

APPLICANT PROPOSED CONDITIONS AS AT CLOSE OF HEARING

24 November 2020

Schedule 1

Conditions of Consent

Resource Consent No: LU/0108/20

Tracked Changes Guide

Unhighlighted clean text = Condition wording proffered by the Applicant (Refer Annexure A of Mark Chrisp evidence).

Red underlined and ~~strikeout~~ text = Waipa District Council Planner amendments to Annexure A of Mark Chrisp evidence (Dated 19 November 2020) that are accepted by the Applicant.

Blue underlined and ~~strikeout~~ text = Applicant's further amendments (Dated 22 and 24 November 2020) being proffered.

Consent Duration

- 1 Sand quarry and clean filling activities authorised by this consent will expire on 31 December 2035.

Generally in accordance

- 2 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.
- 3 The resource consent conditions below shall prevail should any inconsistencies between the application documentation, management plans and the conditions occur.

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Consent Compliance for Sub-Contractors

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

Consent Documentation Onsite

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

Pre-Start

- 6 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.

Consent Holder Representative

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

Pre-Construction Site Meeting

- 8 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 7 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.*

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Earthworks

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

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

Site Access

- 10 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.
- 11 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 10 of this consent.
- 12 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.
- 13 The consent holder shall ensure that any sand spillage onto Kaipaki Road within 300m of the access into the site as a result of the activities authorised by this resource consent shall be removed as soon as practicable.

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Deleted: 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

- 14 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:
- The interests and values of Tangata Whenua; and
 - The consent holder's interests; and
 - Any archaeological or scientific evidence; and

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- d) Any Heritage New Zealand authorisations.

Archaeological Sites

15 The consent holder shall;

- a) 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
- b) 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

16 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

17 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 SMP shall be certified by the Waipa District Council's Consents Team Leader as incorporating all the outcomes listed in Condition 18 in writing, prior to any mineral extraction works authorised by this consent commencing.

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

- 18 The revised SMP shall include, but may not be limited to the following:
- a) Acceptance criteria for cleanfill to be disposed on site;
 - b) A description of operational procedures and monitoring that will be implemented to;
 - i) record truck movements;
 - ii) record sand volumes extracted;
 - iii) record cleanfill volumes entering the site; and
 - iv) minimise unauthorised or contaminated material entering the site;
 - c) Specific design details, construction and certification procedures to ensure long term stability of cleanfill areas;
 - d) Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
 - e) A site staging plan;
 - f) 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;
 - i) Species to be planted, where they are to be planted, density of planting, sourcing of plants and fertilising;
 - ii) Site preparation for planting;
 - iii) Timeline for planting which will ensure plantings are completed within 3 years of commencement of this resource consent; and
 - iv) Ongoing maintenance procedures including the replacement of any dead plants;
 - g) An indicative final rehabilitated contour plan;
 - h) Maintenance, monitoring, and inspection procedures;
 - i) 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;

- j) Procedures for recording and dealing with complaints;
- k) site plan showing the location of infrastructure and all other relevant information;
- l) Description of operational measures to;
 - i) minimise noise;
 - ii) comply with the noise limits prescribed in this consent; and
 - iii) address the operational constraints prescribed in conditions [26 to 36](#) of this consent;
- m) Traffic management protocols;
- n) Procedures to review the management plan in order to ensure compliance with the resource consent conditions;
- o) Contingency and mitigation measures;
- p) 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.
- q) [Procedures for preparing and maintaining a Travel Plan and informing sand quarry haulage operators/customers of the Travel Plan and of key requirements of entry, on site activity, site departure and off-site transit expectations.](#)

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19 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.

[20](#) A maximum volume of sand removed from the site in any 12-month period shall not exceed 200,000m³.

[21](#) [The total area of the site from which minerals are being extracted, including the land from where overburden has been removed prior to extraction commencing but excluding the internal access, shall not exceed 3ha at any one time. The area of land being rehabilitated or reinstated shall not exceed 3ha at any one time.](#)

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Commented [HT1]: Reinstate this Condition instead of Condition 23 as duplication

Commented [MJ2R1]: Confirm – Applicant prefers this condition over Condition 24 (the latter now deleted below)

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Dust

- 22 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.

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

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

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

- 24 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

- 25 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:

- a) 7:00am to 5:30pm, Monday to Friday;
- b) **9:00am to 2:00pm, Saturday;**
- c) Closed Sunday and Public Holidays.

