BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY WAIPA DISTRICT COUNCIL

IN THE MATTER	of the Resource Management Act 1991 (Act)
AND	
IN THE MATTER	of an application for resource consent under section 88 of the Act for the establishment and operation of a sand quarry and cleanfill operation located at 928 Kaipaki Road, Cambridge
BETWEEN	**SHAW'S PROPERTY HOLDINGS LIMITED**
	Applicant
AND	**WAIPA DISTRICT COUNCIL**
	Consent Authority

STATEMENT OF EVIDENCE OF MARK BULPITT CHRISP
ON BEHALF OF APPLICANT

(Planning)

Dated: 6 November 2020

INTRODUCTION

1. My full name is Mark Bulpitt Chrisp. I am a Director and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Ltd, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016). I am currently serving as the Chairman of the Board of Mitchell Daysh Ltd.

2. In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.

3. I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 30 years' experience as a Resource Management Planning Consultant.

4. I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.

5. I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.

6. I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the Expert Planning Witness for the Hawke's Bay Regional Investment Company Ltd's proposed Ruataniwha Water Storage Scheme).

7. I have been involved in a number of proposals for quarry operations including:

   (a) Securing consents for the extraction of sand at Tamahere as part of the State Highway 1 Tamahere Deviation;

   (b) Securing consents for a sand quarry operated by J & J Watt Ltd on Maungatautari Road, Cambridge;

   (c) Assisting Glencoal Ltd in relation to resource management issues associated with its coal mines;

   (d) Securing consents for Perry Aggregates Ltd in relation to the Gommans Sand Quarry at Tamahere and the Waingaro Quarry Aggregate Quarry at Ngaruawahia; and

8. I am also currently assisting Seay Earthmovers Ltd to secure resource consents for an expansion of the Taupo Scoria Quarry, Poihipi Road, Taupo.

9. I did not prepare the resource consent applications for this proposal, however, I was involved in an advisory capacity during the early project development stages and have maintained general oversight of the consenting process and have assisted the applicant on key process related matters. I also assisted with consultation.

10. I am familiar with the site at 928 Kaipaki Road, Cambridge ("Site") having visited it on a number of occasions throughout the course of my involvement with this proposal.

11. In preparing this evidence I have reviewed:

   (a) The resource consent applications to Waipa District Council ("WDC") and Waikato Regional Council ("WRC") to establish a Sand Quarry and Cleanfill operation at 928 Kaipaki Road ("Sand

Quarry"), and the associated technical reports that assist to make up the Assessment of Environmental Effects ("Application" or "Applications");

(b) The resource consents granted by WRC for the Sand Quarry dated 16 October 2020;

(c) The draft statements of evidence of all of the other expert witnesses giving evidence on behalf of Shaw's Property Holdings Ltd;

(d) The s 42A report dated 30 October 2020 prepared by Ms Hayley Thomas for WDC ("s 42A Report"); and

(e) Submissions made with respect to the Applications.

SCOPE OF EVIDENCE

12. I have been engaged by Shaw's Property Holdings Ltd ("the Applicant") to present planning evidence in relation to its Land Use Consent Application. Specifically, my evidence includes:

(a) A summary of the Application rationale and the key steps taken to confirm the project description and scope for consenting;

(b) An overview of the resource consents required;

(c) A summary of the consultation undertaken and confirmation of the outcomes from it, including a revised suite of proposed consent conditions (attached to my evidence as **Annexure A**);

(d) Some comment on key matters raised in the s 42A Report and in submissions; and

(e) An overview of the Applications against the relevant statutory planning documents and the Resource Management Act 1991 ("RMA").

CODE OF CONDUCT

13. Whilst I appreciate that this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and I agree to comply with it.

14. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I have relied on the evidence of other persons. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

PROJECT RATIONAL AND DEVELOPMENT

Rationale and local market demand

15. The areas of Hamilton, Cambridge and Te Awamutu are experiencing high levels of growth and there are a number of large infrastructure projects underway to respond to this growth and unlock areas earmarked for residential development. These include, but are not limited to, the Hamilton and Tamahere interchange sections of the Waikato Expressway, the Southern Links Project and the Peacockes Development in the South of Hamilton.

16. Commencement of other sizable construction projects are also signalled in the short to medium term future. These include, but are not limited to, the construction of:

(a) Infrastructure to service new growth areas in Cambridge east including growth cells C1, C2 and C3 which are planned to commence next year to provide around 2,500 new houses.

(b) Infrastructure to service future Cambridge growth areas (C4, C6 and C8) which are planned to commence within the next decade.

(c) A new intersection on Cambridge Road near Te Awa Lifecare.

(d) Infrastructure to service and unlock several earmarked growth cells on the northern perimeter of Te Awamutu township, which is anticipated to commence sometime in the next 15 years.

(e) Hamilton Airport expansion developments.

(f) The Cambridge to Piarere extension of the Waikato Expressway.

17. Based on the exponential growth within the Waikato Region, and the recent promotion and support of "shovel ready" projects by the Government to help off-set the negative economic impacts of Covid-19, the above projects, and potentially others, may in fact commence and progress more quickly than anticipated.

18. All these current and future developments are the result of this exponential growth within the Waikato Region, and are consistent with plans and anticipated outcomes set out in the Waipa District's "Waipa 2050" growth strategy, and/or in "Future Proof" – the growth strategy specific to the Hamilton, Waipa and Waikato sub-region.

19. Relevant to the current Application, all the current and future developments described above will require sand for various stages of construction. It follows that, access to suitably located sand products of sufficient quality and quantity is a vital component of any future economic growth for the Waipa District and the wider Waikato Region.

20. A key feature of the sand market is that the sand products for construction need to be transported over relatively short distances in order to be cost effective and to minimise wider environmental and social costs to society (i.e. the local ratepayers). This means that the location of sand extraction sites is key to the economic viability of future development within the region.

21. The Waikato Region has extensive reserves of good quality raw pit sand deposits (which I understand is the desired sand product for use in infrastructure construction projects). These reserves are mainly found in areas adjacent to the Waikato River channel. Despite these sand deposits being located in rural areas, they are very difficult to access and develop into operational quarries due to the presence and abundance of rural residential and lifestyle blocks that occupy these areas.

22. As confirmed by Mr Roderick, good quality pit sand for foundation construction is in short supply within the Hamilton, Cambridge and Te Awamutu areas.[1] Of particular note, with the recent closure of the Porritt Sand Quarry on Hooker Road, and with limitations on good quality raw pit sand supplies from other local quarry operators, local contractors are having to travel to places as far away as the Weddings Quarry in Huntly to secure reliable supplies of good quality sand.

23. Mr Roderick has also confirmed that the sand at the proposed quarry site is of very high quality.[2] It is also fit for purpose without any processing (which reduces cost and additional potential off-site effects).

24. In addition to the sand at the Site being of a high quality desirable for use in building and roading projects (that is in high demand), the Applicant's Site also has a number of other inherent advantages that support the proposed Sand Quarry. These include:

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[1] Statement of evidence of Cameron James Roderick dated 6 November 2020, at [9].

[2] Statement of evidence of Cameron James Roderick dated 6 November 2020, at [12].

(a) A low density of nearby residential dwellings with only four nearby houses located along the northern boundary of the Site;

(b) A large buffer around the southern and western boundaries of the Site provided by the Mangawhero Stream gully;

(c) The presence of high and dense hedgerows planted along the remaining eastern Site boundary, and also within the Site itself, providing both visual and dust screening benefits;

(d) Its strategic location between, and in relatively close proximity to, Cambridge and Hamilton urban centres, and with good access to Te Awamutu; and

(e) Access onto a straight section of minor arterial road with good sight distance in both directions.

25. In my opinion, these factors all combine to provide a very strong rationale for this proposal.

Project Development

26. Prior to the Applicant making any decisions to establish a sand quarry and cleanfill site on the Site, it was important for the Applicant to understand the likely size and quality of the sand resource. This information is critical to determine the commercial viability of the development and Sand Quarry operation. To this end, the first step was to commission a geotechnical assessment for the purpose of "proving" there was an economic level of sand resource prior to embarking on a full resource consent application process.

27. Geotechnical data and assessment are presented in Appendix C of the AEE. These investigations showed there was a high-quality sand resource within a 13.4 hectare area of the Site, containing approximately 900,000 m^3 of material. The assessment also indicated that other areas of the Site

were likely to contain less economical sand product. Overall, the scale of proven high-quality sand resource provided the Applicant with sufficient confidence to progress to a preliminary site design stage and to begin technical and environmental effects assessments to support the required resource consent applications (both from WDC and WRC).

28. Prior to conducting any effects assessments, it was important to define the envelope of effects, or the basis from which relevant environmental impacts would be derived. To this extent, although the geotechnical studies indicated an economic sand resource on Site of around 900,000 m^3, this was considered the minimum volume of saleable sand expected.

