



APPENDIX E

Suggested Waipa District Council
Consent Conditions

Suggested Conditions of Consent

Generally in accordance

- 1 Sand quarry activities shall be carried out in general accordance with the “Resource Consent Application and Assessment of Environmental Effects: Oreipunga Road - Sand Quarry” document dated XX XXX XXXX prepared by Mitchell Daysh Limited and supporting information, including plan 11191-C-001 REV A provided in Schedule One of this consent. For the avoidance of doubt, sand extraction (and associated earthworks) shall be confined to within the four stage areas denoted by the purple, orange, blue and green dashed lines in Schedule One of this consent.
- 2 The resource consent conditions below shall prevail should any inconsistencies between the application documentation, management plans and the conditions occur.
- 3 No disposal of cleanfill shall be undertaken on the site.

Consent Compliance for Sub-Contractors

- 4 The consent holder shall be responsible for all sub-contracted operations relating to the exercise of this consent and must ensure staff and sub-contractors are made aware of the conditions of this consent and ensure compliance with those conditions.

Consent Documentation Onsite

- 5 A copy of this resource consent must be kept on-site at all times during the operation of the sand quarry authorised by this consent and shall be produced without unreasonable delay upon request from a servant or agent of the Waipa District Council.

Consent Holder Representative

- 6 The consent holder shall appoint a representative(s) prior to the exercise of this consent who shall be the Waipa District Council’s principal contact person(s) regarding matters relating to this consent. The consent holder shall inform the Waipa District Council of the representative(s) name and how they can be contacted, prior to this consent being exercised. Should that person(s) change during the term of this resource consent, the consent holder shall immediately inform the Waipa District Council and shall also give written notice to the Waipa District Council of the new representative’s name and how they can be contacted.

Pre-Construction Site Meetings – Stages 2 and 4

RESOURCE CONSENT CERTIFICATE

Resource Consent: XXXXXXXXXX

File Number: XXXXXXXXXX

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

Beacon Hill Contracting Limited
(hereinafter referred to as the Consent Holder)

Consent Type: Land Use Consent

Consent Subtype: Land – Soil Disturbance

Activity authorised: To undertake earthworks in a high-risk erosion area association with a sand quarry

Location: 599 Oreipunga Road, Horahora

Consent duration: This consent will commence on the date of decision notification
and will expire on XX XXX 20XX (20-year Duration).

Subject to the conditions overleaf:

DRAFT

General

1. Earthwork activities shall be carried out in general accordance with the “Resource Consent Application and Assessment of Environmental Effects: Oreipunga Road - Sand Quarry” document dated XX XXX XXXX prepared by Mitchell Daysh Limited and supporting information, including plan 11191-C-001 REV A in Schedule One of this consent.
2. Except as specifically provided for by other conditions of the applicable consents, all activities to which the consents relate shall be undertaken in general accordance with the resource consent conditions below and the information contained in the resource consent application.
3. The consent holder shall be responsible for all contracted operations related to the exercise of this resource consent and must ensure that all relevant staff and contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Consent Holder Representative

4. The consent holder shall appoint a representative(s) prior to commencement of any works authorised by this resource consent, who shall be the Waikato Regional Council’s principal contact person in regard to matters relating to this consent. The consent holder shall inform the Waikato Regional Council of the representative’s name and how they can be contacted prior to this 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 Regional Council of the new representatives name and how they can be contacted.

Pre-Construction Site Meetings – Stages 2 and 4

5. Prior to works commencing in stages 2 and 4, the consent holder shall arrange and conduct a pre-construction site meeting and invite, with a minimum of 5 working days’ notice, the Waikato Regional Council, the site representative(s) nominated under condition 4 of this consent, the contractor and any other party representing the consent holder prior to any sand quarrying work authorised by this consent commencing in stages 2 and 4.

Advice note: *In the case that any of the invited parties, other than the site representative does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.*

Groundwater

6. All excavations associated with sand quarrying shall not intercept the local unconfined aquifer water table.

Site Management Plan

7. The consent holder shall provide the Waikato Regional Council with a "Site Management Plan" (SMP). The SMP shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any quarry related earthworks occurring in a high-risk erosion area following the granting of this consent and/or prior to any tree removal activities occurring following the granting of this consent. The SMP shall include, but may not be limited to the following:

- (a) Erosion and sediment control plans prepared in accordance with “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” (Technical Report No. 2009/02 – dated January 2009) or any subsequent updates;
 - (b) Land stability measures;
 - (c) Site staging plans;
 - (d) Bat management plans;
 - (e) Lizard management plans;
 - (f) Maintenance, monitoring, and inspection procedures;
 - (g) Specific dust control measures to ensure that dust emissions are kept to a practicable minimum inclusive of recommendations for access road maintenance;
 - (h) Procedures to review the SMP in order to ensure compliance with the resource consent conditions.
 - (i) The contact number of the site manager.
8. The Consent Holder shall operate the site in accordance with the approved SMP. The SMP shall be reviewed and updated at least once every five years from the exercise of this consent. Any changes to the SMP shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity.

