

Received 5th July 2007
AJS.

File No: 61 24 10A
Document No: 1194252



28 June 2007

Winstone Aggregates Ltd
PO Box 527
CAMBRIDGE 2351

PO Box 4010
401 Grey Street
Hamilton East
Hamilton 3247
New Zealand

ph +64 7 859 0999
fax +64 7 859 0998

www.ew.govt.nz

Dear Sir/Madam

Resource Consent Applications 116075, 116076, 116077, 116078, & 116079

Your resource consent applications have been considered in accordance with the provisions of the Resource Management Act 1991.

Please find enclosed the decision report and resource consent certificates.

You may lodge an objection to this decision by notifying Environment Waikato of your objection within 15 working days of notice of this decision being received, in accordance with Section 357 of the Resource Management Act and Regulations respectively.

You may lodge an appeal with the Environment Court if you wish. Further information on this option is available from Environment Waikato on request.

Important: If you decide to object to or appeal against this decision the enclosed consent certificates are null and void, and should be destroyed.

You should also be aware of the following general information regarding the holding of a resource consent:

Exercising the consent

Only the holder of the consent (or their agent) may exercise this consent, and then only for the purpose specifically authorised by the consent. Those exercising the consent must comply with the conditions of the consent at all times.

If the consent has not been exercised within five years from the commencement date of the consent, the consent will lapse unless approval has been obtained from Environment Waikato to extend the period.

Charges payable

The majority of consent holders will incur annual charges for holding consents, and may also incur costs associated with monitoring, inspecting and reporting on the exercise of this consent.

Annual charges are set every year as part of the Council's annual plan process. These charges will continue to be incurred by the holder of the consent until such time as the consent expires or is surrendered.

Surrender of the consent

If you no longer wish to perform the activities authorised by the consent you may wish to apply to surrender the consent (charges are payable even if you are not currently exercising the consent).

Expiry of the consent

If you re-apply within 6 months of the expiry date of your consent you may continue to carry out the activity while your replacement consent application is processed.

Sale of your property

If you sell the property or the operation to which this consent applies, you may wish to transfer the consent to the new owner (charges will continue to be incurred by the holder of the consent until such time as this is carried out).

Disclosure of information to third parties

The information you provided in your application (including personal information) is official information. It will be used to assist in the management of the region's natural and physical resources. Your application, the details of this consent and any ongoing communications between you and Environment Waikato will be held at the offices of Environment Waikato and may be accessed upon request by a third party.

Access to information held by Environment Waikato is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. Your information may be disclosed in accordance with the terms of these Acts. This may include disclosure in response to an on-line request to access information through Environment Waikato's website (www.ew.govt.nz).

Environment Waikato may withhold access to information in certain circumstances. It is important that you advise Environment Waikato about any concern you may have about disclosure of any of the information you have provided in this application (e.g. protection of personal information, trade secrets, confidential information or information which, if released, may cause serious offence to tikanga Maori). While Environment Waikato may still have to disclose information under the above legislation, it can take into account any concern you wish to raise.

Please do not hesitate to contact me on 07 859 0816 if you have any queries regarding the above advice.

Yours faithfully



Rosie Woods
Administration Officer, Resource Use Group

Resource Consent Schedule

PO Box 4010
401 Grey Street
Hamilton East
Hamilton 3247
New Zealand

ph +64 7 859 0999

fax +64 7 859 0998

www.ew.govt.nz

Resource Consent: 116075

Consent Type: Discharge permit

Consent Subtype: Discharge to land

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

Winstone Aggregates - A Division of Fletcher Concrete and
Infrastructure Ltd
PO Box 527
CAMBRIDGE 2351

(hereinafter referred to as the Consent Holder)

Activity authorised: Discharge overburden to land in association with sand mining activities

Location: Airport Rd - Rukahia

Map Reference: NZMS 260 S15:155-667

Consent Duration: Granted for a period expiring on 30 June 2027

Subject to the conditions overleaf:

1. This consent is subject to compliance with Schedule TWO – General Conditions
2. The activities shall be carried out general in accordance with the resource consent application document titled "Winstone Aggregates Airport Road Sand Plant Extension Project: Assessment of Environmental Effects" dated February 2007 except where otherwise identified in subsequent conditions of this consent.
3. All stormwater runoff shall be directed into purpose built storm water settling ponds for treatment prior to discharge. The quality of the discharge from these treatment ponds shall be in accordance with the conditions of resource consent number 116076, which permits these discharges.
4. As a result of activities authorised by this resource consent, there shall be no discharge of dust to air that causes an objectionable or offensive effect beyond the boundary.
5. The consent holder shall ensure that rehabilitation activities shall not occur in Cell E, when the wind is blowing from the west ($270\pm 45^\circ$) and wind speeds are greater than 10 m/s unless it is raining.
6. The consent holder shall provide the Waikato Regional Council with an Overburden Management Plan which details the procedures that will be implemented to operate in accordance with the conditions of this resource consent and the procedures that will be put into place to (e.g. control stormwater/minimise the potential for sediment runoff from the site/minimise emissions to air). This plan shall be lodged with the Waikato Regional Council by 1 July of each year that the consent is current. Any changes to the plan shall be to the satisfaction of the Waikato Regional Council, and shall be confirmed in writing by the consent holder following consultation with the Waikato Regional Council. The consent holder shall undertake the placement of overburden in accordance with the Overburden Management Plan.

This plan shall address, but may not be limited to, the following:

- i) areas to be quarried over the next 12 months;
- ii) plans for overburden stripping and disposal over the next 12 months;
- iii) details of maintenance activities undertaken in the previous 12 months, and maintenance activities proposed over the next 12 months;
- iv) the specific location of the placement area;
- v) the design and construction procedures;
- vi) how sediment losses to natural water will be avoided and details of any problems in respect of water management on the site during the previous 12 months, and proposals for addressing such problems;
- vii) earthworks procedures to be adopted during construction;
- viii) measures to avoid the over compaction of soils;
- ix) timetable of works and re-vegetation;
- x) contingency and mitigation measures;
- xi) monitoring
- xii) provisions for plan review.

Advice notes

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
3. 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.
4. 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).
5. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
6. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.

Resource Consent Schedule

PO Box 4010
401 Grey Street
Hamilton East
Hamilton 3247
New Zealand

ph +64 7 859 0999
fax +64 7 859 0998

www.ew.govt.nz

Resource Consent: 116076

Consent Type: Discharge permit

Consent Subtype: Discharge to water

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

Winstone Aggregates - A Division of Fletcher Concrete and
Infrastructure Ltd
PO Box 527
CAMBRIDGE 2351

(hereinafter referred to as the Consent Holder)

Activity authorised: Discharge settled stormwater to water and into or onto land in association with sand mining activities

Location: Airport Rd - Rukahia

Map Reference: NZMS 260 S15:155-667

Consent Duration: Granted for a period expiring on 30 June 2027

Subject to the conditions overleaf:

1. The exercise of this consent is subject to the General Conditions listed in Schedule Two – General Conditions.
2. Stormwater settling ponds shall be constructed, operated and maintained in general accordance with the application for this resource consent and the document titled "Winstone Aggregates Airport Road Sand Plant Extension Project: Assessment of Environmental Effects" dated February 2007 and the Mystery Creek Crossing Silt Control Management Plan dated April 2007 except where otherwise identified in the resource consent conditions below.
3. Stormwater sediment retention ponds shall be desludged whenever required to maintain at least 80% of the pond volume, and in particular within one months notice in writing from the Waikato Regional Council to do so.
4. In the event of discharge into Mystery Creek, the discharge of suspended solids to Mystery Creek shall not cause the level of suspended solids to exceed 100 grams per cubic metre (20 metres downstream of the discharge). The standards of this condition shall apply, except where the suspended solids concentration in Mystery Creek is greater than 100 grams per cubic metre at the time and location of undertaking the activity. When the concentration of suspended solids in the Mystery Creek is greater than the 100 grams per cubic metre then there shall not be any increase in the Mystery Creek suspended solids concentration (20 metres downstream of the discharge) as a result of the activity.
5. If required in writing by the Waikato Regional Council, the consent holder shall undertake sampling of the sediment pond discharge for the purpose of assessing compliance with condition 4 and provide the results of all discharge sampling analysis to the Waikato Regional Council within 10 days of a written request to do so

*For and on behalf of the
Waikato Regional Council*



Advice notes

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
3. 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.
4. 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).
5. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
6. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.

Resource Consent Schedule

PO Box 4010
401 Grey Street
Hamilton East
Hamilton 3247
New Zealand

ph +64 7 859 0999
fax +64 7 859 0998

www.ew.govt.nz

Resource Consent: 116077

Consent Type: Land use consent

Consent Subtype: Land - disturbance

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

Winstone Aggregates - A Division of Fletcher Concrete and
Infrastructure Ltd
PO Box 527
CAMBRIDGE 2351

(hereinafter referred to as the Consent Holder)

Activity authorised: Undertake vegetation clearance and earthworks within a high risk erosion area to construct an access road and in association with sand mining activities

Location: Airport Rd - Rukahia

Map Reference: NZMS 260 S15:154-668

Consent Duration: Granted for a period expiring on 30 June 2027

Subject to the conditions overleaf:

1. The exercise of this consent is subject to the General Conditions listed in Schedule Two – General Conditions.
2. The earthworks and vegetation clearance authorised by this resource consent shall be undertaken in general accordance with the application for this resource consent titled "Winstone Aggregates Airport Road Sand Plant Extension Project: Assessment of Environmental Effects" dated February 2007, the Mystery Creek Crossing Silt Control Management Plan dated April 2007 except where otherwise required in the resource consent conditions below.
3. Any design parameters provided in the documents detailed in condition 2, which are changed during the detailed design of works authorised by this consent and likely to affect the function or performance of the erosion and sediment controls shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.
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.
5. The consent holder shall provide the Waikato Regional Council with an "Erosion and Sediment Control Plan", at least 10 working days prior to the commencement of activities authorised by this consent.
6. The "Erosion and Sediment Control Plan" (E&SCP) required by condition 5 shall be based upon and include, those specific principles and practices which are appropriate for the activity authorised by this consent and contained within the Waikato Regional Council document titled "Erosion and Sediment Control - Guidelines for Soil Disturbing Activities" (Technical Report No.2002/01 - dated May 2003), and shall include but may not necessarily be limited to, the following:
 - i) details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site;
 - ii) the design criteria and dimensions of all key erosion and sediment control structures;
 - iii) the boundaries and area of contributing catchments to all stormwater impoundment structures;
 - iv) a site plan of a suitable scale to identify the locations of waterways, the extent of earthworks and vegetation removal, any "no go" and/or buffer areas to be maintained undisturbed adjacent to watercourses, all key erosion and sediment control structures and any other relevant site information;
 - v) construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
 - vi) timetable and nature of progressive site rehabilitation and re-vegetation proposed;
 - vii) maintenance, monitoring and reporting procedures;
 - viii) rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
 - ix) procedures and timing for review and/or amendment to the E&SCP; and,
 - x) identification of specific site responsibility for the operation and maintenance of all key erosion and sediment control structures.
7. The "Erosion and Sediment Control Plan" (E&SCP) required by condition 6 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 and the consent holder shall undertake all earthworks authorised by this consent in accordance with the approved E&SCP.

8. Any changes proposed to the "Erosion and Sediment Control Plan" required by condition 6 shall be confirmed in writing by the consent holder following consultation with the Waikato Regional Council and approved in writing by the Waikato Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.
9. The consent holder shall establish a "Sediment Control Team" which is to include a representative(s) from the Waikato Regional Council, the consent holder and the contractor following consultation with the Waikato Regional Council and by written agreement with the Waikato Regional Council.
10. The consent holder shall arrange and conduct a pre-construction site meeting between the "Sediment Control Team" as required by condition 9 prior to any work authorised by this consent commencing on the site. The "Sediment Control Team" shall otherwise meet on a fortnightly basis to review and discuss erosion and sediment control at the site although the meeting frequency may be varied by written agreement with the Waikato Regional Council.
11. The consent holder shall ensure that all sediment and erosion control structures are inspected on a weekly basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. A record shall be maintained of the date and time of inspections undertaken, any maintenance requirements identified and of maintenance undertaken to all erosion and sediment control structures. Records associated with the maintenance of all erosion and sediment control structures shall be made available to the Waikato Regional Council at all reasonable times.
12. The consent holder shall ensure that all clean water run-off from stabilised surfaces including catchment areas above and around the site shall be diverted away from the earthworks area via a stabilised system to prevent erosion. The consent holder shall also ensure the outfall(s) of these systems are protected against erosion.
13. The design and construction of the works associated with this resource consent shall be carried out under the supervision of a person who has experience and qualifications appropriate to supervise the construction of such works. This person shall be responsible for the implementation and requirements of the "Erosion and Sediment Control Plan" (E&SCP) required by condition 6 of this consent. This person shall, upon establishment of all structures required by the E&SCP, issue a certificate stating that the design and construction of the works meet the requirements of this resource consent and the E&SCP and have been undertaken in accordance with accepted practice.
14. All disturbed or cut vegetation, soil or debris shall be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any waterway.
15. The consent holder shall employ a suitably qualified geotechnical engineer to ensure that cut slopes and fill sites are individually and appropriately assessed for stability during and following individual cutting and filling operations, and to ensure that appropriate drainage is installed at each site.
16. The consent holder shall ensure those areas of the site where earthworks have been completed shall be stabilised against erosion as soon as practically possible and within a period not exceeding 14 days after completion of any earthworks. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will prevent erosion of exposed soil.
17. The consent holder shall progressively stabilise, re-contour and re-vegetate any disturbed areas to limit/prevent sediment runoff and erosion until the site has been stabilised to such an extent that any discharge of sediment to the Mystery Creek complies with the conditions of consent 116076

18. The consent holder shall maintain the site until vegetation is established to such an extent that it prevents erosion any discharge of sediment to the Mystery Creek complies with the discharge standards of resource consent 116076

*For and on behalf of the
Waikato Regional Council*

A handwritten signature in black ink, appearing to read 'M. B. Welldon', is written over a dotted line.