29. It followed that, instead of basing environmental effects assessments on any maximum total volume of material, it was more logical to base them on a set of maxima designed to represent the worst case "effects envelope" for any day, week or year that the Site was operating. Accordingly, the following key parameters were used:

    (a) Maximum rate of sand extraction: 200,000 m^3/yr;

    (b) Maximum rate of cleanfill discharged to the site: approximately 100,000 m^3/yr;

    (c) Operational noise no more than the applicable Waipa District Plan limits; and

    (d) Prescribed hours of operation, initially proposed to be:

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

30. These maxima also formed the basis for determining the maximum traffic movements both to and from the Site.

31. Since the geotechnical investigation involved a relatively small number of geotechnical wells and test pits (data points) spread across the Site, it is highly conceivable that saleable sand is not necessarily limited to just the 13.4 hectare area initially identified. With this in mind, and to ensure maximum operational flexibility for the Applicant, it was decided that the footprint of the "consent area" would encompass the majority of the Applicant's land at 928 Kaipaki Road, Cambridge. This would avoid unnecessarily limiting the potential value of the Site, both in terms of the Applicant's economic and social well-being, and in terms of the potential for supporting local economic growth.

32. With effects envelope maxima and consent area confirmed, the Applicant then engaged suitably experienced and qualified technical experts to assess the associated effects of the proposed Sand Quarry and propose mitigation where appropriate. These assessments were then used to support the Application.

RESOURCE CONSENT APPLICATION

33. A detailed description of the consents required to authorise the various activities associated with the proposed Sand Quarry and their status, is contained in Section 4 of the AEE and in Section 2 of WDC's Notification Report. In the interests of brevity, I do not repeat that analysis here other than to say that I agree with the key findings set out in those documents, and to reaffirm that the proposal for a Sand Quarry requires a Land Use Consent on the basis that mineral extraction activities are listed as a Discretionary Activity in Rule 4.4.1.4(h) of the Activity Status Table within the Waipa District Plan ("District Plan").

34. Also, since the Application Site is zoned Rural Zone under the District Plan, and mineral extraction activities are expressly provided for as a Discretionary Activity within the Rural Zone, the activities proposed are appropriate for both the Site and the surrounding rural environment,

subject to the appropriate management of actual and potential environmental effects.

35. The Applicant has already obtained the following regional resource consents from WRC:

    (a) Water permit AUTH141798.01.01 to take up to 205 cubic metres per day of groundwater for dust suppression and vehicle wheel wash purposes; and

    (b) Land use consent AUTH141798.02.01 to discharge cleanfill to land.

36. Copies of these regional consents are attached to my evidence at **Annexure B**.

CONSULTATION AND CONSENT CONDITIONS

37. Details of consultation undertaken up until the time the Application was lodged on 26 April 2020 is set out in Section 8 of the AEE. Three neighbours provided their written approval as a result of this consultation. The locations of these parties are helpfully shown in Figure 6 of the s 42A Report.

38. The Application was limited notified by WDC and three submissions have been received in opposition to the Application.[3] Since the close of the submission period, consultation has continued with opposing submitters Walker and Comez. This has consisted of various face to face good faith meetings and various e-mail communications to explore ways to address the concerns raised in submissions.

[3] Rob and Debbie Comez (914 Kaipaki Road); Keith and Amanda Walker (899 Kaipaki Road) and NZ National Fieldays Society Inc (125 Mystery Creek Road).

39. This further engagement also involved the preparation of a revised suite of proffered consent conditions and an updated site layout plan (both contained in **Annexure A** of my evidence) which were provided to both these submitters for their consideration. In summary, changes to the consent conditions offered by the Applicant include:

(a) A 15-year limitation on consent duration instead of an unlimited duration;

(b) Prescribing and confirming minimum setback requirements in new Condition 14;

(c) Minor amendments to Saturday operating hours from 7:00AM – 12:00PM to 9:00AM to 2:00PM and the inclusion of a new restriction that ensures that, unless accessing a property on Mystery Creek Road, heavy vehicles are not used to cart material into or out of the Site before 10:00AM or after 2:00PM from Wednesday through to Saturday (inclusive) during the Annual Mystery Creek Fieldays Week (refer Condition 22);

(d) A minor adjustment in daily maximum heavy vehicle movements ("HVM") /day from 133 to 132 (refer Condition 34);

(e) Additional commitments to:

(i) Extend the sealed access road within the Site to 300m (refer new Condition 8).

(ii) Install, maintain and use a wheel wash for vehicles exiting the Site to mitigate dust effects (refer new Condition 10).

(iii) Locate the Site access gate within the property approximately 300 m from Kaipaki Road (refer new Condition 9).

(iv) Construct a 2m high bund alongside and to the west of the Site access road (refer new Condition 21).

(v) Limit soil stripping activities occurring within 300m of an occupied dwelling to between 10:00am – 4:00pm on Monday to Friday unless written approval has been provided to the consent holder by the owner / occupant of adjoining land (refer new Condition 29).

(vi) No use of reversing beepers or motor scrapers on Site (refer new Condition 30).

(vii) Not to undertake any mechanical sand processing activities on Site (refer new Condition 31).

(viii) Construct all bunding no less than 2.0m high and to plant bunds with indigenous species (refer new Condition 40).

(ix) Place an advisory "no engine breaking" sign to the east of the Site subject to WDC approval (refer new Condition 35).

(x) An updated site layout plan (attached at Schedule ONE of the proposed conditions contained in **Annexure A** to my evidence).

40. Following circulation of the revised suite of proffered consent conditions, Mr and Mrs Comez requested one additional bund be located to the west of the Applicant's private driveway. The Applicant has since agreed to this request and this is now incorporated within the conditions[4] being proffered and reflected in the site layout plan.

[4] Proposed Condition 21

41. I understand that Mr and Mrs Comez have indicated that they will withdraw their submission in light of the above changes, however, at the time of preparing this evidence, this had not occurred.

42. Mr and Mrs Walker also provided positive feedback on the majority of the revised suggested conditions, however, they requested various other adjustments to them. The Applicant has agreed to further changes where these additional requests were considered fair and reasonable. These include:

    (a) In respect of Condition 9, confirmation that the Site entrance gate is to be located at the southern end of the sealed access road. I also note that Condition 8 requires this road to extend no less than 300m from the Kaipaki Road;

    (b) In respect of Condition 38, which relates to the Corridor Access Request requirement for road upgrade construction, an amendment has been made to the corresponding Advice Note to ensure that the safety of any users of neighbouring property (including the Walker property) be considered during road construction activity; and

    (c) Various site entrance design changes including the agreement to upgrade the entrance design to incorporate a right turn bay as discussed by Mr Black.

43. Various other additional changes requested by Mr and Mrs Walker have not been accepted at this stage. These are set out below along with explanations and reasons:

    (a) In respect of Condition 6, Mr and Mrs Walker sought to be included in the Pre-Construction Meeting held with WDC representatives. I note that this requirement is also duplicated in the WRC consent and that it is common practice to have

representatives from both Councils attend this Pre-Construction meeting together. The purpose of this meeting is to provide an opportunity for Regional and District Council monitoring officers to fulfil their compliance monitoring duties, and in particular, to check that all pre-start requirements are satisfied and appropriate safeguards are in place to ensure the site will be compliant with the conditions contained in its consents prior to beginning operations. The purpose of the meeting is not to provide information to the general community. Given the specific purpose of this meeting I consider it would not be appropriate to have Mr and Mrs Walker included.

(b) In respect of Condition 15 relating to the Site Management Plan, Mr and Mrs Walker sought the addition of a requirement that dust concentrations at the site boundary not exceed 80µg/m^3. This is an air discharge related matter, and accordingly is a requirement prescribed in WRC resource consent AUTH141798.02.01 authorising the discharge of cleanfill to land. This limit will be monitored and enforced by the WRC. I do not see any benefit in duplicating this requirement within any District Council consent granted.

(c) In respect of Condition 34, which restricts the number of maximum and average daily average HCV movements per day, Mr and Mrs Walker requested that changes be made to reflect that heavy vehicle movements include "any type of agricultural vehicle when used to transport sand or cleanfill". I consider this would unfairly disadvantage the Applicant, is ambiguous, and in any event, is not required since it is not likely that other vehicles (e.g. utes, tractors etc) will be accessing the Site to deposit cleanfill or collect sand. This is consistent with the view of Mr Black.[5]

[5] Statement of evidence of Mr Black for the Applicant, dated 6 November, at Paragraph 102

44. The proposed consent conditions contained in **Annexure A** of my evidence include all the conditions agreed with Mr and Mrs Comez. They also include a number of conditions Mr and Mrs Walker were happy with as well as more recent changes recommended by Mr Cottle (Noise) and Mr Black (Traffic and Roading) and myself - all discussed in more detail later in my evidence. The Applicant formally proffers these conditions to WDC and is happy to comply with them as part of any consent that WDC may grant in relation to this Application.