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

- 26 **All activities authorised by this consent** shall be conducted, designed and **operated** to ensure that it does not exceed the following limits within the notional boundary of any

Commented [MJ4R3]: Applicant opposes the requirement to cover all loads. On-site dust is managed by separate dust management plan and site boundary dust monitoring (pursuant to WRC consent). Sand is also damp due to extraction direct from quarry face. NZTA requirements for unsecured loads apply external to applicant's site. Separate conditions address sand spillage in vicinity of the site. Also noted that recently consented Coombes Quarry (Pirongia Rd) does not have this requirement. Scope of SMP covers dust so this can be addressed via the SMP if an issue in future.

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Commented [HT5]: Happy with this addition

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Deleted: 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.

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Commented [HT7]: Noted difference between agreement with Comez and request from Walkers. Application is for 7am to 21noon – is there a preference for the applicant?

Commented [MJ8R7]: Confirm the applicant prefers 9:00AM to 2:00PM – this was agreed with Rob and Debbie Comez, providing them with more early Saturday morning time without quarry traffic. Formed part of the basis for their submission withdrawal.

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dwelling (excluding dwellings on the same property as the consented activity or those where completed written approval of potentially affected parties has been obtained):

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

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

- 27 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.
- 28 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.
- 29 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;
 - a) Where topsoil stripping will occur within 180 m of their dwelling;
 - b) Expected dates of the work including hours and days of the week; and
 - c) Any other information the consent holder considers relevant.The consent holder shall secure the written approval from the dwelling occupant, before this activity can commence without a noise attenuation bund in place.
- 30 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.
- 31 Soil stripping activities shall not include the use of mobile soil scrapers.
- 32 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.

33 There shall be no tonal vehicle reversing beepers used on any vehicles or earthmoving machinery used on site.

34 There shall be no mechanical sand processing activities undertaken on the site.

35 The consent holder must undertake, at its expense, noise monitoring as and when required by an authorised officer of the Waipa District Council as a result of complaints. The results of this monitoring must be provided to the Waipa District Council within ten (10) working days of it being undertaken.

36 Where the monitoring of noise levels results in a non-compliance with noise conditions, the consent holder shall take immediate action to ensure that compliance is achieved and shall report to the Waipa District Council's Enforcement Officer the mitigation actions implemented. Following implementation of such mitigation measures a further noise level survey shall be undertaken confirming that compliance with the relevant criteria has been achieved, and those results forwarded to the Waipa District Council within ten (10) working days of it being undertaken.

Traffic, Access and Roading

37 The consent holder shall, no later than 31 March each year, provide Waipa District Council's Enforcement Officer with an annual report detailing the following information for the previous calendar year:

- a) Daily numbers of truck movements;
- b) Monthly sand volumes extracted; and
- c) Monthly clean fill volumes entering the site.

38 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.

Trip Generation

39 The maximum number of heavy vehicle movements generated by the activity shall not exceed:

- a) Daily maximum of 132 HCV movements/day; and
- b) Daily average of 106 HCV movements/day (calculated over a one-month period).

Advice Notes:

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

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Commented [HT9]: As briefly discussed with Alistair, can this advice note be expanded to include HCV definition, as from our quick chat I understand this would include large tractors and would remove any doubt about what is included as a HCV.

Commented [MJ10R9]: Agreed. Included additional advice note confirming HCV means “heavy vehicle” as defined in the WDP.

40 A Travel Plan showing the accepted routes to and from the site shall be provided and maintained by the quarry operator. The following shall be included in the Travel Plan (but not limited to):

- Exclusion of heavy vehicles associated with the sand quarry from using Mystery Creek Road (east of Mellow Road) and McEldownie Road.
- Identification of the acceptable district road routes for use by heavy vehicles travelling between the site, State Highway 21 and State Highway 3.
- Speed limits on site and on the District Roads identified as acceptable Haulage routes.
- Identification of Kaipaki School on Kaipaki Road and the presence of children and increased traffic movements at that location

The Travel Plan and annual reminder notices shall be sent to all haulage operators/customers of the sand quarry, to reiterate safe and courteous driving practices including speed management, avoidance of engine braking at the access, and awareness of cyclists and potentially other vulnerable road-users on the acceptable district road haulage routes.

Commented [HT11]: Should this be moved to be with the Travel Plan requirement under the SMP?

Commented [MJ12R11]: Prefer this remain as a separate condition. The SMP will set out how this will be done as part of the routine operation of the site.

Commented [MJ14R13]: Remains deleted in favour of defining HCV in trip generation condition.

Deleted: <#>Vehicles accessing the site for the purpose of haulage must be currently road registered. Agricultural vehicles are only permitted site access if they are travelling to and from their place of origin which is less than 1km travel distance from the site. ...

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Entrance and Access Improvements

41 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 braking prior to accessing the site.