Advice notes

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
3. 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.
4. 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).
5. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
6. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.

Resource Consent Schedule

PO Box 4010
401 Grey Street
Hamilton East
Hamilton 3247
New Zealand

ph +64 7 859 0999
fax +64 7 859 0998

www.ew.govt.nz

Resource Consent: 116078

Consent Type: Land use consent

Consent Subtype: Bed - disturbance

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

Winstone Aggregates - A Division of Fletcher Concrete and
Infrastructure Ltd
PO Box 527
CAMBRIDGE 2351

(hereinafter referred to as the Consent Holder)

Activity authorised: Division of Mystery Creek and construction and use of a culvert in the bed of Mystery Creek in association with sand mining activities

Location: Airport Rd - Rukahia

Map Reference: NZMS 260 S15:154-668

Consent Duration: Granted for a period expiring on 30 June 2042

Subject to the conditions overleaf:

1. The exercise of this consent is subject to the General Conditions listed in Schedule Two – General Conditions.
2. The stream diversion and culvert construction in general accordance with the application for this resource consent titled "Winstone Aggregates Airport Road Sand Plant Extension Project: Assessment of Environmental Effects" dated February 2007, the Airport Road Sand Quarry Mystery Creek Gully Crossing Investigations and the Mystery Creek Crossing Silt Control Management Plan dated April 2007 except where otherwise required in the resource consent conditions below.
3. The consent holder shall inform the Waikato Regional Council in writing, at least 10 working days prior to any work commencing, of the start date of the works authorised by this resource consent.
4. The consent holder shall be responsible for the design, structural integrity and maintenance of the culvert and for any erosion control works that become necessary to preserve the integrity and stability of the river channel, to maintain fish passage and to control erosion as a result of the exercise of this resource consent.
5. The consent holder shall undertake the works in a manner which ensures that any discharge of sediment to Mystery Creek complies with the conditions of consent 116076
6. The culvert shall not impede the passage of fish both upstream and downstream.
7. The culvert shall be installed at the same gradient of the stream bed with the invert set 200 mm below the normal streambed elevation.
8. The culvert shall be provided with a spillway to convey flows during flood events that exceed the capacity of the culvert. This spillway shall be provided with suitable erosion protection devices to ensure erosion protection under all overtopping flow events.
9. The consent holder shall maintain the culvert and spillway in the immediate vicinity clear of obstructions.
10. The bed of the diversion shall be lined with similar material to that contained in adjacent existing reaches.
11. Suitable scour protection shall be placed at the beginning and end of the stream diversion to ensure the integrity of the outer banks of the reconstructed river bed.
12. Any bare soil surfaces that result from the works shall be revegetated in an appropriate manner and within 2 weeks of completion of bulk earthworks.
13. The consent holder shall construct the culvert and stream diversion in accordance with accepted civil engineering practices. To this end the consent holder shall, unless otherwise required by Waikato Regional Council in writing following consultation with the consent holder, retain a suitably qualified and experienced person to supervise the construction of the culvert and stream diversion.
14. Sections of the channel banks which have had the vegetation stripped from them shall have temporary sediment retention devices e.g. geofabric, installed within the same working day. These devices shall be operated and maintained until vegetation is established to such an extent that it prevents erosion and retains sediment from entering any watercourse.

*For and on behalf of the
Waikato Regional Council*

M. B. Weledly

Advice notes

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
3. 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.
4. 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).
5. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
6. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.

Resource Consent Schedule

PO Box 4010
401 Grey Street
Hamilton East
Hamilton 3247
New Zealand

ph +64 7 859 0999
fax +64 7 859 0998
www.ew.govt.nz

Resource Consent: 116079

Consent Type: Water permit

Consent Subtype: Ground water take

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

Winstone Aggregates A - Division of Fletcher Concrete and
Infrastructure Ltd
PO Box 527
CAMBRIDGE 2351

(hereinafter referred to as the Consent Holder)

Activity authorised: Take water for dust suppression purposes in association with sand mining activities

Location: Airport Rd - Rukahia

Map Reference: NZMS 260 S15:155-667

Consent Duration: Granted for a period expiring on 30 June 2027

Subject to the conditions overleaf:

1. The exercise of this consent is subject to the General Conditions listed in Schedule Two – General Conditions.
2. The ground water take authorised by this consent shall be constructed, operated and maintained in general accordance with the application for this resource consent and the document titled "Winstone Aggregates Airport Road Sand Plant Extension Project: Assessment of Environmental Effects" dated February 2007, the Mystery Creek Crossing Silt Control Management Plan dated April 2007 except where otherwise identified in the resource consent conditions below
3. The maximum volume of water taken shall not exceed 80 cubic metres in any 24-hour period.
4. The maximum rate at which water is taken shall not exceed 20 litres per second.
5. The maximum volume of water shall not exceed 7200 cubic metres per year
6. The consent holder shall maintain a daily record of water usage. The daily water use record shall be forwarded to the Waikato Regional Council in a yearly report to be submitted by 1 July of each year that this consent is current.
7. Prior to excavation below RL30m in the sand extraction area, the consent holder shall undertake a survey of the bed levels of Mystery Creek and Te Maire Stream immediately adjacent to the extraction area. This survey shall record the water level of those streams and this information shall be provided to the Waikato Regional Council.
8. The consent holder shall survey the invert level of each water take sump and provide the Waikato Regional Council with the invert level prior to water being taken from that sump.
9. The consent holder shall cease water take activities should the invert level of a water take sump (as required to be measured by condition 8) be less than the water level in Mystery Creek or Te Marie Stream).

*For and on behalf of the
Waikato Regional Council*

MBweledy

Advice notes

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
3. 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.
4. 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).
5. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
6. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.

SCHEDULE TWO – GENERAL CONDITIONS

The exercise of resource consents 106075, 116076, 116077, 116078, and 116079 are subject to the following conditions, which shall apply to each individual consent. Where there may be differences or apparent conflict between the general conditions and conditions contained in either the individual consents contained within this suite, or any other consent referred to below, the conditions contained in the respective individual consents shall prevail.

General

1. The activities shall be carried out general in accordance with the resource consent application document titled "Winstone Aggregates Airport Road Sand Plant Extension Project: Assessment of Environmental Effects" dated February 2007 except where otherwise identified in subsequent conditions of this consent.
2. This resource consent is granted by the Waikato Regional Council subject to its officers or agents being permitted access to the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.

Administration Charges

3. 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.

Complaint Register

4. The consent holder shall maintain and keep a complaints 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 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.

Review (s128)

5. The Waikato Regional Council may within the March to June inclusive period in 2010, 2013, 2016, 2019, 2022 and 2025 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:
 - i) 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
- ii) For discharges, 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 activities; or
 - iii) To review the adequacy of and the necessity for monitoring undertaken by the consent holder.
 - iv) To review the requirement for a bond for site rehabilitation purposes in the event of consents being transferred.

Such review shall be commenced only after consultation between the Waikato Regional Council and the consent holder.

Note Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.

Responsibility for operations

- 6. The consent holder shall appoint a representative(s) prior to the exercise of this resource consent, that shall be the Waikato Regional Council's principal contact person(s) in regard to matters relating to this resource consents. The consent holder shall inform the Waikato Regional Council of the representatives name and how they can be contacted within two weeks of this resource consent being granted. 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.
- 7. The consent holder shall be responsible for all sub-contracted operations related to the exercise of this resource consent, and must ensure staff and sub-contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Dust

- 8. The consent holder shall manage the quarry and ancillary activities in such a manner to ensure that dust emissions are kept to a practicable minimum, including;
 - i) Measures including but not limited to water, to suppress dust from sand extraction and processing and from access roads,
 - ii) the revegetation of disturbed land which is currently not being worked,
 - iii) the regrassing of topsoil stockpiles,
 - iv) The area of land open for stockpiling, load out and rehabilitation activities shall be kept to a practicable minimum.
- 9. 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

Note: For the purpose of condition 9 of this resource condition, the Waikato Regional Council will consider an effect that is objectionable or offensive to have occurred if any appropriately experienced officer of the Waikato Regional Council deems it so after having regard to:

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

10. The consent holder shall provide the Waikato Regional Council with a Dust Management and Monitoring Plan, which details the measures and procedures that will be put into place to enable the sand extraction, processing and ancillary activities to operate in a manner that will result in compliance with the dust management conditions of this consent and to minimise the potential for dust nuisance and adverse effects arising from the operation of this activity. The plan shall be lodged for review and approval with the Waikato Regional Council acting in a technical certification capacity at least one month prior to the commencement of activities on the site. The Plan shall be reviewed and updated by the consent holder when required, in consultation with the Council. The plan shall address but not be limited to, the following:
- i) Specific management procedures for the use of the water cart and other dust suppression methods for control of dust from internal access roads and working areas.
 - ii) Specific management procedures for the control of dust from open areas and overburden stockpiles.
 - iii) Other actions necessary to comply with the requirements of this resource consent.
 - iv) the number and location of the deposition gauges, proposed monitoring measures and reporting procedures
11. The consent holder shall, unless otherwise directed in writing by the Waikato Regional Council, undertake continuous monitoring for deposited particulate matter. Results shall be reported to the Waikato Regional Council at three monthly intervals unless proposed trigger levels are exceeded. If the trigger levels are exceeded these shall be reported as provided for in (iii) below.
- i) the number and location of the deposition gauges shall be approved by the Waikato Regional Council acting in a technical certification capacity prior to commencing the exercise of this consent,
 - ii) the method of the measurement shall be the horizontal deposit gauge method ISO/DIS 4222.2. The consent holder shall record the dust gauge exposure period and date on which the sample is collected for each monitoring location. The sample shall be analysed for insoluble solids and total solids in accordance with the methods detailed in the "Standard Methods for the Examination of water and Wastewater, 1998" 20th edition by A.P.H.A, A.W.W.A and W.E.F., or any other method approved in advance by the Waikato Regional Council acting in a technical certification capacity,
 - iii) the trigger level for deposited particulate matter shall be no more than 4 g/m²/30 days above the control site. In the event this trigger level is exceeded the consent holder shall report to the Waikato Regional Council within 7 days of receiving the result. The report shall include an explanation of any reasons for the exceedances and any remedial measures taken to prevent any further exceedances.
12. After the first two years of sampling required by condition 11 of this consent, the frequency of testing may be reduced or cancelled with the written approval of the Waikato Regional Council acting in a technical certification capacity.

Responsibility for Structural Integrity, Erosion Control and Maintenance

13. The consent holder shall design all structures and undertake all construction works authorised by this resource consent in accordance with accepted and reliable civil engineering practices to meet the conditions of this consent. A written statement from a suitably qualified and experienced person to confirm compliance with this condition and any remedial measures required shall be provided to the Waikato Regional Council annually by 1 July for each year that this consent is exercised.
14. The consent holder shall be responsible for the structural integrity and maintenance of the all construction works authorised by this consent, and for the provision and maintenance of any erosion control works that become necessary to control erosion as a result of the exercise of this consent.

15. All machinery shall be operated in a manner, which ensures that spillages of fuel, oil, and similar contaminants are prevented as far as practicable, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any water body such that any spillage can be contained so it does not enter any water body.
16. To keep sediment runoff to a minimum the consent holder shall implement appropriate measures as part of the operation. As a minimum, the following measures shall be carried out:
- i) prompt regrassing of topsoil stockpiles,
 - ii) areas of exposed earth kept to a practicable minimum at all times,
 - iii) all areas of exposed earth, including stockpiles, shall drain to appropriately designed settlement ponds,
 - iv) revegetation of all disturbed areas, which are not currently being worked.
17. The discharge of untreated surface runoff from rehabilitated land and into surface waters shall only occur after written approval has been obtained from the Waikato Regional Council acting in a technical certification capacity. In this respect the main issues which will be considered by the Waikato Regional Council include:
- i) the quality of runoff from the rehabilitated land;
 - ii) the quality of runoff from surrounding land under a similar landuse;
 - iii) the quality of the receiving water;
 - iv) the potential effects of increased flow within the receiving water course;
 - v) intended on-going land management practices; and
 - vi) the provision of any ongoing monitoring programme.

Rehabilitation

18. The rehabilitation of land to which this discharge consent relates shall be undertaken by the consent holder to the satisfaction of the Waikato Regional Council acting in a technical certification capacity. The objectives of rehabilitation of the land shall be to ensure that:
- i) the area of bare soil/earthen surfaces is kept to a minimum at all times;
 - ii) it requires no more management than that required in adjacent catchments which are unaffected by sand extraction activities;
 - iii) the land cover is generally consistent with the adjacent areas unaffected by sand extraction activities;
 - iv) the quality of the water discharging from the rehabilitated land is consistent with the discharge from adjacent catchments unaffected by sand extraction activities; and
 - v) nuisance and invasive plant species (e.g. pampas, blackberry, broom) are removed on a regular basis and plantings are maintained.
19. The consent holder shall provide the Waikato Regional Council with a Rehabilitation Management Plan which details the procedures that will be implemented to operate in accordance with the conditions of this resource consent and the procedures that will be put into place to manage the disposal of overburden, minimise dust emissions to air and any subsequent rehabilitation works. This plan shall be lodged with the Waikato Regional Council at least one month prior to the commencement of any rehabilitation works for every 12 months of exercising this consent. The plan shall include works to be carried out in the upcoming 12 months and a summary of works carried out in the previous 12 months. Any changes to the plan shall be to the satisfaction of the Waikato Regional Council acting in a technical certification capacity, and shall be confirmed in writing by the consent holder following consultation with the Waikato Regional Council.