PLANNING MATTERS RAISED IN SUBMISSIONS

45. Two submissions were received during the statutory submission period. These were from Mr and Mrs Comez and Mr and Mrs Walker who both opposed the proposed Sand Quarry.

46. A third submission in opposition from New Zealand Fieldays Society Inc ("NZFS") was received after the statutory submission period. The WDC decided to accept this submission under delegated authority after reconsidering whether NZFS was an affected person under the notification provisions of the RMA.

47. Planning matters raised in submissions are limited to the following:

    (a) Questions regarding effects envelope and duration;

    (b) Loss of property value;

    (c) Reverse sensitivity; and

    (d) Bonds.

48. I briefly address these matters in turn below.

Effects Envelope and Duration

49. While noting the proposed consent area is larger than the 13.4 hectare area geotechnically tested and determined as having high quality sand, the Walker submission argues that the duration of the proposed Sand Quarry activity will be much longer than the 7-10 years signalled in the AEE and that all effects assessments need to be revised to account for the maximum possible volume of material the Applicant could extract from across the entire consent area.

50. As discussed above in paragraphs 26 to 32, due to the method adopted to define the maximum effects envelope of the proposed activity, the associated effects are effectively capped by limiting daily sand extraction volumes, operational noise limits and hours of operation. In turn, these restrictions derive maximum traffic volumes and any associated impacts. It is acknowledged that because the actual potential volume of saleable sand on the Site is not known exactly, and due to possible changes in future market demand, the actual duration of activities on the Site may in fact be longer than the 7-10 years signalled. This is partly why an unlimited consent duration was originally sought - noting this is normal practice for this type of land use (and is the default position for Land Use Consents).

51. Notwithstanding, and as mentioned already, the Applicant is now proffering a maximum term of 15 years on any consent granted. In my opinion this is a generous concession on the Applicant's part and fully resolves the issue as to consent duration and associated effects.

Loss of Property Value

52. The Walker and Comez submissions both raise concerns regarding the potential effect on the value of their properties. Ms Thomas addresses this at paragraph 7.5 of her s 42A Report, concluding that loss of property value is not a matter that can be considered under s 104 RMA when

determining whether a resource consent should be granted and what conditions to impose. I agree with her assessment in this regard.

Reverse Sensitivity

53. Reverse sensitivity effects are those which result from situations where a potentially incompatible land use is proposed to be sited next to an existing land use. The Environment Court in *Auckland Regional Council v Auckland City Council*[6], defined 'reverse sensitivity' as "*the effects of the existence of sensitive activities on other activities in the vicinity, particularly by leading to restraints and the carrying on of those other activities*".

54. To address their reverse sensitivity concerns, the Walker and Comez submissions seek some form of non-objection guarantee from the Applicant so that for any developments they might themselves propose in the future, the Applicant will not object to them seeking related resource consents.

55. In response, I note that the Site is located within the Rural Zone in the District Plan, therefore it is anticipated that noise, odour, and to some extent, dust effects associated with farming activities, and other effects associated with mineral extraction, have the potential to arise. The area comprises of both rural and residential uses and although there is the potential for nuisance effects to arise for neighbouring submitters, such impacts will be adequately managed and appropriately enforced. I discuss these matters in further detail in the following sections of my evidence.

56. I also note that the proposal is not a non-complying activity under the District Plan and that the Applicant is proposing appropriate activity setbacks (refer Condition 14 in **Annexure A**). These factors also support

[6] *Auckland Regional Council v Auckland City Council*[6] (1997) 3 ELRNZ 54; [1997] NZRMA 205

the conclusion that any risks associated with reverse sensitivity effects on the Walkers or the Comez' are adequately addressed.

57. In my view, any form of reciprocated non-objection arrangements between an Applicant and a third party should sit outside any resource consent process.

58. NZFS is of the view that the proposed Sand Quarry will have significant detrimental and adverse reverse sensitivity effects on the current and future operation of Mystery Creek Events Centre. I consider that, as a result of the Applicant's proposal to limit site operations during the annual Fieldays week, and due to the inherent likelihood that truck drivers travelling to or from the site will avoid using Mystery Creek Road during any large event being held at the Mystery Creek Events Centre, any reverse sensitivity effect on NZFS will be unlikely to arise or be inconsequential at worst.

Bond

59. The Walker submission seeks the imposition of a bond condition to guarantee reinstatement of the Site as a means to address amenity concerns.

60. I agree with WDC's response to this request as set out in Appendix 9 of the s 42A Report. That is, a bond is not considered necessary, given amenity effects are adequately mitigated by the location of sand extraction areas in relation to other residential and publicly accessible viewpoints, the permanence of boundary shelter belts and other proposed landscape planting areas, and other conditions of consent relating to rehabilitation and maximum exposed quarry area of 3 hectares.

MATTERS RAISED IN THE S 42A REPORT

Equine Effects

61. At paragraph 9.24 of the s42A report, Ms Thomas invites the Applicant to address effects on equine activities. This is addressed in Mr Marsh's evidence and I also reflect on his expert opinion later at paragraph 81 of my evidence.

Term of Consent

62. At Section 4.3 of the s 42A Report, Ms Thomas correctly identifies that an unlimited term of consent was sought for the Land Use Consent from WDC.

63. As noted above in paragraph 39, as a result of concerns being raised by submitters, the Applicant agrees to proffer a term of 15 years for any Land Use Consent granted. This will provide submitters, and the local community more generally, with a greater level of certainty regarding duration of any associated effects. A 15-year term is also consistent with the 15-year term applied to resource consents recently granted by WRC for this proposed Sand Quarry.

Effects and the Permitted Baseline

64. The Hearing Panel will be aware that section 104(2) of the RMA affords a consent authority discretion to disregard an adverse effect of an activity on the environment if a national environmental standard or the relevant plan permits an activity with that effect.

65. At section 6 of the s 42A Report, Ms Thomas summarises WDC's notification assessment including reference to the conclusions that the permitted baseline activities applicable to this Application include farm quarries and earthworks not exceeding 1,000m^3 in volume. I concur with this and record that it is also open to the Hearings Panel to apply the described permitted baseline to this Application in accordance with s

104(2) of the RMA. This means that it is open to the Panel to disregard any adverse effects relevant to the Application under s 104(1)(a) that are permitted for farm quarries and earthworks not exceeding 1,000m^3 in volume.

66. Given the context of various traffic related concerns being raised by submitters, I also consider it appropriate to identify and apply the permitted baseline in terms of traffic generation. In this respect, Rule 16.4.2.25 of the District Plan sets the activity status based on the expected level of trip generation. For Minor Arterial Roads, such as Kaipaki Road, any activity generating less than 100 vehicles per day (expressed as car equivalents) is a permitted activity under this rule. The proposed Sand Quarry will generate an average of 534 vehicles per day (expressed as car equivalents).

Archaeological Effects

67. At paragraph 9.43 of the s 42A report, the author notes that the Application stated that special consent conditions are proffered with respect to obtaining the necessary Authority from Heritage New Zealand Pouhere Taonga, however, such conditions did not appear in the relevant application Appendix. I have amended the Applicant's proposed Condition 13 to correct this oversight.

Draft Consent Conditions

68. I have reviewed the draft consent conditions contained in the s42A report. In general, they are similar to the conditions I propose in **Annexure A** of my evidence. The key area of difference is the conditions relating to traffic and roading, where I adopt the findings of Mr Black. I am also happy with the Review condition recommended and have adopted it at Condition 46 in **Annexure A** of my evidence.

STATUTORY PLANNING ASSESSMENT

69. The AEE for this Application traverses the various matters a consent authority must have regard to under s 104 of the RMA when making a decision on a resource consent application. These matters are also appropriately identified, discussed, and addressed by Ms Thomas in Part B of her s 42A Report.

70. I do not intend to cover these matters in any detail within my evidence. Moreover, I confirm my general agreement with Ms Thomas' assessment of these matters and offer additional minor commentary for the purposes of reinforcing Ms Thomas' findings following my review of other evidence prepared on behalf of the Applicant, responding to her specific invitations to comment on particular matters, and providing updates following other developments that have occurred since the s 42A Report was issued on 30 October 2020.

Assessment of Environmental Effects (Section 104(1)(a))

Positive effects

71. I refer to my discussion at paragraphs 15 to 19 of my evidence relating to the local demand for high-quality sand product. The key positive effect of the proposed Sand Quarry is the support it will provide to achieving the economic growth strategies adopted for WDC and the wider Waikato Region. Ms Thomas also acknowledges this at paragraph 9.45 of her s 42A Report.