Erosion and Sediment Control

9. Earthworks shall be undertaken in accordance with the measures detailed in the document titled “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” (Technical Report No. 2009/02 – dated January 2009) or any subsequent updates.
10. The consent holder shall be responsible for ensuring the structural integrity and maintenance of all construction earthworks and for the provision of additional erosion and sediment controls that become necessary to control erosion as a result of the exercise of this consent.
11. The area of open and disturbed land (excluding any access and haul roads and any processing and stockpiling areas) shall not exceed three hectares at any one time as a result of the exercise of this resource consent.

Land Stability

12. There shall be no excavation within 20m of the northern gully edge adjacent and north of Stage 2.
13. Final batter slopes in all stages shall be no steeper than 2.5H:1V.
14. Maximum final batter heights shall be 10m while two batters can be separated by a 10m horizontal bench.

Dust

15. There shall be no particulate matter as a result of the activities authorised by this resource consent that causes an objectionable or offensive effect beyond the boundary of the application area being that land described as LOT 1 DPS 80319 BLK VIII MAUNGATAUTARI SD.

Advice Note: For the purpose of this resource consent, 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.*

16. The area of open and disturbed land (excluding any access and haul roads and stockpiling areas) shall not exceed three hectares at any one time as a result of the exercise of this resource consent.

17. All activities authorised by this consent shall ensure that dust emissions are kept to a practicable minimum. At least the following measures shall be implemented:

- (a) The use of water sprays to suppress dust from fill areas from access roads and from other disturbed land, on an as required basis;
- (b) The use of dust stabilisation systems (water, water plus additives or mulch);
- (c) The stabilisation of disturbed land which is currently not being worked;
- (d) The re-grassing of completed surfaces;
- (e) The maintenance of all access routes; and
- (f) Keeping the total area of exposed soil to no more than three hectares at all times.

18. All areas of bare earth shall be re-vegetated or re-grassed as soon as practicable.

19. The consent holder shall enforce a 20 kph speed limit on all unsealed access roads.

Ecological Management

Birds

20. Prior to any tree clearance or alteration in the period September – February (inclusive) in any year, the consent holder must engage a suitably qualified and experienced ecologist to undertake a nesting bird survey. The purpose of the nesting bird survey is to identify any vegetation being used by native bird as nesting habitat. This includes both arboreal and ground nests.

21. Should the nesting bird survey identify a native bird nest, a fifteen (15) metre exclusion zone must be demarcated with flagging tape and avoided until the chicks have fledged.

22. A period of no greater than two (2) working days can be allowed to elapse between the nesting bird survey and the vegetation clearance / alteration taking place.

Lizards

23. Prior to the commencement of any tree removal works, the consent holder must submit and have certified by Council, a Lizard Management Plan (LMP) prepared by a suitably qualified and experienced ecologist/herpetologist. The LMP Plan must be designed so as to achieve the following two objectives:

- The population of each species of native lizard present on the site at which tree clearance is to occur must be maintained or enhanced, either on the same site or at an appropriate alternative site; and

- The habitat(s) that lizards are transferred to (either on site or at an alternative site, as the case may be) will support viable native lizard populations for all species present predevelopment.
24. A suitably qualified and experienced ecologist/herpetologist to oversee the implementation of the Lizard Management Plan (LMP) must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the tree clearance works.
25. All works on site must comply with the certified Lizard Management Plan.
26. Upon completion of works, all findings resulting from the implementation of the Lizard Management Plan must be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the Council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to Council.

Advice Note:

All native lizards are absolutely protected under the Wildlife Act 1953 under which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation.

Bats

27. Prior to the commencement of any tree removal works, the Consent Holder must submit and have certified by Council, a Bat Management and Monitoring Plan (BMMP). The BMMP shall be prepared by a suitably qualified ecologist and shall include standard best practice tree felling protocol. Certification shall be against the conditions of this consent and the following BMMP objective:
- To set out the procedures to be implemented by the Consent Holder to avoid and mitigate the effects on long-tailed bats from the removal of any vegetation and/or trees that are potential bat roost habitat.

In particular the BMMP shall include:

- (a) A tree removal protocol prepared by a qualified bat ecologist that sets out the monitoring procedures to be implemented for the removal of any vegetation and/or trees that are identified as potential bat roosts. This can be achieved through acoustic surveys, direct observation of trees prior to their removal, and by managing the time (month) of removal;
- (b) Details of ongoing monitoring and reporting of bat activity where occupied bat roosts are discovered;
- (c) Proposal for minimising disturbance from construction activities near any discovery of active roosts until the bat ecologist confirms they are vacant; and
- (d) Methods for the replacement of any actual and potential bat roosts that are removed as part of the proposal.

The tree removal protocol set out in the BMMP shall be implemented for the removal of any vegetation and/or trees that are identified as potential bat roosts by a suitably qualified ecologist.