The plan shall address, but may not be limited to, the following:

- i) the specific location of the placement area;
- ii) the design and construction procedures;
- iii) how sediment losses to natural water will be avoided;

- iv) measures to avoid the over compaction of soils;
- v) timetable of works and re-vegetation;
- vi) contingency and mitigation measures.

Note: Generally the management plan should include a description of the system and how it will be operated, maintenance and inspection procedures, monitoring, contingency procedures, review of the management plan.

20. The consent holder shall rehabilitate all disturbed land. To this end, the consent holder shall develop a Conceptual Site Closure Plan no later than 12 months following the commencement of this consent. This plan shall be forwarded to the Waikato Regional Council. The consent holder shall review and update the plan during 2010 and 2015, and within 6 months of any decision to cease quarrying at the site. The revised Conceptual Site Closure Plan shall be forwarded to the Waikato Regional Council for review and written approval by the Waikato Regional Council, acting in a technical certification capacity. As a minimum, the Conceptual Site Closure Plan shall address the following:

- i) future landforms following all quarrying activities at the site,
- ii) future groundcover following all quarrying activities at the site,
- iii) reporting procedures, and
- iv) review procedures

Mystery Creek Crossing Rehabilitation Plan

21. The consent holder shall provide the Waikato Regional Council with a "Mystery Creek Crossing Rehabilitation Plan" which provides for the restoration of areas of up to at least 0.5 hectares of vegetation clearance within the construction of the gully crossing for the purpose of;

- i) Re – establishment and improvement in the indigenous biodiversity values associated with the gully area being disturbed,
- ii) establishment of vegetation suited to providing long term erosion and slope stability
- iii) Mitigation for the loss of any stream and gully habitat

22. In considering the purpose of the "Mystery Creek Gully Restoration Plan", its development and details shall include, but may not be limited to, the following:

- i) the nature of the planting to be undertaken (timing, species, source of planting material, extent and location)
- ii) the nature of any weed and/or pest control considered appropriate (timing, extent and location)
- iii) stock proof fencing to be established along the gully edge margin (timing, location and design)
- iv) procedures for implementing, monitoring and review of the management plan.

23. The "Mystery Creek Crossing Rehabilitation Plan" shall be lodged for approval with the Waikato Regional Council acting in a technical certification capacity at least one month prior to the commencement of activities on the site. Any changes to the plan shall be confirmed in writing by the consent holder following consultation with the Waikato Regional Council.

Tangata Whenua

24. In the event of any archaeological site or waahi tapu being discovered or disturbed while undertaking earthworks or any quarry related or ancillary activities, the activity shall cease immediately in the area of the discovery, and iwi 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:

- i) Tangata Whenua interests and values,
- ii) the consent holders interests,
- iii) any archaeological or scientific evidence.

Reporting

25. The consent holder shall ensure that the records collected and monitoring data are collated into a comprehensive report and provided to the Waikato Regional Council a written annual report by 1 July each year. As a minimum this report shall include the following;

- (i) all monitoring data required in accordance with the conditions of this schedule,
- (ii) all monitoring data required in accordance with the conditions of each individual consent
- (iii) a critical analysis of the information and data collected in accordance with the conditions listed above, and discussion of compliance and environmental effects,
- (iv) a comparison of data with previously collected data identifying any emerging trends,
- (v) any reasons for non-compliance or difficulties in achieving compliance with the conditions of this resource consent,
- (vi) any works that have been undertaken to improve the environmental performance of the site or that are proposed to be undertaken in the up-coming year,
- (vii) recommendations on alterations to the monitoring required,
- (viii) report on and discuss any complaints received regarding the operation of the quarry,
- (ix) comment on compliance with trigger levels specified in condition 11,
- (x) any other issues considered important by the consent holder.

Consent Evaluation Report

Applicant :	Winstone Aggregates Ltd	File Number:	61 24 10A
Address of Site:	Airport Rd - Rukahia	Project Code:	RC7049
Consent Type(s):	Application Number(s):		
Discharge permit	Discharge to land	116075	
Discharge permit	Discharge to water	116076	
Land use consent	Land - disturbance	116077	
Land use consent	Bed - disturbance	116078	
Water permit	Ground water take	116079	

1 Introduction

Winstone Aggregates Limited has operated a sand quarry and a sand processing plant in the vicinity of Airport Road, Hamilton since 2002. The site is located to the south of the Hamilton International Airport and has access through State Highway 21. The general location of the site is shown in Figure 1. It is the intention of Winstones Aggregates to develop a supplementary site across Mystery Creek Gully for feed stock for the sand processing plant as the resource on the site currently being mined is nearly exhausted.

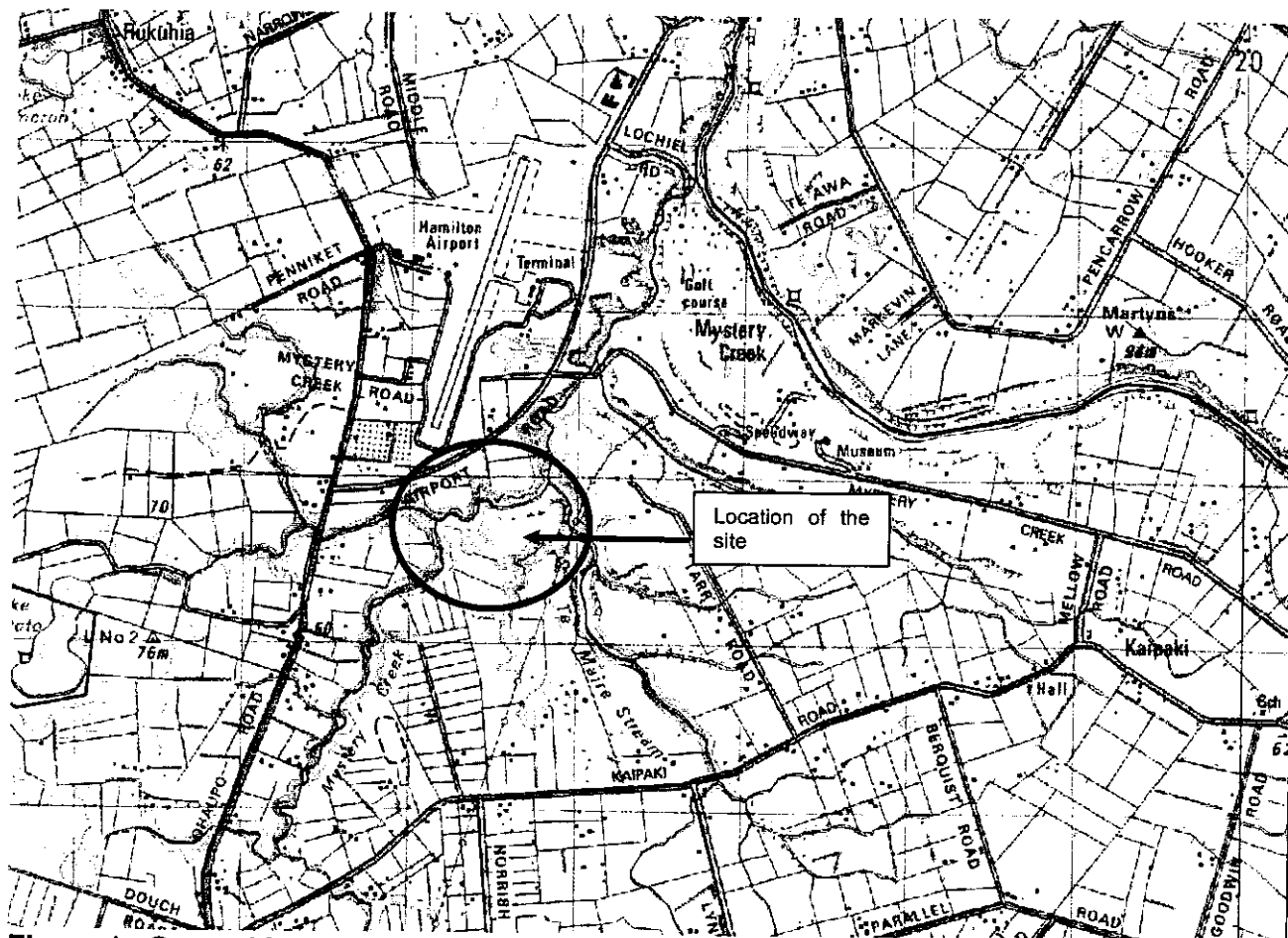


Figure 1. General Location of the Site

Bloxam Burnett and Olliver on behalf of Winstone Aggregates have applied for a suit of consents for the new site. A summary of the resource consent applications for the proposed sand extraction operation is shown in Table 1.

Table 1. Summary of Resource Consent Applications

Application No	Purpose	Location
116075	Discharge overburden to land in association with sand mining activities	S15: 155-667
116076	Discharge settled stormwater to water and into or onto land in association with sand mining activities	S15:155-667
116077	Undertake vegetation clearance and earthworks within a high risk erosion area to construct an access road and in association with sand mining activities	S15: 154-668
116078	Diversion of Mystery Creek and construction and use of a culvert in the bed of Mystery Creek in association with sand mining activities	S15: 154-668
116079	Take water for dust suppression purposes in association with sand mining activities	S15: 155-667

2 Background

Winstone Aggregates obtained consents to undertake sand extraction and sand processing activities at 106 Airport Road site in 2002, since then it has been operating under those resource consents , extracting sand at a rate higher than originally expected due to the strong market demand during the previous years. It is considered that most of the resource in the site has been mined and the lifespan of the existing quarry operation will extend until 2008.

Winstone Aggregates are now proposing to extend its Airport road operation by mining the sand resource on the property to the south of the existing sand extraction and processing plant. The proposal includes construction of a crossing of Mystery Creek to access the new site and cartage of the sand for processing to the existing site owned by Winstone Aggregates.

2.1 Site Description

The proposed new site is legally described as LOT 2 DPS 53662 and is located on the southern side of the existing sand extraction and processing plant operation across Mystery Creek. Legal access of the new site is currently obtained through Kaipaki Road; however the applicant is proposing to construct a new access from the processing plant across Mystery Creek and only use the Kaipaki Road entrance for emergency purposes. The location of the proposed site is shown in Figure 2.

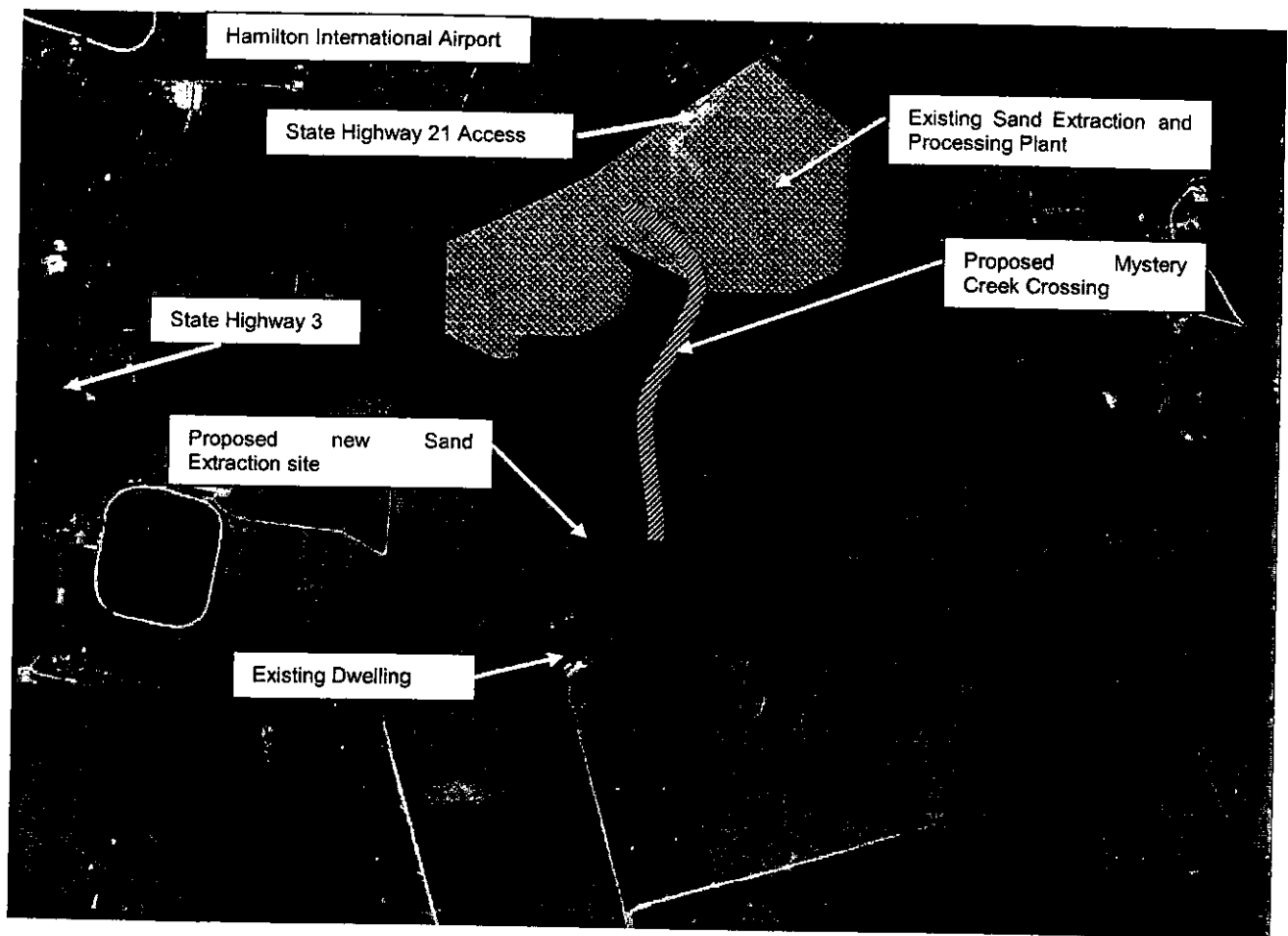


Figure 2. Location of the New Site

The site is relatively flat, currently used for pastoral farming purposes, it has an area of approximately 38 hectares, and the area to be mined is approximately 17 hectares. The property is bounded on the west, north and eastern sides by a gully system formed by Mystery Creek and its tributaries which provides a natural separation from adjacent properties. The gully system that borders the property is a deeply incised gully formed by Mystery Creek to the north and an unnamed tributary to the east and southeast. Drainage of the site is provided by this gully system which drains in a north-easterly direction and discharges into the Waikato River approximately 2 Km north of the site. To the west and south, the proposed new site is surrounded by farming properties with similar land use.