72. In my opinion, in order to implement the various work programmes and plans necessary to meet the objectives in local and regional growth strategies, and to meet the community's expected demand for growth, developers and contractors will need access to local, high-quality sand product such that is proposed to be supplied by the Applicant. To this extent, this Application represents a vital component to future economic

and regional growth which will in turn support and enhance the community well-being within the Waipa District and beyond.

73. Other positive effects include:

(a) The economic and social benefits provided by the creation of four new local jobs at the Site;

(b) Economic benefits to the Applicant and economic flow-on effects through the development of a new commercial business;

(c) Economic benefits to local contractors and developers by enabling sand to be delivered to places of use with lower haulage costs; and

(d) Indigenous biodiversity and amenity benefits provided by the proposed perimeter planting with native species.

Dust

74. I agree with Ms Thomas' assessment that adverse dust effects will be adequately addressed through a range of management, mitigation and monitoring measures set out in the conditions of the cleanfill discharge consent recently granted by the WRC. The WRC consent requires the implementation of a specific Dust Management Plan which incorporates design principles and management processes while also requiring dust monitoring near the closest submitter's property.

75. The Application also includes at Appendix D a Draft Quarry and Cleanfill Management Plan ("QCMP") which proposes to manage and control dust on site both via design and operational principles. The evidence of Mr Roderick sets out how these design and operational principles are implemented 'on the ground'.

76. I would also observe from my experience that dust related effects are normally very easily addressed on Site. This typically involves application of water to problem areas. In this respect, the Site has access to large amounts of water via a new groundwater bore constructed on the property, and the operation will employ water storage, water cart and sprinkler systems to deliver water rapidly to where it is needed.

77. Other notable dust mitigation initiatives include:

(a) The extension of the sealed access road to 300 metres as proposed by the Applicant in Condition 8;

(b) The 3-hectare limitation on the active exposed quarry area as proposed in Condition 20; and

(c) Retaining existing shelterbelt hedging within the site, bounding the eastern boundary of the site and surrounding some adjacent neighbours.

Traffic and Road Safety

78. Mr Black has presented traffic and roading evidence on behalf of the Applicant. I rely on and agree with his key conclusions. Of particular note is Mr Black's recommendation to incorporate a right turn bay into the site entrance design. This is a significant change to the proposal and is likely to result in notable improvements to overall road user safety. The right turn bay also responds to a number of concerns expressed in the Walker and Comez submissions. For these reasons I fully support this change. Accordingly, I have adopted related changes to the Applicant's proposed Condition 36 as recommended by Mr Black. These changes confirm that the site entrance design will include a "Rural Right Turn Bay".

79. In terms of any potential effects on NZFS, I adopt and agree with Mr Black's findings (on behalf of the Applicant) that it is unlikely that an

increase in traffic volume by less than 5% will be noticeable on Mystery Creek Road. I also note this is consistent with the view expressed in the BBO report prepared on behalf of the WDC.

80. I am also of the strong view that truck drivers will avoid use of Mystery Creek Road during times of high traffic generated by large events being held at the NZFS site. In this respect, in addition to the Applicant's proposal to limit hours of operation during the annual National Fieldays event as set out in Condition 22 of **Annexure A** of my evidence, the Applicant also proposes a consent condition (Condition 45 in **Annexure A**) whereby, in the event NZFS provides a copy of the Mystery Creek Events Calendar, that I understand is required to be prepared annually by NZFS to confirm dates for all major events, the Applicant will communicate this information to all its customers that utilise the Quarry or Cleanfill facility. This will provide a mechanism to inform truck drivers of the times of year where Mystery Creek road traffic may be high so they can consider avoiding the use of this road during these times.

81. In terms of overall traffic and roading related effects associated with the proposal, I agree with Mr Black's main conclusion at paragraph 113 of his evidence that, subject to conditions relating to limiting the quantity of sand extracted[7] and heavy vehicle trip generation[8], upgrading the vehicle crossing and internal access[9], and payment of a financial contribution[10], the traffic effects on the surrounding environment are expected to be acceptable.

82. I also note at paragraph 67 of Mr Black's evidence that his Heavy Vehicle Impact Fee is based on a total volume of sand of 900,000m^3. As noted above in paragraph 28, there is the possibility there may be more sand available on site. In this event, I consider it appropriate to enable the

[7] Condition 17 of Annexure A
[8] Condition 34 of Annexure A
[9] Conditions 8 and 36 of Annexure A
[10] Condition 44 of Annexure A

District Council to review the Heavy Vehicle Impact Fee if the Site produces more than 900,000m^3. Accordingly, I propose a special review condition for this purpose at Condition 47 in **Annexure A** of my evidence.

Effects on Equine Activities

83. I have had involvement with horses most of my life, including being a co-owner of up to a 12 horses at a time on a dedicated equestrian property on Mystery Creek Road I owned with my former wife for approximately 20 years. This included breeding, handling, training and competing thoroughbred and warmblood horses. While I do not consider myself an expert in horses, I am very familiar with horse behaviour.

84. On behalf of the Applicant, Mr Marsh has addressed the issues surrounding potential horse and rider safety.

85. I note that approximately 10% of traffic along Kaipaki Road is already comprised of HCV truck movements. In addition, I also observe that the Applicant is already entitled to have trucks enter and leave the property - such traffic can be associated with a number of different permitted land use activities that the Applicant may choose to undertake.[11]

86. I also point out that the RMA is not a "no-risk" statute. Although there is no guarantee the Applicant's proposed Sand Quarry will not result in some level of increased horse and rider risk, I rely on Mr Marsh's expert opinion that the Sand Quarry will not increase the safety risks to horses or riders above those inherent with horse riding more generally.[12] I agree with this assessment, and as a result, I do not consider any additional mitigation is warranted nor fair.

[11] For example: farming, cropping, poultry farming all subject to meeting relevant performance standards

[12] Statement of evidence of Stephen Marsh for the Applicant dated 2 November at [21].

Noise

87. Mr Cottle addresses potential noise effects in his evidence. I rely on his overall conclusion that, the proposed sand quarry can be constructed and operated to comply with the Waipa District Plan permitted activity noise limits and that with the proposed mitigation measures in place, operational noise can be practicably controlled to reasonable levels.

88. I also confirm that the Applicant's proposed consent Condition 23 requires compliance with relevant Waipa District Plan noise limits, and Conditions 24 to 31 require the implementation and adherence of various other appropriate noise mitigation and minimisation measures to ensure compliance with these limits is achieved. I have also adopted Mr Cottle's recommendation to include the word "tonal" in proposed Condition 30 to clarify the restriction regarding reversing beepers on site.

89. To that extent, noise effects will be acceptable for the rural environment in this case.

Rural Amenity and Visual Effects

90. I agree with Ms Thomas' assessment that due to the presence of existing shelter belts on site and proffered consent conditions including noise mitigation bunding and other amenity management initiatives, any rural character effects associated with the proposal are mitigated to an acceptable level in this case.

91. Minimising the active quarry area to no more than 3 hectares will further minimise amenity and visual impacts.

92. In addition, the following extra mitigation measures are now being proffered by the Applicant which further support this view:

    (a) The proposal to install an additional bund alongside the length of the Site access road (Condition 21);

(b) The agreement to install an additional amenity bund perpendicular to Kaipaki Road alongside the Applicant's private driveway (Condition 21);

(c) The agreement to plant all bunds with native species (Condition 40);

(d) The slightly later Saturday opening hours (Condition 22); and

(e) The agreement not to use tonal reversing beepers on Site.

Waikato Regional Policy Statement and the Waikato Regional Plan

93. For completeness, I note my agreement with the consent Application's key conclusion that this proposal is consistent with relevant provisions of the Waikato Regional Policy Statement and Regional Plan. Furthermore, I note that this was also confirmed by the WRC as part of their decision to grant the regional resource consents required for the proposal.

District Plan Objectives and Policies (Section 104(1)(b))

94. With respect to relevant objectives, policies and other relevant provision in the District Plan, I agree with the scope of such matters identified in Section 10 of Ms Thomas' s 42A Report.

95. I also consider the objectives and policy evaluations presented in the s 42A Report are fulsome and do not warrant further interrogation or discussion from my perspective other than to confirm that I concur with the overall conclusions that the Applicant's proposal is consistent with the relevant objectives and policies of the District Plan in respect of:

(a) The Rural Zone (Section 4);

(b) Transportation (Section 16);

(c) Health and General Amenity (Section 20):

(d) Archaeology (Section 22); and

(e) Indigenous biodiversity (Section 24).

96. Although I do not consider them particularly relevant, noting the concerns expressed by NZFS, I have nevertheless assessed the objectives and policies within Section 9 of the Waipa District Plan (Mystery Creek Events Zone) in respect of this proposal.