Complaints Register

28. The consent holder shall maintain and keep a register of complaints regarding all aspects of operations at the site related to the exercise of this consent, received by the consent holder. The register shall record:

- (a) the date, time and duration of the event/incident that has resulted in a complaint;
- (b) the location of the complainant when the event/incident (if possible, specify nature of incident e.g. dust nuisance) was detected;
- (c) the possible cause of the event/incident;
- (d) the weather conditions and wind direction at the site when the event/incident allegedly occurred;
- (e) any corrective action undertaken by the consent holder in response to the complaint;
- (f) any other relevant information.

The register shall be available to the Waikato Regional Council at all reasonable times. Complaints received by the consent holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Waikato Regional Council within 5 days of the complaint being received.

Activity Setbacks

29. Activities authorised by this resource consent shall comply with the following setbacks:

- (a) At least 10 metres from any natural wetland or surface water body;
- (b) At least 30 metres from any other property not owned by the Consent Holder; and
- (c) Outside any Significant Natural Area containing indigenous vegetation at the time of granting of this consent.

Rehabilitation

30. The rehabilitation of land to which this land use consent relates shall be undertaken by the consent holder to the satisfaction of the Waikato Regional Council. The objectives of rehabilitation of the land shall be to ensure that:

- (a) the area of bare soil/earthen surfaces is kept to a minimum at all times;
- (b) it requires no more management than that required in adjacent catchments which are unaffected by this activity;
- (c) the land cover is generally consistent with the adjacent areas unaffected by this activity; and
- (d) the quality of the water discharging from the rehabilitated land is consistent with the discharge from adjacent catchments unaffected by overburden stripping works.

Mitigation and Restoration

31. The consent holder shall provide the Waikato Regional Council with a "Mitigation and Restoration Plan" (MRP), within 45 working days following the granting of this consent. The MRP shall be prepared in consultation with representatives from Ngāti Korokī Kahukura and Ngāti Hauā and shall be certified by the Waikato Regional Council. The objective of the MRP is to set out mitigation and restoration planting plans, including timetable and nature of progressive mitigation planting, to achieve betterment for the Waikato River and associated catchment. In this respect, the MRP shall include the following related information;

- (a) Species to be planted, where they are to be planted, density of planting, sourcing of plants and fertilising;
- (b) Site preparation for planting;
- (c) An approximate timeline for planting; and

- (d) Ongoing maintenance procedures including the replacement of any dead plants.

Annual Report

32. The consent holder shall provide to the Waikato Regional Council an annual report, by 31 March, for each year that this consent is exercised. The annual report shall include but not be limited to;
- (a) An assessment of the consent holder's compliance with the conditions of resource consents AUTHXXXXXX.01.01 and AUTHXXXXXX.01.02 and any recommendations to address any identified non-compliances;
 - (b) Quarry development plans for the next 12 months;
 - (c) The location and areas of land to be rehabilitated over the next 12 months; and
 - (d) A detailed description including photographs of mitigation or restoration works undertaken and ongoing maintenance of the plants.

Tangata Whenua

33. In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking earthworks or any sand quarry related or ancillary activities, the activity shall cease immediately in the area of the discovery, and Tangata Whenua, Heritage New Zealand and the Waikato Regional Council shall be notified within 48 hours. Works may recommence with the written approval of the Waikato Regional Council. Such approval shall be given after the Waikato Regional Council has considered:
- (a) Tangata Whenua interests and values;
 - (b) The consent holders interests;
 - (c) Any Heritage New Zealand authorisations; and
 - (d) Any archaeological or scientific evidence.