The project also includes the Mystery Creek gully crossing in which Winstone is proposing to construct an access corridor that will connect the existing processing plant and the new sand extraction site. The proposed crossing site is formed by a deeply incised gully approximately 130 metres wide comprised of mainly of dense riparian vegetation on the gully sides

2.1.1 Water Quality

Mystery Creek is classed as Waikato Region Surface Water Class. Under the Proposed Regional Plan, the purpose of all Surface Water Class bodies in the region is to maintain existing aquatic life, ecosystems and suitability of water for human consumption (after treatment)

The catchment area of Mystery Creek upstream of the proposed crossing is 35.2 Km², mainly used for intensive agriculture purposes. There is no comprehensive data available regarding water quality of Mystery Creek, however spot water quality measurements undertaken as part of the ecological assessment by Kessels and Associates, suggests moderate to high water quality.

2.1.2 Vegetation

The bulk of the vegetation in the area is located on the riparian margins of the gully and within the gully edge, no significant vegetation is located within the high plateau where the sand extraction is proposed, apart from some hedge shelterbelts comprised of eucalyptus, poplars and willows.

As part of the ecological assessment for the gully crossing, Kessels and Associates undertook a botanical survey of the Mystery Creek gully. It was found that the vegetation of the gully in the vicinity of the proposed crossing comprises of two main types: a canopy of mainly tree fern-mahoe in the gully sides and a canopy of mainly willow with gaps of pasture on both sides of the stream.

The quality and significance of the vegetation on the riparian margins of the gullies located on the southern and western boundaries of the property is considered to be relatively low as it is comprised mainly of gorse and scrub.

2.1.3 Stream Habitat Values

As mentioned above, Mystery Creek drains a substantial area upstream of the property, the width of the stream downstream of the proposed culvert is 3.7 metres and approximately 20 cm deep (Kessels And Associates). According to the survey carried out by Kessels and Associates for the ecological values of the site, the stream is considered to be a moderate to high quality habitat.

2.1.4 Soils

The site where the sand extraction is proposed is mainly comprised of class II_w Soils according to the New Zealand land Inventory Maps and confirmed by a report submitted with the application prepared by Gary Orbell, this type of soils fall within the definition of Prime Agricultural Land of the Waipa District Council. The report also states that the soils on the gullies around the site are comprised of class VI soils which fall outside of that definition.

2.1.5 Meteorological Conditions

Atmospheric data is collected by Hamilton International Airport on the north side of the site. An analysis of that information collected by the National Institute for Water and Atmospheric Research (NIWA) shows the following results:

- (1995 – 2001) Predominant wind direction = Westerly
- (1995 – 2001) Average wind speed = 10.3 kilometres per hour
- (1990 – 2001) Average annual rainfall = 1228.3 millimetres
- (1936 – 1997) Sunshine hours per annum = 2010 hours

2.1.6 Surrounding Land Uses

The main use of the land in the immediate vicinity of the proposed sand extraction is agricultural, with the exception of the sand winning operation currently operated by Winstone to the north of the new site. There are however a range of different land uses in the area such as the Hamilton International Airport and its associate infrastructure for the aviation industry and accommodation and convention centre facility. Further to the north of the property, there are other commercial land uses such as the Mystery Creek Events Centre, the Gun Club and the Hamilton Kart Club.

2.2 Description of the Proposal

The applicant has provided an Assessment of Environmental Effects AEE in accordance with Schedule 4 of the Resource Management Act 1991. This assessment describes the activities to be carried out on site including preparation, construction of the access way across Mystery Creek, removal and stockpiling of topsoil and overburden, sand extraction itself and rehabilitation activities along with proposed measures to avoid remedy or mitigate any adverse environmental effects as a result of the proposed activities. This activities are briefly described in the next section of the report.

2.2.1 Construction of the Access Road Crossing at Mystery Creek

Winstone Aggregates is proposing to cart sand from the new proposed site into the existing processing plant by constructing a crossing across Mystery Creek. Comprehensive earthworks are required in the gully which include the removal of vegetation on the riparian margins and the construction of the access corridor through cut and fill. The proposed works also includes bed disturbance for the diversion of the stream and the placement of a twin 2.0X2.0 metres box culvert. The sequence of the construction process for the access road, culvert crossings and stream diversion are described as follows:

Vegetation Removal

It is proposed to clear approximately 5000 m² of vegetation on the riparian margins of the Mystery Creek gully for the access and culvert construction to gain access to the new site from the existing sand processing plant. The vegetation will be removed from the margins using excavators and will be disposed of site; then it will be either mulched or burnt.

Culvert Construction and Stream Diversion

The design of the crossing was undertaken by Bloxam Burnet and Olliver. A preliminary assessment for the location of the crossing and the preferred option for a culvert was submitted with the application. The report recommends the construction of a twin concrete (2mX2m) box culvert, this culvert will be installed on the true left bank of the stream as close as practicable to the existing channel to minimise the length of the stream diversion and provided with a spillway to convey flows greater than 2% AEP flows.

Prior to the placement of the culvert, an access track will be constructed on the true left bank of Mystery Creek to allow machinery access. The culvert then will be constructed on the left hand side of the existing stream to allow continuous flow. The placement of the culvert will include excavation and undercut of the culvert alignment and placement of suitable material in the bedding to achieve the required bearing capacity of the soils.

Preliminary investigations show that the bed of the stream has not the sufficient bearing capacity to support the loads of the culvert and the heavy traffic. After the section has been stabilised, the culvert will be installed using a crane or a large excavator; then gabion baskets will be placed and tensioned and rip rap rock lining will be installed at the inlet and outlet of the culvert. All open areas are to be lined with geotextile before placement of rip rap.

Once the above works have been completed, the downstream section of the diversion will be excavated, and finally the upstream section of the channel will be opened to complete the stream diversion.

Embankment Construction

Winstone Aggregates proposes to construct the fill embankment above the culvert with engineered fill, all organic and unsuitable materials will be removed, then fill will be placed in layers of 150 mm. It is proposed to construct an 8 metres wide unsealed carriage way with crossfall

which will have a side drain to collect runoff. The carriageway has been designed to allow for two medium size trucks to pass each other.

Erosion and Sediment Control

During and after construction of the gully crossing to access the new site, the applicant proposes to undertake erosion and sediment control works in accordance with the Erosion and Sediment Control Guidelines for Soil Disturbing Activities (Environment Waikato Technical Publication No. Tr. 02/01). To that effect, Winstone Aggregates submitted a silt control management plan for the construction of the access way across Mystery Creek gully. Specifically the proposed measures include:

- Bunding and silt fences along each edge of the stream
- Temporary ponding area to capture runoff from the temporary access and culvert construction area
- A permanent pond for water treatment during and after construction of the embankment and access road
- Temporary ponding areas within the earthworks to catch stormwater runoff
- Hydroseeding and/or mulching of the batter slopes and disturbed areas.

Rehabilitation and Riparian Planting

The applicant has undertaken to rehabilitate any disturbed areas and hydroseed exposed surfaces to avoid any erosion of the batter slopes. In addition, it is proposed to replant an area of 5000 square metres on both sides of the embankment with native species as recommended in the Ecological Assessment by Kessels and Associates.

2.2.2 Sand Extraction

The proposed new site has been divided into six cells and one area designated as topsoil and overburden stockpiles. The applicant is proposing to extract sand in chronological order in each of these cells to avoid any adverse effect on the environment and facilitate the rehabilitation process of the mined areas. Typically the sand winning process will comprise the following stages:

- Exploration
- Vegetation removal and weed control (when required);
- Top soil stripping, stockpiling and reuse
- Overburden stripping and disposal;
- Sand extraction;
- Product stockpiling and load out;
- Reinstatement and landscaping;
- Water management activities;

These activities will be described in detail in the following section of the report:

Exploration:

Typically consist in drilling activities in different parts of the property to quantify the existing resources.

Vegetation Removal

Removal of vegetation for the gully crossing is proposed as described above. The existing vegetation on the edge of the gully on the northern side of the site will be untouched and retained. This will help to avoid erosion in the gully edges while providing visual and noise screening.

The applicant proposes to retain the vegetation on the south-eastern gullies for the majority of time while sand extraction is undertaken; however the applicant proposes to remove vegetation at the end of the operation of each cell to recover the resource within the cell edge. After the resource has been recovered, the applicant undertakes to re contour each area to a batter slope similar to the pre mining activity. Any vegetation removed will be mulched, burnt or removed from the site. Weed control is proposed as required and in accordance with the requirements of the Agrichemical User's Code of Practice.

Top Soil Stripping, Stockpiling and Reuse

The applicant has designated an area to the northwest of the site to stockpile topsoil and subsoil stripped from the working cells as a result of the preparation works for the sand extraction, these stockpiles of topsoil and subsoil will be used for rehabilitation purposes as the quarry activity progresses. Usually topsoil and subsoil is stripped using heavy machinery such as motor scrapers, bulldozers, excavators and trucks.

Overburden Removal and disposal

Overburden stripping materials will be used primarily to construct bunds on the edges of the site to mitigate sight and sound effects from the operation, then overburden will be stored and used for rehabilitation purposes when required in a similar manner as the topsoil and subsoil.

Sand Extraction

Sand extraction is proposed to be carried out in stages; the site has been divided into six cells from which sand will be extracted and then the area mined will be rehabilitated, in general, works will be undertaken in a northerly direction going from west to east. The resource will be extracted using heavy machinery such as excavators, wheel loaders and bulldozers, then sand will be loaded into trucks and transported into the existing processing plant via the internal site access across Mystery Creek. There will not be any sand processing on the southern site of Mystery Creek.

Rehabilitation and landscaping:

The proposal includes rehabilitation and landscaping of mined areas as the sand extraction progresses. Reinstatement of landforms will be carried out using subsoil and topsoil stockpiled either on the new site or in the Airport Road existing site. No cleanfill is proposed to be imported to the site for rehabilitation purposes.

The applicant has committed to provide a rehabilitation programme on an annual basis to cover rehabilitation works carried out and proposed rehabilitation works to be undertaken within the next year.

Water Take

A ground water take application is part of this suite of consents; the applicant proposes to take up to 80 m³/day of ground water for dust suppression purposes during the sand extraction process. Water will only be taken during three months (90 days) a year during the summer season, therefore the total water take per year will be 7200 cubic metres. The applicant proposes to take water from a series of sumps at a maximum rate of 20 litres/second.

It is proposed to take groundwater from a shallow sump excavated some approximately 2.0 metres into the excavated area, the sump may not remain fixed and will be generally located towards the lowest points of the excavation areas.

Surface Water Management

The applicant has provided a Water Management Plan with the application. Surface water from the sand mining activities will be collected in appropriate sized sediment ponds prior to discharge to ground. Due to the porous nature of the site, it is expected that runoff water will be disposed of through percolation to ground. Only during extreme storm events, it is expected that any runoff may be discharged into the gully around the site.

3 Status of Activities under the Plans

There are currently two Regional Plans to consider when assessing resource consent applications in the Waikato Region, namely the Transitional Regional Plan (TRP) and the Proposed Waikato Regional Plan (PWRP).