97. The key policy is 9.3.2.3 (Traffic and Parking) which seek the following:

> *To minimise as far as practicable, adverse traffic and parking effects associated with major events, on the wider amenity values and on the safety and efficiency of the transport network.*

98. I consider that, as a result of the Applicant's proposal to limit site operations during the annual Fieldays week, and due to the likelihood that truck drivers will avoid using Mystery Creek Road during the staging of any large events at the Mystery Creek Events Centre, and with the additional offer to circulate the annual Mystery Creek Events calendar to customers using the Site, any adverse traffic effect on Mystery Creek Road generated from the Applicant's proposal during these events will be appropriately minimised. Accordingly, I consider the proposal is consistent with Policy 9.3.2.3 of Waipa District Plan.

Part 2 Matters

99. Neither the s 42A Report, nor the Applicant's evidence has identified any invalidity, ambiguity, or incomplete coverage in the relevant planning documents. Accordingly, it is my view that it is not necessary to revert back to Part 2. Nevertheless, for completeness, I have undertaken an assessment against Part 2, and concur with the s 42A author's view that the proposal is consistent with it.

100. In particular, I am of the view that the proposed Sand Quarry upholds the purpose of the RMA as set out in section 5 by:

(a) supporting the Applicant and the local community to provide for their social and economic wellbeing by providing a new and local supply of high-quality sand to enable growth; and

(b) appropriately avoiding, remedying or mitigating effects through proffered site operational limits and restrictions and the use of management plans and monitoring.

CONCLUSIONS

101. The Application seeks to establish and operate a mineral extraction activity (Sand Quarry) and associated works at the property located at 928 Kaipaki Road, Cambridge.

102. The Application site is zoned Rural Zone under the provisions of the District Plan, and mineral extraction activities are expressly provided for as a Discretionary Activity within the Rural Zone. The activities proposed are, therefore, appropriate for both the Site and the surrounding rural environment subject to the appropriate management of environmental effects.

103. Further, the Site is ideally positioned in an established rural setting that is afforded adequate separation from residential areas but is still located in close proximity to urban centres that need sand to grow, and has suitable access and connectivity with the existing roading network. The Application Site is, therefore, a suitable location for the proposed activities.

104. Consideration has been made in respect of potential effects associated with the proposal. Given self-imposed restrictions on the extent of quarry

works and its operation requirements, the environmental risk associated with these activities is significantly reduced.

105. The Application has demonstrated that actual and potential adverse effects are able to be appropriately managed on site with the imposition of conditions.

106. The Site can be completely rehabilitated to high-quality pastoral land once the sand has been extracted. In terms of preserving the utility and value of the land, it is in the applicant's best interests to ensure the land is properly rehabilitated (irrespective of consent conditions requiring such an outcome).

107. The Sand Quarry will have, in my view, significant positive social and economic benefits for Cambridge, Waipa District and the Waikato Region more generally.

108. Furthermore, the proposed Sand Quarry is, in my opinion, consistent with relevant policy framework of the Waipa District Plan, Waikato Regional Policy Statement, and other non-statutory documents. It is also aligned with Part 2 of the RMA.

109. Overall, it is considered that, subject to the term and consent conditions being proffered by the Applicant as set out in Appendix 2 of my evidence, the application in this case can be granted pursuant to s104 of the RMA on the basis that:

(a) any adverse effects from the proposal are no more than minor;

(b) the proposal is consistent with relevant planning documents; and

(c) the proposal is consistent with the purpose of the RMA.

Dated this 6th day of November 2020

_____

Mark Bulpitt Chrisp

ANNEXURE A: Proposed Consent Conditions

Consent Duration:	This consent will commence on the date of decision notification and will expire on 31 December 2035.
Number	**Condition**
	Generally in accordance
1.	Sand quarry and clean filling activities shall be carried out in general accordance with the "Resource Consent Application and Assessment of Environmental Effects: Kaipaki Road - Sand Quarry" document dated 26 April 2020 prepared by Mitchell Daysh Limited, the clarification information dated 9 September 2020 and 15 September 2020, and supporting information, including plan 4767-CK-003 REV 2 provided in Schedule One of this consent. For the avoidance of doubt, all earthworks, sand extraction and clean filling activities shall be confined to the area within the "extent of works" denoted in Schedule One of this consent. The resource consent conditions below shall prevail should any inconsistencies between the application documentation, management plans and the conditions occur.
2.	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.
3.	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.
	Pre-Start
4.	The consent holder shall inform the Waipa District Council in writing at least 5 working days prior to the commencement of activities of the start date of the works authorised by this consent.
5.	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.
6.	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 5 of this consent, the contractor and any other party representing the consent holder prior to any work authorised by this consent commencing on site.

	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
7.	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/
	Site Access
8.	The consent holder shall construct and maintain a sealed site access road either 6m wide or 3m wide with passing bays at maximum 100m spacings and for a distance of no less than 300m from Kaipaki Road.
9.	Any site access gate that is locked outside normal operating hours shall be located at the southern end of the sealed site access road required pursuant to condition 8 of this consent.
10.	The consent holder shall install and maintain a truck wheel wash immediately adjacent to the end of the site's sealed access road. All arriving trucks that have traversed beyond the sealed section of the access road must first enter the wheel wash prior to leaving the site.
11.	The consent holder shall minimise the tracking of dirt and loose material onto the public road as far as practicable. Any spillage onto the public roadway must be cleaned as soon as practicable.
	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: (i) The interests and values of Tangata Whenua; and (ii) The consent holder's interests; and (iii) Any archaeological or scientific evidence; and (iv) Any Heritage New Zealand authorisations.
	Archaeological Sites
13.	The consent holder shall; (i) Ensure they acquire all necessary authorisations from Heritage New Zealand Pouhere Taonga prior to any damage or removal of recorded archaeological sites (borrow pits); and

	(ii) In no less than 15 working days prior to excavating any recorded archaeological sites (borrow pits), invite representatives from Ngaati Kokokii-Kahukura and Ngaati Hauaa Iwi Trust to attend the site for the purpose of monitoring top soil excavation works at these sites. The invitation shall include details of the purpose of the invitation, the date excavation works are planned to start and consent holder contact details.
	Setbacks
14.	Unless written approval has been provided to the consent holder by the neighbouring landowner or dwelling occupant (as relevant) and subject to written approval by the Waipa District Council, activities authorised by this resource consent shall be setback a minimum of; a) 130 metres from the residential dwelling at 914 Kaipaki Road; b) 20 metres from other northern and eastern property boundaries, including to the existing kiwifruit orchard to the south east; c) 5 metres from the western gully edge); and d) 10 metres setback from any other property boundary.
	Quarry Management
15.	The consent holder shall provide the Waipa District Council with a revised "Site Management Plan" (SMP), at least 20 working days prior to the commencement of activities authorised by this consent. The SMP shall be prepared in consultation with Ngaati Koroki Kahukura and Ngaati Hauaa and shall be approved in writing by the Waipa District Council acting in a technical certification capacity prior to any works authorised by this consent commencing. The revised SMP shall include, but may not be limited to the following: i). Acceptance criteria for cleanfill to be disposed on site; ii). A description of operational procedures and monitoring that will be implemented to; a. record truck movements; b. record sand volumes extracted; c. record cleanfill volumes entering the site; and d. minimise unauthorised or contaminated material entering the site; iii). Specific design details, construction and certification procedures to ensure long term stability of cleanfill areas; iv). Construction timetable for the erosion and sediment control works and the bulk earthworks proposed; v). A site staging plan; vi). Timetable and nature of progressive site rehabilitation and re-vegetation proposed incorporating those sections of the site perimeter identified in plan 4767-CK-003 REV 2 contained in Schedule One of this consent. In this respect, the SMP 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. Timeline for planting which will ensure plantings are completed within 3 years of commencement of this resource consent; and

	d. Ongoing maintenance procedures including the replacement of any dead plants; vii). An indicative final rehabilitated contour plan; viii). Maintenance, monitoring, and inspection procedures; ix). Specific dust control measures to ensure that dust emissions are kept to a practicable minimum inclusive of recommendations for access road maintenance, a maximum on site vehicle speed limit of 20 kph and details regarding speed limit signage; x). Procedures for recording and dealing with complaints; xi). site plan showing the location of infrastructure and all other relevant information; xii). Description of operational measures to; a. minimise noise; b. comply with the noise limits prescribed in this consent; and c. address the operational constraints prescribed in conditions 26 to 30 of this consent; xiii). Traffic management protocols; xiv). Procedures to review the management plan in order to ensure compliance with the resource consent conditions; xv). Contingency and mitigation measures; xvi). A description, including locations, of the recorded archaeological sites within the activity footprint and details of any Heritage New Zealand authorisations or requirements associated with the protection or disturbance of the sites and protocols that will be followed in the event of unexpected archaeological discovery. xvii). A standard letter for all quarry and cleanfill site users outlining key requirements of entry, on site activity and departure.
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 200,000m^3.
18.	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 site being that land described as LOT 2 DP 444992 and Lot 3 DP 424105 comprised in Record of Titles 558891 and 493900.
19.	All areas of bare earth shall be re-vegetated or re-grassed as soon as practicable.