42 The consent holder shall submit engineering plans detailing the vehicle crossing and proposed haul road to the Council's Team Leader 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 NZTA Manual of Traffic Signs and Markings, “Rural Right Turn Bay” Figure 3.25 and include:

- Heavy vehicle tracking for the design vehicle;
- Details for the location and size of the splitter island;
- Location of the proposed gate (to be located approximately 300m from the edgeline);

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d) Details of access to the residential dwelling including an entry waiting zone that is separated from the quarry access movement lanes;

Commented [HT17]: Preference to keep these words in

Commented [MJ18R17]: Agreed

e) Details of the proposed sealed access road 6m wide or 3m wide with passing bays at maximum 100m spacings;

f) Size and spacing of any passing bays on the proposed access road;

g) A realigned access road which is at 90 degrees from Kaipaki Road extending 30m from the property boundary;

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h) Details of existing services;

i) No-overtaking lines from the right-turn bay to the existing no-overtaking lines located north-west of the vehicle crossing;

j) No-overtaking lines for a length of 420m (plus 100m of warning lines) south-east of the vehicle crossing subject to Road Safety Audit findings and Council's Development Engineering Manager approval;

k) Provision of truck crossing warning signs (PW-50; in accordance with MOTSAM Part 1) on each approach of Kaipaki Road to the access;

l) Placement of static "no engine braking" signs to the south-east and to the north-west of the vehicle crossing subject to Road Safety Audit findings and Council's Development Engineering Manager approval.

Commented [HT19]: While Council happy to have these included, part (m) below covers both scenarios without being specific

Commented [MJ20R19]: Prefer to split noting no-overtaking lines to the northwest will join with existing no-overtaking lines, therefore, no real decision to make regarding distances. Whereas, length of no-overtaking lines to the south east will be subject to Council approval.

Commented [HT21]: Preference to keep in

Commented [MJ22R21]: Agree – this was mistakenly deleted.

Commented [HT23]: Insert new part regarding 'no engine braking next...km' sign

Commented [MJ24R23]: Agreed

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Deleted: <#>Consideration for the extension of no overtaking lines to suitable locations, subject to Road Safety Audit findings and Council's Development Engineering Manager approval.¶

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Note: Council's preference is for the new right turn bay to be centrally located subject to detailed design, completion of the Road Safety Audit and Council's Team Leader Development Engineering approval. Providing the right-turn bay centrally around the existing centreline will help minimise effects of the turning bay on the property on the north side of Kaipaki Road and provide space for existing and future services in the berm on the northern side of Kaipaki Road (i.e. power lines and stormwater drainage).

43 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 42.

44 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.

- 45 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.

Maintenance of Access

- 46 During the exercise of this consent the consent holder shall maintain the entrance and internal access to the site to Council's standards as follows:

- a) The sealed surface shall be kept clean of debris spilled from vehicles carrying sand or other material tracked onto the surface from the internal unsealed roads; and
- b) The remainder of the internal accessway from the edge of the sealed access shall be maintained to an all-weather surface.

All work towards meeting this condition is to be carried out for the acceptance of the Council's Team Leader Development Engineering and shall be at the consent holder's expense.

Closure of Right Turn Bay

- 47 At the completion of the consented activities, the consent holder shall, at their sole expense, have the painted markings of the right turn bay constructed in accordance with Condition 42, removed by resealing the extents of the access intersection and reinstate the existing lane edge and centre line markings to the satisfaction of Council's Transportation Manager, unless the resealing of the affected section of Kaipaki Road is included in the next two years of Council's Forward Work Programme. In this case, the consent holder shall only be responsible for the costs of remarking. For the avoidance of doubt, sealed shoulders greater than 2.0m wide shall be marked with painted hatch markings unless otherwise agreed by Council.

Visual and Landscape

- 48 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.

Commented [MJ26R25]: Applicant opposes this condition for reasons set out in Paras 35-36 of Mr. Black's supplementary evidence

Deleted: <#>Prior to the commencement of mineral extraction activities on site, the consent holder shall arrange for baseline traffic survey data to be collected by way of Automatic Tube Counts (ATC) across Kaipaki Road, immediately east of Kaipaki Road / Mellow Road intersection. The ATC shall collect continuous hourly classified vehicle counts over each day for a minimum two week period (14 full days excluding school and public holidays) in either of the months of November, December, February, March and April. ¶