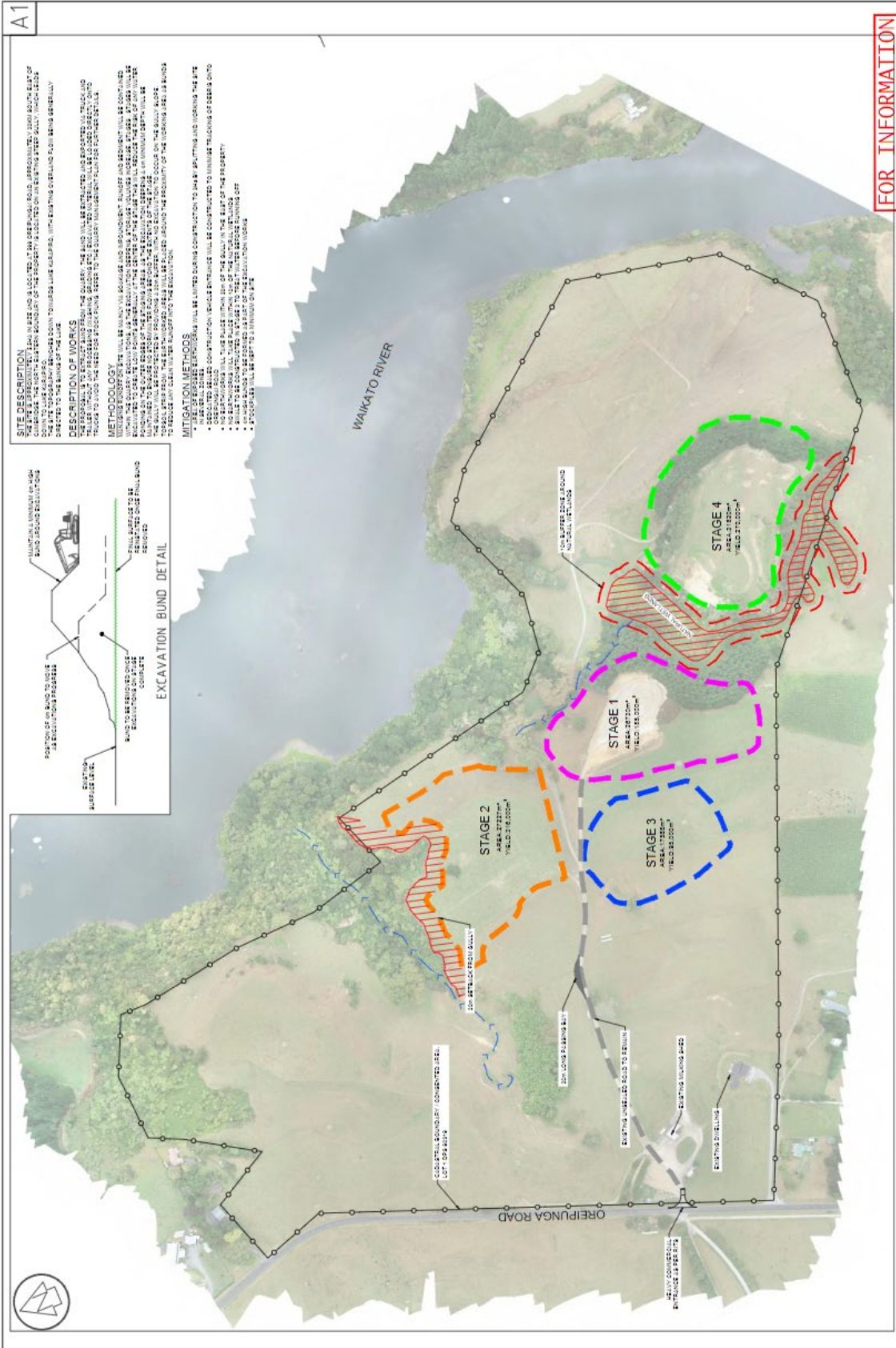
Review

34. The Waikato Regional Council may, between 1 April and 30 June 2022, and between 1 April to 30 June every three years thereafter serve notice on the consent holder under section 128(1) of the Resource Management Act 1991, of its intention to review the conditions of this resource consent 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) 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 surrounding environment; or
 - (c) To review the adequacy of and the necessity for monitoring undertaken by the consent holder; or
 - (d) To take account of any changes to the Waikato Regional Plans or Policies.

Administration

35. 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.

SCHEDULE ONE:

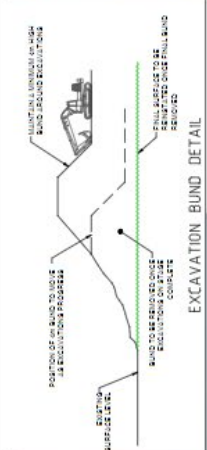


SITE DESCRIPTION
 THE SITE IS SITUATED IN THE SOUTH-EAST CORNER OF THE NORTH-EAST QUARTER OF SECTION 10, BLOCK 1, DISTRICT OF THE WAIKATO. THE SITE IS BOUNDARY OF THE PROPERTY IS LOCATED ON THE SOUTH-EAST CORNER OF THE SITE. THE PROPERTY IS A SAND QUARRY. THE SITE IS BOUNDARY OF THE PROPERTY IS LOCATED ON THE SOUTH-EAST CORNER OF THE SITE. THE PROPERTY IS A SAND QUARRY.

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MITIGATION METHODS
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FOR INFORMATION

<p>COGSWELL CONSULTANTS 100 OREIPUNGA ROAD HAMILTON, NEW ZEALAND WWW.COGSWELL.CO.NZ</p>	CLIENT: MARK ANDREE-WILTENS REF: 1191	PROJECT: SAND QUARRY 590 OREIPUNGA ROAD	TITLE: EROSION AND SEDIMENT CONTROL PLAN	SCALE: 1:3000 (A1) 1:4000 (A2) DATE: 10.09.21 DRAWN: [Name] CHECKED: [Name]
	PROJECT: SAND QUARRY 590 OREIPUNGA ROAD			SCALE: 1:3000 (A1) 1:4000 (A2) DATE: 10.09.21 DRAWN: [Name] CHECKED: [Name]

RESOURCE CONSENT CERTIFICATE

Resource Consent: XXXXXXXXXXXX

File Number: XXXXXXXXXXXX

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

Beacon Hill Contracting Limited
(hereinafter referred to as the Consent Holder)

Consent Type: Water Permit

Consent Subtype: NESFW

Activity authorised: Diversion and discharging stormwater outside of but within 100m of a natural wetland associated with the construction, operation and maintenance of sand quarry pits in Stages 1 and 4 of Schedule One of this consent.

