovery. The consent holder shall consult with the relevant iwi/hapū and Heritage New Zealand, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained where necessary.

Works may recommence with the written approval of the Waikato Regional Council. Such approval shall only be given after the Council has considered:

- a) Tāngata Whenua interests and values;
- b) Protocols agreed upon by Tāngata Whenua and the consent holder;
- c) The consent holders interests;
- d) Any Heritage New Zealand authorisations; and,
- e) Any archaeological or scientific evidence.

Annual Report

41. The consent holder shall provide to the Resource Use Group of the Waikato Regional Council a report by March each year that any of the consents listed at the top of this Schedule are current. As a minimum this report shall include the following:
- a) overburden stripping undertaken during the preceding 12 months and overburden stripping proposed to be carried out during the following 12 months;
 - b) any water quality data collected in relation to resource consent AUTH137612.01.01;
 - c) all daily rainfall records;
 - d) all daily and annual water take volumes;
 - e) the cleanfill volumes and sampling results collected;
 - f) any existing ecological monitoring data including details of planting or plant maintenance work, aquatic monitoring and plant or animal pest control;
 - g) a compliance audit of all consent conditions;
 - h) any reasons for non-compliance or difficulties in achieving compliance with all consent conditions;
 - i) recommendations on alterations to monitoring required by consent conditions; and,
 - j) any other issues considered important by the consent holder.

Bond

42. Within 12 months of the commencement of this consent the Consent Holder shall provide and maintain, or shall have a third party provide and maintain, a bond in favour of the Consent Authority to enable:
- a) Rehabilitation (including contouring, drainage, revegetation,) of the quarry site and overburden areas to a standard such that the activities and works authorised by this consent no longer require resource consent;
 - b) Operation and maintenance of treatment systems on the site to ensure that discharges meet the resource consent requirements while rehabilitation on the site is being completed; and,

- c) Compliance with all the conditions of this consent related to site rehabilitation and site closure.

43. The quantum of the bond shall be sufficient to cover:

- a) The estimated costs (including any contingency necessary) of the activities outlined in condition 46; and,
- b) Any further sum which the Consent Authority consider necessary for monitoring any adverse effect on the environment that may arise from the site including monitoring anything which is done to avoid, remedy, or mitigate an adverse effect.

44. The bond shall be in a form approved by the Consent Authority and shall, subject to these conditions, be on the terms and conditions required by the Consent Authority.

45. Unless the bond is a cash bond, the performance of all the conditions of the bond shall be guaranteed by a guarantor acceptable to the Consent Authority. The guarantor shall bind itself to pay for the carrying out and completion of any condition of the bond in the event of any default of the consent holder, or any occurrence of any adverse environmental effect requiring remedy.

46. The amount of the bond shall be fixed within 12 months of commencement of this consent and every third anniversary thereafter by the Consent Authority. The amount of the bond shall be advised in writing to the consent holder at least one month prior to the review date.

47. Should the Consent Holder not agree with the amount of the bond fixed by the Consent Authority then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration shall be commenced by written notice by the consent holder to the Consent Authority advising that the amount of the bond is disputed, such notice to be given by the Consent Holder within two weeks of notification of the amount of the bond. If the parties cannot agree upon an arbitrator within a week of receiving the notice from the consent holder, then an arbitrator shall be appointed by the Chief Executive Officer of the Institute of Professional Engineers of New Zealand. Such arbitrator shall give an award in writing within 30 days after his or her appointment, unless the consent holder and the Consent Authority agree that time shall be extended. The parties shall bear their own costs in connection with the arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration, the existing bond shall continue in force. That sum shall be adjusted in accordance with the arbitration determination.

48. If the amount of the bond to be provided by the Consent Holder is greater than the sum secured by the current bond, then within one month of the consent holder being given written notice of the new amount to be secured by the bond, the Consent Holder and the guarantor shall execute and lodge with the Consent Authority a variation of the existing bond or a new bond for the amount fixed on review by the Consent Authority. Activities authorised by the consent shall not be undertaken if the variation of the existing bond or new bond is not provided in accordance with this condition.

49. The bond may be varied, cancelled, or renewed at any time by agreement between the Consent Holder and the Consent Authority.

50. The bond shall be released on completion of Closure of the site.

Advice Note: *Completion of Closure means when resource consents for the site are no longer required. The Consent Holder shall pay all costs relating to the bond.*

Administration

51. The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act.

Review

52. At any time during 2023, and during every third year thereafter for the term of the consent, the Waikato Regional Council may, following service of notice on the consent holder, commence a review of the conditions of this resource consent pursuant to section 128(1) of the Resource Management Act 1991 for the following purposes:

- a) To review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or,
- b) To review the adequacy of and the necessity for monitoring undertaken by the Consent Holder and specifically to review the method and frequency of record collection for the purposes of determining the most appropriate method and frequency; or,
- c) If necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the environment.