Table 1 Regulatory Framework

Consent Application and Activity	Transitional Regional Plan & Resource Management Act	Proposed Waikato Regional Plan (PWRP)
116075 Discharge overburden to land in association with sand mining activities	TRP silent on this activity. S15(1)(b) restricts the discharge of contaminants onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water	Discretionary Activity Rule 5.2.5.3 – Large Scale Overburden Disposal
116076 Discharge settled stormwater to water and into or onto land in association with sand mining activities	TRP silent on this activity. S15(1)(a) restricts the discharge of contaminants onto water unless the discharge is expressly allowed by a rule in a relevant regional plan or a resource consent.	Discretionary Activity Rule 3.5.11.7. Discharge of Stormwater.
116077 Undertake vegetation clearance and earthworks within a high risk erosion area to construct an access road and in association with sand mining activities	Landuse activities are permitted by section 9 of the Resource Management Act (1991) unless they contravene a rule in a regional plan or a proposed regional plan.	Rule 5.1.4.15, Discretionary Activity Rule – Soil Disturbance, Roding , Tracking, Vegetation Clearance in High Risk Erosion Areas
116078 Diversion of Mystery Creek and construction and use of a culvert in the bed of Mystery Creek in association with sand mining activities	The placement of the proposed culvert is not provided for, therefore needs to be considered as a discretionary activity. Section 13 of the Resource Management Act (1991) states that the uses of beds of lakes and rivers apply unless allowed by a rule in a relevant regional plan or resource consent.	Rule 4.2.4.2 Discretionary Activity Rule – Structures In, On, Under or Over Beds of Rivers and Lakes as a discretionary activity of the PWRP.
116079 Take water for dust suppression purposes in association with sand mining activities	Outside the parameters of TRP General Authorisation. Relevant section of RMA is 14(3)	Proposed Variation No. 6 Water Allocation Rule 3.3.4.17 Discretionary Activity Rule – Ground Water Takes

4 Consultation/Affected Party Approvals

4.1 Iwi

The applicant has undertaken extensive consultation with the joint venture Nga Mana Toopu O Kirikiriroa / Nga Iwi Toopu O Waipa committee (NITOW NAMKTOK JOINT KOMITI) being the Iwi identified as the appropriate Tangata Whenua to be consulted within the area in which the project is to be undertaken. Iwi provided a preliminary letter of support dated 9 February 2007 for the lodgement of the consent application subject to ongoing consultation.

Since then Winstone Aggregates has further consulted with Iwi regarding mitigation issues raised by Iwi. Such mitigation measures will include preservation of flora and fauna, water quality, environmental monitoring, an education programme for Winstone Aggregates personnel regarding Maori Issues, and the implementation of NAMTOK standard protocols in case of any *Koiwi* or *Taonga* being discovered during excavations. In addition, the joint committee raised the issue of scholarships for Maori descendants and some form of commemoration around the site.

Winstone Aggregates has agreed to all the mitigation measures in a confirmation letter dated 17 May 2007 (see DOC# 1187802). The parties are still in discussions regarding Winstone's contribution towards the commemorative structure.

I consider that consultation with Iwi is sufficient and in accordance with Environment Waikato's procedures for consulting with Iwi (which are set out in Resource Use Group Practice Note B7 "Iwi Consultation Principles and Practices").

4.2 Other Parties

As stated above an extensive consultation process has been undertaken by Winstone Aggregates with all the parties identified by Environment Waikato as being potentially affected by the proposal. This includes all the adjacent landowners and other organizations such as the Hamilton International Airport, Transit New Zealand and the Department of Conservation. The applicant has gained written approval from all the identified affected parties. A summary of the identified affected parties and written approvals obtained by the applicant is shown in Table 3.

Table 3. Identified Potentially Affected Parties

Affected Parties	Description
Hamilton International Airport	Owner and operator of the Hamilton Airport
Transit New Zealand	Due to the site being accessed through to State Highway 21
Department of Conservation	Manager of River of river beds
James & Janet Buglass	131 Tarr Road Ohaupo - Neighbour
Lionel Killen	173 Tarr Road - Neighbour
Tilly MacDonald	185 Kaipaki Road - Neighbour
Paul & Sue Bardoul	181 Kaipaki Road - Neighbour
J. M. Robinson	3715 Great South Road RD 2 - Neighbour
John & Kushla Roberts	36 Airport Road - Neighbour
John & Virginia Mathieson	235 Kaipaki Road - Neighbour
Carol & Peter Trusler	163 Tarr Road Ohaupo - Neighbour
IHC New Zealand	176 Tarr Road - Neighbour

I consider that there are no other parties likely to be affected by this proposal.

4.3 Reasons for Notification

A decision was made via a separate process that assessment of this application could proceed non-notified. That decision was made based on the level of environmental effect expected, that

written approval has been obtained from the identified potentially affected parties and that an extensive round of consultation was undertaken by the applicant.

5 Process Matters

The application was lodged on 16 February 2007 and placed "on hold" under section 92 of the Resource Management Act 1991 on 22 February 2007, subsequently the application was placed "on hold" under section 94 on 2 May 2007 pending on the outcome of consultation with affected parties. The application was taken "of hold" on 11 June 2007.

6 Statutory Considerations

Sections 104 and 105 of the RMA set out those matters that local authorities shall have regard to when considering resource consent applications. Section 104 also notes that these matters are required to be considered subject to Part II of the RMA. The key matters to consider in this regard are;

- The actual and potential environmental effects of the activity,
- The provisions of the Waikato Regional Policy Statement,
- The provisions of the Proposed Waikato Regional Plan,
- Part II of the RMA

6.1 Assessment of Environmental Effect

6.1.1 The Permitted Baseline Assessment.

During the assessment of environmental effects, the concept of the "existing environment" and the "permitted baseline" need to be defined. For the purpose of providing some guidance in this regard, I have summarised below my assessments of the existing environment and permitted baseline in this case.

- The first point to note is that the "permitted baseline" is the "existing environment" overlain with the effects of any non-fanciful activities permitted by the Plan. That is, the "existing environment" is part of the "permitted baseline", not separate.

The Existing Environment

- The existing environment does not include past effects from discharges previously allowed unless such effects are practically irreversible.
- The existing environment does not include effects associated with the excavated sand pit and the current modified topography, unless the effects are practically irreversible.

The Permitted Baseline

The permitted baseline or the starting point from which the effects of this proposal includes;

- the existing environment as described above, overlaid by
- any effect associated with relevant activities (not being a fanciful activity) that can be exercised as of right. That is, I cannot take into account effects resulting from any activity that is permitted by a Plan (e.g. soil disturbances in low risk erosion areas).

Any effect over and above the effects of the permitted baseline (as described above) must be appropriately remedied, avoided or mitigated. It is considered that in this case the potential effects of the proposal are to be more than the permitted baseline. Consequently I recommend that Environment Waikato use its discretion to not apply the permitted baseline.

6.1.2 Water Management Class

The PWRP provides guidance for managing waterways in the region through the use of water management classifications. All waterways in the region have a water management class.

Mystery Creek has been classified as "Waikato Region Surface Water Class." This class is assigned to manage waters, which are not in their natural or near natural state and do not have any specific values for fisheries and/or contact recreation. The purpose of this class is to maintain existing aquatic life, ecosystems, aesthetic values and suitability of water for human consumption (after treatment).

The ecological report prepared by Kessels and Associates concludes that the qualitative stream habitat ranges from moderate to high quality habitat, this is confirmed by the invertebrate taxa recorded at the sampling points and the fish species caught within the reaches of Mystery Creek adjacent to the proposed culvert crossing. The report recognises the ecological importance of Mystery Creek based on the fact that it is bio-physically linked to the Waikato River. However, according to the findings of the report prepared by Kessels and Associates and a previous report commissioned by Winstone Aggregates and conducted by BioResearches Limited in 2005, the viability of the entire gully system depends on a full restoration of the gully which would require the cooperation of all the adjacent landowners.

6.1.3 Earthworks in a High Risk Erosion Area

The bulk of the earthworks within a High Risk Erosion Area are to be undertaken in the riparian margins of Mystery Creek for the construction of the access to the new site from the existing Airport Road Operation. In addition part of the sand excavation activities will take place along the edges of gullies tributaries of Mystery Creek on the eastern and southern part of the site. It is proposed to excavate down into part of the upper terrace while retaining an unworked bund of material along the terrace edge itself.

Potential adverse effects on the environment from the proposed earthworks activities are related to slope stability and erosion issues, degradation of water bodies, degradation of aquatic ecosystems and loss of stream and gully vegetation habitats. While some of the effects are irreversible such as the clearance of indigenous vegetation, and some habitat degradation, most of the effects can be either avoided or minimised, such effects are discussed in the following section of this report.

Slope Stability and Erosion

The access to the new site will be constructed in a staged manner to minimise the amount of soil disturbance; initially an access track will be constructed and the culvert will be installed on the true left bank of the existing stream channel, the appropriate erosion and sediment control will be installed as proposed in the silt management plan submitted with the application. Although some water quality degradation will occur during the stream diversion, this will only be minor and temporary provided the silt control measures are in place.

Once the culvert is constructed, then the access way to the new site will be constructed using engineered fill. The applicant proposes to hydroseed or mulch the batter slopes of the cut and fill for the construction of the access to avoid any risk of erosion while the site is revegetated.

Vegetation Clearance

Environmental effects as a result of vegetation clearance are mainly related to loss of gully vegetation habitats, aquatic biota and wildlife in the riparian margins of the corridor. The botanical

survey of the corridor prepared by Kessels and Associates identifies two main vegetation types, down the gully the canopy on both sides of the stream vegetation is dominated by grey willow/hawthorn with exotic weeds and grasses underneath whereas in the gully sides the canopy consists of tree fern /mahoe with emergent cabbage tree and black locust trees. The reports highlights that some cabbage trees and some wheki tree ferns would need to be removed.

To offset the effects resultant from this vegetation clearance, the applicant has proposed the following rehabilitation measures:

- Riparian plantings on the road embankments within the gully with indigenous vegetation which shall cover a minimum area of 5000 square metres.
- Construction of a permanent wetland to treat stormwater runoff from the access road once it is operational

I am satisfied that the proposed measures are adequate to offset any environmental effects as a result of the proposed vegetation clearance of the gully margins. I have included in the attached schedule a condition requiring the consent holder to provide a Mystery Creek Restoration Plan for the mitigation of adverse effects as a result of the loss of habitat as a result of the proposed vegetation clearance.

Water Quality and Stormwater Runoff

The soil disturbance and vegetation clearance from these activities has the potential to discharge sediment into waterways both during and after the works until the ground surface is stabilised. Sediment discharge to water can cause a range of adverse effects on fresh water ecosystems, including damaging fish and invertebrates' sensitive gills, smothering waterway beds, depositing nutrients in waterways, and reducing light penetration. Further potential discharges to waterways could result from construction material, lubrication fluid or fuel spillage from machinery.

In order to minimize the likelihood of discharges of this nature, Winstone Aggregates has prepared a Silt Control Management Plan; this plan takes into consideration all the activities to be carried out during placement of the culvert and construction of the access way across Mystery Creek, specific measures include the construction of a permanent treatment pond, and various temporary soakage ponds to capture runoff from open areas. It is proposed to bund and establish silt fences along any open areas to minimise the risk of any sediment laden runoff entering the waterways, in addition, earthworks for the placement of the culvert will be carried out trying to minimise any effects on the stream. It is acknowledged that suspended sediments will enter the stream during the opening of the new channel and diversion of the stream, however it is expected that the increase of suspended sediments in the stream will only be minor and temporary.

I recommend that no refuelling of machinery occur near surface water and that no machinery enters any waterway channels at any time.

It is my opinion that as long as appropriate erosion and sediment controls are installed and maintained, the effects of sediment discharges on waterways will be no more than minor. I recommend that the applicant installs erosion and sediment controls in accordance with Environment Waikato's publication, "Erosion and Sediment Control Guidelines for Soil Disturbing Activities. Further, I recommend that ongoing effects from sediment discharges should be minimised by stabilising all disturbed areas as soon as possible after the works are completed.

A series of conditions have been included in the attached schedule to avoid water quality degradation. On this basis, I consider adverse effects on water quality resulting from the proposed activity will be no more than minor.

6.1.4 Culvert Placement

Incorrect culvert installation has been associated with a range of adverse environmental effects. These include increasing bed and bank erosion; increased sediment run-off; reduction in water quality; upstream flooding and impeded fish migration due to the concentration of flow or formation of a waterfall.

Aquatic Ecology and Fish Passage

Placement of structures in the beds of rivers and streams has the potential to create a barrier that may permanently impede the passage of fish and freshwater invertebrates in which fish feed; as a result this type of structures may greatly disturb the aquatic habitat. The ecological survey submitted with the application identifies various fish species and abundant macroinvertebrate fauna, which is an indicative of high habitat quality and low pollution.

Among the fish species captured during the survey, the report identifies the presence of long fin eel and torrentfish, the report also mentions the likelihood of other species like short fin eel, common Smelt, Kopuku (giant, shorth jawed and banded), Inanga as well as redfin bully and common bully being present in the area

Given these facts, it is particularly important to preserve the habitat as undisturbed as possible to preserve the aquatic ecology and maintain fish passage through the structure. In this respect, the length and the size of the culvert should be sufficient to allow light penetration through the length of the culvert while fish passage especially for non-climbing species like torrentfish is not compromised.

The applicant is proposing to install a 16 m long twin 2X2m box culvert. The assessment of the suitability of this culvert in the ecological report concludes that this type of culvert is not suitable for non-climbing species unless baffles and resting places are installed at minimum intervals of 3.5m. The report also concludes that the culvert is large enough to allow light penetration throughout the length of the culvert.

Specific recommendations for the installation of the culvert as per the ecological report as follows:

- Cobble rocks should be installed across the invert of the culvert at 3.5 intervals, grouped in random clusters with 0.3 m spacing within the rocks
- Rip rap rocks should be added to the bottom of the outlet platform and the bottom end of wing walls
- A concrete footing will need to be set at the outlet wing wall and platform to prevent scouring and the formation of a perched culvert
- Overhanging of indigenous vegetation should be planted at both ends of the culvert.
- The culvert would have to be at least 200 mm below the natural streambed

I am satisfied that by implementing management principles as outlined in the application and by complying with the conditions in the attached schedule the impact on the environment is expected to be no more than minor.