20.	The area of open and disturbed land (excluding any access and haul roads and any stockpiling areas) shall not exceed three hectares at any one time as a result of the exercise of this resource consent.
21.	The consent holder shall construct a 2m high bund alongside and to the west of the sealed site access road and an amenity bund as indicatively shown in plan 4767-CK-003 REV 2.
	Hours of Operation
22.	The hours of operation of the sand quarrying and cleanfilling activities, including the use of heavy vehicles carting machinery or material entering or leaving the site, shall be between: • 7:00am to 5:30pm, Monday to Friday. • 9:00am to 2:00pm, Saturday. • Closed Sunday and Public Holidays c In addition, unless accessing a property on Mystery Creek Road, there shall be no use of heavy vehicles to cart material into or out of the site before 10:00AM or after 2:00PM from Wednesday through to Saturday (inclusive) during the Annual Mystery Creek Fieldays Week.
	Noise
23.	Noise generating activity shall be conducted designed and used 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): (i) Day time - 7:00am to 10:00pm 50 dB L_{Aeq} (ii) Night-time - 10:00pm to 7:00am 40 dB L_{Aeq} and single noise event 70 dB L_{AFmax}
24.	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.
25.	Construction noise generated from the construction of any permanent haul roads, turning areas, site offices, buildings or any other "construction activities" shall meet the relevant limits recommended in and be measured and assessed following NZS 6803:1999 Acoustics –Construction Noise.
26.	If topsoil stripping is planned to occur using a bulldozer within 180m of a dwelling façade (160m 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; (i) Where topsoil stripping will occur within 180 m of their dwelling; (ii) Expected dates of the work including hours and days of the week; and (iii) Any other information the consent holder considers relevant.

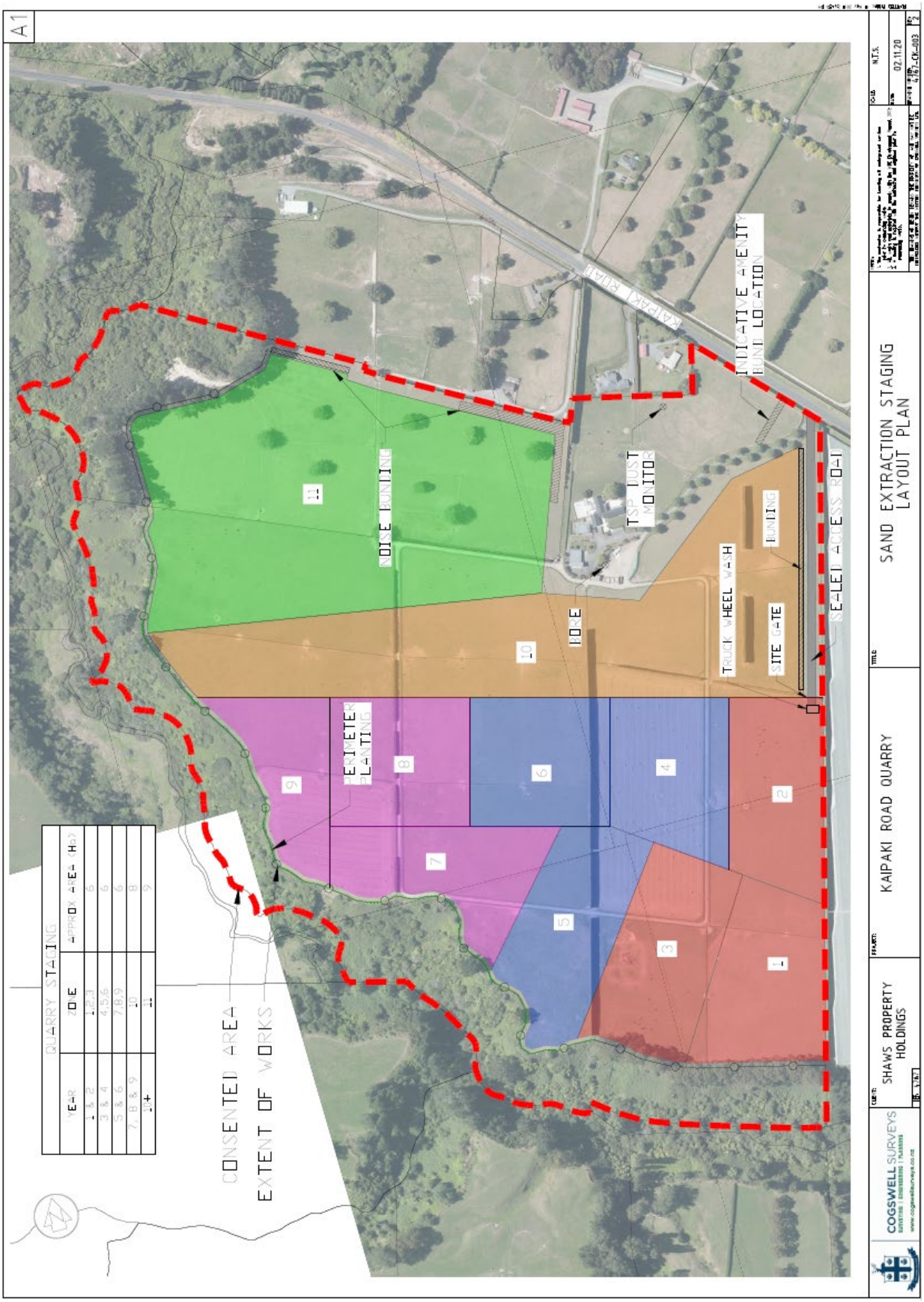
	The consent holder shall secure the written approval from the dwelling occupant, before this activity can commence without a noise attenuation bund in place.
27.	No sand extraction is to occur within 180m of a dwelling façade (160m from a notional boundary) without a 2.0m earth bund (gradient 1:3) being in place unless written approval has been provided to the consent holder by the owner / occupant.
28.	Soil stripping activities shall not include the use of mobile soil scrapers.
29.	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.
30.	There shall be no tonal vehicle reversing beepers used on any vehicles or earthmoving machinery used on site.
31.	There shall be no mechanical sand processing activities undertaken on the site.
	Traffic, Access and Roading
32.	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: (i) Daily numbers of truck movements; (ii) Monthly sand volumes extracted; and (iii) Monthly clean fill volumes entering the site.
33.	The consent holder must keep a register of daily truck movements, daily sand volume leaving the site and daily cleanfill material entering the site. This information must be made available to an authorised officer of the Waipa District Council within 10 working days upon request.
34.	The maximum number of heavy vehicle movements generated by the activity shall not exceed: (i) Daily maximum of 132 HCV movements/day; and (ii) Daily average of 106 HCV movements/day (calculated over a one-month period)
35.	Subject to written approval being received from the Waipa District Council, the consent holder shall erect an advisory sign on Kaipaki road to request that trucks arriving from the east do not use engine breaking prior to accessing the site.
36.	The consent holder shall submit engineering plans detailing the vehicle crossing and proposed haul road to the Council's Manager Development Engineering for approval in a technical certification capacity in advance of any construction works being undertaken. The design should be in general accordance with the concept design (Gray Matter Plan No 195_01_100_1, Sheet 1, R0) and the NZTA Manual of Traffic Signs and Markings, "Rural Right Turn Bay" Figure 3.25 and include:

	(i) Heavy vehicle tracking for the design vehicle; (ii) Details for the location and size of the splitter island; (iii) Location of the proposed gate (to be located approximately 300m from the edgeline); (iv) Details of access to the residential dwelling; (v) Details of the proposed sealed access road 6m wide or 3m wide with passing bays at maximum 100m spacings; (vi) Size and spacing of any passing bays on the proposed access road; and (vii) Details of existing services.
37.	All access to the property for vehicles visiting the sand excavation and cleanfill activities must be via the access approved by Council's Manager Development Engineering in accordance with Condition 36.
38.	Prior to undertaking any work within either the formed or unformed road corridor, the Consent Holder shall submit a Corridor Access Request (CAR) through 'beforeudig.co.nz' which has been prepared by a qualified Site Traffic Management Supervisor (STMS). No works shall be undertaken within the road reserve until such time as the CAR is approved by the Council's Monitoring Officer in writing. **Advice Note:** Worksites within the formed and / or unformed road corridor must be made safe at all times for road users, contractors, users and owners of neighbouring properties and workmen through the implementation of the Traffic Management Plan (TMP) approved during the Corridor Access Request process.
39.	The consent holder shall arrange for an independent detailed design road safety audit of the proposed vehicle crossing to the sand quarry to be undertaken in accordance with the 'Road Safety Audit Procedures for Projects Guidelines, May 2013'. A copy of the road safety audit shall be provided to Council's Manager Development Engineering. Any audit recommendations and design changes arising from the road safety audit shall be agreed with the Council's Manager Development Engineering prior to construction being undertaken.
	Visual and Landscape
40.	All earth bunds shall be no less than 2.0m in height, have gradients of approximately 1:3 and be planted with indigenous species along their entire length.
41.	The consent holder shall establish indigenous site plantings along 800m of site perimeter (at an average width of 3m) adjacent to Mangawhero Stream gully site as shown in plan 4767-CK-003 REV 2 contained in Schedule One of this consent.
	Complaints Register
42.	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: i) the date, time and duration of the event/incident that has resulted in a complaint,

	ii) the location of the complainant when the event/incident (if possible, specify nature of incident e.g. dust nuisance) was detected, iii) the possible cause of the event/incident, iv) the weather conditions and wind direction at the site when the event/incident allegedly occurred, v) any corrective action is undertaken by the consent holder in response to the complaint vi) 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.
	Administration
43.	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
44.	The consent holder shall pay the Waipa District Council a financial contribution of $0.04/tonne for each tonne of material that is transported by public road. **Advice Note:** The financial contribution of $0.04/tonne takes into account the NZ Transport Agency financial assistance rate of 51%
	Mystery Creek Events
45.	In the event the Applicant receives from New Zealand National Fieldays Society Inc a copy of their annual Mystery Creek Events Calendar detailing dates for all planned major events at the Mystery Creek Events Centre, the Applicant will communicate this information to all customers it has on record, advising them to consider avoiding the use of Mystery Creek Road during these times when visiting or leaving the Quarry site.
	Review
46.	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 and cleanfilling activities; ii) Dust arising from mineral extraction, cleanfill deposition and/ or vehicle movements;

	iii) Soil quality arising from site reinstatement and rehabilitation, including cleanfilling operations; iv) Traffic effects on Kaipaki Road and pavement effects on the local roading network. 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.
47.	Pursuant to Sections 128 to 131 of the Resource Management Act 1991, Waipa District Council may, within three months of confirming that the Site has extracted more than 900,000m^3 of sand as a result of receiving monthly sand volume reports pursuant to Condition 32 of this resource consent, serve notice on the consent holder of its intention to review the financial contribution prescribed in condition 44 of this resource consent for each tonne of material that is transported by public road. 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:



ANNEXURE B: Copies of Waikato Regional Council Consents

RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH141798.02.01

File Number: 61 75 28A

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

Shaw's Property Holdings Limited
1130 Kaipaki Road
Cambridge 3495

(hereinafter referred to as the Consent Holder)

Consent Type: Land Use Consent

Consent Subtype: Land – Solid Waste

Activity authorised: To discharge cleanfill to land in association with a sand quarry

Location: 928 Kaipaki Road, RD 3, Cambridge 3495

Map reference: NZTM 1811605.0000 E 5802878.0000 N

Consent duration: This consent will commence on the date of decision notification and will expire on 31 October 2035.

Subject to the conditions overleaf:

CONDITIONS

General

1. 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.

2. 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.

Pre-Start

3. 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.

4. The consent holder shall inform the Waikato Regional Council in writing at least 10 working days prior to the commencement of activities of the start date of the works authorised by this resource consent.

Groundwater

5. Activities authorised by this resource consent shall not intercept groundwater and excavations shall be at least one metre above groundwater levels.

Cleanfill Management

6. 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 March, for each year that this consent is exercised.

7. 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;

    i). material that has combustible, putrescible or degradable components
    ii). materials likely to create leachate by means of biological or chemical breakdown
    iii). any products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices
    iv). materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health
    v). soils or other materials contaminated with hazardous substances or pathogens
    vi). hazardous substances.

8. 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.

9. Analysis of the testing shall be undertaken by an appropriately registered laboratory.

10. 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.

11. 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 Note: the methods and procedures for verification sampling are outlined in the Site Management Plan (Condition 12) and the Staging Plan is included in the Application for Resource

Consent (page 28). Any changes to the Staging Plan or sampling methods and procedures shall be certified by the Waikato Regional Council in accordance with the SMP review Condition 13.

Site Management Plan

12. The consent holder shall provide the Waikato Regional Council with a revised "Site Management Plan" (SMP), at least 20 working days prior to the commencement of activities authorised by this consent. The SMP shall be prepared in consultation with Ngaati Koroki Kahukura and Ngaati Hauaa and shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing.

The revised SMP 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 in accordance with condition 8; or as varied by written agreement between the consent holder and the Waikato Regional Council.
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). Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
vii). A site staging plan;
viii). Timetable and nature of progressive site rehabilitation and re-vegetation proposed incorporating those sections of the site perimeter identified in the conceptual planting scope provided as Figure 1 of letter from Mitchell Daysh dated 15 September 2020 (WRC doc # 17248727). In this respect, the SMP shall include the following related information;
    a. Indigenous site plantings for the area along 800m of site perimeter (at an average width of 3m) adjacent to Mangawhero Stream gully; including species to be planted, where they are to be planted, density of planting, sourcing of plants and fertilising;
    b. Site preparation for planting;
    c. Timeline for planting which will ensure plantings are completed within 3 years of commencement of this resource consent; and
    d. Ongoing maintenance procedures including the replacement of any dead plants;
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 inclusive of recommendations for access road maintenance;
xii). A copy of the Engineer's report for the Mangawhero Stream gully edge stability design, required by Condition 27, shall be appended to the Site Management Plan.
xiii). Procedures to review the management plan in order to ensure compliance with the resource consent conditions;
xiv). Random load fill sampling and deposited fill verification sampling methods and procedures. Details of the suitably qualified and experienced person who will undertake the sampling.
xv). An Erosion and Sediment Control Plan in accordance with the document titled *"Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009).*
xvi). A description, including locations, of the recorded archaeological sites within the activity footprint and details of any Heritage New Zealand authorisations or requirements associated with the protection or disturbance of the sites and protocols that will be followed in the event of unexpected archaeological discovery.

13. 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 Waikato Regional Council acting in a technical certification capacity.

Discharges

14. The consent holder shall ensure that the suspended solids concentrations of any natural water body shall not exceed a maximum of 100 grams per cubic metre after reasonable mixing as a result of the activities authorised by this consent.

15. If requested in writing by the Waikato Regional Council the consent holder shall;

    a. take samples of the discharges from all sediment retention structures on the site a minimum of once per month and after all rainfall events greater than 20 millimetres in the preceding 24 hours, except for times when there are no discharges; and
    b. take the samples within four hours of becoming aware of a rainfall event greater than 20 millimetres in the preceding 24 hours.

Advice Note: *The discharge of water from the sand quarry and cleanfill disposal operation shall be in accordance with the Waikato Regional Plan Permitted Activity Standards unless a discharge permit is obtained.*

Dust

16. The consent holder shall ensure that the concentrations of total suspended particulates (TSP) in ambient air arising from authorised activities at or beyond the boundary of the site does not exceed 80 $\mu g/m^3$ as a 24 hour average.

17. At least 20 working days prior to the commencement of activities under this resource consent, the consent holder shall submit to Waikato Regional Council, for approval in a technical certification capacity, a draft Dust Management Plan (DMP). The DMP shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to the commencement of activities under this resource consent. The DMP shall include but not be limited to the following:
    (a) Specific locations and specifications for fixed and mobile sprinklers for the control of dust from stockpiles, if it is demonstrated that these are a source of off site particulate nuisance;
    (b) Specific management procedures for the use of the water cart for control of dust from internal access roads and working areas;
    (c) Specific management procedures for the control of dust from the sand quarry and clean fill disposal operations;
    (d) Other actions necessary to comply with the requirements of this resource consent;
    (e) Provision and maintenance of 20 kph speed limit signs on all unsealed access roads; and
    (f) Unless otherwise approved in writing by the Waikato Regional Council acting in a technical certification capacity following any review of the DMP in accordance with Condition 19 of this Consent:

        i). Total Suspended Particulates ("**TSP**") monitoring locations, alert levels and trigger levels and actions, including a requirement to install a TSP monitor adjacent to the property boundary at 914 Kaipaki Road;

ii). Details of how the nett TSP concentrations will be calculated; and

iii). Maintenance procedures for the TSP monitoring equipment and weather station.

18. Prior to exercising 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 throughout the period when soil is exposed on the site as a result of the exercise of this consent.