Post commencement of mineral extraction activities on site, the ATC counts shall be repeated at/near the same time of year, each year for 5 years and the results reported annually to Council's Development Engineering Team Leader in a monitoring report prepared by a suitably qualified traffic engineer. The report shall compare baseline and subsequent year peak hour and daily classified volumes, identifying the peak hourly and daily HCV volume increase (or decrease) on Kaipaki Road since the baseline survey. The monitoring reports shall reconcile any HCV volume increase against the number of hourly and daily loads recorded at the consented activity over the same period, to confirm the hourly and daily volume of site HCV using the Kaipaki Road / Mellow Road intersection. ¶

If a monitoring report demonstrates the hourly or daily average increase to be ≥ 8 HCV per hour or 80 HCV per day associated with the consented activity, the consent holder shall pay a financial contribution to Council the equivalent of the percentage of daily site HCV traffic over Total HCV traffic multiplied by the cost of the works to upgrade the intersection with an appropriate Right Turn Bay facility. The formulae is therefore; $\text{Site HCV} / (\text{Site HCV} + \text{'Other' HCV}) \times \text{Upgrade Cost}$ ¶

For the avoidance of doubt, the upgrade cost will be calculated on the basis of inclusion

Deleted: <#>of SMA asphalt surfacing over the high stress turning zones of the intersection instead of chip-seal, to withstand the extra wear applied by laden trucks.¶

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Commented [HT27]: Suggestion to bring this down to two years instead of three

Commented [MJ28R27]: Agreed

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- 49 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

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

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

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

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Administration

- 51 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

- 52 The consent holder shall pay the Waipa District Council a financial contribution of [\\$0.05/tonne](#) for each tonne of material that is transported by public road. [The financial](#)

Commented [HT29]: Rounding of \$0.046 and \$0.048 indicates this should be \$0.05/tonne

Commented [MJ30R29]: Agreed

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contribution shall be paid twelve (12) monthly in arrears based on the actual extraction volumes recorded as per Condition 38.

Advice Note: The financial contribution of \$0.05/tonne takes into account the NZ Transport Agency financial assistance rate of 51%.

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53 The heavy vehicle impact fee will be adjusted at 1 July each year for the term of this consent by reference to the Producer Price Index for Construction (PPI) at 31 March of the corresponding year and rounded to the nearest \$0.01/tonne.

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54 The consent holder shall, within ten (10) working days of payment, provide Council's Enforcement Officer with written notice of the date of which the payment of the heavy vehicle impact fee is paid to Council; the amount that was paid and how the amount was calculated.

Advice Note: For the purposes of enforcing Condition 52 of this consent the consent holder shall be advised that should a period of 13 or more months pass between payments the Council may start enforcement proceedings against the consent holder, which may include, but is not limited to debt collection

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Mystery Creek Events

55 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

56 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, Mellow Road and Mystery Creek 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.

57 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 900,000m³ of sand as a result of receiving monthly sand volume reports pursuant to Condition 37 of this resource consent, serve notice on the consent holder of its intention to review the financial contribution prescribed in condition 52 of this resource consent for each tonne of material that is transported by public road.

58 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.

Bond

59 Within six months of the commencement of mineral extraction activities, the consent holder shall provide and maintain in in favour of the Waipa District Council a bond (being either a cash bond or a bank guaranteed bond) to enable:

- a) Secure compliance with all the conditions of this consent and to enable any adverse effects on the environment resulting from the consent holder's extraction and cleanfilling activities to be avoided, remedied or mitigated;

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Commented [HT31]: Noted proffered s128 condition – if you have recommended wording for the Panel to consider this would be helpful

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- b) Secure the completion and closure of the site, including contouring, drainage and revegetation;
- c) Ensure the performance of any monitoring obligations of the consent holder under this consent;
- d) Enable the Waipa District Council to undertake monitoring and management of the site until completion of closure of the site; and
- e) Restoration of the mineral extraction and cleanfilling areas to a standard such that the requirements of this consent are satisfied.

Advice Note: *Where a cash bond is provided by the consent holder, the bond will be held in an interest bearing Trust Account with Councils solicitor and interest will be paid to the consent holder at least 6 monthly.*

60 The quantum of the bond shall be sufficient to cover the estimated costs of clauses (a) to (e) in Condition 64 and in particular:

- a) The estimated costs (including any contingency necessary) of rehabilitation and closure of the site in accordance with the conditions of this consent;
- b) The estimated costs (including any contingency necessary) of monitoring and management of the site and its effects following closure or abandonment, for as long as may be required to comply with the conditions of this consent;
- c) Any further sum which the Waipa District Council considers necessary for monitoring any adverse effect on the environment that might arise from the mineral extraction activity including monitoring anything which is done to avoid, remedy or mitigate an adverse effect.