Alteration of flow conditions

Culverts have the potential to restrict high flows during flood events; this may result in flooding of upstream properties and sediment deposition in low velocity areas upstream of the culvert. This also can result in substantially changing the velocity of the flows and therefore fish passage may be affected. The Proposed Waikato Regional Plan defines a reasonable flood event as an event of 2% Annual Exceedance Probability (AEP) that is 50 year flood return period. This has been adopted as the minimum design standard for a waterway crossing. In other words any structure should be able to convey flows from 50 years return event.

The structure should be designed in such way that the peak flows can pass through the structure without the structure being overtopped. Alternatively, a smaller culvert can be installed, as long as

it is provided with a spillway able to convey 2% AEP flows and it is protected against erosion and scouring.

The original design of the culvert undertaken by BBO, was for a twin 2X2 m box culvert without spillway. After a technical review carried out by Mr. Greg Ryan of River and Catchment Services Group, it was found that the culvert capacity was inappropriate to convey 2% AEP flows, therefore a spillway was required. The 2% AEP estimated by Mr. Ryan is 33.47m³/s while the culvert will be able to convey approximately 28 m³/s before overtopping. Subsequently the design was amended and the applicant proposed to provide a spillway across the access road, it is proposed that the embankment across the culvert will also act as a spillway during events that exceed the capacity of the culvert. The embankments of the culvert will be armoured with rock to ensure the culvert does not fail during spillway operation.

The assessment carried out by Mr Ryan recommends that the culvert be constructed in accordance with the application and supporting information provided by the applicant during the consent process and that the consent holder shall be responsible for any erosion that occurs as a result of this proposal. I have included this as part of the conditions of the consent. I consider that provided the culvert is constructed in accordance with the application, the recommendations of the technical review undertaken by River and Catchment Services and adequate erosion protection is installed, the environmental effects for the construction and operation of the culvert will be no more than minor.

6.1.5 Dust

Quarrying operations and many ancillary activities have the potential to release significant quantities of dust into the air under certain climatic conditions, if appropriate dust management techniques are not employed.

In this case, I consider that the potential dust/particulate sources include the following;

- Extraction activities
- stockpiling activities
- Vehicle movement on roads within and beyond the site
- sand processing areas
- transfer of material
- Wind erosion of exposed surfaces, and
- Stripping and disposal areas
- Vehicle exhaust from diesel powered equipment.

In general sand extraction is a 'wet' process, with the in-situ sand resource being reasonably damp. This will minimise the potential for dust generation for most of the year. However, for a period of approximately 90 days over the summer months the potential for dust generation will be at its maximum.

Environment Waikato hold no records of public complaints since the Winstone Aggregates site has been in operation since 2002, however the applicant advises that during the consultation process, two of the consulted neighbours expressed that they had experienced dust issues generated from the operating site.

To address the issue of potential dust generation from the site, an Assessment of Air Quality Effects of the Proposed Extension of the Airport Road San Pit prepared by URS was submitted with the application. The assessment of environmental effects is based mainly on the dust monitoring programme implemented on the existing Airport Road extraction and processing plant site. Two depositional gauges are located in the proximity of the site; one is located on the Aitken Site on the south west boundary side of the quarry operation while the other is located in Hamilton Airport at the north boundary of the sand extraction and processing site.

Historically, there have been some minor non-compliance with the requirements of the existing resource consents, which are probably due to the area exposed and the height of stockpiles, this is reflected in the monitoring reports prepared by the consent holder and in line with the findings of the Air Quality Assessment carried out for this application by URS. As mentioned above, no complaints have been lodged with Environment Waikato regarding dust issues.

Winstone Aggregates proposes to undertake a number of site management practices to ensure that dust generation is minimised. This will include:

- The use of water truck on haul roads to keep surfaces wet and dump when there is a potential for dust emissions
- Rehabilitation of mined areas as soon as practicable and if necessary the use of pea metal over designated areas to avoid any potential dust emissions from those areas.
- Work restrictions: The applicant proposes to restrict some activities on site when wind speeds from the west exceed 10 m/s. The report from URS identifies Cell E as the area of most potential for dust going beyond the boundaries of the property. In this respect the applicant has proposed to include a condition in the consent along the following lines: *"The consent holder shall ensure that remediation activities shall not occur when the wind is blowing from the west (270± 45°) and wind speeds are greater than 10 m/s unless it is raining"*
- Re-vegetation of overburden and topsoil stockpiles. Topsoil and overburden will be stored in a designated area and will be grassed or hydroseeded as soon as practicable.
- Restriction of open areas: The applicant has proposed an open areas schedule as the extraction progresses.
- Spread 50 mm thick layers of washed pea metal over designated areas if required to reduce open areas and assist in reducing dust emissions.

In addition it is proposed to monitor the site by installing two depositional gauges on the new site. The gauges are to be located on the north-western and south-eastern boundaries of the site.

Provided that the above measures are implemented and considering that there will be no stockpiling of sand within the site, the sand extraction is generally a wet process, the distance from the houses in adjacent properties are away from the sand operation, there is an existing natural buffer from the gully and that all the adjacent neighbours have given written approval to the proposal, I am satisfied that the effects of dust generation will be minor. I have however included consent conditions on the resource consents to reflect the requirements for the consent holder to undertake the management practices as proposed in the application.

6.1.6 Sand extraction:

Part of the sand excavation activity will take place along the southern terrace edges of the Mystery Creek gully and its tributaries. It is proposed to excavate down into part of the upper terrace while the edge vegetation will be left in place. The earthworks will involve removing the topsoil, subsoil and the upper row of gully edge vegetation to allow access to the sand resource. A bund will be formed and maintained as the excavation progresses to avoid erosion and instability of the gully edges, all the material will be pulled back away from the gully edge to prevent erosion and instability of the gully itself. Any vegetation removed will be mulched, burnt or disposed of site. The final result is the lowering of the bank and the clearance of the vegetation along the edges of the gullies.

Potential adverse effects on the environment arising from these activities are on slope stability, indigenous vegetation, and adjacent water bodies. A batter of unworked ground will be retained

along the gully edge to ensure that workings within the sandpit will not encroach into the gully and to avoid vegetation, topsoil and subsoil being pushed into the gully.

A Site Water Management Plan and a Site Water Management Design Report was prepared by Winstone Aggregates and submitted with the application. These reports contain the design and procedures to be followed to minimise any potential environmental effects as a result of the proposed activity. Stormwater runoff from earthworks areas will be directed to sediment control structures designed for a minimum 5% AEP rainfall event, these structures will be generally located within the low points of the sand extraction areas. Given the porous nature of the subsoil, it is expected that the water will percolate into the ground. Any overflows from the ponds during large storm events will be discharged into the gully after treatment.

All channels within the sand extraction/ rehabilitated areas are to be designed for a 5 year return period and designed to a maximum gradient of 3% and will be either lined with rock or grassed and protected with matting until the grass is well established. Uncontrolled stormwater runoff will be diverted away from the margins of the gully slopes. Subsequent to the sand extraction process, all disturbed areas will be re contoured and re-vegetated as required to control the effects of scour and sediment transport on discharge water quality.

Provided that the procedures contained in the Site Water Management Plan are followed, it is expected that any potential adverse effects as a result of the sand extraction operation will be minor.

6.1.7 Large-scale discharge of overburden to ground

Potential adverse environmental effects associated with overburden placement may result in erosion, instability of the overburden deposit or retaining structures, contaminated stormwater runoff entering surface water and discharge of dust to air.

Winstone Aggregates has proposed to retain a designated area for top soil and overburden storage on a site adjacent to the gully crossing. The overburden and topsoil piles will be revegetated as soon as possible to avoid any potential dust generation and sediment laden runoff. All the stormwater will be directed into appropriately constructed ponds which will discharge through seepage into the ground.

6.1.8 Groundwater Take

The applicant proposes to take up to 80 m³/day of groundwater for use in dust suppression activities. The water will be sourced from a series of sumps excavated within the low points of the pit that will provide access to a shallow perched aquifer. Technical comments on the likelihood of any potential adverse environmental effects were sought from Environment Waikato's Hydrogeologist Mr. Bevan Jenkins.

The water table in the area of the quarry is assumed to be between 6 and 8 metres below ground surface. Environment Waikato databases show that there are 6 bores within a buffer area of 500 m around the proposed new site, 5 of these bores are located on the northern side of Mystery creek, and therefore they are unlikely to be affected by the take. The sixth bore is located approximately 500 metres from the boundary of the proposed site,

Mr Jenkins assessment of the environmental effects noted that *"The incised channel of Mystery Creek and Te Maire stream (Including tributaries) will stop any drawdown interference effects to the North, West and East of the proposed quarry if the sump level remains above the elevation of the channel."*

There is potential to have an effect on the surface water features – namely Mystery Creek and Te Maire stream (Including tributaries) if the water table is drawn down below the streams. To this end, a survey of the surface water features surrounding the operational area should be completed. In addition, monitoring of the water level in the sumps (in the same reference level) will determine whether the sumps are being drawn down below the elevation of the channel."

Mr. Jenkins conclusion is that there is no indication that groundwater resources in the area are stressed and that the proposed take (7200 m³ per year) is expected to be sustainable. It is recommended that a survey of surface water features be undertaken and that water levels on the sumps be monitored before pumping to determine any drawdown of the surface water.

It is also recommended that the consent holder shall measure the volume of take on a weekly basis while pumping is undertaken and those records made available to Environment Waikato.

6.1.9 Effects on Soil Productivity

Due to the nature of mining activities there will be either a temporary or permanent loss of productive soils to some degree depending on the quality of site rehabilitation. While it is considered that there will inevitably be a temporary reduction in soil productivity during the lifespan of the sand pit, Winstone Aggregates is proposing to minimise these effects by undertaking the following actions:

- Re-vegetate all bare surfaces when/where appropriate to minimise erosion
- Reinstate natural drainage patterns where possible
- Progressively re- contour the land to safe, productive, stable and non-erodible land through progressive rehabilitation
- Keep open areas to a practicable minimum and start rehabilitation process as soon as practicable
- Return the excavated land to prime agricultural land as defined in the Waipa District Plan

Rehabilitation measures will be carried out in accordance with the proposed rehabilitation concept plan included in the water management plan submitted with the application. I have included conditions in the consent requiring the consent holder to submit a yearly updated rehabilitation plan which should include details of the proposed rehabilitation measures to be undertaken during the next year of operation as well as an End Use Plan for the final rehabilitation of the site following its closure. The conditions also require Environment Waikato's approval of these plans, to ensure that any potential effects are minimised throughout the development of the sand mining operation.

I consider the effects in terms of loss of soil productivity to be no more than minor subject to the recommended consent conditions and the mitigation measures proposed by the applicant.

6.1.10 Hazardous substances, fuel and oil storage

Hazardous substances stored on site such as diesel, oil, hydraulic oil and grease could adversely affect groundwater, surface water quality and contaminate soil. Although there will not be storage of hazardous substances on site, as they are stored in the Airport Road Site, it is expected that refuelling of machinery would be undertaken on the Airport Road Site, however for logistical reasons there will be occasions when mobile plant will be refuelled within the new site.

Lubricant and oils are present on earthmoving machinery, it is estimated that volumes up to 2600 cubic metres fuel and lubricants may be present on the site. Adverse environmental effects as a result of spillage of these contaminants are related to contamination groundwater and surface water which could result in forming a film on surface water causing physical damage to organisms.

Potential oil and lubricant spillages may be caused during refuelling and service of machinery, rupture, equipment malfunction or vandalism. The potential environmental effects of any spillage will be reduced with the implementation of the Spill Contingency plan prepared by Winstone Aggregates and submitted with the application. This plan sets the specific spill response procedures to follow in the event of an accident. Immediate actions would involve stopping and containing the flow of material, cleaning up the spillage using absorbent materials, excavating and removing any contaminated soil to an approved facility and communicating the incident to the appropriate people within Winstone and the Waikato Regional Council.

No indication has been given as to how spillage of fuel, oil and similar contaminants will be prevented from entering the groundwater system, particularly during refuelling and machinery servicing and maintenance. It is recommended that refuelling and machinery servicing and maintenance if practicable is performed on an impervious surface within the Airport Road Site to prevent any spillages from entering the groundwater system.

I recommend that the Spill Contingency Plan be updated every two years and/or following any serious incident or if there is any change to the storage or handling procedures, a copy of the revised contingency plan shall be and forwarded to Environment Waikato. I consider that if the measures are undertaken as proposed and are adhered to, then the risk of significant effects from a spillage entering any waterbody is considered to be low.

6.1.11 Effects on Tangata Whenua and Maori Values

The proposed access construction, culvert placement, stream diversion, overburden placement and discharge of water from the site has the potential to adversely effect the relationship that tangata whenua have with the land including Waahi Tapu sites (for example) and the mauri of water.

An extensive consultation process has been undertaken with representatives of a joint venture Nga Mana Toopu O Kirikiriroa /Nga Iwi Toopu O Waipa. The joint committee has advised that in general they have no issues with the proposal, all the environmental concerns from the committee has been addressed in a letter by Winstone Aggregates dated 17 May 2007. I have included conditions on the resource consents to address the issues raised by Iwi, therefore I consider that the effects of the proposed operation on Tangata Whenua and Maori Values will be minimal.