19. The Consent Holder shall operate the site in accordance with the approved DMP. The DMP shall be reviewed and updated by the Consent Holder at least once every five years from the exercise of this consent, or at any other time following:

    a. dust emission event occurring that, in the view of the Waikato Regional Council, is or may be in breach of Condition 24; and
    b. written notice being received by the Consent Holder from the Waikato Regional Council requesting a review.

    Any changes to the DMP shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity.

20. If requested in writing by the Waikato Regional Council, and on the happening of a dust emission event which in the view of the Council is or may be in breach of Condition 24, dust generating activities including earthworks, sand extraction and clean filling shall cease when the following conditions apply;

    a) 10-minute average wind speeds exceed 10 m/s; and
    b) earthworks, sand extraction and clean filling shall activities are occurring upwind and within 400 metres of the land or dwelling experiencing the effects of the breach.

    This requirement shall remain until approved otherwise in writing by the Waikato Regional Council.

21. If requested in writing by the Waikato Regional Council, an onsite meteorological station shall be installed within 20 working days of receiving the written request. The appropriateness of location, accuracy and calibration of the meteorological station shall be certified by a suitably experienced and qualified person and certification provided to the Waikato Regional Council. Wind speed and wind direction data shall be provided to the Waikato Regional Council within 24 hours of receiving a written request.

22. In addition to the Total Suspended Particulate (TSP) monitoring undertaken adjacent to the property boundary at 914 Kaipaki Road, TSP monitoring shall be undertaken adjacent to any property boundary where objectionable particulate matter effects have been determined beyond that boundary, if required in writing by the Waikato Regional Council.

    Advice Note: For the purpose of this resource consent, the Waikato Regional Council will consider an effect that is objectionable to have occurred if any appropriately experienced officer of the Waikato Regional Council deems it so after having regard to: The frequency, intensity, duration, amount, effect and location of the suspended or particulate matter; and/or receipt of complaints from neighbours or the public: or relevant written advice or a report from an Environmental Health Officer of a territorial authority or health authority.

Complaints Register

23. 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.

Objectionable or Offensive Dust Effects

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

    (a) The use of water sprays to supress 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 regrassing of completed surfaces;
    (e) The maintenance of all access routes;
    (f) The use of a truck wheel wash; and
    (g) Keeping the total area of exposed soil to no more than three hectares at all times.

25. On the happening of a dust emission event which in the view of the Council is or may be in breach of Condition 24, the Consent Holder shall provide a written report to the Council within five days of being notified of this requirement by the Council. The report shall specify:

    (a) The cause(s) or likely cause(s) 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 the steps to be taken in future to prevent recurrence of similar events; and
    (c) The steps planned to be taken to prevent reoccurrence of similar events.

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:*

i) The frequency, intensity, duration, amount, effect and location of the suspended or particulate matter; and/or
ii) receipt of complaints from neighbours or the public: or
iii) relevant written advice or a report from an Environmental Health Officer of a territorial authority or health authority.

Activity Setbacks

26. Unless written approval has been provided to the consent holder by the neighbouring landowner or dwelling occupant (as relevant) and subject to written approval by the Waikato Regional Council, , activities authorised by this resource consent shall be setback a minimum of;

    a. 130 metres from the residential dwelling at 914 Kaipaki Road;
    b. 20 metres from other northern and eastern property boundaries, including to the existing kiwifruit orchard to the south east;
    c. 5 metres from the western gully edge and subject to Condition 27 (land stability condition); and
    d. 10 metres setback from any other property boundary.

Land Stability

27. The consent holder shall engage a suitably qualified and experienced civil engineer to design the sand quarry working face running adjacent to the Mangawhero steam gully to appropriately address any potential land stability risk in this location. The design shall specify recommended working face profiles, slope angles and setbacks along with any recommended post excavation processes or protection measures. A copy of the design shall be provided to the Waikato Regional Council for approval, acting in a technical certification capacity, prior to any sand quarrying activities occurring within 20 metres of the Mangawhero steam gully edge.

28. 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.

29. 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" (Technical Report No. 2009/02 – dated January 2009).*

30. 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.

31. 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;
    d) the quality of the water discharging from the rehabilitated land is consistent with the discharge from adjacent catchments unaffected by overburden stripping works; and
    e) nuisance and invasive plant species (e.g. pampas, blackberry, broom) are removed on a regular basis.

Record Keeping and Annual Report

32. The consent holder shall record the following in a daily log:

    (a) 24 hour average TSP monitoring data;

(b) wind direction;
(c) Details on any dust control equipment malfunctions and any remedial actions taken;
(d) Details on any visible emission of dust and the source;
(e) The volume of water used by water carts for dust suppression; and
(f) The date and signature of the person entering the information.

Records shall also be made available to the Waikato Regional Council within 5 working days upon request.

33. 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 AUTH141798.01.01 and AUTH141798.01.02 and any recommendations to address any identified non-compliances;
b) Plans for topsoil and subsoil stripping and sand extraction over the next 12 months;
c) The location and areas of land to be revegetated over the next 12 months;
d) The results of all cleanfill testing undertaken as required by the conditions of this consent for the previous 12 month period.
e) The volume recorded in cubic metres of cleanfill imported to the site for the previous 12 month period.
f) A detailed description including photographs of perimeter planting works undertaken and ongoing maintenance of the plants.
g) TSP monitoring results.

Tangata Whenua

34. In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking earthworks, cleanfilling 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.

35. In no less than 15 working days prior to excavating any recorded archaeological sites (borrow pits) The consent holder shall invite representatives from Ngaati Kokokii-Kahukura and Ngaati Hauaa Iwi Trust to attend the site for the purpose of monitoring top soil excavation works at these sites. The invitation shall include details of the purpose of the invitation, the date excavation works are planned to start and consent holder contact details.

Review

36. The Waikato Regional Council may, between 1 April and 30 June 2021, 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 due to the placement of cleanfill and any subsequent contaminated stormwater discharges, 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 Polices.

Administration

37. 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.

RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH141798.01.01

File Number: 61 75 28A

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

Shaw's Property Holdings Limited
1130 Kaipaki Road
Cambridge 3495

(hereinafter referred to as the Consent Holder)

Consent Type: Water Permit

Consent Subtype: Ground water take

Activity authorised: Groundwater Take in association with Sand Quarry and Clean Filling

Location: 928 Kaipaki Road, RD 3, Cambridge 3495

Map reference: NZTM 1811605.0000 E 5802878.0000 N

Consent duration: This consent will commence on the date of decision notification and will expire on 31 October 2035.

Subject to the conditions overleaf:

CONDITIONS

1. Groundwater taken pursuant to this consent may only be used for dust suppression and vehicle wheel wash at a sand quarry on 928 Kaipaki Road, Cambridge.

2. The groundwater taken pursuant to this resource consent must be by the bore identified by Waikato Regional Council as located ID 72_10425

3. The daily net take volume must not exceed 205 cubic metres.

4. The annual net take volume must not exceed 45,100 cubic metres, to be calculated between July and June each year.

5. The rate of take from the bore must not exceed 4.5 litres per second.

6. A water measuring system must quantify the volume of water taken from the take location on a continuous basis. The system must have reliable calibration and must be maintained to an accuracy of +/- 5 percent. Prior to 1 December 2020, evidence of the water measuring system's calibration to an accuracy of +/- 5 percent must be provided to the Waikato Regional Council.

7. Additional calibration of the water measuring system must be undertaken by the consent holder:
    a) At the written request of the Waikato Regional Council
    b) As a frequency of no less than five yearly from the date of the first calibration required by condition 6.
    c) To the satisfaction of the Waikato Regional Council.
    d) Evidence documenting each additional calibration must be forwarded to the Waikato Regional Council within one month of the calibration being completed.

8. The consent holder must telemeter- via a telemetry system that is compatible with Waikato Regional Council telemetry system standards and data protocols- continuous 15 minute values of net take volume (in units of cubic metres). The data must be reported once daily to the Waikato Regional Council via the telemetry system and there must be 96 values per daily report. When no water is being taken, the data must specify the net take volume as zero.

9. At any time during 2025 and 2030, the Waikato Regional Council 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 the environment 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 volume specified within this consent, and, if necessary, to address any inappropriateness of any volume by way of reducing any volume.

10. At any time during the period 1 July 2034 to 30 June 2035 the Waikato Regional Council, 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 to take account of any change to the Waikato Regional Plan being proposed as a result of any catchment investigation undertaken by the Waikato Regional Council.

11. The consent holder must 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 1991.

Advice Notes

1. 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.

2. 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). Other transfers 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.

3. The consent holder may apply to change the conditions of the resource consent under s127 RMA.

4. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring to this consent 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 the consent

5. 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.

6. If you intend to replace this consent upon its expiry, please note than 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.