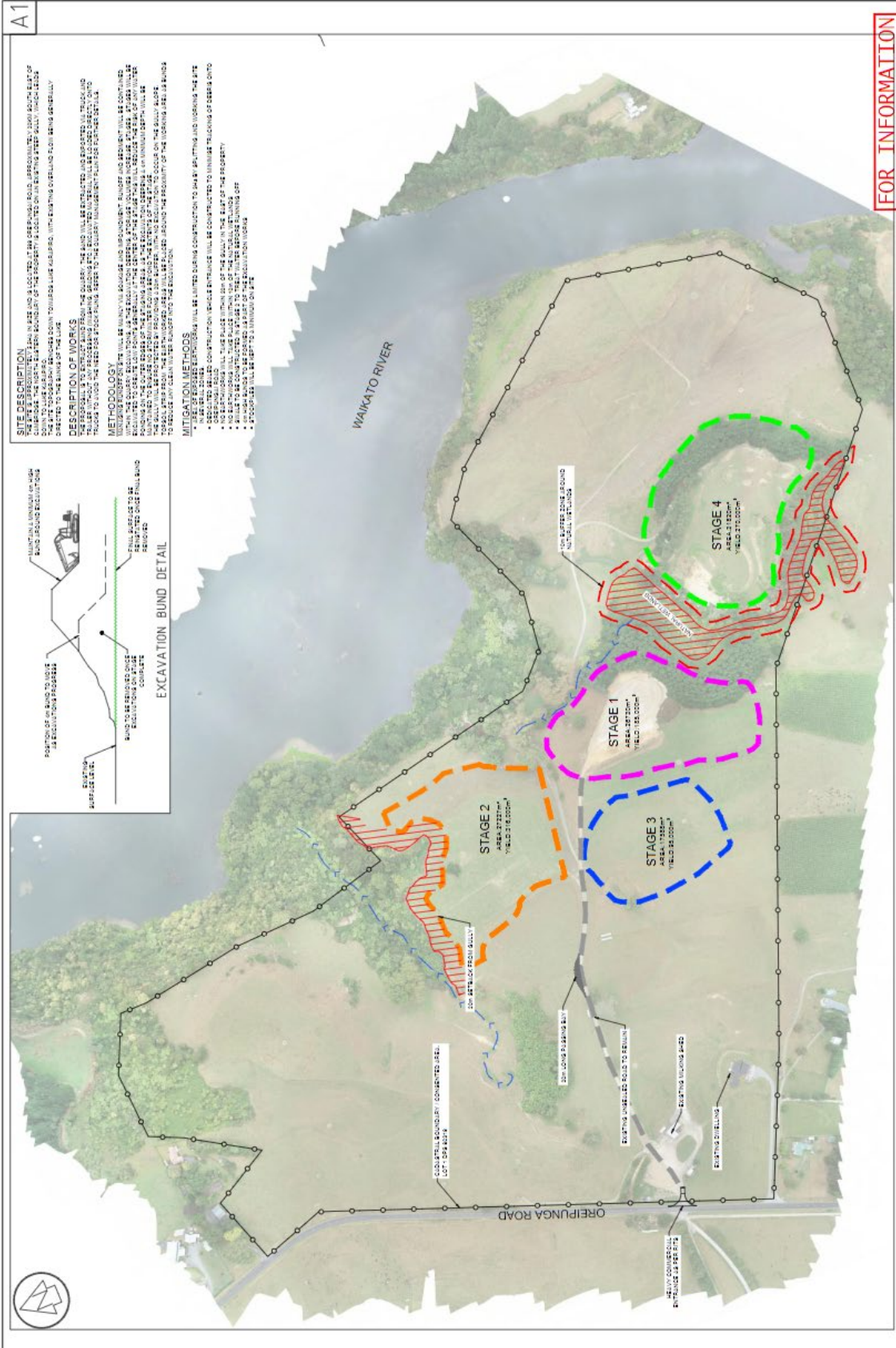
Location: 599 Oreipunga Road, Horahora

Consent duration: This consent will commence on the date of decision notification and will expire on XX XXX 20XX (15-year Duration).

Subject to the conditions overleaf:

1. All excavations associated with sand quarrying shall not intercept the local unconfined aquifer water table.
2. All machinery shall be operated in a manner which ensures that spillage of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance.

SCHEDULE ONE:



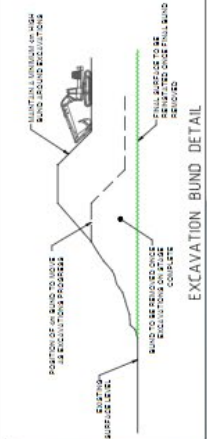
FOR INFORMATION

SITE DESCRIPTION:
 The site is located on the eastern boundary of the property, approximately 1500m south-east of the Waikato River. The site is bounded to the north by the Waikato River, to the east by the Waikato River, to the south by the Waikato River, and to the west by the Waikato River. The site is bounded to the north by the Waikato River, to the east by the Waikato River, to the south by the Waikato River, and to the west by the Waikato River.