In addition, an archaeological assessment prepared by Clough and Associates Limited was submitted with the application. The assessment aimed to identify whether the sand extraction is likely to impact on archaeological sites. The conclusion of this report is that no archaeological sites have been previously recorded on the site and that none were identified during the survey. It is mentioned in the report that a Pa site was recorded close to the property on the eastern side of Te Maire Stream, however further investigation revealed that this feature was misinterpreted from an aerial photograph when recorded. The report includes a letter from the New Zealand Archaeological Association confirming that this is not an archaeological site.

7 Policy Statements and Plans

7.1 The Waikato Regional Policy Statement

The Regional Policy Statement (RPS) was proposed in October 1993 and became operative on October 2000. The following parts of the RPS are considered to be most relevant to the proposed activities involved in the quarry development:

Section 2.1.5 – Tangata Whenua Relationship With Natural and Physical Resources

This section of the RPS identifies the following issue:

The relationship tangata whenua have with the environment is given specific recognition in the purpose and principles of the RMA. To date there has been limited involvement of tangata whenua in resource management decision making regarding the protection and enhancement of ancestral lands, water, sites, waahi tapu and other taonga, and in the practical expression of kaitiakitanga. This lack of involvement has the potential to lead to conflict about the management of natural and physical resources under the RMA.

Objective: *The relationship which tangata whenua have with natural and physical resources recognised.*

Policy One: *Maori Culture and Tradition
Ensure that the relationship tangata whenua have with their ancestral lands, water, sites, waahi tapu and other taonga is recognised and provided for in resource management decision making.*

As mentioned in Section 6 of this report, the applicant has extensively consulted with The Joint Venture Nga Mana Toopu O Kirikiriroa/Nga Iwi Toopu O Waipa being the relevant Iwi for the area. As a result of this consultation, Winstone Aggregates has undertaken to implement a series of actions to mitigate any potential effects on Maori Values as a result of the operation. The applicant recognises the relationship which tangata whenua have with natural and physical resources by virtue of willingness to undertake mitigation measures which are incorporated into the resource consent conditions which includes a protocol set up with respect to the discovery of archaeological items during earthworks.

Section 3.3.7 - Accelerated Erosion

This section of the RPS identifies the following issue:

Accelerated erosion of soil resources is leading to:

1. *Loss of soil productivity, capability and/or versatility;*
2. *Downstream sedimentation resulting in degradation of water quality, aquatic ecosystems and water supply systems, and increased flooding potential.*
3. *Adverse effects on the aesthetic, scientific and cultural values associated with land.*

Objective: *Net reduction in the effects of accelerated erosion and those effects avoided where practicable.*

Policy One: *Avoid, Remedy Or Mitigate Accelerated Erosion*

Ensure that land users:

- a) *avoid where practicable, practices that cause accelerated erosion; and*
- b) *remedy or mitigate the adverse effects of accelerated erosion if it occurs.*

As identified in Section 6 of this report, the proposed activities may cause erosion if appropriate protection measures are not taken. The suggested conditions contained in the attached schedule will minimise the potential for erosion to occur and will ensure erosion is remedied and/or mitigated if it does.

Section 3.3.9 - Maintenance of Soil Health

This section of the RPS identifies the following issue:

Some land use practices may adversely affect soil health and reduce soil versatility and productivity in the Region.

Objective: *Maintain versatility and productive capacity of the Region's soil resources.*

Policy One: *Avoid, Remedy or Mitigate Degradation of Soil Versatility and Productive Capacity*

Land use practices should occur in a manner designed to avoid degradation of soil versatility and productive capacity.

The proposed activities will cause a temporary loss of soil health, however, following progressive rehabilitation of the site, it is expected that the soil health will be maintained or improved.

Section 3.4.5 – Water Quality

This section of the RPS identifies the following issue:

There is potential for the reduction of water quality from:

- 1. The cumulative effects of point source and non-point source discharges of contaminants.*
- 2. Land uses which affect the margins and beds of water bodies.*
- 3. The taking or impoundment of water.*

Objective: *Net improvement of water quality across the Region.*

Policy Two: *Other Water bodies:
Determine the characteristics for which other water bodies are valued and manage those water bodies to ensure that any adverse effects on those characteristics are avoided, remedied or mitigated.*

As discussed in section 6 of this report, provided the suggested consent conditions are complied with, water quality effects will be minor. I also consider that the recommended monitoring, reporting and review provisions will enable the Regional Council to assess the actual effects on water quality occurring and implement appropriate courses of action (e.g. consent review) if it is considered effects need to be, avoided, remedied or mitigated.

Section 3.4.10 - Mauri

This section of the RPS identifies the following issue:

Maori consider that the disposal of contaminants to water has the potential to diminish the mauri of that water.

Objective: *Tangata whenua concerns relating to the mauri of the water recognised and provided for.*

Policy One: *Effects of Contaminants:
Ensure that decisions about the discharge of contaminants associated with the use, development and protection of natural and physical resources are made in a way that recognises and provides for the mauri of water.*

It is considered that in this case, the discharge of contaminants into Mystery Creek will be limited to minor amounts of sediment, during construction of the site access. Surface water runoff containing sediment will be collected in appropriately sized and constructed retention ponds prior to discharge to ground. There will be very infrequent discharges to the Mystery Creek floodplain during extreme storm events. Considering the sediment treatment methods proposed, and the suggested conditions included in the attached schedule, I do not consider the proposal is inconsistent with the above objective and policy.

3.4.7 Efficient Use of Water

Issue: *The water which can be taken from water bodies without producing significant adverse effects is finite. Inefficient use of that water may limit the ability of people and communities to provide for their needs.*

Objective: *Obtaining the greatest benefit from the water which is available to be taken from water bodies.*

Policy One: Efficient Use of Water

Ensure that the water which is available to be taken from water bodies is used efficiently.

The proposed water take will only occur during summer for dust suppression, there will not be any additional take for processing purposes. These measures are consistent with Policy 3.4.7.

Section 3.6.3 Regional and Local Air Quality

This section of the RPS identifies the following issue:

In the majority of areas in the Region, air quality is perceived to be high. This air quality can be adversely affected by point source or cumulative discharges to air.

Objective: Significant characteristics of areas of:
a. High air quality protected
b. Degraded air quality enhanced
c. Other air quality maintained.

Policy One: Protection Of High Air Quality
Ensure the protection of the significant characteristics of high air quality.

Policy Four: Adverse Effects on Human Health
Discharges to air managed in a way that is designed to avoid adverse effects on human health.

Policy Five: Adverse Effects On The Health Of Flora And Fauna
Discharges to air managed in a way that is designed to avoid adverse effects on flora and fauna (excluding targeted pest species).

The RPS does not define the air quality in the vicinity of this site. However, the existing air quality at this site is likely to be of high quality and, it could be argued that the air quality within the vicinity of the site could be degraded to a certain degree due to the close proximity of the airport and other land use activities near the site. I consider that appropriate consent conditions within any consent granted, to minimise and control off site dust deposition; will ensure the existing air quality of the area is maintained.

Section 3.14.2 - The Ability to Extract Mineral Resources

This section of the RPS identifies the following issue:

The ability to extract mineral resources can be compromised through land uses or developments above or in close proximity to mineral deposits.

Objective: The ability to extract mineral resources not unnecessarily restricted by sensitive activities.
The ability to extract mineral resources neither prevented nor protected by unnecessary plan provisions.

Policy One: The Ability to Extract Mineral Resources:
Manage the use and development of land and mineral resources in a manner that:
a) *recognises that the extraction of mineral resources may be incompatible with other land uses or resources;*
b) *recognises that other activities may be incompatible with the extraction of mineral resources;*
c) *imposes only controls that are necessary to address the adverse environmental effects of activities and likely conflicts between incompatible activities;*

The proposed activity may seem to be incompatible with other land uses or activities in the surrounding area. The proposed site is defined as Prime Agricultural Land as identified in the Waipa District Council Plans indicating that the land has a high actual or potential value for agricultural production. However, surrounding landuses to the site include a range of rural and industrial landuses along with a mix of rural and rural residential properties. The effect of the

above objective is that, despite this apparent incompatibility, the authorisation to carry out the proposed activities should not be prevented. This is in line with Policy One.

Section 3.10: Hazardous Substances

3.10.3 Storage, Transportation, Use and Disposal of Hazardous Substances

Issue: The release of hazardous substances from storage facilities or during their use, transport or disposal has the potential to cause significant adverse effects on the environment and human health.

Objective: *No significant risk of adverse environmental and human health effects deriving from the storage, transport, use and disposal of hazardous substances.*

Policy One: *Storage of Hazardous Substances*
Hazardous substances are to be stored in a manner that is designed to avoid adverse effects from unintentional releases.

Policy Two: *Transport of Hazardous Substances*
Hazardous substances are to be transported in a manner that is designed to avoid unintentional releases occurring and avoids, remedies or mitigates the effects of releases when they do occur.

Policy Three: *Use of Hazardous Substances*
Hazardous substances are to be used in a manner that is designed to avoid adverse effects. Where these effects are unable to be completely avoided they will be remedied or mitigated.

Policy Four: *Hazardous Substances Disposed of Safely*
Hazardous substances are to be disposed of in ways that are designed to avoid adverse effects on human health and the environment.

The potential adverse effects of hazardous substance spill will be reduced through implementation of the contingency plan.

In summary; having assessed the proposal against its relevant parts, I consider this proposal is consistent with the Waikato Regional Policy Statement.

7.2 Proposed Waikato Regional Plan (PWRP)

The following outlines the sections of the PWRP containing the objectives and policies relevant to this proposal:

- Section 3.1 Water resources
- Section 3.2 Water Management Classes, Flows and Levels
- Section 3.5 Discharges
- Section 3.6 Damming and Diverting
- Section 4.2 River and Lake Bed Structures
- Section 4.3 River and Lake Bed Disturbances
- Section 5.1 Accelerated Erosion
- Section 5.2 Discharges Onto or Into Land
- Section 6.1 Regional and Local Air Management

In assessing this application, I have given regard to the above policies and objectives. I consider that this proposal is consistent with these policies and objectives, providing that the recommended consent conditions are complied with.

7.3 Proposed Variation No.6 – Water Allocation

The Proposed Waikato Regional Plan for Waikato, Proposed Variation No.6 – Water Allocation was notified on 20 October 2006, in the mean time Environment Waikato notified that Chapters 3.3 and 3.4 of the Proposed Waikato Regional Plan were withdrawn. Submissions closed on 4 December 2006 and the Variation is open for further submissions.

Relevant sections of the proposed Variation No. 6 containing objectives and policies relevant to this proposal are:

- Section 3.3 Water Takes
- Section 3.4 Efficient Use of Water

The Transitional Regional Plan is silent with respect to water takes. Section 104(1)(b)(iv) of the Resource Management Act states that consent authorities must “have regard” to the objectives, policies and methods of a proposed regional plan. Although the Variation No. 6 is through the planning process and as such not yet operative, it does give an indication of the future direction that is likely to be taken by Council with respect to ground water takes of this size. I have assessed the application against the objectives and policies of the Proposed Variation No. 6 Water Allocation and I have concluded that the proposal is not contrary to its policies and objectives.

7.4 Waipa District Plan

Section 104(1)(e) of the RMA 1991 requires the consent authority have regard to “Any relevant district plan or proposed district plan, where the application is made in accordance with a regional plan.”

I am not aware of any inconsistencies between the proposal and the Waipa District Plan that are relevant to the applications made to the Waikato Regional Council. The Airport Road Site has a current Land Use Consent from Waipa District Council. It is also noted that a Land Use Consent for Mineral Extraction has been recently granted from the Waipa District Council in regards to this proposal. As such, it is expected that this proposal has been assessed against relevant objectives and policies contained within the Waipa District Plan as part of the District Council consenting process.

7.5 Relevant Part II Considerations

Part II of the Resource Management Act (1991) sets out the purpose and principles of the Act. The matters that are required to be considered under Section 104 of the Act are subject to Part II matters. Therefore the matters contained in Part II of the Act must be considered in the consent process and can be given weight in decision-making¹. In the event of a conflict between S104 matters and Part II matters, Part II matters are to be given primacy. Each of the relevant Sections of Part II are discussed below.

7.5.1 Section 5. Purpose

The purpose of the Resource Management Act, 1991 as defined in Section 5(1) is to:

“promote the sustainable management of natural and physical resources”.

Sustainable management is defined by Section 5(2) of the Resource Management Act, 1991:

In this Act, ‘sustainable management’ means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and

¹ RFBPS v Manawatu-Wanganui RC A86/95 (PT)

communities to provide for their social, economic and cultural well-being and for their health and safety while-

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The environmental effects of the proposed activities are discussed in Section 6 of this report, and a summary of effects in terms of sustainable management will be presented in Section 9 of this report

7.5.2 Section 6. Matters of National Importance

Section 6 of the RMA sets out the matters of national importance that, it requires that all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources, must recognise and provide for, while achieving the purpose of the Act. These matters are:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*

The natural character of Mystery Creek will not be compromised. As discussed in section 6 of the report there will be no significant changes in water quality and habitat, thus the natural character of Mystery Creek will be maintained.

- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*

Although the landscape of Mystery Creek gully will be slightly modified with the construction of the access to the new site, it is considered that it will not affect any outstanding natural feature or landscape, therefore, the proposed activity is consistent with s6(b). There are no outstanding features as noted in the Waipa District Plan or in the vicinity of the site.

- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

There are no known significant indigenous vegetation and/or habitats within the vicinity of the proposed activities. Therefore the proposal is not considered to be inconsistent with s6(c).

- d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.*

The site lies adjacent to Mystery Creek and public access is not currently available. The proposed activities will therefore not affect public access to the Mystery Creek. This application is therefore consistent with s6(d).

- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

The application process has involved Tangata Whenua and appropriate consultation has occurred with representatives of the Joint Venture Nga Mana Toopu O Kirikiriroa/Nga Iwi Toopu O Waipa. The issues raised by Tangata Whenua have been addressed and appropriate earthworks protocols and stormwater management techniques will be implemented through resource consent conditions. I consider that appropriate provision has been made for this matter of national importance, therefore it is considered that the proposal would not be inconsistent in terms of s6(e).

7.5.3 Section 7. Other Matters

Section 7 of the RMA sets out the matters that all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources are required to have particular regard to. These matters are:

a) Kaitiakitanga and the ethic of stewardship;

Kaitiakitanga, as defined by Section 2 of the Resource Management Act, 1991, means: *"the exercise of guardianship by the tangata whenua of an area in accordance with Tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship."* By consulting with iwi, I consider that the applicant has shown regard to the traditional kaitiaki role of local iwi.

b) The efficient use and development of natural and physical resources;

Sand is a valuable natural resource in the Waikato Region, although the land in which the project is to be undertaken is classified as Prime Agricultural Land in the Waipa District Plan. As discussed in section 6 of the report, there will be a temporary loss of soil production during the development of the sand extraction operation however it is expected that the rehabilitation of the site will return the land to a productivity level equal of better than the existing before sand extraction, therefore the requirements of section 7(b) will be met.

c) The maintenance and enhancement of amenity values;

Reducing effects of the proposed activities on receiving environment will serve to maintain and enhance amenity values consistent with section 7(c)

d) Intrinsic values of ecosystems;

By reducing environmental effects the intrinsic values of ecosystems will be protected. Consistent with section 7(d)

e) Recognition and protection of the heritage values of sites, buildings, places, or areas;

There are no known heritage features to be protected

f) Maintenance and enhancement of the quality of the environment;

Winstone Aggregates proposed measures to minimise any potential effects on Mystery Creek are deemed to be adequate to preserve the habitat for the existing indigenous species during and after the construction of the inter site access and during the development of the site.

g) Any finite characteristics of natural and physical resources;

I do not consider that the applicant's proposed activities will adversely affect any finite characteristics of natural and physical resources of the site.

The protection of the habitat of trout and salmon.

Mystery Creek is not noted as being a habitat of trout or salmon.

7.5.4 Section 8. Treaty Of Waitangi

Section 8 of the RMA requires that:

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

The RMA does not go so far as to define the principles of the Treaty that should be taken into account. The Court of Appeal, the Waitangi Tribunal, and statements by Government propose, amongst others:

- (a) Early consultation and acting in good faith,
- (b) The principle of partnership,
- (c) The need for active protection.

Section 8 does not invest a consent authority with power to decide whether the Crown is in breach of its obligations under the Treaty or to decide what redress may be appropriate. However, the principles of early consultation, good faith, partnership and the need for active protection must be considered and are appropriate for this forum.

The applicant has undertaken consultation with representatives of the tangata whenua as discussed previously. The principles of the Treaty of Waitangi have been taken into account in respect of this application. I consider the proposed application is consistent with the principles of the Treaty of Waitangi.

7.6 Other Matters

There are no other matters to be considered.

7.7 Section 104 Considerations

Section 104(1) of the Resource Management Act states that subject to Part II, when considering an application for a resource consent and any submissions received, the consent authority shall have regard to:

- (a) *Any actual and potential effects on the environment of allowing the activity; and*
- (b) *Any relevant provisions of*
 - (i) *a national policy statement,*
 - (ii) *a New Zealand coastal policy statement,*
 - (iii) *a regional policy statement or proposed regional policy statement*
 - (iv) *a plan or a proposed plan*
- (c) *Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

I have considered the application having regard to section 104 of the Resource Management Act. It has been discussed in section 7 of this report and the conclusion is that the proposal does not contravene this section of the Act.

7.8 Section 107 Considerations

When considering an application for a discharge permit, the consent authority shall not grant a discharge permit, if after reasonable mixing, the contaminant or water discharged, is likely to give rise to all or any of the following effects in the receiving waters:

- The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

- Any conspicuous change in the colour or visual clarity;
- Any emission of objectionable odour;
- The rendering of fresh water unsuitable for consumption by farm animals;
- Any significant adverse effects on aquatic life.

Provided the consent holder achieves compliance with the recommended conditions and the implementation of the Water Management plan, the discharge proposed from the stormwater treatment ponds will not cause the effects listed under section 107. These matters are discussed in section 6 of this report.

8 Monitoring and Mitigation Measures

The consent holder will be required to manage and monitor the proposed operations, undertake subsequent routine inspections to ensure that all relevant requirements of the consent conditions are complied with and that follow up action is undertaken where required.

In addition, and in order to fulfil obligations under the Resource Management Act 1991, Environment Waikato staff will undertake routine compliance inspections to ensure compliance with all relevant consent conditions. All costs associated with monitoring are recovered from the consent holder on a reasonable and actual basis.

The following specific monitoring measures shall be undertaken by the consent holder:

Despite the likely minor effects of dust emissions, the applicant has proposed particulate monitoring with dust deposition gauges on the eastern and western boundaries of the new site. Such monitoring will provide a measure on the success of dust mitigation techniques undertaken by the consent holder. A complaints register will be maintained to ensure that if discharge of dust beyond the boundary property causes a nuisance to neighbouring land owners/occupiers that it is brought to the attention of the site manager and Environment Waikato. Also there is a need to forward a record of any such complaints to Environment Waikato within 5 days of receipt.

Dust emission effects will be mitigated through sound management techniques. The applicant has proposed the following dust mitigation techniques:

- A water truck or sprinkler system will be used to wet operational areas of the site in dry weather when there is the potential for dust to create a nuisance beyond the boundary
- Internal haul roads will be maintained in a visibly damp condition when required in order to minimise dust generation.
- Areas of exposed earth kept to a practicable minimum
- Regular watering of haul roads, process area, and if required, process stockpiles in dry periods
- Prompt re-grassing of topsoil and overburden stockpiles
- Regular monitoring of weather conditions to ensure appropriate dust mitigation is implemented.
- Work restrictions on adverse meteorological conditions when the wind speed is greater than 10m/s and the wind is blowing from west ($270 \pm 45^\circ$)
- Keeping screen planting as long as possible

Stormwater runoff from all quarrying activities and restoration areas will be directed into settling ponds and will be monitored by the applicant to ensure that adequate seepage capability is maintained at all times. The ponds will be desludged when sludge occupies 20% of the pond or when required by Environment Waikato to do so. Discharges to Mystery Creek will be infrequent and during storm events when the level of sediment in Mystery Creek will be high, therefore no suspended solids monitoring is required.

Groundwater levels will be monitored within the quarry sump. Water will be measured weekly while pumping is undertaken.

To prevent spillages of fuel, oil and similar contaminants from entering the groundwater system, particularly during refuelling and machinery servicing and maintenance, it is recommended that refuelling and machinery servicing and maintenance is performed on an impervious surface as long as it is practicable.

In order to prevent potential adverse effects on the environment as a consequence of the quarry activities, the water management plan has been designed in accordance with the Environment Waikato's Erosion and Sediment Control Guidelines for Soil Disturbing Activities. An update of the Erosion and Sediment Control Management Plan will be required annually and should include details such as proposed development for the subsequent year, areas to be rehabilitated, level of compliance and difficulties encountered to achieve full compliance with conditions of the consents, etc.

In addition, the erosion and sediment control for the proposed access to the new site will be monitored regularly by Environment Waikato staff, to that effect, an "erosion and sediment control team" will be established with staff from Environment Waikato, Winstone Aggregates and the contractor, to discuss progress on the proposed works and verify compliance with the consent conditions.

9 Discussion/Conclusions

Winstone Aggregates have applied for resource consents to undertake sand extraction activities on a property adjacent to the existing sand extraction and sand processing facilities operated by Winstone Aggregates at 106 Airport Road, South of the Hamilton International Airport. External access to the new site will be through the existing Airport Road Site on State Highway 21, an internal access will be constructed across Mystery Creek. To provide this internal access to the resource, it is required to construct a road across Mystery Creek, this crossing will involve the placement of a twin 2X2m box culvert, diversion of the stream and clearing of indigenous vegetation on the riparian margins of the gully.

The proposed new site will only be used for extraction purposes; the sand processing and stockpiling activities of washed sand will continue to be undertaken on the Airport Road Site. Stockpiling activities on the new site will be restricted to overburden and topsoil, these will be stockpiled in a designated area and will be re-vegetated.

The excavation of the sand will be carried out with excavators, wheel loaders, bulldozers, motor scrapers and trucks. The applicant has divided the site into six cells, so the sand extraction activities can be undertaken in a staged manner; generally the direction of the excavation will be from west to east to north; sand will be loaded into trucks and transported into the airport road site for processing.

Mined areas will be rehabilitated progressively by spreading subsoil and topsoil and subsequently seeded with grass. It is the intention of the applicant to return the excavated land to prime agricultural land with conditions similar or better of these currently existing.

As discussed in section 6 of this report, the main environmental effects associated with the proposed sand extraction operation are related to clearance of vegetation and loss of indigenous habitats, water quality degradation, effects as a result of dust emissions, loss of soil productivity and effects on Tangata Whenua and Maori Values.

The construction of the access way across Mystery Creek gully will result in loss of indigenous vegetation and habitat that will require mitigation measures to be implemented. The applicant has proposed to undertake at least 5000 square metres of riparian planting of the batter slopes of the access way. In like manner the removal of vegetation along the edges of Mystery Creek gully will need to be mitigated for.

There is the potential for water quality degradation if the appropriate measures are not taken during both the construction of the access across Mystery Creek and the sand extraction operation. Winstone Aggregates has proposed a number of measures to avoid any adverse effects on water quality. This includes a silt management plan during construction of the culvert and access across Mystery Creek, a Quarry Water Management Plan, and an Oil Spill contingency plan. Provided that these plans are implemented along with the proposed conditions in the attached schedule, it is expected that any adverse effects on water quality from the proposed activities will be minimal.

Any potential for dust emissions are only expected during the summer season. The applicant has proposed measures to minimise any potential effects as a result of dust emissions from the site, these measures include water spraying with a water cart permanently kept on site for dust suppression purposes, revegetation of overburden and topsoil stockpiles, keep open areas of the sand extraction operation to a practicable minimum and if required covering non-working areas with a layer of pea metal to reduce dust emissions. In addition the applicant proposes to monitor dust emissions at the east and west boundaries of the property by installing deposition gauges. It is my opinion that if these measures are implemented, any potential dust discharge beyond the property boundaries will be negligible.

No adverse effects as a result of loss of soil productivity are envisaged in the long term. Although during the lifespan of the operation there will be loss of soil productivity, the applicant intends to rehabilitate the site to prime agricultural land as defined in the Waipa District Plan.

It is not expected that any archaeological sites are encountered within the property as concluded in the archaeological assessment submitted with the application. However a condition will be included in the report that in the event of any archaeological features being discovered, the appropriate protocols shall be implemented.

In summary, the proposed activities subject to these consents applications have been assessed as discretionary activities under section 104B of the Resource Management Act 1991. The proposal has been considered in terms of the environmental effects, the Waikato Regional Council's policies and plan's, and the provisions of the Resource Management Act 1991. The potential effects associated with these activities have been considered and my conclusion is that any adverse effects would be no more than minor, therefore it is my recommendation that the consent should be granted.

10 Consent Duration

The applicant has proposed 20 years duration of the consent, although the projected life of the site is expected to be between 5 to 10 years. The rate of sand extraction will depend on market demand, therefore Winstone Aggregates is taking a precautionary approach should the existing demand will slow down in the future. This will also allow for the applicant to complete rehabilitation of the land once the sand extraction is completed.

In assessing the duration of the consent, I have taken consideration of the following factors;

- the potential effects of the proposal,
- the current level of compliance at the Airport Road site,
- Waikato Regional Council guidelines for consent duration,
- consent duration applied to similar activities elsewhere in the Waikato Regional Council's region and
- the frequency that Councils policies and plans are likely to be reviewed.

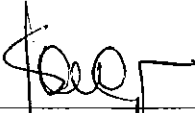
Accordingly it is has been recommended that consents for this site are granted for 20 years with provision for three yearly reviews to consider any adverse effects on the environment, should they become apparent, among other matters. This would provide a level of certainty for the applicant

while providing for sufficient environmental protection from an activity that can be at times dynamic in nature. 35 years duration is recommended for consent 116078 related to the construction and use of a culvert in the bed of Mystery Creek. It is the applicant's wish not to remove this structure after site rehabilitation is completed. I consider this is consistent with Environment Waikato Guidelines for consent duration for this type of activities.

11 Recommended Decision

I recommend that in accordance with 104B resource consent applications 116075, 116076, 116077, 116078, 116079 be granted in accordance with the duration and conditions prescribed in the attached Resource Consent Certificate for the following reasons:

- The activity will have no more than minor actual or potential adverse effects on the environment
- The activity is not contrary to any relevant plans or policies
- The activity is consistent with the purpose and principles of the Resource Management Act 1991

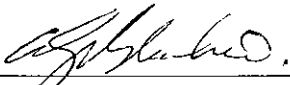


Jorge Rodriguez
Resource Officer, Forestry and Minerals Programme

Date 26/06/07

12 Decision

That the resource consent applications are granted in accordance with the above recommendations.



Grant Blackie
Programme Manager, Forestry and Minerals Programme

Date 26/06/07.

Acting under authority delegated subject to the provisions of the Resource Management Act 1991 which at the time of decision had not been revoked.