61 The bond shall be in a form approved by the Waipa District Council and shall, subject to these conditions, be on the terms and conditions required by the Waipa District Council.

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

63 The bond may be varied, cancelled, or renewed at any time by agreement between the consent holder and Council.

64 The bond shall be released on completion of closure of the site and once the site has been rehabilitated to the satisfaction of the Waipa District Council.

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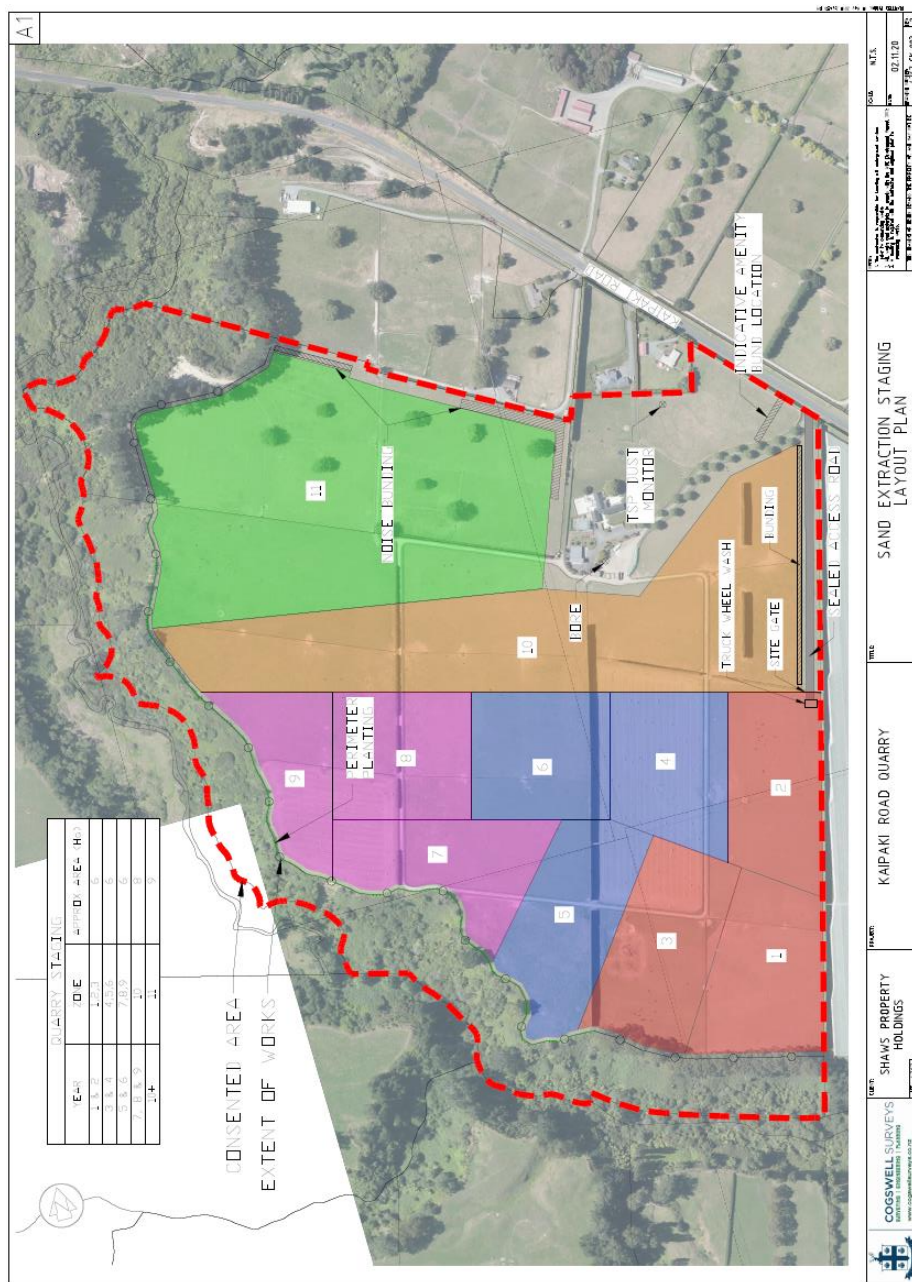
Advice Note: *For the avoidance of doubt, the consent holder's obligation to maintain the bond under these conditions shall not be extinguished on the expiry or surrender of this consent.*

Advice Note: *"Completion of closure" means when the Waipa District Council deems that a resource consent for the site are no longer required, and that there is no reasonable risk of the site causing further adverse impacts on the environment.*

65 All reasonable and actual costs relating to the bond shall be paid by the consent holder.

DRAFT

SCHEDULE ONE:



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