DESCRIPTION OF WORKS:
 The works consist of the excavation and removal of sand from the site. The sand will be used for the construction of the quarry. The sand will be excavated in four stages, as shown on the plan. The sand will be removed from the site and transported to the quarry. The sand will be excavated in four stages, as shown on the plan. The sand will be removed from the site and transported to the quarry.

METHODS:
 The works will be carried out in four stages, as shown on the plan. The sand will be excavated in four stages, as shown on the plan. The sand will be removed from the site and transported to the quarry. The sand will be excavated in four stages, as shown on the plan. The sand will be removed from the site and transported to the quarry.

MITIGATION METHODS:
 The works will be carried out in four stages, as shown on the plan. The sand will be excavated in four stages, as shown on the plan. The sand will be removed from the site and transported to the quarry. The sand will be excavated in four stages, as shown on the plan. The sand will be removed from the site and transported to the quarry.



 COGSWELL CONSULTANTS www.cogswell.co.nz	CLIENT:	MARK ANDREE-WILTENS	PROJECT:	SAND QUARRY 590 OREIPUNGA ROAD	TITLE:	EROSION AND SEDIMENT CONTROL PLAN	SCALE:	1:5000 (B/A1) 1:10000 (B/A2)
	DATE:	10.09.21	DRAWN BY:	MARK ANDREE-WILTENS	DATE:	10.09.21	SCALE:	1:5000 (B/A1) 1:10000 (B/A2)

- 7 The consent holder shall arrange and conduct a pre-construction site meeting and invite, with a minimum of 5 working days' notice, the Waipa District Council, the site representative(s) nominated under condition 6 of this consent, the contractor and any other party representing the consent holder prior to any sand quarrying work authorised by this consent commencing in stages 2 and 4.

Advice note: *In the case that any of the invited parties, other than the site representative does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.*

Earthworks

- 8 All earthworks must be undertaken in general accordance with the Waikato Regional Council's "Erosion and Sediment Control - Guidelines for Soil Disturbing Activities (2009)" including the corresponding fact sheets.

See [http://www.waikatoregion.govt.nz/ Environment/ Natural-resources/ Land-and-soil/ Erosion/ Earthworks-Erosion-and-Sediment -Control/](http://www.waikatoregion.govt.nz/Environment/Natural-resources/Land-and-soil/Erosion/Earthworks-Erosion-and-Sediment-Control/)

Site Access

- 9 The consent holder shall construct and maintain a heavy vehicle entrance in accordance with RITS Diagram D3.3.4 (Heavy Commercial Rural Entranceway).
- 10 The consent holder shall construct and maintain a site access road. The site access road shall be sealed to 4.5m wide and for a distance of no less than 50m from the eastern edge of Oreipunga Road. Beyond 50m, the access road shall be unsealed to a width of 3m with approximately 6m wide passing bays spaced approximately every 100m for the rest of its length into each active quarry stage.
- 11 The consent holder shall ensure that any sand spillage onto the new public road as a result of the activities authorised by this resource consent shall be removed as soon as practicable.

Tangata Whenua, Accidental Discovery and Archaeological

- 12 If taonga, koiwi or any archaeological artefacts are discovered in any area of earthworks, the consent holder shall cease work within a 50-metre radius of the discovery immediately and contact local iwi, Heritage New Zealand (HNZ) and the Waipa District Council within 48 hours. Works shall not recommence within this area until a site inspection is carried out by iwi, HNZ and/or the Waipa District Council (if any consider this necessary) and appropriate action has been taken. Works may recommence on the written advice of the Waipa District Council after considering:

- a) The interests and values of Tangata Whenua; and
- b) The consent holder's interests; and
- c) Any archaeological or scientific evidence; and
- d) Any Heritage New Zealand authorisations.

Setbacks

- 13 Unless written approval has been provided by the Waipa District Council, activities authorised by this resource consent shall comply with the following setbacks;
- a) At least 10 metres from any natural wetland;
 - b) At least 30 metres from any other property not owned by the Consent Holder; and
 - c) Outside any Significant Natural Area containing indigenous vegetation at the time of granting of this consent.

Quarry Management

- 14 The consent holder shall provide the Waipa District Council with a "Site Management Plan" (SMP), within 25 working days following the granting of this consent. The SMP shall be certified by the Waipa District Council's Consents Team Leader as incorporating all the outcomes listed in Condition 15.

Note: *The objective of the SMP is to set out practices and procedures to be undertaken during the mineral extraction activities in order to avoid, remedy or mitigate adverse effects of the extraction activities and to comply with the conditions of this consent.*

- 15 The SMP shall include, but may not be limited to the following:
- a) Site plan showing the location of infrastructure and all other relevant information;
 - b) A description of operational procedures and monitoring that will be implemented to;
 - i) record truck movements; and
 - ii) record sand volumes extracted;
 - c) Site staging plans;
 - d) Maintenance, monitoring, and inspection procedures;
 - e) Specific dust control measures to ensure that dust emissions are kept to a practicable minimum;

- f) Procedures for recording and dealing with complaints;
 - g) Noise management information including:
 - i) Operational noise limits in the consent;
 - ii) Identification of the most affected premises where there exists the potential for noise effects;
 - iii) Description and duration of the works, anticipated equipment and the processes to be undertaken;
 - iv) Hours of operation, including times and days when activities causing noise are likely to occur;
 - v) Description of operational measures to;
 - minimise noise; and
 - comply with the noise limits prescribed in this consent;
 - h) Traffic management protocols;
 - i) Procedures to review the management plan in order to ensure compliance with the resource consent conditions;
 - j) Land stability measures;
 - k) Any relevant contingency and mitigation measures;
 - l) Procedures for informing sand quarry haulage operators/customers of key requirements of entry, on site activity, site departure and off-site transit expectations;
 - m) Indicative final rehabilitated contour plans for the site; and
 - n) Procedures to review the SMP in order to ensure compliance with the resource consent conditions.
- 16 The Consent Holder shall operate the site in accordance with the approved SMP which details the procedures that will implemented to operate in accordance with the conditions of this resource consent. The SMP shall be reviewed and updated at least once every five years from the exercise of this consent. Any changes to the SMP shall be approved in writing by the Waipa District Council acting in a technical certification capacity. If an amendment to the SMP is approved by an authorised officer of the Waipa District Council, the consent holder must ensure the updated SMP is available onsite within five (5) working days of its receipt of the acceptance. The SMP shall be produced without unreasonable delay upon request from an authorised officer of the Waipa District Council.
- 17 A maximum volume of sand removed from the site in any 12-month period shall not exceed 95,000m³.

- 18 The total area of the site from which minerals are being extracted, including the land from where overburden has been removed prior to extraction commencing, but excluding internal access roads and any stockpiling areas, shall not exceed 3ha at any one time.

Mitigation and Restoration

- 19 The consent holder shall provide the Waipa District Council with a "Mitigation and Restoration Plan" (MRP), within 45 working days following the granting of this consent. The MRP shall be prepared in consultation with representatives from Ngāti Korokī Kahukura and Ngāti Hauā and shall be certified by the Waipa District Council's Consents Team Leader. The objective of the MRP is to set out mitigation and restoration planting plans, including timetable and nature of progressive mitigation planting, to achieve betterment for the Waikato River and associated catchment. In this respect, the MRP shall include the following related information;

- i) Species to be planted, where they are to be planted, density of planting, sourcing of plants and fertilising;
- ii) Site preparation for planting;
- iii) An approximate timeline for planting; and
- iv) Ongoing maintenance procedures including the replacement of any dead plants.

Dust

- 20 There shall be no particulate matter as a result of the activities authorised by this resource consent that causes an objectionable or offensive effect beyond the boundary of the application area being that land described as LOT 1 DPS 80319 BLK VIII MAUNGATAUTARI SD.

Advice Note: For the purposes of this condition, the Waipa District Council will consider an emission to be objectionable or offensive having regard to:

- a) Its frequency, intensity, duration, location and effects of the dust emission(s); and
- b) Receipt of verified complaints from neighbours or members of the public; and
- c) Where relevant, written advice from an experienced officer of the Waikato Regional Council or Waikato District Health Board has been issued.

- 21 All areas of bare earth shall be re-vegetated or re-grassed as soon as practicable.

22 The consent holder shall enforce a 20 kph speed limit on all unsealed access roads.

Hours of Operation

23 The hours of operation of the sand quarrying and sand washing activities, including the use of heavy vehicles carting machinery or material entering or leaving the site, shall be between:

- (a) 7:00am to 5:30pm, Monday to Friday;
- (b) 7:00am to 12:00pm Saturday; and
- (c) Closed Sunday and Public Holidays.

Noise

24 All activities authorised by this consent shall be conducted, designed and operated to ensure that it does not exceed the following limits within the notional boundary of any dwelling (excluding dwellings on the same property as the consented activity or those where completed written approval of potentially affected parties has been obtained):

- (a) Day time - 7:00am to 10:00pm 50 dB L_{Aeq}
- (b) Night-time - 10:00pm to 7:00am 40 dB L_{Aeq} and single noise event 70 dB L_{AFmax}

Advice note: "Notional boundary" means a line 20m from the most exposed external walls of any dwelling or any building used for accommodation; or the legal boundary of a site on which a dwelling is located, where that boundary is closer than 20m to the dwelling or building used for accommodation.

25 The noise levels shall be measured following the requirements of NZS 6801:2008 – Acoustics –Environmental Sound and assessed following NZS 6802:2008–Acoustics – Environmental Noise.

26 Construction noise generated from the construction of any permanent haul roads, turning areas or any other "construction activities" shall meet the relevant limits recommended in and be measured and assessed following NZS 6803:1999 Acoustics – Construction Noise.

27 If topsoil stripping is planned to occur using a bulldozer within 250m of a dwelling façade (230m from a notional boundary), the consent holder shall ensure the dwelling owner / occupant is advised in writing of the following information no less than 10 working days prior to the commencement of the planned topsoil stripping;

- a) Where topsoil stripping will occur within 250 m of their dwelling;

- b) Expected dates of the work including hours and days of the week; and
- c) Any other information the consent holder considers relevant.

The consent holder shall secure the written approval from the dwelling occupant, before this activity can commence without a noise attenuation bund in place.

- 28 No sand extraction is to occur within 250m of a dwelling façade (230m from a notional boundary) without a 2.0m earth bund (gradient 1:3) being in place unless written approval has been provided to the consent holder by the owner / occupant.
- 29 Soil stripping activities shall not include the use of mobile soil scrapers.
- 30 Soil stripping activities occurring within 300m of an occupied dwelling shall only occur between 10:00AM – 4:00PM on Monday to Friday unless written approval has been provided to the consent holder by the owner / occupant.
- 31 There shall be no tonal vehicle reversing beepers used on any vehicles or earthmoving machinery used on site.
- 32 The consent holder must undertake, at its expense, noise monitoring as and when required by an authorised officer of the Waipa District Council as a result of complaints. The results of this monitoring must be provided to the Waipa District Council within ten (10) working days of it being undertaken.
- 33 Where the monitoring of noise levels results in a non-compliance with noise conditions, the consent holder shall take immediate action to ensure that compliance is achieved and shall report to the Waipa District Council's Enforcement Officer the mitigation actions implemented. Following implementation of such mitigation measures a further noise level survey shall be undertaken confirming that compliance with the relevant criteria has been achieved, and those results forwarded to the Waipa District Council within ten (10) working days of it being undertaken.

Traffic

- 34 The consent holder shall, no later than 31 March each year, provide Waipa District Council's Enforcement Officer with an annual report detailing the following information for the previous calendar year:
 - a) Daily numbers of truck movements; and
 - b) Monthly sand volumes extracted.

- 35 The consent holder must keep a register of daily truck movements and daily sand volumes leaving the site. This information must be made available to an authorised officer of the Waipa District Council within 10 working days upon request.

Trip Generation

- 36 The maximum number of heavy vehicle movements generated by the activity shall not exceed:
- a) Daily maximum of 60 HCV movements/day; and
 - b) Daily average of 40 HCV movements/day (calculated over a one-month period).

Advice Notes:

- *For the purposes of compliance with this condition HCV entering and exiting the site will generate two movements.*
- *For the avoidance of doubt, HCV has the meaning of “heavy vehicle” defined in the Waipa District Plan as any motor vehicle that has a gross vehicle mass (GVM) exceeding 3,500 kilograms.*

Land Stability

- 37 There shall be no excavation within 20m of the northern gully edge adjacent and north of Stage 2.
- 38 Final batter slopes in all stages shall be no steeper than 2.5H:1V.
- 39 Maximum final batter heights shall be 10m while two batters can be separated by a 10m horizontal bench.

Complaints Register

- 40 The consent holder shall maintain and keep a complaint register for complaints regarding all aspects of operations at the site related to the exercise of this consent, received by the consent holder. The register shall record:
- a) the date, time and duration of the event/incident that has resulted in a complaint,
 - b) the location of the complainant when the event/incident (if possible, specify nature of incident e.g. dust nuisance) was detected,
 - c) the possible cause of the event/incident,
 - d) the weather conditions and wind direction at the site when the event/incident allegedly occurred,

- e) any corrective action is undertaken by the consent holder in response to the complaint
- f) any other relevant information.

The register shall be available to the Waipa District Council at all reasonable times. Complaints received by the consent holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Waikato Regional Council within 5 days of the complaint being received.

Administration

- 41 The consent holder shall pay to the Waipa District Council any administrative fixed charge in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with the regulations under section 360 of the Resource Management Act.

Financial Contribution

- 42 The consent holder shall pay the Waipa District Council a financial contribution of \$0.25/tonne for each tonne of material that is transported by public road. The financial contribution shall be paid twelve (12) monthly in arrears based on the actual extraction volumes recorded as per Condition 36.

Advice Note: *The financial contribution of \$0.25/tonne takes into account the NZ Transport Agency financial assistance rate of 51%.*

- 43 The heavy vehicle impact fee will be adjusted at 1 July each year for the term of this consent by reference to the Producer Price Index for Construction (PPI) at 31 March of the corresponding year and rounded to the nearest \$0.01/tonne.
- 44 The consent holder shall, within ten (10) working days of payment, provide Council's Enforcement Officer with written notice of the date of which the payment of the heavy vehicle impact fee is paid to Council, the amount that was paid, and how the amount was calculated.

Advice Note: *For the purposes of enforcing Condition 42 of this consent the consent holder shall be 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.*

Review

45 Pursuant to Sections 128 to 131 of the Resource Management Act 1991, Waipa District Council may, during the months June to August after the first year of the exercise of this consent, and during the same months every two years thereafter (so long as the consent is current), serve notice on the consent holder to review any or all of the conditions of this consent for the following purposes:

- a) The 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 may relate to:
 - i) Noise arising from mineral extraction activities;
 - ii) Dust arising from mineral extraction and/or vehicle movements.
- 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 any issues arising out of complaints;
- c) To review the adequacy of, and necessity for, any monitoring programmes or the Site Management Plan 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.

SCHEDULE ONE:

