

Waikato Regional Council - S42A Report

To: Hearing Commissioners

Date: 11 January 2019

From: Graeme Cooper, Senior Resource Officer

Subject: Evaluation report and proposed resource consent conditions for Matamata Metal Supplies Limited

Qualifications and Experience

I am employed by Waikato Regional Council (WRC) as a Senior Resource Officer in the Land Development Team.

My work background over the last 20 years includes evaluating and reporting on consent applications as well as monitoring the exercise of consents. The major portion of that work relates to earthworks and utility projects.

I hold a BSc from the University of Waikato, with majors in Biological Science and Earth Science. I am also a certified decision-maker under the MfE Good Decisions Programme.

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Appendix 2 - Water Sampling Locations at and downstream of the Quarry

Appendix A - Pre- Hearing Meeting Report

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Appendix D - Josh Markham’s ecological review of documents prepared by: Brian T Coffee and Associates; Christopher Wilcox Erosion Control Co. Ltd; and, Erosion Control Ltd

Appendix E - Submissions

1 Background

AECOM New Zealand Limited (AECOM) has lodged an application for six replacement and one new resource consents on behalf of Matamata Metal Supplies Limited (MMS), to authorise the continuation of quarry activities at the site located in Barton Road, Okauia – APP123918_01. The site is located on the western side of the Kaimai Ranges 10 km east of Matamata, at NZTM2000 5811098.3 N 1855074.3 E. The quarry has been operational since the 1950's and was purchased by MMS in 1986.

An application including assessment of effects (AEE) was received on 15 December 2011, more than six months prior to expiry of existing resource consents 970986, 961427 – 961432 on 1 July 2012. The application was prepared in accordance with s88 of the Resource Management Act 1991 (the "RMA"). The quarry has continued to operate under the expired consents as provided for by section 124 RMA.

The application was placed on hold as further information was required. Following consultation with local iwi, the application was modified and a revised AEE titled "Matamata Metal Supplies, Assessment of Environmental Effects, 15 September 2017" (WRC document no. 9885639) submitted.

This report, prepared pursuant to s42A of the RMA, considers the relevant matters in relation to the application under section 104 of the Act, including statutory policies and plans and the environmental effects of the proposal. Any reference to "the applicant" in this report should be understood to mean the applicant and/or any consultant representing the applicant.

The resource consents sought from Waikato Regional Council (WRC) are as follows:

Table 1: Resource Consents sought under APP123918_01

Consent Appn No.	Type	Sub-type	Purpose	New/ Replacement Consent	Term sought (years)
AUTH123918.01.01	Water permit	Diversion	Divert tributaries of Mangapiko Stream through storage impoundment	Replaces 961427	35
AUTH123918.02.01	Water permit	Surface water take	Take up to 220 cubic metres of water per day for aggregate washing and dust suppression	Replaces 961428	35
AUTH123918.03.01	Discharge Permit	Discharge to land	Place overburden onto the ground in association with a hard rock quarry	Replaces 961429	35
AUTH123918.04.01	Discharge Permit	Water - stormwater	Discharge stormwater and process water from quarry site	Replaces 961430	35
AUTH123918.05.01	Discharge Permit	Discharge to land	Discharge water by ground filtration in quarry pit	Replaces 961431	35
AUTH123918.06.01	Discharge Permit	Discharge to water	Discharge stormwater from overburden areas to streams	Replaces 970986	35
AUTH123918.07.01	Land Use Consent	Land - disturbance	Soil disturbance in a high risk erosion area	New	35

The expired consents 970986, 961427 – 961432 authorised the following activities:

Table 2: Expired consents 970986, 961427 – 961432

970986 -	Discharge up to 6,904 cubic metres per day of treated stormwater from an overburden placement site to an un-named tributary of the Mangapiko Stream in the vicinity of Barton Road, Okauia at or about map reference NZMS 260 T14:650-726
961427 -	Divert the flow from two un-named tributaries (Tributaries A&B on Schedule 1) of the Mangapiko Stream through a water storage impoundment and divert the flow to a third tributary C (“Tributary C” on Schedule One) for quarry purposes in the vicinity of Barton Road, Okauia at or about map reference NZMS 260 T14:650-726
961428 -	Take up to 220 cubic metres of water per day from a water storage impoundment for aggregate processing purposes in the vicinity of Barton Road, Okauia at or about map reference NZMS 260 T14:650-726
961429 -	Place overburden onto ground in association with a hard rock quarry in the vicinity of Barton Road, Okauia at or about map reference NZMS 260 T14:650-726
961430 -	Discharge up to 3,601 cubic metres per day of treated stormwater and process water to an unnamed tributary of the Mangapiko Stream in the vicinity of Barton Road, Okauia at or about map reference NZMS 260 T14:650-726
961431 -	Discharge quarry stormwater into the ground by infiltration in the quarry pit in the vicinity of Barton Road, Okauia at or about map reference NZMS 260 T14:650-726
961432 –	Discharge contaminants into the air from Quarrying and ancillary activities in the vicinity of Barton Road, Okauia at or about map reference NZMS 260 T14:650-726

Expired consent 961432 is not replaced in the application. The application proposes dust control measures that should ensure potential effects of dust emissions from the site are no more than minor – refer section 8.5 of the AEE dated 15 September 2017 (AEE 15-Sep-2017); WRP 6.1.16.1 Permitted Activity Rule – Mineral Extraction, Size Reduction, Screening and Storage applies.

Copies of consents 970986, 961427 – 961432 are provided in Appendix A of AEE 15-Sep-2017.

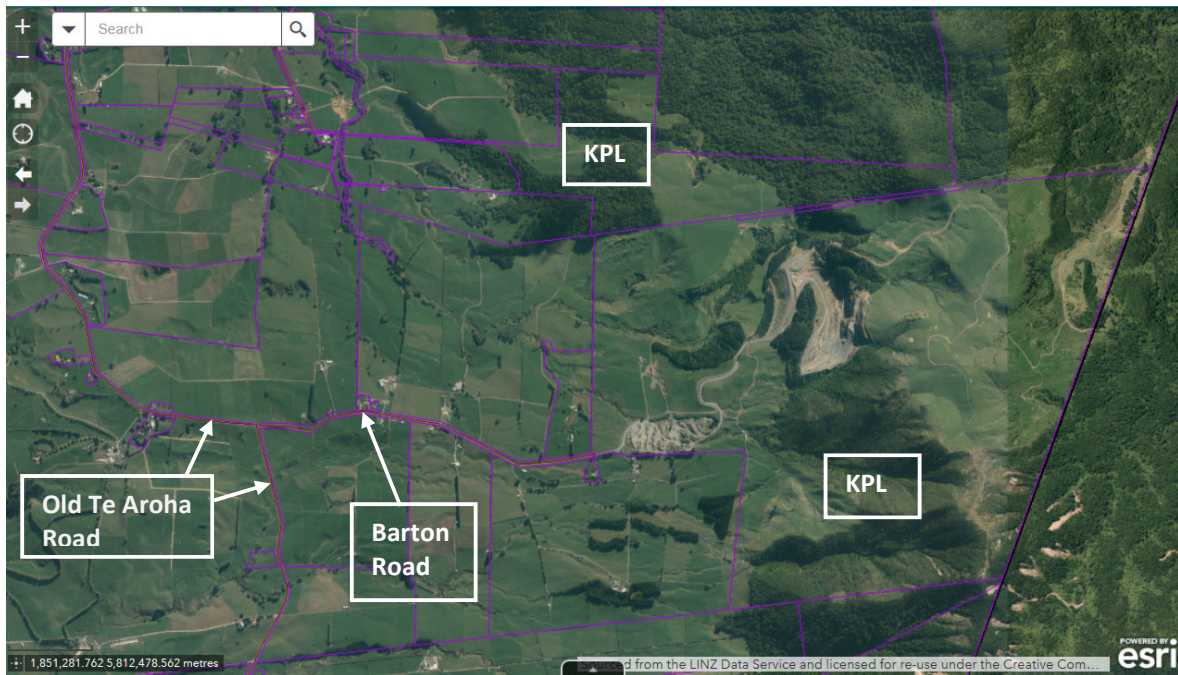
MMS proposes to expand the quarry within the “Quarry expansion area (extraction)” shown on sheet number CI-0001, of the SSMP. Refer to the page titled “Quarry Expansion Area, Sheet CI-0001 SSMP 03-Oct-2018” in Appendix 1 of this report.

The original proposal provided for a significantly larger expansion area. Refer to page titled “Quarry Expansion Area, 1998 CoC Boundary (2012 Aerial Photo) – AEE 12 November 2012” in Appendix 1.

MMS holds a Certificate of Compliance (CoC) to quarry and excavate rock, scoria and sand and to screen, crush and/or wash, and stockpile and sell quarried material issued by Matamata Piako District Council (MPDC) dated 27 April 1998. MPDC staff have advised MMS that the only component outside the CoC is the placement of the overburden at Overburden Area 2 and Overburden Area 3 sites; and, that land use consent is required (WRC document no. 13217719), no other Land Use consents are required for the proposed mining activities. The CoC boundary is shown on the page titled “Quarry Expansion Area, 1998 CoC Boundary (2012 Aerial Photo) – AEE 12 November 2012”, refer to Appendix 1 of this report.

The existing quarry area and the properties within which the quarry is located, are shown in Figure 1 below.

Figure 1: MMS Quarry Location Map (land owned by Kaimai Properties Ltd is labelled KPL)



2 Description of Proposal

2.1 Existing environment and proposed activities

The revised AEE 15-Sep-2017 provides a Site description in section 3.0 and describes Site operation information in section 4; these sections are accepted in full and adopted in this report.

MMS has provided a Site Stormwater Management Plan (SSMP) dated 03-Oct-2018 (WRC document no. 13161008) that includes an outline of Existing topography and drainage in section 3.0, and Stormwater management (2018 onwards) in section 4. Other sections are 5.0 Rehabilitation; 6.0 Dust control; and 7.0 Maintenance, monitoring and reporting. This SSMP supersedes that included in the AEE 15-Sep-2017.

MMS proposes to expand the quarry within the “Quarry expansion area (extraction)” shown on sheet number CI-0001, Appendix A of the SSMP. The expansion area is shown on Appendix 1 of this report.

The Quarry comprises four main operational areas: the quarry pit; overburden disposal areas; haul road; and, aggregate processing. The locations of these areas are shown in the drawings in Appendix A of the SSMP. A summary of water diversion, abstraction and discharges associated with each operational area is provided in Table 2 in section 3.2.

The main Quarry catchment areas and their discharge locations are described in sections 4.1 Quarry pit; 4.2 Upper haul road, completed overburden areas and Pond A; and, 4.3 Lower haul road, aggregate processing area, Pond B and the Lamella. Overburden disposal areas including new/proposed overburden disposal areas are described in 3.4.

2.2 Assessment of environmental effects

An assessment of actual and potential environmental effects is provided in section 8 of AEE 15-Sep-2017 and includes: Erosion and Sediment Control; Stormwater Effects; Water Abstraction: Stream Diversions;

Dust Air Quality Effects; Ecological Effects; Cultural Effects; and Positive Effects. AEE 15-Sep-2017 has not been adopted in this report and assessment of the AEE is provided in section 6.1 below.

3 Status of Activities under the Plans

The relevant plan is the Waikato Regional Plan (WRP) which became operative on 12 April 2012. The proposed activities have been considered as follows:

3.1 Divert Mangapiko Stream tributaries A and B through storage impoundment (AUTH123918.01.01)

Tributary A is an unnamed tributary of the Mangapiko Stream (Drawing CI-0006). A 100mm pipeline diverts water from about 270 m upslope of the processing area to adjacent Tributary B.

All the flow of Tributary B (including water diverted from Tributary A) is diverted to the “Plant water supply pond”. This pond is located at the top of the processing area and provides wash water to the plant by gravity. The pond has approximate dimensions of 20m x 50m and a depth of about 2m, providing a capacity of 2,000 m³.

Overflow from the water storage pond is diverted to Tributary C which runs along the north of the processing area through three culverts before leaving the site. The tributary then flows on through farmland to the Mangapiko Stream and on to the Waihou River. The Mangapiko Stream’s WRP water management classification is “Waikato Region Surface Water Class”.

The above stream diversions and subsequent discharge of water do not comply with Rules 3.6.4.6, 3.6.4.7, 3.6.4.8, 4.2.9.1, 4.2.9.2 or 4.2.9.3.

WRP 3.6.4.13 Discretionary Activity Rule – Stopbanks, Diversions and any Associated Discharges of Water therefore applies.

Note: During a major storm event in May 2017, the Pit Diversion 1 stream (Drawing CI-0005) received substantial quantities of sediment/debris. The pipe that formerly conveyed the stream under the quarry pit, blocked. The stream has continued to flow into the quarry pit, raising the water level of the pre-existing quarry pond. Surface water infiltration into the quarry pit floor moderates surface water level. Resource consents AUTH138551.01.01 - AUTH138551.04.01 were granted on 17 August 2017 authorising diversion of the stream across farmland above the quarry pit, therefore diversion of this stream is not part of this application – refer section 7.1 of this report.

3.2 Take up to 220 cubic metres of water per day for aggregate washing and dust suppression (AUTH123918.02.01)

This application is seeking to replace consent 961428 that authorised to take up to 220 cubic metres of water per day from a water storage impoundment – refer sections 8.3 of AEE 15-Sep-2017 and 3.5 Water Abstraction in the SSMP.

Cameron King, WRC Senior Resource Officer - Water Allocation has reviewed the proposed water abstraction in his email in Appendix A of this report (WRC document no. 12416296). Mr King refers to the water take from Tributary A, at map reference NZTM 1854735 E 5810490 N, as site A; and, the water take from Tributary B at the “plant water supply pond”, map reference NZTM 1854595 E 5810526 N, as site B.

Mr King’s comments include that: *“As directed by the WRP’s 3.3.3 Policy 3, the strictest activity status applies so the proposed water take is a discretionary activity pursuant to 3.3.4.23 Discretionary Activity Rule – Surface Water Takes.”*

The proposed take is a discretionary activity pursuant to 3.3.4.23 Discretionary Activity Rule – Surface Water Takes.

3.3 Place overburden onto the ground in association with a hard rock quarry (AUTH123918.03.01)

Overburden disposal is proposed in existing Overburden Disposal Area 1, and proposed Overburden Disposal Areas 2 and 3 (Drawing CI-0002). Overburden Area 1 is situated within the existing quarry pit.

Overburden Area 2 is located on a rolling plateau on the north side of Tributary D. Filling is likely to occur in two stages from top to bottom; Stage 1 will receive 27,000 m³ of overburden (approx.), and Stage 2, 31,000 m³ of overburden (approx.).

Overburden area 3 is an existing grazed paddock above the quarry pit. Filling will be confined to the valley and is not proposed to rise above existing ridge heights. Stage 1 will receive 22,000 m³ of overburden (approx.), and Stage 2, 24,000 m³ of overburden (approx.).

Overburden disposal may occur within a high risk erosion area(s) and/or a stream floodplain(s). The activity may not comply with WRP 5.2.5.2 Controlled Activity Rule condition (a):

- a. The maximum volume of material deposited at any single site and within any three year period, shall not exceed 5,000 cubic metres of overburden (solid measure).

The activity is therefore subject to 5.2.5.3 Discretionary Activity Rule – Large Scale Overburden Disposal.

3.4 Discharge stormwater and process water from quarry site (AUTH123918.04.01)

Pond A receives stormwater from the: overburden area fill slope (reinstated); upper haul road; part of the overburden area C platform (working surface); part of overburden area A (reinstated). Pond A discharges to the head of an ephemeral stream, and on to Tributary D. Tributary D flows on through farmland and into the Mangapiko Stream.

The lower haul road falls to a table drain on one side of the road. Part of the table drain discharges into pasture via an existing culvert; stormwater from the culvert flows in a channel across farmland and into Tributary D. The table drain below the culvert includes a wider section of drain from which stormwater flows into Tributary C.

The Lamella plant receives process water and stormwater from the upper processing area. The treated water from the Lamella plant is piped into Tributary C that flows on into Tributary D - drawing CI-0004.

Pond B services the lower processing area. Pond B consists of a series of small sedimentation ponds. The two middle ponds discharge into a riser pipe and culvert. The culvert discharges to an open paddock drainage channel and on through farmland to the Mangapiko Stream.

The discharge of treated process water and stormwater into farmland and Tributaries C and D, may not at all times comply with the WRP 3.5.11.4 Permitted Activity Rule – Discharge of Stormwater to Water condition e. regarding suspended solids standards.

WRP 3.5.11.8 Discretionary Activity Rule – Discharge of Stormwater applies.

3.5 Discharge water by ground filtration in quarry pit (AUTH123918.05.01)

Runoff from the quarry benches, rock faces and exposed overburden batters are directed to the base of the pit at the northern end of the quarry. Pit runoff discharges to groundwater via soakage into the underlying rock, in circumstances which may result in contaminants entering water.

Any discharge of a contaminant into water, or onto or into land, in circumstances which may result in that contaminant entering water, that is not specifically provided for by any rule is a discretionary activity.

WRP 3.5.4.5 Discretionary Activity Rule – Discharges – General Rule applies.

3.6 Discharge stormwater from overburden areas to stream (AUTH123918.06.01)

Treated stormwater from the proposed overburden Area 2 will discharge into the Putangi Stream. The stream's WRP water management classification is "Waikato Region Surface Water Class", a classification common to all waterways in the Region.

Treated stormwater from the proposed overburden Area 3 will discharge into the Mangaputa Stream. The Stream extends beyond the WRC boundary and water management classification is not provided in WRC's OurMaps mapping information.

The treated stormwater discharges may not at all times comply with the WRP Permitted Activity Rule – Discharge of Stormwater to Water condition e. regarding suspended solids standards.

WRP 3.5.11.8 Discretionary Activity Rule – Discharge of Stormwater applies.

3.7 Soil disturbance in a high risk erosion area (AUTH123918.07.01)

Overburden removal is required in high risk erosion areas on land identified for quarry expansion (Drawing CI-0001). Pre-existing slopes exceed 25 degrees and soil disturbance will exceed 1,000 m³ in volume (solid measure).

WRP Discretionary Activity Rule 5.1.4.15 applies.

Note: Removal of the pine trees within the quarry expansion area is deemed a permitted activity under the National Environmental Standard for Plantation Forestry NES-PF.

Summary

Table 3: Activity status of applications

Consent Appn No.	Purpose	Rule	Activity status
AUTH123918.01.01	Divert tributaries of Mangapiko Stream through storage impoundment	3.6.4.13	Discretionary
AUTH123918.02.01	Take up to 220 cubic metres of water per day for aggregate washing and dust suppression	3.3.4.23	Discretionary
AUTH123918.03.01	Place overburden onto the ground in association with a hard rock quarry	5.2.5.3	Discretionary
AUTH123918.04.01	Discharge stormwater and process water from quarry site	3.5.11.8	Discretionary
AUTH123918.05.01	Discharge water by ground filtration in quarry pit	3.5.4.5	Discretionary
AUTH123918.06.01	Discharge stormwater from overburden areas to streams	3.5.11.8	Discretionary
AUTH123918.07.01	Soil disturbance in a high risk erosion area	5.1.4.15	Discretionary

4 Consultation Prior to Notification

4.1 Iwi

MMS has consulted Ngati Hinerangi; Raukawa Charitable Trust; Ngati Hawa Iwi Trust; and, Hauraki Mauri Trust Board (WRC document no. 11352368).

Consultation has included a site visit on 17 April 2018 attended by the following iwi representative(s):

Raukawa - Dave Marshall;

Ngati Hinerangi - Tony, Phil Smith;

Ngati Haua – Lisa Gardner, Norm Hill, Rangī;

Tangata Marae – Te ao o te rangi; Geordine Smith; Dean Paterson; Whetu; and, Gina.

Ngati Hinerangi Trust has provided written approval to the application – refer Appendix D attached to Appendix C of the AEE 15-Sep-2017.

4.2 Other Parties

Written approval of the application has been provided by:

- DH & KR Baxendine, 178 Barton Road, RD1 Matamata (WRC document no. 11380579)
- Ken Sutton, 157 Barton Road, RD1 Matamata (WRC document no. 11380579)
- Department of Conservation – Jeff Milham, Operations Manager, Tauranga, Rotorua Office (WRC document no. 11379390).

5 Process Matters

Application processing timeline follows:

Date	Process Detail
15/12/2011	The application was lodged on 15 December 2011; and subsequently -
15/12/2011	Placed on hold on 22 December 2011 under RMA s92(1) pending provision of further information;
22/12/2011	Off hold on 7 February 2018 following provision of all the information requested under s 92(1);
07/02/2018	Limited notification on 9 March 2018 with two requests from Ngati Hinerangi for timeframe extensions accepted; request for re-notification from Tangata Marae accepted. Details in section 6;
09/04/2018	Limited notification timeframe extended under s 37A (4) (b) (i) in response to Ngati Hinerangi's request;
07/05/2018	Limited notification timeframe extended under s 37A (5) (a) in response to Ngati Hinerangi's request;
27/08/2018	Pre-hearing held on 27 August 2018;
16/05/2018	Timeframe extension to hold a hearing is more than doubled under s37A(5) of the RMA requested by MMS on 31 August 2018.
26/10/2018	Notice of hearing to be held on 12 November 2018
08/11/2018	Notice of postponement of the hearing

Table continued...

08/11/2018	MMS agree to a timeframe extension under s37A(5) to provide an opportunity for Ngati Hinerangi Tawhaki Marae and Tamapango Marae to lodge a submission, closing date for lodging a submission 7 December 2018;
12/11/2018	Te Ohaki Marae requested the opportunity to lodge a submission. This was accepted, closing date for lodging a submission 7 December 2018;
13/11/2018	Limited notification of Dr Morehu McDonald - Trustee of Nga Hapu o Ngati Hinerangi Trust, closing date for lodging a submission 11 December 2018;
17 December 2018	Notice of hearing to be held on 11 February 2019
17 December 218	Hearing Chair issue of direction pursuant s 41B
08/01/2019	Statutory timeframe for commencement of the hearing was extended under s37A(4)(b)(i). The timeframe extension provides for 3 additional working days, from the 5 th of February to the 11 th of February 2019.

6 Notification

The application was limited notified to the following affected parties on 9 March 2018 with submissions to close on 10 April 2018: Ngati Hinerangi Trust; Raukawa Charitable Trust; Ngati Hawa Iwi Trust; and, Hauraki Maori Trust Board (WRC notification decision 11912795).

Ngati Hinerangi Trust requested a timeframe extension on 3 April 2018. Applicant approval was provided on 5 April 2018 to extend the timeframe to 9 May 2018, under s37A(4) of the RMA.

Ngati Hinerangi Trust requested a further timeframe extension on 6 May 2018, seeking extension until 16 May 2018; applicant approval was provided on 7 May 2018 under s37A(5) of the RMA.

Tangata Marae Chairperson, Ms Jordene Sydney, advised WRC on 15 May 2018 that Ngati Hinerangi Trust does not hold mandate to represent Ngati Hinerangi in terms of RMA processes and consents. Ms Sydney requested that the application be notified to the four marae of Ngati Hinerangi potentially affected. The four marae are Tangata Marae; Te Ohaki Marae; Hinerangi Tawhaki Marae; and, Tamapango Marae. (WRC document no. 12490826). The application was limited notified to the four Ngati Hinerangi Marae on 24 May 2018 and the submissions period closed on 22 June 2018.

MMS (Dudley Clemens, Environmental Manager J. Swap Contractors Ltd) advised WRC that Ngati Hinerangi Tawhaki Marae, Tamapango Marae and Te Ohaki Marae had not received notice of the limited notification period (email, 31 October 2018 - WRC document no. 13339211).

WRC records confirmed that the above Marae received a letter of notification and a copy of the application/AEE. WRC were confident that processes regarding notification were robust and in accordance with the requirements of the RMA. WRC legal advice on that matter was that the hearing could proceed, however in consideration of being inclusive to all potentially affected parties, WRC extended the submission period through a s37A(5) waiver following approval from the applicant.

Notified parties were provided a timeframe extension under s37A(5) to lodge a submission, closing date for lodging a submission 7 December 2018.

Dr Morehu McDonald lodged a late submission on 12 July 2018. Dr McDonald subsequently requested the opportunity to lodge a submission and he was limited notified on 13 November 2018, closing date for lodging a submission 11 December 2018.

6.1 Submissions Received

Submissions were received from Ngati Haua Iwi Trust, Raukawa Charitable Trust, Tangata Marae, Ngati Hinerangi Tawhaki Marae, Te Ohaki Marae, and Dr Morehu McDonald & Mrs Hine Thompson Rauwhero for themselves and on behalf of the Nga Hapu o Ngati Hinerangi Trust (which includes the following hapu – Ngati Tokotoko and Ngati Rangi also including Wai Claimants – Wai 2578, Wai 1226, Wai 2106, Wai 2111, Wai 2112, Wai 2113, and Wai 2114); copies of each submission are provided in Appendix E of this report.

Raukawa Charitable Trust (RCT) lodged an amended submission on 20 June 2018; a copy of this late submission is included in Appendix E.

A summary of each submission follows.

6.1.1 Ngati Haua Iwi Trust submission

The submission advises that the Trust's submission is based on the implications of the proposal as it relates to mauri o te taiao, the health and wellbeing of the environment including the Waihou River, and the environmental, social and cultural interests described in relevant statutory documentation.

The Trust's descent and the importance of Te Weraiti to Ngati Haua are described in section 2 of the submission. This includes that Te Weraiti is a Puke tapu of Ngati Haua located in the Okauia District; it is a key boundary marker used to define both the eastern and southern boundaries of Ngati Haua rohe.

Te Weraiti was acknowledged as a significant landmark, viewed from Ngati Haua pa and kainga in the vicinity of Te Weraiti. It is often referred to as 'nga kohatu whakatu mai te rohe o Ngati Haua' or the rocks that establish the territory of Ngati Haua.

According to Ngati Haua tradition, Te Waharoa of Ngati Haua provided protection to those who resided in the areas below Te Weraiti at Waihou, Waihatakeke, Parekarewarewa and okauia where there were mahinga kai (areas of cultivation), papa kainga (inhabitations) and urupa (sacred burial grounds).

Ngati Haua, through the hapu of Ngai Rangi Te Oro, Ngati Rangi, Ngati Tawhaki, have a strong association with Te Weraiti.

The Trust's position is set out in section 3. The application is opposed in its entirety for the following reasons:

- (the application) fails to meet the Ngati Haua Iwi Trust's Rautaki Taiao Environmental Framework, with particular regard to the sacred maunga Te Weraiti, the protection of the mauri, water quality and ecology of Mangapiko catchment;
- inadequate recognition of our values, interests and relationship with our marae, ancestral lands and mitigation recommendations do not adequately avoid, remedy or mitigate the adverse cultural and environmental effects; and,
- duration of consent sought.

The Trust has advised that it will review its position following further consultation and negotiations between the Trust and Matamata Metal supplies to address these matters/conditions to our satisfaction, with a focus to protect and restore the mauri of our taiao within our area of mana whakahaere.

6.1.2 Raukawa Charitable Trust submission

The Raukawa takiwa is represented by four traditional rohe: Te Pae O Raukawa, Wharepuhunga, Maungatautari and Te kaokaoroa O Patetere. These four areas include Mokai, Atiamuri, Whakamaru, Mangakino, Tokoroa, Putaruru, Tirau, Tapapa, Matamata, Kemureti, Kihikihi and Te Awamutu.

The Raukawa Settlement Trust (RST) represents 16 marae and was formed in 2009 to receive and manage settlement assets. Tangata Marae is one of the 16 marae that affiliate to the RST. RST has delegated responsibility for the management of environmental and resource management activities to the Raukawa Charitable Trust (RCT). RCT represents Raukawa as iwi authority for resource management purposes.

RCT's position is set out in section 3 and relevant planning and statutory framework is provided in section 4.

RCT has provided an assessment of the proposal in section 5 comprising: Overview; Te Weraiti and quarry expansion; Overburden areas; Water takes; Stream diversions; Discharges to water. The overview advises that the application contains no cultural assessment.

Te Weraiti and Quarry expansion; the proposed quarry pit extension to the east and north brings the edge of the quarry to Te Weraiti rocky outcrop; no clear boundary between quarry activities and the Te Weraiti rocky outcrop is proposed. No limit on further quarry expansion is identified. The proposal does not provide for any access for mana whenua to Te Weraiti rocky outcrop or for any engagement of mana whenua in its protection and management.

The RCT submission includes Tangata Marae's response to the application (Appendix B). The Marae's response advises that the quarry diminishes maunga tupuna and that the continued expansion of the quarry weakens the mauri and wairua of Te Weraiti rocky outcrop. The Tangata Marae response states that the expansion diminishes their ability to act as kaitiaki.

Overburden areas; any earthworks undertaken as part of the quarry activities must be subject to accidental discovery protocols. Raukawa's Accidental Discovery protocol is attached as Appendix C (to the RCT submission).

Water takes; the application proposes to continue a take of up to 220 m³ per day from two tributaries of the Mangapiko Stream. The application states that adverse effects are minor as all water is returned downstream. This fails to address the cultural and ecological effects of reducing or removing flows from reaches of these tributaries and then returning it downstream in an altered state. Should consent be granted, conditions should be imposed requiring monitoring of take levels along with controls to avoid or mitigate adverse effects.

Stream diversions; diversions proposed in the application have been granted separate consents in 2017 (Kaimai Properties Limited's consents AUTH138551.01.01 - AUTH138551.04.01). The Tangata Marae response identifies the adverse effects of diversions on the mauri of the Mangapiko and its tributaries. Consequently, it is considered that no further diversions should be undertaken.

Discharges to water; the Tangata Marae response identifies that the water supply for the Marae is from a tributary to which the quarry will discharge. It is important that discharge from the quarry be treated to a high quality and monitored closely. This includes discharges from the processing area, haul road and overburden disposal areas.

The application provides for conditions relating to the discharge of soluble aluminium although it is understood that this is not currently used for the operation of the Lamella Plant. The Tangata Marae identifies specific concerns with the discharge of soluble aluminium. Discharges should only be granted

subject to higher quality limits of 80 grams of suspended solids per cubic metre and a prohibition on the discharge of soluble aluminium.

Monitoring of the effects of discharges should include Mātauranga Māori monitoring in order to recognise the mauri of the tributaries and the relationship of mana whenua with the awa and the whenua.

WRC is committed to introducing a regional plan change for the Waihou catchment to restore and protect the health and well-being of the catchment in a manner similar to Regional Plan Change One for the Waikato and Waipa River catchments. It is anticipated that Waikato regional plan change two will be completed within 10 years. At that time the quarry operations and discharge should be reassessed against the improved water quality standards for the catchment. Therefore, if consent is granted, the maximum duration of the consent should be no more than 10 years.

The Trust sets out relief sought in Section 6. The Trust considers that the application has potential for significant adverse effects on the environment, and is not consistent with Te Rautaki Taiao a Raukawa, the National Policy Statement on Freshwater Management or the Waikato Regional Policy Statement. Conditions of consent are required to address these matters. The Trust would not oppose the application if conditions of consent are adopted that:

- Avoid any further expansion of the quarry towards Te Weraiti rocky outcrop and any increase in the horizontal depth of the cut quarry face on the maunga;
- Apply a clear and appropriate protective boundary or buffer between Te Weraiti rocky outcrop and quarry activities;
- Provide for mana whenua access to Te Weraiti rocky outcrop and engagement with mana whenua in the future management of the site;
- Require the standard Raukawa Accidental Discovery Protocol to be implemented should any archaeological items, culturally significant figures, koiwi or taonga be disturbed or uncovered as a result of quarrying activities;
- Limited water takes to avoid or mitigate adverse effects on the tributaries of the Mangapiko and require monitoring of those takes;
- Prohibit any further stream diversions;
- Limit suspended solids discharge volumes to 80 grams per cubic metre;
- Prohibit discharge of soluble aluminium;
- Require daily monitoring at discharge points when discharges are occurring;
- Require Mātauranga Māori monitoring of the effects of the quarry, including discharges and intakes;
- Limit consent duration to 10 years.

RCT lodged amendments to Appendix B on 20 June 2018 as a late submission, and advised that the amendments more accurately reflect Tangata Marae mātauranga.

6.1.3 Tangata Marae submission

The Tangata Marae submission is based on the implications of the proposal as it relates to the Tangata whenua of Okauia, the health and wellbeing of the Mangapiko awa and the environmental, social and cultural interests described in the submission.

Tangata Marae has formed a unique relationship with the environment by associating identity as Tangata whenua though pepeha (geographical factors) being, Weraiti te maunga, Mangapiko te awa, Ngati hinerangi te hapu, Raukawa te iwi, Tainui te waka.

The Marae has provided 28 reasons in support of its position; six General Reasons re Effects on the local community (Ngati Tangata) from MMS Quarry Expansion on Te Weraiti (1-6); and, 22 Specific Reasons re – Effects from MMS Quarry on the Mangapiko Stream (7-16); Effects from MMS Quarry Expansion on

Putangi Stream (Ahimate) and Mangapiko (17-25); Tangata Waahi Tapu (sites of significance) (26-27); and, Other Matters (28).

The submission addresses Acts and policy, including: Relevant Planning and Statutory Framework; National Policy Statement for Freshwater Management 2014 (Amended 2017); Regional Policy Statement; Waikato Regional Council Long Term Plan 2015-25 and Plan Change 2 to the Waikato Regional Plan. This repeats RCT's consideration of Acts and policy for emphasis.

An assessment of the proposal is provided in section 5 and comprises: Overview; Te Wereiti and quarry expansion; Overburden areas; Water takes; Stream diversions; Discharges to water. This assessment repeats RCT's assessment, and also expresses concern regarding how monitoring of soluble aluminium has been carried out (reason 8) and that the levels of soluble aluminium discharged are unknown over 22 years (reason 20).

Relief sought; Tangata Marae considers that the application has potential for significant adverse effects on the environment, and is not consistent with Te Rautaki Taiao a Raukawa, the National Policy Statement on Freshwater Management or the Waikato Regional Policy Statement; relevant planning provisions and Part 2 of the RMA.

Tangata Marae opposes the application and seeks that Council refuse the consent in its entirety; and, as Tangata whenua of Okauia, the following alternative to extending the quarry is suggested being – 10 years to restore and close down the quarry site on Weraiti, benefiting MMS, Tangata whenua and the environment.

6.1.4 Ngati Hinerangi Tawhaki Marae and Te Ohaki Marae (joint submission)

Joanne Aoake speaks for the whanau of Te Ohaki and has described her connection to Okauia. Douglas Mawahi Hapi is the current Chairman of Hinerangi Tawhaki Marae and has described his connection to Okauia.

The joint submission advises that we would like all quarrying to stop. However, if this is not possible then we would expect to be actively involved in all future developments and management of the Maunga.

I/we provide a neutral submission subject to the following actions:

- Implementation of the Site Stormwater Management Plan and in particular the monitoring and maintenance of all discharges;
- Resource consent term limited to no more than a 10-year period;
- Informed and/or consulted on the following: fauna recovery during stream diversion; stream habitat design when construction and diversion occurs;
- Immediate notification of any spills or discharges that exceed compliance standards so that measures can be taken such as prohibiting food gathering practices;
- Drinking water supply from the Ahimate/Putangi Stream is not compromised by the action or inaction of MMS.

We would support an 11ha buffer area around Te Weraiti and a condition protecting Te Weraiti indefinitely.

Mangapiko Stream holds significant cultural, historical, spiritual and environmental importance, and provides sustenance for all the marae that reside in Okauia. The Managpiko is a pataka kai (food

cupboard); has been used to provide mature kangapirro (fermented corn), catch and raise tuna (eels), harvest kowhitiwhiti (watercress) and koura (fresh water crayfish).

The waters are also used for healing and cleansing rituals; for example, the whakanoa ritual used to cleanse oneself after returning from the urapa (cemetery), or tohi (traditional baptism rites).

6.1.5 Dr Morehu McDonald & Mrs Hine Thompson Rauwhero for themselves and on behalf of the Nga Hapu o Ngati Hinerangi Trust submission

Dr McDonald lodged a submission on 11 December 20018 for himself and Mrs Hine Thompson Rauwhero, and on behalf of the Nga Hapu o Ngati Hinerangi Trust (which includes the following hapu – Ngati Tokotoko and Ngati Rangi also including Wai Claimants – Wai 2578, Wai 1226, Wai 2106, Wai 2111, Wai 2112, Wai 2113, and Wai 2114).

Dr McDonald's key concerns are: Destruction of Wahi Tapu (burial caves) on Te Weraiti Maunga by Swap Quarry; Deviation, and, destruction & pollution of Mangapiko Stream.

6.2 Assessment of Submissions Received

Key concerns identified by each submitter follow.

6.2.1 Ngati Haua Iwi Trust

The Trust opposes the application in its entirety for the following reasons:

- The application fails to meet the Ngati Haua Iwi Trusts Rautaki Taiao Environmental framework, with particular regard to the sacred maunga Te Weraiti, the protection of the mauri, water quality and ecology of the Mangapiko catchment;
- Inadequate recognition of our values, interests and relationship with our marae, ancestral lands and the mitigation recommendations do not adequately avoid, remedy or mitigate the adverse cultural and environmental effects;
- The duration of consent sought.

6.2.2 Raukawa Charitable Trust

The Trust has concerns regarding aspects of the application, in particular:

- The expansion of the quarry towards Te Weraiti rocky outcrop;
- The protection of the mauri, water quality and ecology of the Mangapiko catchment;
- Ensuring adequate monitoring of the effects of the quarry and associated takes and discharges; and,
- The duration of consent sought.

6.2.3 Tangata Marae

Tangata Marae has concerns regarding aspects of the application, in particular:

- The expansion of the quarry towards Te Weraiti rocky outcrop;
- The protection of the mauri, wairua, water quality and ecology of the Mangapiko catchment;

- Proposed stormwater discharge into Putangi Stream.

6.2.4 Ngati Hinerangi Tawhaki Marae and Te Ohaki Marae (joint submission)

Ngati Hinerangi Tawhaki Marae and Te Ohaki Marae have concerns regarding aspects of the application, in particular:

- The duration of consent sought;
- The expansion of the quarry towards Te Weraiti rocky outcrop;
- The protection of the mauri, wairua, water quality and ecology of the Mangapiko catchment.

6.2.5 Dr Morehu McDonald & Mrs Hine Thompson Rauwhero for themselves and on behalf of the Nga Hapu o Ngati Hinerangi Trust submission

Dr McDonald & Mrs Hine Thompson Rauwhero have concerns regarding aspects of the application, in particular:

- The expansion of the quarry towards Te Weraiti rocky outcrop;
- The protection of the mauri, wairua, water quality and ecology of the Mangapiko catchment.

6.3 Pre-hearing Meeting

A pre-hearing meeting was held at O'Reilly's Motel, 187 Firth Street, Matamata on 27 August 2018. The meeting was facilitated by David Hill, Independent Hearings Commissioner. Mr Hill's Pre-hearing Meeting Report dated 31 August 2018 notes that:

"...the principal matter resolved was whether submitters wished to further engage with the applicant to attempt to resolve their issues or proceed to a hearing on the matters. After much discussion the submitters collectively advised that they wished the matter to proceed to hearing, and maintain their opposition to the application" (WRC document no. 13019391).

A copy of the Pre-hearing Meeting Report is provided in Appendix A of this report.

7 Statutory Considerations

The applications for resource consents AUTH123918.01.01 - AUTH123918.07.01 are applications for discretionary activities.

Section 104B of the RMA applies:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under section 108.*

The RMA section 104(1) refers to matters which the consent issuing authority must have regard to when considering an application for resource consent. The matters that are particularly relevant to this application are:

Subject to Part 2, to have regard to—

- (a) any actual or potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of-*

- i. a national environmental standard*
 - ii. other regulations*
 - iii. a national policy statement*
 - iv. a New Zealand coastal policy statement*
 - v. a regional policy statement or proposed regional policy statement*
 - vi. a plan or proposed plan; and*
- (c) any other matters considered relevant and necessary to consider.*

Section 105 states that:

- (1) If an application is for a discharge permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—*
- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
 - (b) the applicant's reasons for the proposed choice; and*
 - (c) any possible alternative methods of discharge, including discharge into any other receiving environment.*

Section 107 states that:

- (1) ...a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—*
- (a) the discharge of a contaminant or water into water; or*
 - (b) a discharge of a contaminant 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; or*
 - (ba) the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—*
if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:
 - (c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:*
 - (d) any conspicuous change in the colour or visual clarity:*
 - (e) any emission of objectionable odour:*
 - (f) the rendering of fresh water unsuitable for consumption by farm animals:*
 - (g) any significant adverse effects on aquatic life.*

Application assessment follows.

7.1 Assessment of Environmental Effect

RMA section 104(1)(a) provides that when considering a consent application, the consent authority must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity. Case law has determined that the "environment" must be read as the environment which exists at the time of the assessment and as the environment may be in the future as modified by the utilisation of permitted activities under the plan and by the exercise of resource consents which are being exercised, or which are likely to be exercised in the future. It does not include the effects of resource consents which might be sought in the future nor any past reversible effects arising from the consent being considered.

The existing environment in this case is: the land affected by quarrying activities previously authorised; neighbouring properties; Mangapiko Stream, Putangi Stream and Mangaputa Stream; Te Ohaki Marae; Hinerangi Tawhaki Marae; Tamapano Marae; Tangata Marae; Ngati Haua Iwi Trust and Raukawa iwi Trust.

The existing environment also includes the expired consents 970986, 961427 – 961431 affected by s124.

The existing environment also includes the environment as may be modified by the exercise of resource consents AUTH138551.01.01 - AUTH138551.04.01.

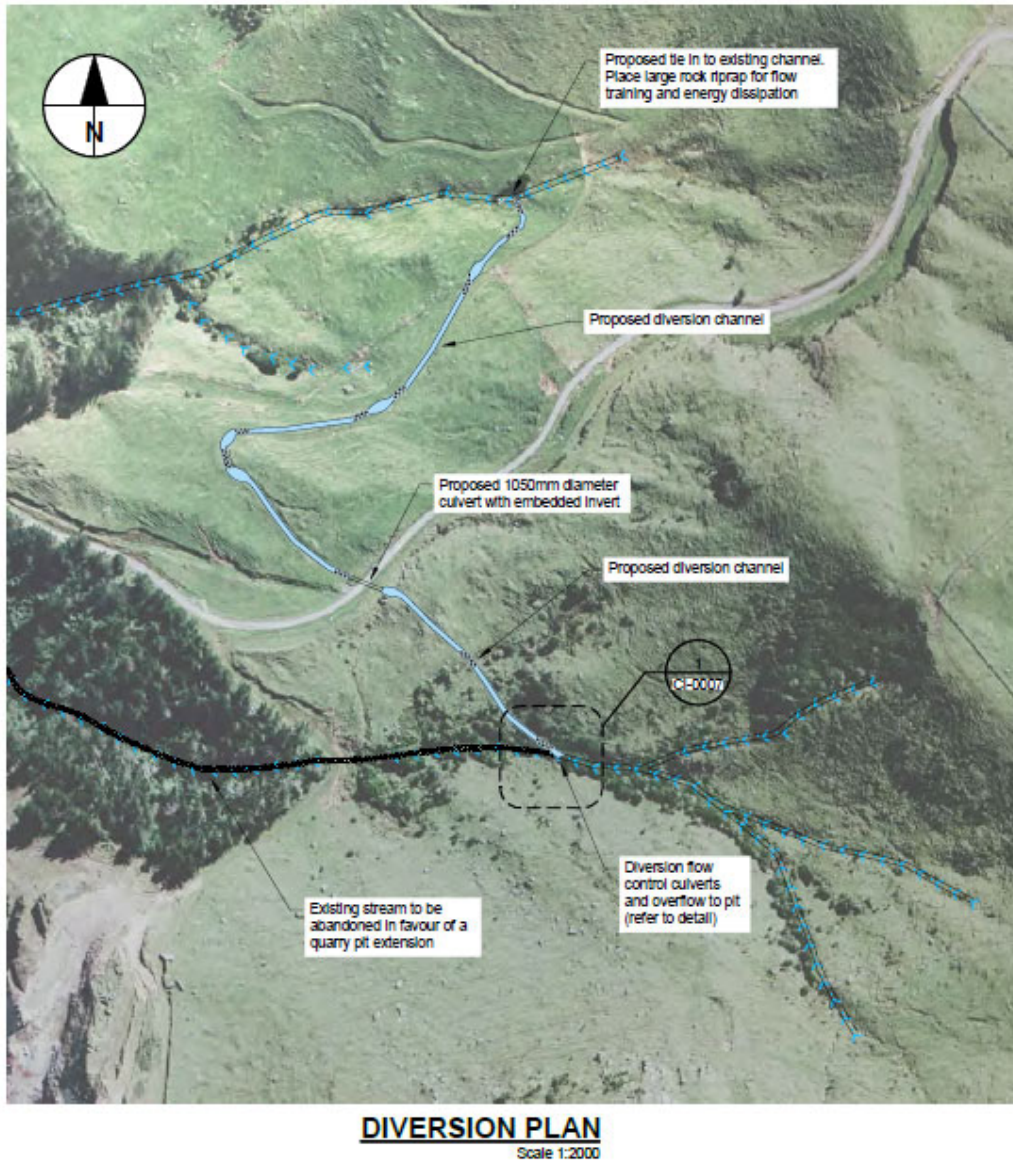
A major storm event during late May 2017 caused a slip to occur up-catchment of a tributary (Tributary A) of the Mangapiko Stream. Pipes conveying the tributary under the quarry pit became blocked leaving the stream to flow wholly into the pit. The quarry pit had no outlet other than ground soakage and continued to fill at slow rate without another outlet. A section of the outside wall of the pit is historical overburden fill placed in an ad hoc manner, and risk of failure in this section of the pit existed as the material was saturated with rising water level in the pit. The extent of proposed diversion works is shown in Figure 2 below.

Kaimai Properties Limited (KPL) lodged application/AEE APP138551 on 17 July 2017, seeking consents AUTH138551.01.01 - AUTH138551.04.01 to divert Tributary A to Tributary D of the Mangapiko Stream, and associated works (WRC document no. 10793576). The AEE is dated 12 July 2017 (AEE 12-Jul-2017) and refers to the subject stream as “Tributary A” (referred to as “Pit Diversion 1” in drawing CI-0004 of MMS AEE 15-Sep-2017).

Table 4: Resource Consents sought under APP138551

Consent No.	Type	Sub-type	Activity authorised	Term sought (years)
AUTH138551.01.01	Water permit	Diversion	To undertake a diversion of an unnamed tributary of the Mangapiko Stream	35
AUTH138551.02.01	Land Use Consent	Land - disturbance	To undertake earthworks in High Risk Erosion Areas in association with the diversion of an unnamed tributary of the Mangapiko Stream	3
AUTH138551.03.01	Land Use Consent	Bed – disturbance	To undertake bed disturbance in association with the diversion of an unnamed tributary of the Mangapiko Stream	3
AUTH138551.04.01	Land Use Consent	Land - structure	To dam water and associated structures in the bed of a stream in association with the diversion of an unnamed tributary of the Mangapiko Stream	35

Figure 2: Diversion Plan on AECOM Sheet Number CI-0007, in Appendix B of KPL's AEE 12-Jul-2017



Resource consents AUTH138551.01.01 - AUTH138551.04.01 were granted on 17 August 2017.

Section 104(2) provides that when forming an opinion about the actual or potential effects of the activity, the consent authority may disregard an adverse effect of the activity on the environment if the regional plan permits an activity with that effect. This is often referred to as the "permitted baseline" and calls for a discretionary decision to be exercised by the consent authority as to whether or not to discount such permitted effects. This provision, introduced into the legislation in 2003, codifies previous case-law which, as a mandatory requirement, held that the consideration of effects required:

"an assessment of the proposal on the environment as it exists or would exist if the land were used in a manner permitted as of right by the plan." (Bayley v Manakau CC).

This was expressed in further case law (Arrigato v ARC) as:

"the existing environment overlaid with such relevant activity (not being a fanciful activity) as is permitted by the plan. Thus, if the activity permitted by the plan will create some adverse effect on the environment, that adverse effect does not count in the s104 or s105 assessments...it is deemed to be already affecting

the environment...The consequence is that only other or further adverse effects emanating from the proposal under consideration are brought to account."

The permitted baseline includes the existing environment and must include any effect associated with non-fanciful activities permitted by the "Plan". In this case, the "Plan" is the Waikato Regional Plan (WRP) and the Matamata Piako District Council (MPDC) Plan.

The existing environment in this case is as described above. The activities for which resource consents are sought would be unable to comply with WRP permitted activity conditions; the nature and scale of the activities triggers the relevant WRP discretionary activity rules identified in section 3 above.

The potential adverse effects of the proposal within WRC's jurisdiction relate to: sedimentation; aquatic ecology; taking of surface water; dust; hazardous substances; archaeology; cultural effects; and, potential site abandonment. The potential effects of the activities exceed the effects provided for by relevant WRP permitted activity rules.

Due to the scale and complexity of this project it is not possible to quantify the permitted baseline in any meaningful way.

In summary, and in my opinion, the potential effects of the proposed activities which may be permitted should not be taken account of in assessing the effects of the proposed activity.

7.1.1 Sedimentation

Sediment discharged into water can cause a range of adverse effects on fresh water ecosystems for significant distances downstream. These effects include smothering aquatic life, damaging fish and invertebrates' gills, destruction of spawning grounds, and the deposition of nutrients in waterways. Increased turbidity can interfere with the abilities of aquatic animals to feed due to poor visibility. Reduced light penetration can reduce photosynthetic activity.

The Mangapiko Stream has the water management classification Waikato Region Surface Water Class, and enters the Waihou River about 8 km downstream of the Matamata Quarry. Mangapiko Stream tributaries identified as streams A – D are affected by the quarry operation and are described in Table 1 section 3.1.1 of the SSMP. Discharges from Matamata Quarry arise from process water and stormwater.

The Putangi Stream has the water management classification Waikato Region Surface Water Class. The Stream will receive treated stormwater discharges from the Overburden Area 2 site.

The Mangaputa Stream extends beyond the WRC boundary and does not have a water management classification. The Stream will receive treated stormwater discharges from the Overburden Area 3 site.

Upper haul road, completed overburden areas and Pond A

Stormwater treatment is provided by pond A. Pond A is located below existing overburden area C and currently services the: overburden area C fill slope (reinstated); upper haul road; part of the overburden area C platform (working surface); and, part of overburden area A (reinstated). The pond comprises three long and narrow ponds in series. Discharge from the pond is via a manhole riser with an orifice outlet to a PVC culvert. The culvert discharges to the head of an ephemeral stream, and on to Tributary D 300m downstream (Drawing CI-0005).

Pond A is located on a 16m wide bench in a completed overburden fill area. The slope above the bench is 1.3H: 1V and the slope below is 1.7H: 1V. These topographical constraints limit options for further improvement works to the pond in its current location. The constraints mean it is not possible to provide a pond shape (length to width ratio) over the length of the pond that is consistent with WRC's "Erosion

and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009).

The pond is currently formed as five long and narrow ponds in series with four inlets to the pond. Flow between the ponds occurs across concrete weirs. The current design has led to instances where discharge standards for some storm events have not been met.

Monitoring on 10 July 2018 during a wet weather event found the concentration of suspended solids in stormwater discharged from Pond A to be 410 grams per cubic metre. The suspended solids standard required to be met is the concentration of suspended solids in the discharge shall not exceed 100 grams per cubic metre.

Pond A modifications are proposed to improve the treatment efficiency of the pond: Diversion of cleanwater catchments away from the pond reducing catchment area from 6.5ha to 1.9ha; Replacement of the current orifice outlet of the pond with two floating decants; Rainfall activated chemical dosing at the inlet of the pipe to the pond to decrease settling time; Pond volume will be increased from approximately 420m³ to 900m³ (900m³ is equivalent to 4.5% of the catchment area); Pond width will be increased from 3m to 5.5m to improve width to length ratio; The four existing concrete weirs will be removed and one forebay with a level spreader will be installed at the inlet end of the pond – this will create live and dead storage zones within the pond and prevent re-suspension of sediment as the water passes through the pond. Refer section 4.2, 4.2.1 and Figure 1 of the SSMP.

Mr Christopher Wilcox, Erosion Control Co. Ltd (ECCL) has provided a “Chemical Treatment Management Plan” (CTMP) on behalf of MMS (WRC document no. 13153740). The CTMP includes an assessment of the effectiveness of the flocculants Polydiallyldimethylammonium chloride (PolyDADMAC, L3RC) and Polyaluminium chloride (PAC) in the treatment of Pond A stormwater runoff. Treatment of Pond A will utilise a rainfall activated dosing system to treat runoff that occurs during rainfall events. Bench testing of a Pond A sample demonstrated that both L3RC and PAC were effective treatment chemicals. PAC shows good results and is the preferred flocculant; batch dosing using L3RC is not recommended.

The proposed Pond A modifications will significantly reduce the concentration of suspended solids in treated stormwater discharged from Pond A.

Potential effects of flocculants on aquatic ecology are addressed in section 7.1.2.

Lower haul road, upper processing area, Pond B and Lamella Plant

The lower haul road falls to a table drain on one side of the road. The table drain has intermittent sediment catchpits which remove coarse sediment from haul road runoff. Part of the table drain discharges into pasture via an existing culvert; stormwater from the culvert flows in a channel across farmland and into Tributary D. The table drain below the culvert includes a wider section of drain from which stormwater flows into Tributary C.

The lower haul road catchment area is 0.9ha; runoff from the catchment area is proposed to be wholly diverted to the Lamella Plant. Clean water diversions will be installed above the lower haul road to divert runoff from the clean pasture areas above (Drawings CI-0003 and CI-0004).

Pond B services the lower processing area. The pond comprises five small ponds operating in series. Direction of flow in the ponds is towards the central ponds. Discharge from the two middle ponds is via a vertical 100mm PVC riser pipe. The culvert discharges to an open paddock drainage channel, and on to Tributary D 3km downstream (Drawings CI-0003 and CI-0004).

Monitoring on 10 July 2018 during a wet weather event found the concentration of suspended solids in stormwater discharged from Pond B to be 1,520 grams per cubic metre. The standard is suspended solids

concentration in the discharge shall not exceed 100 grams per cubic metre. As a result of this non-compliance, Waikato Regional Council served an Infringement Notice to the Consent Holder on 17 August 2018.

The Pond B catchment area is 3.37ha. The capacity of Pond B is proposed to be increased from 370m³ to 2,184m³; this storage will be provided in two separate stormwater ponds. This is the maximum volume that can be achieved within the existing site constraints, which include underground power cables and the main quarry access point. Runoff stored in Pond B will be pumped to the Lamella Plant for treatment prior to discharge. The existing outlet at Pond B will be blocked and only provision for emergency spill will be provided.

The Lamella Plant treats process water and stormwater from the upper processing area. The upper processing area catchment area is 3.1 ha. The Lamella Plant is a sludge thickener, removing sediment using fine screens for physical separation and flocculants (PolyDADMAC (L3RC) and B680 LVM Polymer) for chemical separation.

Process water and stormwater is diverted to an inlet pond beside the unit; the pond has a surface area of 760m² and an estimated empty buffer capacity of 1,500m³ when maintained at its lowest level. Sludge is held in one of two holding cells; sludge is transported to overburden disposal areas or other locations within the quarry site where runoff will not enter surface water. Treated water from the Plant is discharged into Tributary C (Drawing CI-0004).

The Lamella Plant is currently operated at up to 45m³/hour and is rated for a maximum capacity of 140m³/hour. Plant capacity will be upgraded from 45m³/hour to 140m³/hour to enable treatment of stormwater/process water from the lower haul road, Pond B (B1 + B2) and the upper processing area. The stormwater/process water storage pond for the Lamella Plant will be maintained at the lowest level possible at all times to fully utilise 1,500m³ storage. The capacity of the proposed system has been assessed against the runoff volumes from a 5 year 24 hour storm event as detailed in section 4.3.3 Table 10 of the SSMP.

Mr Wilcox's CTMP advises that the Lamella Plant is firstly dosed with PolyDADMAC (L3RC) and subsequently with polyacrylamide (PAM, Crystalfloc B680 LMV-S) to achieve maximum efficiency. The test results show that these are effective water treatment chemicals to achieve the required discharge limits. The plant is currently run at approximately 45 m³/hr with dose pump settings of 0.45 L/hr (10 mL/m³) PolyDADMAC and 1.35 L/hr (30 mL/m³) polyacrylamide (PAM) (at current concentrations found on site).

The proposed treatment of stormwater/process water from the lower haul road, upper processing area, and Pond B in the Lamella Plant will significantly reduce the concentration of suspended solids discharged into Tributary C and D.

Potential effects of flocculants on aquatic ecology are addressed in section 7.1.2.

Overburden areas 2 and 3

Overburden Area 2 sediment retention ponds will discharge treated stormwater into unnamed tributaries of the Putangi Stream (Drawing CI-0002). Overburden Area 3 sediment retention ponds will discharge treated stormwater into unnamed tributaries of the Mangaputa Stream (Drawing CI-0002).

Overburden Areas 2 and 3 are located outside the area designated for overburden disposal in expired consent 961429. Consent 961429 authorises "Place overburden onto ground in association with a hard rock quarry in the vicinity of Barton Road, Okauia at or about map reference NZMS 260 T14:650-726". Schedule One attached to consent 961429 shows the designated area for overburden disposal located East of Tributary D.

MMS has deposited approximately 3,500 – 4,000 m³ of overburden within the Overburden Area 2 site west of Tributary D (email from Dudley Clemens, WRC document no. 13176680).

Overburden deposition to date at the Overburden Area 2 site does not exceed 5,000 m³; therefore according to the applicant, at the time of writing this report, it is in compliance with WRP 5.2.5.1 Permitted Activity Rule – Overburden Disposal Outside of High Risk Locations applies

The Overburden Area 2 site is used for overburden disposal and erosion and sediment controls primarily consist of a large perimeter bund at the perimeter of works, including downstream of the works area, effectively isolating the whole work site.

The bund is approximately 2.0 m high and retains sediment contaminated stormwater behind the bund. Stormwater collects behind the bund post storm events and soaks to ground. No outlets through the bund are present and therefore no discharges are present from this area.

At the toe of the bund a silt fence has been installed to further isolate the workspace. This silt fence is attached to the farm fence, which results in a robust structure. The bund and silt fence separates the work site from the immediate receiving environment being grassed paddock down catchment.

The development of Overburden Areas 2 and 3 will require installation and maintenance of erosion and sediment controls in accordance with WRC's Erosion and Sediment Control Guidelines.

Culverts

Culvert size and provision for erosion protection will affect sedimentation. All main tributary culverts are proposed to cater for a 100 year event for the maximum anticipated catchment area where practical. Other culverts have been sized for the 100 year event where practical; otherwise the 5 year event has been used. Refer section 4.6, Table 13 Culvert Schedule.

Anderson Aimusu, WRC Engineer has reviewed and reported on the information provided by the applicant regarding culverts. Mr Aimusu has advised that: the proposed 1500mm diameter culvert at Tributary C culvert 3 is likely to have insufficient capacity in reducing flooding upstream in a 1 in 100 year event...To avoid regular overtopping at this location, a 2,100mm diameter culvert pipe is recommended (WRC document nos. 13006416 and 13170116).

Mr Aimusu has advised that: "Further to the meeting held on Monday 8 October 2018 and the below email from Chris Hardy, additional comments and recommendations are as follows:

This technical advice relates to the proposed culverts at Matamata Metal Supplies on Barton Road. If consent is to be granted to the applicant, ICM Technical Services request that the following conditions are placed on this resource consent. This will be advising the resource Consent Holder that:

The Consent Holder shall submit detailed engineering culvert designs for approval by WRC acting in a technical certification capacity; The culvert detailed designs shall comply with clause 4.2.9 of Waikato Regional Plan Rule; The culverts and any associated erosion and sediment control structures shall not impede the fish passage either upstream or downstream" (WRC document no. 13228108).

Recommended conditions address these requirements.

Monitoring

MMS has provided a Report prepared by Brian T Coffey and Associates Limited titled "A Comparative Consideration of Wet Weather Discharges of Suspended Solids from the Matamata Metal Supplies Quarry to the Mangapiko Stream and Effects on Instream Macroinvertebrate Community Structure" (WRC

document no. 13149767). This report only considers the effects of suspended solids discharges to surface receiving waters from the MMS quarry.

Mr Coffey carried out water sampling on 29 August 2018 during a wet weather event to determine suspended solids concentrations at the following locations:- At the Quarry: 01 Putangi Stream; 02 Trib D upstream; 03 Airstrip ponds; 04 Trib D downstream; 05 Trib C upstream; 06 Trib C downstream; 07 Trib B upstream; 08 Trib A upstream; 09 Lamella discharge; 10 Upstream Pond B; 11 Downstream Pond B – as shown in Figure 2. Downstream of the Quarry: Site 18 (Plate F), Site 19 (Plate M) and Site 20 (Plate G) – as shown in Figure 3.

Mr Coffey has advised that: *“At present therefore there does not appear to be the ability to manage non-complying suspended solids concentrations during wet weather discharges from the MMS Quarry.*

These effects continued to have adverse instream effects on macroinvertebrate communities in these tributaries 12 days after a significant rainfall event.

Significant rainfall events at the MMS Quarry currently also result in an additional wet weather discharge from Pond B in which suspended solids concentration standards are exceeded.

It is concluded that proactive upgrades of stormwater treatment facilities at the MMS quarry are currently required if Section 3.2.4.6 of the water module of the Waikato Regional Plan regarding suspended solids for the discharge of stormwater into surface water are to be met.

These upgrades would include the dry weather stabilisation of overburden disposal / storage areas, the improved performance of silt retention ponds, the de-silting of silt retention ponds during dry weather events, the diversion of clean stormwater from silt retention ponds during significant rainfall events, and the treatment of haul road runoff by an upgraded Lamella treatment plant in the current processing area.”

Mr Coffey’s recommendations include that: *“Events based water quality sampling is recommended at Sites 01, 03, 04, 05, 06 and 09 (as shown in Figure 2) and Sites 18, 19 and 20 (as shown) to monitor the improvements that result from the proposed water quality upgrades at the MMS quarry.*

Flow monitoring gauges are also recommended at sites 04 and 06 (as shown in Figure 2) and sites 18 and 20 (as shown in Figure 3) to relate suspended solids concentrations at these sites to suspended solids loads.”

Recommended conditions address these requirements.

Recommended conditions

Resource consent AUTH123918.04.01 recommended conditions include that: The Consent Holder shall measure suspended solids concentration and turbidity at the sampling locations: 1, 2, 3, 4, 5, and 6 within the Quarry; and 7, 8 and 9 downstream of the Quarry – shown in Appendix 2 attached to Schedule 1. The discharges to the Mangapiko Stream, Putangi Stream and Mangaputa Stream shall be managed such that: The discharge does not increase the suspended solids concentration in the receiving water; and, suspended solids concentrations in the discharge do not exceed 100 grams per cubic metre; and, the discharge shall not result in any conspicuous change in the clarity of the Mangapiko Stream, Putangi Stream and Mangaputa Stream.

Schedule 1 recommended condition 15 requires that: The Consent Holder shall include flocculation treatment in all sediment retention devices for the purpose of reducing sediment discharges from the site, unless the Waikato Regional Council approves otherwise in writing.

Resource consent AUTH123918.07.01 recommended conditions include that: Prior to any overburden stripping programme, the Consent Holder shall provide a draft Earthworks Management Plan (EMP) at least 20 working days prior to stripping works commencing 1 October each year for the term of this consent. The EMP shall document all overburden stripping programme(s) and include the measures by which the Consent Holder intends to comply with all conditions of resource consents issued for the site and shall include, but not be limited to, the following: The proposed start date of the works authorised by this resource consent; A schedule of overburden stripping activities; The extent of overburden placement; The commencement date and expected duration of the major cut and fill operations; The location of the major cut and fill operations; The location of topsoil stockpiles; The proposed construction methodology, including staging of earthworks; Proposed erosion and sediment control methodologies and practices; Proposed dust management and mitigation measures; Proposed spill prevention and response measures; and, Monitoring procedures and responsibilities.

The EMP shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works commencing.

The quality of the discharge from sediment retention devices shall be in accordance with the conditions of resource consent number AUTH123918.04.01, which permits these discharges.

Schedule 1 recommended condition 9 includes that: The Consent Holder shall provide an Erosion and Sediment Control Plan (E&SCP) including a Flocculation Management Plan to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The E&SCP shall as a minimum be based upon and incorporate all the relevant principles and practices for the activity authorised by this consent and contained within the Waikato Regional Council document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009), and shall include, but not be limited to, the following: details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation if required.

Schedule 1 recommended condition 22 requires that: The removal of any erosion and sediment control measure from any area where soil has been disturbed as a result of the exercise of this consent shall only occur after consultation with, and written approval has been obtained from, the Waikato Regional Council - acting in a technical certification capacity.

Schedule 1 recommended condition 23 requires that: The Consent Holder shall ensure those areas of the site where earthworks have been completed are stabilised against erosion as soon as practically possible and within a period not exceeding 14 calendar days after completion of any works authorised by this consent. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion to the satisfaction of the Waikato Regional Council - acting in a technical certification capacity.

Schedule 1 recommended condition 33 requires that: The Consent Holder shall submit final detailed engineered culvert designs and construction methodologies for the culverts for approval by the Waikato Regional Council - acting in a technical certification capacity – within 40 working days of the commencement of this consent, and the Consent Holder shall undertake all activities authorised by this consent in accordance with the certified culvert designs and construction methodologies.

Schedule 1 recommended condition 34 requires that: The Consent Holder shall construct all structures and diversion channels in accordance with accepted civil engineering practices.

7.1.2 Aquatic ecology

MMS proposes to treat stormwater in Pond A using the flocculant Polyaluminium chloride (PAC) Polyaluminium chloride (PAC). The treated stormwater will discharge into an unnamed stream that discharges into Tributary D 300m downstream.

Polyaluminium chloride

Dr. Jonathan Caldwell, WRC scientist, has provided WRC staff with a recommended consent condition for the discharge of dissolved aluminium from any sediment retention pond (WRC document no. 13200699), as follows:

“For aluminium coagulants the two main ones are Alum (aluminium sulphate) and PAC (Polyaluminium chloride). It is generally accepted that dissolved aluminium at a concentration between 0.05 and 0.1 g/m³ and a pH between 6.5 –and 8.0 presents little threat of toxicity. The ANZECC 95% protection limit is 0.055 g/m³ and the ANZECC 90% protection limit is 0.08 g/m³ and the ANZECC 80% protection limit is 0.15 g/m³. However, at lower pH, the toxicity increases with an effect of possible major concern being the coagulation of mucus on the gills of fish. A recent assessment by consultants Aurecon for a discharge consent in the Bay of Plenty recommended consent conditions based on dissolved aluminium at a concentration between 0.05 and 0.1 g/m³ and a pH between 6.5 –and 8.0.

I would recommend that the standard default discharge requirement should be:

The Consent Holder shall ensure that the dissolved aluminium concentration of any sediment retention pond discharge shall not exceed 0.1 grams per cubic metre at a pH of 6.5 to 8.0.”

Recommended AUTH123918.04.01 condition 6 includes this requirement. Compliance with this condition should ensure that potential adverse effects on aquatic ecology are no more than minor.

Dr. Caldwell has also commented on matters to consider with respect to other flocculants:

“If other flocculants are used instead of aluminium based ones, typically organic polymer based ones then it will need to be assessed on a case by case basis.

Auckland Council’s TP227 is a useful reference as it provides a review of all the trials they have undertaken on various flocculants and coagulants.

Anionic polyacrylamides are preferred over cationic polyacrylamides as the latter have greater toxicity implications for fish due to causing mechanical suffocation....

Auckland Council’s TP90 document for earthworks management says that the preference for choice of reagent should be for that which has a minimal impact on the receiving environment.....

So in summary, if it is an aluminium based floc then the limit I have recommended above would be a good default condition. If it is an organic polymer then it is likely that it will need to be assessed on a case by case basis and while a limit could be set, it might be too expensive to require routine analysis but it should be expected that bench testing trials are undertaken to ensure optimal dose rates.”

PolyDADMAC (L3RC) and Polyacramide (PAM, Crystalfloc B680 LMV-S)

MMS proposes to treat stormwater/process water at the Lamella Plant to remove sediment using the flocculants PolyDADMAC (L3RC) and polyacrylamide (PAM, Crystalfloc B680 LMV-S).

Mr Wilcox has provided an Evaluation of the Ecotoxicity of Water Treatment Chemicals” on behalf of MMS (WRC document no. 13153932) that includes:

“PolyDADMAC

Primary chemical treatment of the plant (which was installed in 1996) has been via a highly charged cationic polymer PolyDADMAC. Bench testing shows that the dose rate of PolyDADMAC for use in the lamella clarifier plant at Matamata Metal Supplies is 5-10 mL/m³ of the neat product currently used on site.....

The summary of findings of TP226 states that while the toxicity of cationic polymers which result from their high charge is recognized, it is seldom observed in the field due to the sorption of the polymers onto the surface of dissolved and suspended matter, quickly reducing the concentration of these products and removing the toxicity potential. (TP 226 Overview of the Effects of Residual Flocculants on Aquatic Receiving Environments).....

This high affinity would also be expected to prevent their release if the polymer bound sediment did escape as it would remain trapped on the surface of the particles and therefore pose little threat of toxicity. It is also noted that polyelectrolytes like PolyDADMAC do not bioaccumulate and are highly biodegradable and so do not persist in the environment as they are of high molecular weight and therefore cannot cross cellular membranes. (Larcombe, 2004).....

The ecotoxicity of PolyDADMAC, and other cationic polymers, results from the fact that fish gills are negatively charged and hence cations and positively charged polymers are attracted to and bind to the gills. At high enough concentrations this results in asphyxiation of the fish and hence fish mortality. PolyDADMAC and other organic coagulants have no effect on the pH of the treated water which is an advantage over inorganic metal coagulants.”

The safety data sheet for L3RC gives an LC50 for fish as >10 mg/L (Danio rerio). (Safety Data Sheet Crystalfloc L3RC, issued 14/04/2010 Version 4).

“PAM

PAM is a water treatment chemical which is often used as a secondary flocculant, or a coagulant aid, to improve the rate of settling of particles and improve efficiencies but has also been used as a soil conditioner/stabilizer. PAM's used as secondary flocculants are utilized at very low dose rates to improve the settling of destabilized colloidal material....

Industry standards set the level of residual acrylamide in PAM formulations to be 0.05 wt % when used for water treatment. This is further mitigated by the very low dose rates of PAM typically utilized in treatment processes where it is used as a flocculant aid and the large dilution factors which occur when utilized at these low dose rates....(Cumming, 2008).....

PAM's are highly attracted to soil and clay particles where they bind to and form bridges to other particles, causing the process of flocculation to enhance the solids removal. Therefore, the release of PAM's into the environment is further reduced due to the binding and removal in the settled sludge found at the bottom of the detention pond. (Comparative Toxicity of Polyelectrolytes to Selected Aquatic Animals, 1976).....

Their high affinity for the clay and soil particles also reduces the toxicity as they are very difficult to remove once bound. Furthermore, due to their high molecular weight and inability to cross membrane thresholds in cells their toxicity is massively reduced should a low concentration be released....

It is widely known that while the cationic form is toxic with mechanisms similar to PolyDADMAC mentioned previously, however the anionic and non-ionic forms are relatively non-toxic to aquatic organisms. (Effects of Synthetic Polyelectrolytes on Selected Aquatic Organisms, 1986).

PAM's come with a variety of different properties including charge type (anionic, cationic, non-ionic etc.) and molecular weight. The type of charge has the largest effect on the toxicity of PAM's with anionic and non-ionic being the least toxic and cationic being the most toxic (particularly fish). Because fish gills carry a negative charge, positively charged PAM polymers become electrostatically bound to their surface resulting in asphyxiation. It is noted that Matamata Metal Supplies only stores and uses the anionic form of PAM which is the least toxic."

The safety data sheet for PAM gives an LC50 for fish as >100 mg/L (Danio rerio). (Safety Data Sheet Crystalfloc B600 series – includes B680 LMV-S – issued 01/10/2014 Version 8).

Josh Markham, T&T Senior Ecologist has reviewed Mr Coffey's report and advised that:

"I agree with the report prepared by Coffey and Associates that stormwater discharges from the quarry has an effect on water quality and the macroinvertebrate communities during wet weather events based on the analysis of paired upstream and downstream water quality and macroinvertebrate data.

The report prepared by Coffey and Associates also infers that these discharges have been occurring for some time and have cumulative effects as the streambed embeddedness is higher directly downstream of the discharge points when compared to upstream and further downstream locations. Embeddedness is an index of settled sediment which fills interstitial spaces reducing habitat availability and food sources for both macroinvertebrates and native fish resulting in a negative effect...

I agree with the content of the CTMP and EEWTC reports and the bench test pH rate is within the neutral range (6.5 – 7.5) for good stream health. Storage of large amounts of chemical onsite should be appropriately banded to contain large spills prevent high concentration of chemical entering the surrounding streams, this is not sufficiently covered in the CTMP currently. Both reports are laboratory and desktop based. The key point is if these chemical products are appropriately used and managed to the recommended specification then any effects will be negligible. Stormwater management across the site is currently not appropriately managed and therefore overuse of these chemicals or poor management of these chemicals and associated stormwater devices could cause significant effects on instream biota and instream pH levels."

Recommended conditions

Resource consent AUTH123918.04.01 recommended condition 6 requires: The consent holder shall ensure that: a) the soluble aluminium concentration of any sediment retention pond discharge shall not exceed 0.1 prams per cubic metre; and; c) the pH of any sediment retention pond discharge shall not be less than 6.5 or greater than 8.0 pH units.

Schedule 1 recommended conditions 38 – 40 require measures to be implemented that improve the ecological values of Tributaries C and D:

Schedule 1 recommended condition 38 requires that: The Consent Holder shall provide a Riparian Planting Plan (RPP) within two months of the commencement of this resource consent for review and approval by Waikato Regional Council – acting in a technical certification capacity. The objective of the Plan shall be to improve the ecology values of: Tributary C from where the Lamella Plant discharges to where Tributary C crosses the boundary of the Kaimai Properties Ltd property Part Lot 12 DP 6606 and Part Okauia No. 1 Blk; and, Tributary D from its confluence with the watercourse that conveys treated stormwater from Pond A, to where Tributary D crosses the boundary of the Kaimai Properties Ltd property Part Lot 12 DP 6606 and Part Okauia No. 1 Blk. The Plan shall provide for the establishment of native plants along the margins of Tributary C and D and include, but not be limited to, the following:

Planting and fencing of both of the banks of the stream within a minimum width of 5m on each bank; A plan of planting proposed showing location, dimensions, plant species and measures to exclude stock; Planting schedule; Maintenance schedule including pest plants and pest animals control; and, Monitoring and reporting.

Schedule 1 condition 39 requires that: The Consent Holder shall provide an Aquatic Habitat Monitoring Plan to determine if physical habitat values that develop in new or restored channels are similar or better than those present in the original channel including:

Methods for monitoring of aquatic stream habitat for a minimum of 3 years after the consents are granted which shall be based upon the methods outlined within the document titled "The Restoration Indicator Tool Kit – Indicators for Monitoring the Ecological Success of Stream Restoration", written by Parkyn et al and dated 2010; Identification of suitable sampling sites and sampling regimes.

Schedule 1 condition 40 requires that: Each year for a minimum of five years after completion of works, the Consent Holder shall prepare an Ecological Mitigation Monitoring Report (EMMP) which outlines the details of any ecological mitigation and associated monitoring works required under the EMMP which have been undertaken within the preceding 12 month period. The plan shall include, but will not be limited to, the following items:

Details of any planting or plant maintenance works including the outcomes of any maintenance inspections of established plantings; Details and outcomes of any aquatic monitoring; Details and outcomes of any plant or animal pest control works including any follow up monitoring of pests.

The monitoring report shall be forwarded to the Resource Use Directorate of WRC by 31 July each year for a five year period after completion of works.

Mr Markham has advised that a stormwater management plan should be provided that includes the requirements: a plan depicting how all stormwater and stormwater devices are managed across the quarry footprint; a telemetered continuous monitoring programme which provides managers and WRC up to date information that can be used to actively manage the discharges during wet weather events and when trigger levels are reached;...

Schedule 1 recommended conditions 25 – 31 provide these requirements.

In my opinion, based upon the information provided by Dr. Caldwell, compliance with recommended conditions should ensure that the potential adverse effects on Tributary D ecology of soluble aluminium in treated stormwater from Pond A, should be no more than minor.

In my opinion, based upon the information provided by Dr Caldwell and Mr Markham, compliance with recommended conditions should ensure that: the potential adverse effects on Tributary C and Tributary D ecology of flocculants used to treat stormwater / process water, and potential adverse effects of sedimentation on the Mangakao Stream, Putangi Stream and Mangaputa Stream water quality and ecology, are no more than minor.

7.1.3 Taking of surface water

MMS takes up to 220 m³ of water per day from a Plant water supply pond. The water is sourced from Tributaries A and B.

Cameron King, WRC Senior Resource Officer - Water Allocation has reviewed the proposed water abstraction in his email in Appendix B of this report (WRC document no. 12416296). Mr King has provided a summary of water allocation as at 4 May 2018 based on 24 hour values and advised that:

“With appropriate conditions, particularly with respect to water shortage requirements, I consider, having had regard to the scheme of the WRP, that the proposed water take will have a less than minor adverse effect on flow regime – and consequently the matters that flow regime provides for as set out in the WRP’s 3.3.3 Policy 1: Establish Allocable and Minimum Flows for Surface Water – for all relevant catchments bar unnamed tributary at take site A and unnamed tributary at take site B.”

Mr King has provided AUTH123918.02.01 consent conditions.

7.1.4 Dust

Sites where ground cover is removed and soil disturbed have the potential to discharge dust. The severity of dust discharges is determined by factors such as wind strength, soil type, size of area exposed and moisture content of soil.

Some of the adverse effects, which can result from dust discharges include:

- Potential health effects from breathing dust particles;
- Nuisance effects, which can result from dust settling on surfaces such as cars, houses and household washing;
- Visibility effects, which can result from dust clouds moving offsite;
- Effects on plants, which can result from dust deposits. These effects can include reduced palatability of pasture and reduced photosynthesis due to reduced light penetration.

The application proposes dust control measures in section 8.5 of the AEE 15-Sep-2017 including: Watering surfaces prior to disturbance during dry weather conditions; Controlling vehicle speeds on unconsolidated surfaces; dampening of haul roads. A speed restriction of 30 km/h is enforced to reduce the potential for dust emissions on the haul roads. A water cart will be available on site for dust suppression purposes during all dry periods when dust generation is likely.

Schedule 1 recommended condition 43 requires that: The Consent Holder shall provide a Dust Management Plan to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. Dust Management Plan measures shall include but not be limited to: Measures including, but not limited to, the use of water to suppress dust from the quarry, processing plant and from access roads; The revegetation of disturbed land which is currently not being worked; The re-grassing of topsoil stockpiles; The area of land open for stockpiling, load out and rehabilitation activities shall be kept to a practicable minimum.

Schedule 1 condition 44 requires that: There shall be no discharge of airborne particulate matter that causes an adverse effect beyond the boundary of the site. Condition 38 includes that: Should airborne particulate matter resulting from the exercise of this consent generate a complaint, the Consent Holder shall provide a written report to the Waikato Regional Council within five (5) working days of the complaint being made known to the Consent Holder.

In my opinion, compliance with recommended conditions should ensure that potential adverse effects of dust emissions are no more than minor.

7.1.5 Hazardous substances and spills prevention

The proposed activities would involve the use of diesel powered machinery with the potential for the discharge of diesel and other hazardous substances onto land and/or into surface water.

Machinery transported to/from the site may carry plant matter/seeds unless the machinery is cleaned. Plant/matter seeds can lead to the establishment of unwanted and/or designated pest plants.

Recommended conditions

Schedule 1 condition 41 requires that: The Consent Holder shall provide a Hazardous Substances and Spill Prevention Plan to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity.

The Plan shall include, but not be limited to, the following matters: A list of the hazardous materials and their quantities kept on site and their storage details; The prevention measures that will be undertaken on site in order to avoid a spill of hazardous materials; The equipment available to contain and/or remove spills of hazardous materials; Specific procedures and measures that will be undertaken when machinery is operating within close proximity to water bodies that are designed to minimise the risk of any spillages or significant leakages of hazardous materials entering the waterbody.

Schedule 1 condition 42 requires that: The Consent Holder shall notify the Waikato Regional Council as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a discovery or spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Consent Holder shall, within 7 days of the incident occurring, provide a written report to the Waikato Regional Council, identifying the possible causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.

Schedule 1 conditions also include that all machinery shall be cleaned prior to being transported to/from the site to ensure that plant matter/seeds have been removed and documented in accordance with the National Pest Control Agencies A series, best practice (Code A16) guidelines.

In my opinion, compliance with recommended conditions should ensure that adverse effects on soil and water quality from hazardous substances spillages are no more than minor; and, adverse effects associated with plant matter/seeds entering the site on machinery are no more than minor.

7.1.6 Archaeology

The proposed earthworks have the potential to disturb archaeological sites, remains, artefacts, taonga (Maori artefacts) or koiwi.

Recommended conditions

Schedule 1 recommended condition 55 includes that: In the event of any archaeological sites, remains, artefacts, taonga (Maori artefacts) or koiwi are unearthed, dislodged, uncovered or otherwise found or discovered during the works (Discovery), the Consent Holder shall cease works in any part of the project site affected by the Discovery. The Consent Holder shall advise the Waikato Regional Council, Heritage New Zealand, Ngati Haua Iwi Trust, Raukawa Charitable Trust and Tangata Marae as soon as practicable and within 48 hours of the Discovery. The Consent Holder shall not recommence works in the parts of the project site affected by the Discovery until all necessary statutory authorisations or consents have been obtained; and, written approval has been obtained from the Waikato Regional Council.

In my opinion, compliance with the recommended conditions should ensure that potential adverse effects on archaeological sites, remains, artefacts, taonga (Maori artefacts) or koiwi of the proposed activities are no more than minor.

7.1.7 Cultural Effects

The applicant has not commissioned a Cultural Impact Assessment (CIA) to address any potential cultural effects as a result of the proposed activities. Potential cultural issues have been highlighted by the submitters in the submissions and during the Pre Hearing meeting.

A summary of the submissions received and concerns raised by Ngati Haua Iwi Trust, Raukawa Charitable Trust, Tangata Marae, Ngati Hinerangi Tawhaki Marae, Te Ohaki Marae, and Dr Morehu McDonald & Mrs Hine Thompson Rauwhero for themselves and on behalf of the Nga Hapu o Ngati Hinerangi Trust are provided in section 6.1 and 6.2.

7.1.7.1 Ngati Haua Iwi Trust

The Trust opposes the application in its entirety for the following reasons:

- (the application) fails to meet the Ngati Haua Iwi Trust's Rautaki Taiao Environmental Framework, with particular regard to the sacred maunga Te Weraiti, the protection of the mauri, water quality and ecology of Mangapiko catchment;
- inadequate recognition of our values, interests and relationship with our marae, ancestral lands and mitigation recommendations do not adequately avoid, remedy or mitigate the adverse cultural and environmental effects; and,
- duration of consent sought.

The following mitigation measures are proposed to offset the potential adverse effects on cultural and environmental values referred to by the Trust.

Schedule 1 recommended condition 38 requires that: The Consent Holder shall provide a Riparian Planting Plan (RPP) within two months of the commencement of this resource consent for review and approval by Waikato Regional Council – acting in a technical certification capacity. The objective of the Plan shall be to improve the ecology values of: Tributary C from where the Lamella Plant discharges to where Tributary C crosses the boundary of the Kaimai Properties Ltd property Part Lot 12 DP 6606 and Part Okauia No. 1 Blk; and, Tributary D from its confluence with the watercourse that conveys treated stormwater from Pond A, to where Tributary D crosses the boundary of the Kaimai Properties Ltd property Part Lot 12 DP 6606 and Part Okauia No. 1 Blk. The Plan shall provide for the establishment of native plants along the margins of Tributary C and D and include, but not be limited to, the following:

Planting and fencing of both of the banks of the stream within a minimum width of 5m on each bank; A plan of planting proposed showing location, dimensions, plant species and measures to exclude stock; Planting schedule; Maintenance schedule including pest plants and pest animals control; and, Monitoring and reporting.

Schedule 1 recommended condition 39 requires that: The Consent Holder shall provide an Aquatic Habitat Monitoring Plan to determine if physical habitat values that develop in new or restored channels are similar or better than those present in the original channel including:

Methods for pre and post works monitoring of aquatic stream habitat every 3 years after the consent is granted which shall be based upon the methods outlined within the document titled "The Restoration Indicator Tool Kit – Indicators for Monitoring the Ecological Success of Stream Restoration", written by Parkyn et al and dated 2010; Identification of suitable sampling sites and sampling regimes.

Schedule 1 recommended condition 40 requires that: Each year for a minimum of five years after completion of works, the Consent Holder shall prepare an Ecological Mitigation Monitoring Report (EMMP) which outlines the details of any ecological mitigation and associated monitoring works required under the EMMP which have been undertaken within the preceding 12 month period. The plan shall include, but will not be limited to, the following items:

Planting and fencing of both of the banks of the stream within a minimum width of 5m on each bank; A plan of planting proposed showing location, dimensions, plant species and measures to exclude stock; Planting schedule; Maintenance schedule including pest plants and pest animals control; and, Monitoring and reporting.

The applicant has significantly reduced the proposed quarry expansion area from that sought in the AEE dated 12 November 2012 – refer Appendix 1 of this report. This has been taken into consideration, along with other matters, in deriving the recommended consent durations in section 9.2 of this report.

7.1.7.2 Raukawa Charitable Trust

The Trust considers that the application has potential for significant adverse effects on the environment, and is not consistent with Te Rautaki Taiao a Raukawa, the National Policy Statement on Freshwater Management or the Waikato Regional Policy Statement. Conditions of consent are required to address these matters. The Trust would not oppose the application if conditions of consent are adopted that:

- Avoid any further expansion of the quarry towards Te Weraiti rocky outcrop and any increase in the horizontal depth of the cut quarry face on the maunga;

The proposed Quarry expansion is within the MPDC 1998 CoC boundary, and the proposed quarry expansion is a significant reduction on the area proposed in the AEE dated November 2012 – refer Appendix 1 of this report. Schedule 1 recommended conditions 38 – 40 require the implementation of mitigation measures to offset potential adverse effects of the proposed Quarry expansion on cultural and environmental values.

- Apply a clear and appropriate protective boundary or buffer between Te Weraiti rocky outcrop and quarry activities;

The extent of the proposed expansion is clearly defined in Appendix 1.

- Provide for mana whenua access to Te Weraiti rocky outcrop and engagement with mana whenua in the future management of the site;

Access to the Te Weraiti rocky outcrop is a matter for RCT to discuss with MMS. Schedule 1 recommended condition 56 includes that: The Consent Holder shall provide to the Resource Use Directorate of WRC a report by March each year that any of the consents listed at the top of Schedule 1 are current.

A copy of each annual report shall be provided to Ngati Haua Iwi trust, Raukawa Charitable Trust and Tangata Marae. As a minimum this report shall include: Overburden stripping undertaken during the preceding 12 months and overburden stripping proposed to be carried out during the following 12 months; Any water quality data collected in relation to conditions 2 and 5 of consent AUTH123918.04.01; All daily rainfall records; Dust monitoring data; All daily and annual water take volumes; A compliance audit of all consent conditions; all reasons for non-compliance or difficulties in achieving compliance with all consent conditions; recommendation on alterations to monitoring required by consent conditions; and, any other issues Important by the Consent Holder.

- Require the standard Raukawa Accidental Discovery Protocol to be implemented should any archaeological items, culturally significant figures, koiwi or taonga be disturbed or uncovered as a result of quarrying activities;

Schedule 1 recommended condition 55 addresses Accidental Discovery.

- Limited water takes to avoid or mitigate adverse effects on the tributaries of the Mangapiko and require monitoring of those takes;

AUTH123918.02.01 recommended conditions address water usage.

- Prohibit any further stream diversions;

Applications for consent to undertake proposed stream diversions would be considered on a case by case basis.

- Limit suspended solids discharge volumes to 80 grams per cubic metre;

AUTH123918.04.01 recommended condition 5 requires that suspended solids concentrations in the discharge do not exceed 100 grams per cubic metre. WRC monitoring on 10 July 2018 found significant exceedances of this standard in discharges of stormwater / process water from Ponds A and Pond B. MMS has proposed improved stormwater / process water treatment systems that service the upper haul road, completed overburden areas and Pond A; and, lower haul road, aggregate processing area and pond B.

- Prohibit discharge of soluble aluminium;

Pond A is to be modified and Polyaluminium chloride (PAC) used to treat stormwater. AUTH123918.04.01 recommended condition 6 requires that the Consent Holder shall ensure that: the soluble aluminium concentration of any sediment retention pond discharge shall not exceed 0.1 grams per cubic metre; and, the pH of any sediment retention pond discharge shall not be less than 6.5 or greater than 8.0 pH units.

- Require daily monitoring at discharge points when discharges are occurring;

AUTH123918.04.01 recommended conditions require weekly monitoring at specified sites including the Lamella discharge, and monitoring at these sites when rainfall events greater than 15mm have occurred in the preceding 24 hours.

- Require Matauranga Maori monitoring of the effects of the quarry, including discharges and intakes;

Matauranga Maori monitoring will not be provided for. Water quality monitoring is potentially hazardous and will only be undertaken by trained WRC staff using appropriate health and safety clothing and equipment.

- Limit consent duration to 10 years.

I have recommended amended consent durations, based upon the matters considered in section 9.2 of this report.

7.1.7.3 Tangata Marae

Tangata Marae considers that the application has potential for significant adverse effects on the environment, and is not consistent with Te Rautaki Taiao a Raukawa, the National Policy Statement on Freshwater Management or the Waikato Regional Policy Statement; relevant planning provisions and Part 2 of the RMA.

Tangata Marae opposes the application and seeks that Council refuse the consent in its entirety; and, as Tangata whenua of Okauia, the following alternative to extending the quarry is suggested being – 10 years to restore and close down the quarry site on Weraiti, benefiting MMS, Tangata whenua and the environment.

The applicant has significantly reduced the proposed quarry expansion area from that sought in the AEE dated 12 November 2012 – refer Appendix 1 of this report. This has been taken into consideration, along with other factors, to derive the recommended consent durations in section 9.2 of this report.

Schedule 1 recommended condition 47 includes that: The Consent Holder shall provide a Future Quarry Operations Plan to WRC within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The Future Quarry Operations Plan shall include, but not be limited to descriptions and plans of: Quarry extraction areas including alignment, maximum quarry face length and approximate RL, and, approximate maximum depth RL; Overburden removal and disposal areas including site locations and estimated volume capacities;....

Schedule 1 recommended condition 49 includes that: The Consent Holder shall rehabilitate all disturbed land. To this end the Consent Holder shall develop a Conceptual Site Closure Plan. As a minimum, the Conceptual Site Closure Plan shall address the following: Future landforms following all quarrying activities at the site; Future ground cover following all quarrying activities at the site;....

Schedule 1 recommended condition 50 includes that: In addition to the Conceptual Site Closure Plan required pursuant to condition 49 of this consent, the Consent Holder shall develop a Site Rehabilitation Plan. As a minimum the Site Rehabilitation Plan shall include the following: Procedures for progressive rehabilitation; Any specific measures to control erosion.

7.1.7.4 Ngati Hinerangi Tawhaki Marae and Te Ohaki Marae

Ngati Hinerangi Tawhaki Marae and Te Ohaki Marae consider that the application has potential for significant adverse effects on the environment. Cessation of quarrying is preferred; however, alternatively a consent term of no more than 10 years would be accepted.

The applicant has significantly reduced the proposed quarry expansion area from that sought in the AEE dated 12 November 2012 – refer Appendix 1 of this report. This has been taken into consideration, along with other factors, to derive the recommended consent durations in section 9.2 of this report.

Schedule 1 recommended conditions 47, 49 and 50 requirements applicable to Tangata Marae also apply to the concerns raised by Ngati Hinerangi Tawhaki Marae and Te Ohaki Marae.

7.1.7.5 Dr Morehu McDonald & Mrs Hine Thompson Rauwhero for themselves and on behalf of the Nga Hapu o Ngati Hinerangi Trust

Dr Morehu et al also consider that the application has potential for significant adverse effects on the environment and request that the application be declined.

In my opinion, all the potential cultural effects raised by submitters have been addressed through consent conditions.

7.1.8 Potential site abandonment

If the site is not rehabilitated to an appropriate standard or is abandoned prior to being fully rehabilitated, it has the potential to cause adverse effects on the environment including sediment discharge to water, amenity values, loss of soil productivity and instability. To ensure that in the event of non-performance with conditions or the inability of the applicant to complete any rehabilitation works required, the Council may require a bond to ensure completion of such works.

Recommended Schedule 1 condition 59 requires that: Within 12 months of the commencement of this consent the Consent Holder shall provide and maintain, or shall have a third party provide and maintain, a bond in favour of the Consent Authority to enable: Rehabilitation (including contouring, drainage, revegetation,) of the quarry site and overburden areas to a standard such that the activities and works authorised by this consent no longer require resource consent; Operation and maintenance of treatment

systems on the site to ensure that discharges meet the resource consent requirements while rehabilitation on the site is being completed; and, Compliance with all the conditions of this consent related to site rehabilitation and site closure.

In my opinion, compliance with the recommended bond conditions should ensure that potential adverse effects on the environment in the event that the site is abandoned are no more than minor.

7.2 RMA Section 105

Section 105 states that:

- (1) If an application is for a discharge permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—*
 - (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
 - (b) the applicant's reasons for the proposed choice; and*
 - (c) any possible alternative methods of discharge, including discharge into any other receiving environment.*

The Mangapiko Stream headwaters originate in the Kaimai-Mamaku Forest Park in Okauia. Stream tributaries flow around the Quarry pit, and around and through the processing area.

Alternatives for disposal of treated stormwater/process water have not been considered as the Mangapiko Stream is in close proximity to the quarry.

MMS wishes to continue quarrying activities established at MMS Quarry over several decades. The quarry is well located within the northern Waikato area to the service the needs of the region.

In my opinion, compliance with recommended conditions should ensure that potential effects on water quality and aquatic ecology are no more than minor.

7.3 RMA Section 107

Section 107 states that:

- (1) ...a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—*
 - (a) the discharge of a contaminant or water into water; or*
 - (b) a discharge of a contaminant 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; or*
 - (ba) the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—*
if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:
 - (c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:*
 - (d) any conspicuous change in the colour or visual clarity:*
 - (e) any emission of objectionable odour:*
 - (f) the rendering of fresh water unsuitable for consumption by farm animals:*
 - (g) any significant adverse effects on aquatic life.*

Schedule 1 recommended condition 9 includes that: The Consent Holder shall provide an Erosion and Sediment Control Plan (E&SCP) to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The E&SCP shall as a minimum be based upon and incorporate all the relevant principles and practices for the activity authorised by this consent and contained within the Waikato Regional Council document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009), and subsequent amendments or replacement documents; and, shall include but not be limited to, the following; Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation.

Resource consent AUTH123918.04.01 recommended conditions require that: The discharges to the Mangapiko Stream, Putangi Stream and Mangaputa Stream stormwater shall be managed such that: the discharge does not increase the suspended solids concentration in the receiving water; and, suspended solids concentrations in the discharge do not exceed 100 grams per cubic metre; and, the discharge does not result in any conspicuous change to the clarity of the Mangapiko Stream, Putangi Stream and Mangaputa Stream.

In my opinion, compliance with recommended conditions should ensure that the stormwater discharge does not give rise to the effects in receiving waters identified in section 107 (c) to (g).

7.4 National Environmental Standards, Policy Statements, Plans and Regulations

7.4.1 National environmental standards

Currently there are five NESs that have come into effect - the National Environmental Standards for Air Quality (where various standards have been in effect since October 2004); Sources of Human Drinking Water; Electricity Transmission Activities; Telecommunication Facilities and Assessing and Managing Contaminants in Soil to Protect Human Health. NES Air Quality and NES Sources of Human Drinking Water are relevant to the application.

Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins and Other Toxics) Regulations 2004 (including amendments 2005)

This NES sets national standards for ambient air quality that specify concentration limits and in some instances allowable exceedances of those limits.

In addition to this, the NES for Air Quality Amendment Regulations 2011 came into force on 1 June 2011. Regulation 17(1) of the NESAQ requires a decline of an application for a resource consent to discharge PM₁₀ by more than 2.5 µg/m³ (24 hr average) in any part of a polluted air shed other than the site on which the consent would be exercised.

The MMS Quarry is located in the “Rest of the Region” airshed, which is a non-polluted airshed, and is located well away from the closest polluted airshed. Therefore Regulation 17 does not apply and the consent cannot be declined on this basis.

I do not expect the proposed activities to result in an exceedance of the ambient standard for PM₁₀ of 50 µg/m³ (24 hour average) provided that the recommended dust management conditions are complied with.

National Environmental Standard for Sources of Human Drinking Water

The National Environmental Standard for Sources of Human Drinking Water commenced on 20 June 2008. This standard is a regulation enacted by an Order in Council, under s43 of the Resource Management Act. The regulation requires that a regional council must not grant a water or discharge permit for an activity that will occur upstream of a drinking water abstraction point if specific criteria at the point of abstraction are exceeded. The matters to be considered as part of an assessment are dependent on the permit being sought and the level of effects on any drinking water supplier located downstream or down gradient of the activity.

Under this regulation a regional council may also impose a condition of consent on any resource consent application requiring the Consent Holder to notify, as soon as reasonably practical, the registered drinking-water supply operators and the regional council if the activity leads to an event that, or as a consequence of an event, results in a significant adverse effect on the quality of the water at the abstraction point.

There is no drinking water supply within at least 1km of the water quality monitoring sites 1 - 7 indicated in Waikato Regional Council's "OurMaps" system, and on this basis, it is considered that an assessment against the NES for drinking water is not required.

7.4.2 RM (Measurement and Reporting of Water takes) Regulations 2010

The RM (Measurement and Reporting of Water Takes) Regulations 2010 apply to resource consents that allow the consumptive taking of fresh water at a rate of 5 litres per second or more. The Regulations require measurement of the volume of water taken and the keeping of records.

The Regulations apply to consent AUTH123918.02.01 which authorises that the total combined instantaneous net take rate must not exceed 6 litres per second, and the total combined daily net take volume must not exceed 220 cubic metres.

Recommended consent conditions include that a water measuring system must quantify water taken from the take site on a continuous basis. The system must have a reliable calibration to water flow and must be maintained to an accuracy of +/- 5%. Prior to first commencing to take water under this consent, evidence of the water measuring system's calibration to an accuracy of +/- 5% must be provided to the Waikato Regional Council.

Compliance with AUTH123918.02.01 conditions should ensure that the above Regulations are complied with.

7.4.3 Freshwater Management NPS

The Freshwater Management NPS has policies and objectives that direct local government to manage water in an integrated and sustainable way while providing for economic growth within specified water quality and quantity limits. The NPS requires regional councils to develop standards to safeguard the life supporting capacity of water bodies, with the objective that water quality will be maintained or improved. This will involve protection of high quality water bodies and implementation of methods to improve degraded water bodies. In the interim, when considering consent applications regional councils must have regard for any effects (actual or cumulative) that contaminants contained in the discharge may have on freshwater and fresh water ecology. The principle of adopting best practicable options in order to minimise effects is included in the decision making process under this policy.

Schedule 1 recommended condition 9 includes that: The Consent Holder shall provide an Erosion and Sediment Control Plan (E&SCP) to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The E&SCP shall as a minimum be based upon and incorporate all the relevant principles and practices for the activity

authorised by this consent and contained within the Waikato Regional Council document titled "Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009), and subsequent amendments or replacement documents; and, shall include but not be limited to, the following; Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation.

Resource consent AUTH123918.04.01 recommended conditions require that: The discharges to the Mangapiko Stream, Putangi Stream and Mangaputa Stream stormwater shall be managed such that: the discharge does not increase the suspended solids concentration in the receiving water; and, suspended solids concentrations in the discharge do not exceed 100 grams per cubic metre; and, the discharge does not result in any conspicuous change to the clarity of the Mangapiko Stream, Putangi Stream and Mangaputa Stream.

Schedule 1 recommended conditions 38 – 40 require measures to be implemented that improve the ecological values of Tributaries C and D.

In my opinion, compliance with recommended conditions should ensure that the proposed activities are not contrary to the objectives and policies of the Freshwater NPS.

7.4.4 Regional Policy Statement

The Regional Policy Statement (RPS) became operative on 20 May 2016. The RPS is a high-level broad-based document containing objectives and policies the purpose of which is to provide an overview of the resource management issues of the region and to achieve integrated management of the natural and physical resources of the Region.

The key issues in the RPS relating to this proposal are: the state of resources (Issue 1.1) and relationship of tangata whenua with the environment (Issue 1.5). There are a number of overlapping objectives relevant to this proposal; these objectives and associated policies are:

Objectives

Integrated management (Objective 3.1)

Natural and physical resources are managed in a way that recognises:

- a) the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;*
- b) natural processes that inherently occur without human management or interference;*
- d) the needs of current and future generations;*
- e) the relationships between environmental, social, economic and cultural wellbeing*

Resource use and development (Objective 3.2)

Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:

- d) access to the significant mineral resources of the region; and*
- e) the availability of water for municipal and domestic supply to people and communities.*

Decision making (Objective 3.3)

Resource management decision making is holistic and consistent and:

- f) has regard to the potential for cumulative effects from activities;
- g) is based on the best available information, including mātauranga Māori;
- j) includes working with tāngata whenua;

Ecosystem services (Objective 3.8)

The range of ecosystem services associated with natural resources are recognised and maintained or enhanced to enable their ongoing contribution to regional wellbeing.

Mauri and values of fresh water bodies (Objective 3.14)

Maintain or enhance the mauri and identified values of fresh water bodies including by:

- a) maintaining or enhancing the overall quality of freshwater within the region;
- b) safeguarding ecosystem processes and indigenous species habitats;
- f) enabling people to provide for their social, economic and cultural wellbeing and for their health and safety.

Policies

- Integrated management (4); Policy 4.1 Integrated approach;
- Fresh water bodies (8); Policy 8.1 Approach to identifying fresh water body values and managing fresh water bodies; Policy 8.3 all fresh water bodies;
- Soils (14); Policy 14.1 Maintain or enhance the values of the soil resource.

I have assessed the applications against the relevant objectives and policies of the Regional Policy Statement. I consider that the activities will be consistent with these objectives and policies provided that the recommended conditions are complied with.

7.4.5 Regional Plan

The Waikato Regional Plan (“WRP”) is operative. The purpose of regional plans is to help the Council carry out its functions under s30 of the RMA.

The WRP objectives and policies most relevant to the proposal are listed below:

3.2 Management of Water Resources

3.2.2 Objective (3.1.2 Objective)

The management of water bodies in a way which ensures:

- a) that people are able to take and use water for their social, economic and cultural wellbeing.
- c) the avoidance of significant adverse effects on aquatic ecosystems.

- i) *that significant adverse effects on the relationship tangata whenua as Kaitiaki have with water and their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses in or on the margins of water bodies, are remedied or mitigated.*
- j) *the cumulative adverse effects on the relationship tangata whenua as Kaitiaki have with water their identified taonga such as waahi tapu, and native flora and fauna that have customary and traditional uses that are in or on the margins of water bodies are remedied or mitigated.*
- i) *that the positive effects of water resource use activities and associated existing lawfully established infrastructure are recognised, whilst avoiding, remedying or mitigating adverse effects on the environment.*

3.2.3 Policies

Policy 1: Management of Water Bodies

Manage all water bodies to enable a range of water use activities, whilst ensuring that a net improvement in water quality across the Region is achieved over time through:

- b) *Maintaining overall water quality in areas where it is high, and in other water bodies, avoiding, remedying or mitigating cumulative degradation of water quality from the effects of resource use activities.*

Policy 4: Waikato Region Surface Water Class

Enable the use of all surface water bodies in the Region, provided that:

- a) *Any significant adverse effects on existing aquatic ecosystems are avoided, remedied or mitigated.*
- c) *Any conspicuous change in visual colour or clarity is avoided, remedied or mitigated.*

3.3 Water Takes

3.3.2 Objective

- d) *The efficient allocation and the efficient use of water.*
- f) *The recognition that existing water takes contribute to social and economic wellbeing and in some cases significant investment relies on the continuation of those takes, including rural-based activities such as agriculture, perishable food processing and industry.*
- h) *Sufficient water is retained instream to safeguard the life supporting capacity of freshwater, including its ecosystem processes and indigenous species and their associated ecosystems.*

3.3.3 Policies

Policy 1: Establish Allocable and Minimum Flows for Surface Water

- b) *The recognition of the relationship between tangata whenua with water bodies and providing for tangata whenua input in determining their values and interests, and reviewing the allocable and minimum flows for those surface water bodies.*
- f) *The avoidance of significant adverse effects on in stream ecological values and biodiversity and the remediation or mitigation of adverse effects otherwise.*

- l) *The benefits derived from the existing take and consumptive use of water for people's social, economic and cultural wellbeing.*

Policy 15: Consent Duration for the Taking of Water

- a) *Subject to Policy 19, the Waikato Regional Council will generally ensure that all resource consents for the take of surface and groundwater shall have a term no longer than 15 years except those consents:*
- v) *for large scale, capital intensive industrial facilities such as mines, dairy factories, pulp mills and water harvesting infrastructure.*

The MMS Quarry is a large scale operation. The extent of the proposed Quarry expansion does not vindicate a consent duration exceeding 15 years. Accordingly, I have recommended a duration of 15 years for the water take from the unnamed tributary of the Managpiko Stream and to take water from a dammed unnamed tributary of the Mangapiko Stream (AUTH123918.02.01).

3.6 Damming and Diverting

3.6.2 Objective

Damming and/or diverting of water undertaken in a manner that:

- a) *Does not have adverse effects that are inconsistent with the water management objectives in Section 3.1.2.*

Policy 2: Damming and Diverting of Water in Perennial Water Bodies

Manage the damming and diverting of water in perennial water bodies in a manner that ensures:

- a) *Adverse effects on surface water bodies that are inconsistent with the policies in Section 3.2.3 of this Plan are avoided as far as practicable and otherwise remedied or mitigated.*

5.1 Accelerated Erosion

5.1.2 Objective

A net reduction of accelerated erosion across the Region so that:

- c) *there is no increase in the adverse effects of flooding or land instability hazards.*
- d) *accelerated infilling of lakes, estuaries, rivers, wetlands and cave systems is avoided and the rate of infilling of artificial watercourses, excluding structures designed to trap sediment, is minimised.*
- i) *damage to property and infrastructure is avoided.*

5.1.3 Policies

Policy 2: Use of Regulatory and Non-Regulatory Approaches of Management for Soil Disturbance/Vegetation Clearance Activities in High Risk Erosion Areas

Waikato Regional Council will use a mixture of regulatory and non-regulatory approaches to:

- a) *minimise the adverse effects of soil disturbance and vegetation clearance in high risk erosion areas*

I have assessed the applications against the relevant objectives and policies of the Waikato Regional Plan. I consider that the activities will be consistent with these objectives and policies provided that the recommended conditions are complied with.

7.5 Ngati Haua Environmental Management Plan (Te Rautaki Tamata Ao Turoa o Haua)

Ngati Haua's submission describes the significance of Te Weraiti as per the Environmental Plan (Schedule 3); this is included in my summary of the submission - section 6.1.1 above.

7.6 Raukawa Environmental Management Plan (Te Rautaki Taiao)

Raukawa's submission advises that the sections of the Te Rautaki Taiao most relevant to the application are Section 2.1 Water – Wai, Section 2.5 Cultural Landscapes and Taonga - Nga Wahi Tuturu me nga Taonga Tuku Iho and Section 2.12 Mining, Quarrying, Oil and Gas – Nga Waro, Kohatu, Puna Urutapu, Kapuni hoki. Relevant objectives and methods from these sections are provided.

The Trusts seeks that the Te Rautaki Taiao and the objectives and methods identified be considered and addressed as part of the application in accordance with section 104(1) (c) of the RMA.

The submission lists requirements for inclusion in resource consent conditions (section 6.2 of the submission). These requirements have been considered in section 7.1.7.2 of this report and recommended conditions provide mitigation as appropriate, and are consistent with both Ngati Haua Environmental Management Plan (Te Rautaki Tamata Ao Turoa o Haua) and Raukawa Environmental Management Plan (Te Rautaki Taiao) .

7.7 Relevant Part 2 Considerations

Resource Management Act (1991) Part 2 sets out the purpose and principles of the Act. Section 104 of the Act is subject to Part 2 matters and these matters must therefore be considered in the consent process and given weight to in decision making. In the event of a conflict between S104 matters and Part 2 matters, Part 2 matters take precedence.

Matamata Metal Supplies Limited (MMS) applications are assessed taking into account the relevant provisions of Part 2 below.

7.7.1 The Purpose of the Act (section 5 of the RMA)

Section 5 provides the purpose of the RMA, to promote the sustainable management of natural and physical resources.

The term “sustainable management” within the Act means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while-

- (a) sustaining the potential for 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 application of s5 requires an overall judgement of whether a proposal will promote the sustainable management of natural and physical resources. That judgement allows for comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome.

Application of s5 in this case requires weighing adverse effects of the proposed activities on: water quality within the Mangapiko Stream, Putangi Stream and Mangaputa stream; Te Weraiti; and, servicing of

aggregate needs within the Region which contribute to the social and economic wellbeing of people and communities.

It is considered that, on balance, Matamata Metal Supplies Limited application would achieve the purpose of the Act provided compliance with relevant policy provisions and the requirements of recommended consent conditions are achieved.

7.7.2 Matters of National Importance (section 6 of the RMA)

Section 6 requires that in achieving the purpose of the RMA, 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 specified matters of national importance.

Section 6 clause (e) is most relevant to this proposal.

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

Ngati Haua Iwi Trust, Ruakawa Charitable Trust, Tangata Marae, Ngati Hinerangi Tawhaki Marae, Te Ohaki Marae, and Dr Morehu McDonald & Mrs Hine Thompson Rauwhero for themselves and on behalf of the Nga Hapu o Ngati Hinerangi Trust made submissions expressing concerns regarding the effects of the proposal on cultural and environmental values of the Mangapiko Stream, Putangi Stream and Mangaputa stream; and Te Weraiti.

Raukawa set out number of matters for inclusion in consent conditions, including: Avoid any further expansion of the quarry towards Te Weraiti rocky outcrop and any increase in the horizontal depth of the cut quarry face on the maunga; Limited water takes to avoid or mitigate adverse effects on the tributaries of the Mangapiko and require monitoring of those takes; Limit suspended solids discharge volumes to 80 grams per cubic metre; Prohibit discharge of soluble aluminium. These matters are addressed in section 7.1.7.2 above.

Schedule 1 recommended condition 39 requires that: The Consent Holder shall provide an Aquatic Habitat Monitoring Plan to determine if physical habitat values that develop in new or restored channels are similar or better than those present in the original channel including:

Methods for pre and post works monitoring of aquatic stream habitat for a minimum of 3 years after construction is complete which shall be based upon the methods outlined within the document titled "The Restoration Indicator Tool Kit – Indicators for Monitoring the Ecological Success of Stream Restoration", written by Parkyn et al and dated 2010; Identification of suitable sampling sites and sampling regimes.

In my opinion, compliance with recommended conditions should ensure that potential adverse effects on the relationship of Maori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other taonga are no more than minor and the proposed activities are consistent with s6(e).

7.7.3 Other Matters (section 7 of the RMA)

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

Section 7 clauses (a), (aa), and (d) are most relevant to this proposal.

(a) Kaitiakitanga and (aa) the ethic of stewardship:

Kaitiakitanga as defined by section 2 of the RMA 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.

Ngati Haua, Raukawa, Tangata Marae, Ngati Hinerangi Tawhaki Marae, Te Ohaki Marae and Dr Morehu McDonald et al submissions express concerns regarding effects of the proposal on: water quality within the Mangapiko Stream, Putangi Stream and Mangaputa Stream; and, Te Weraiti. Raukawa proposed matters for inclusion in consent conditions and these are addressed in section 7.1.7.2.

In my opinion, compliance with recommended conditions should ensure that potential adverse effects on Kaitiakitanga and the ethic of stewardship are no more than minor and that the proposed activities are consistent with s7(a) and (aa).

(f) Maintenance and enhancement of the quality of the environment:

The discharge of treated stormwater/process water from Pond A and the Lamella Plant will convey sediment into the Mangapiko Stream. The discharge of treated stormwater from sediment retention devices at Overburden Areas 2 and 3 will convey sediment into the Pitanga Stream and Mangaputa Stream respectively.

Resource consent AUTH123918.04.01 recommended conditions include that: The Consent Holder shall measure suspended solids concentration and turbidity at the sampling locations: 1, 2, 3, 4, 5, and 6 within the Quarry; and 7, 8 and 9 downstream of the Quarry – shown in Appendix 2 attached to Schedule 1.

AUTH123918.04.01 recommended conditions also require that: The discharges to the Mangapiko Stream, Putangi Stream and Mangaputa Stream stormwater shall be managed such that: the discharge does not increase the suspended solids concentration in the receiving water; and, suspended solids concentrations in the discharge do not exceed 100 grams per cubic metre; and, the discharge does not result in any conspicuous change to the clarity of the Mangapiko Stream, Putangi Stream and Mangaputa Stream.

Schedule 1 recommended condition 15 requires that: The Consent Holder shall include flocculation treatment in all sediment retention devices for the purpose of reducing sediment discharges from the site, unless the Waikato Regional Council approves otherwise in writing.

In my opinion, compliance with recommended conditions should ensure that potential adverse effects on the quality of the environment are no more than minor and that the proposed activities are consistent with s7(f).

7.7.4 Treaty of Waitangi (section 8 of the RMA)

Section 8 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, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The Act does not define the principles of the Treaty that should be taken into account.

Ngati Haua, Raukawa, Tangata Marae, Ngati Hinerangi Tawhaki Marae, Te Ohaki Marae and Dr Morehu McDonald et al made submissions expressing concerns regarding effects of the proposal on: water quality within the Mangapiko Stream, Putangi Stream and Mangaputa Stream; and, Te Weraiti. Raukawa proposed matters for inclusion in consent conditions and these are addressed in section 7.1.7.2.

Schedule 1 recommended condition 55 includes that: In the event of any archaeological sites, remains, artefacts, taonga (Maori artefacts) or koiwi are unearthed, dislodged, uncovered or otherwise found or discovered during the works (Discovery), the Consent Holder shall cease works in any part of the project

site affected by the Discovery. The Consent Holder shall advise the Waikato Regional Council, Heritage New Zealand, Ngati Haua Iwi Trust, Raukawa Charitable Trust and Tangata Marae as soon as practicable and within 48 hours of the Discovery. The Consent Holder shall not recommence works in the parts of the project site affected by the Discovery until all necessary statutory authorisations or consents have been obtained; and, written approval has been obtained from the Waikato Regional Council.

In my opinion, compliance with recommended conditions should ensure that the proposed activities are consistent with s8.

8 Monitoring

In considering a consent application, a consenting authority must base its assessment on the presumption that compliance with all conditions will be achieved.¹

WRC staff and/or its contractors will monitor the activities to ensure compliance with consent conditions. Where monitoring reveals non-compliance with consent conditions several options are available to WRC including enforcement action to ensure that compliance is achieved as soon as practicable. Should any unforeseen significant adverse effects occur as the result of the activities, s128 and 129 of the RMA provide the consent authority the power to review conditions. This is reinforced through recommended conditions.

The Consent Holder is required to provide Waikato Regional Council with a report by March each year for the duration of the recourse consents sought that includes the following:

The Consent Holder shall provide to the Resource Use Directorate of the Waikato Regional Council a report by March each year that any of the consents listed at the top of this Schedule are current. As a minimum this report shall include the following:

- a) overburden stripping undertaken during the preceding 12 months and overburden stripping proposed to be carried out during the following 12 months;
- b) any water quality data collected in relation to conditions 2 and 5 of consent AUTH123918.04.01;
- c) all daily rainfall records;
- d) dust monitoring data;
- e) all daily and annual water take volumes;
- f) a compliance audit of all consent conditions;
- g) any reasons for non-compliance or difficulties in achieving compliance with all consent conditions;
- h) recommendations on alterations to monitoring required by consent conditions; and,
- i) any other issues considered important by the Consent Holder.

A copy of each annual report shall be provided to Ngati Haua Iwi Trust, Raukawa Charitable Trust and Tangata Marae.

9 Summary and Consent Duration

9.1 Summary

The applications were limited notified and three submissions received. All submitters advised that they wished to be heard.

Matamata Metal Supplies Limited resource consent applications have been assessed in terms of actual and potential effects, and consistency and/or compliance with the relevant provisions of National

¹ On the basis that the conditions can be reasonably complied with (Newbury District Council v Secretary of the State for the Environment [1981])

Environmental Standards, Regulations, Policy Statements, Plans, the Vision and Strategy for the Waikato River, and Part 2 of the RMA.

The key matters are potential adverse effects on: water quality within the Mangapiko Stream, Putangi Stream and Mangaputa stream; Te Weraiti; and, the cultural and spiritual values of Tangata whenua. These have been assessed and compliance with recommended conditions should ensure that effects are no more than minor.

It is considered that granting the applications would achieve the purpose of the Act provided compliance with relevant policy provisions and the requirements of recommended conditions is achieved.

9.2 Consent Duration

The application seeks a consent term of 35 years for all consents.

I recommend a term of 15 years for all activities with the presumption that streams will be reinstated at the end of the life of the quarry and based upon:

- expected duration of the activities;
- consistency with the regional policy statement;
- compliance with regional plan requirements;
- consistency with WRC internal guidelines regarding consent duration (document no. 1211789);
- consistency with the Resource Management Act 1991.

Table 5: Recommended Terms for Resource Consents

Consent Appn No.	Type	Sub-type	Purpose	New/ Replace-ment Consent	Term sought (years)
AUTH123918.01.01	Water permit	Diversion	Divert tributaries of Mangapiko Stream through storage impoundment	Replaces 961427	15
AUTH123918.02.01	Water permit	Surface water take	Take up to 220 cubic metres of water per day for aggregate washing and dust suppression	Replaces 961428	15
AUTH123918.03.01	Discharge Permit	Discharge to land	Place overburden onto the ground in association with a hard rock quarry	Replaces 961429	15
AUTH123918.04.01	Discharge Permit	Water - stormwater	Discharge stormwater and process water from quarry site	Replaces 961430	15
AUTH123918.05.01	Discharge Permit	Discharge to land	Discharge water by ground filtration in quarry pit	Replaces 961431	15
AUTH123918.06.01	Discharge Permit	Discharge to water	Discharge stormwater from overburden areas to streams	Replaces 970986	15
AUTH123918.07.01	Land Use Consent	Land - disturbance	Soil disturbance in a high risk erosion area	New	15

10 Recommended Decision

I recommend that in accordance with s104B resource consent applications AUTH123918.01.01, AUTH123918.02.01, AUTH123918.03.01, AUTH123918.04.01, AUTH123918.05.01, AUTH123918.06.01 and AUTH123918.07.01 be granted in accordance with the duration and conditions prescribed in the attached proposed Resource Consent Certificates and Schedule 1 for the following reasons:

- The environmental effects from the proposed activities should be no more than minor, provided the activities are undertaken in accordance with the recommended consent conditions.
- Overall the activities associated with the proposal are consistent with the objectives and policies of key planning documents including the Proposed Waikato Regional Policy Statement, the Waikato Regional Plan and Resource Management Act 1991.

Written by

A handwritten signature in black ink, appearing to read 'G. S. Cooper', with a horizontal line underneath the name.

Graeme Cooper
Senior Resource Officer
Resource Use Directorate

Date 14 January 2019

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH123918.01.01

File Number: 60 36 25A

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

Matamata Metal Supplies Limited
C/o J Swaps
PO Box 153
Matamata 3440

(hereinafter referred to as the Consent Holder)

Consent Type: Water Permit

Consent Subtype: Diversion

Activity authorised: To divert tributaries of Mangapiko Stream through storage impoundment

Location: Barton Road, Okauia

Map reference: NZTM 1805109 E 5778967 N

Consent duration: This consent will commence on the date of decision notification and expire on 1 December 2033

Subject to the conditions overleaf:

CONDITIONS

1. The Consent Holder shall ensure that the works and activities authorised by this resource consent are carried out in accordance with the conditions as set out in Schedule One.
2. The Consent Holder shall be responsible for the repair and maintenance of pipes conveying water from Tributary A and Tributary B to the Plant water supply pond.
3. The Consent Holder shall be responsible for any erosion control works that become necessary as a result of the exercise of this resource consent.

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

Advice notes

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
3. The Consent Holder may apply to change the conditions of the resource consent under s.127 RMA.
4. 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.
5. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH123918.02.01

File Number: 60 36 25A

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

Matamata Metal Supplies Limited
C/o J Swaps
PO Box 153
Matamata 3440

(hereinafter referred to as the Consent Holder)

Consent Type: Water Permit

Consent Subtype: Surface water take

Activity authorised: To take water from an unnamed tributary of the Mangapiko Stream and to take water from a dammed unnamed tributary of the Mangapiko Stream

Location: Barton Road, Okauia

Map reference: NZTM 1854735 E 5810490 N and NZTM 1854595 E 5810526 N

Consent duration: This consent will commence on the date of decision notification and expire on 1 December 2033

Subject to the conditions overleaf:

CONDITIONS

1. The water taken pursuant to this consent must only be used for the various water requirements associated with a quarry.
2. Water may be taken concurrently at NZTM 1854735 E 5810490 N (hereinafter referred to as “take site unnamed tributary A”) and NZTM 1854595 E 5810526 N (hereinafter referred to as “take site dammed unnamed tributary B”).
3. The total combined instantaneous net take rate must not exceed 6 litres per second.
4. The total combined daily net take volume must not exceed 220 cubic metres.
5. A water measuring system must quantify water taken from both take locations on a continuous basis. The system must have a reliable calibration to water flow and must be maintained to an accuracy of +/- 5%. Prior to first commencing to take water under this consent, evidence of the water measuring system’s calibration to an accuracy of +/- 5% must be provided to the Waikato Regional Council.
6. Additional calibration of every water measuring system must be undertaken by the Consent Holder:
 - a) at the written request of the Waikato Regional Council; and
 - b) at a frequency of no less than five yearly from the date of the first calibration required by condition 5; and
 - c) to the satisfaction of the Waikato Regional Council.

Evidence documenting each respective additional calibration must be forwarded to the Waikato Regional Council within one month of the calibration being completed.

7. Any intake must be screened with a mesh aperture size not exceeding 5 millimetres by 5 millimetres (or 5 millimetre diameter holes).
8. The Consent Holder must ensure that the velocity of water through any intake screen does not exceed 0.3 metres per second at all times. If requested by the Waikato Regional Council in writing, the Consent Holder must provide information on how this velocity requirement is achieved.
9. Water must not be taken when the 7-day rolling average flow of the Waihou River at the monitoring site denoted Te Aroha – ADCP (Waikato Regional Council Site Number 1122.34, Map Reference NZTM 1839127 E 5841042 N), as determined by the Waikato Regional Council, is less than 18.39 cubic metres per second.
10. For both take site unnamed tributary A and take site dammed unnamed tributary B, the Consent Holder must record with a tamper proof data logger respective 15 minute values of net take volume (in units of cubic metres).
11. The record required pursuant to condition 10 must:
 - a) specify zero values when no water is being taken;
 - b) be reported to the Waikato Regional Council via email within the first 10 working days of each month for the preceding month.

12. At any time during the period 1 July 2027 through 30 June 2028, the Waikato Regional Council may, following service of notice on the Consent Holder, commence a review of the conditions of this consent pursuant to section 128(1) of the Resource Management Act 1991 to take account of any change to the Waikato Regional Plan being proposed as a result of any catchment investigation undertaken by the Waikato Regional Council.

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

Advice notes

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
3. The Consent Holder may apply to change the conditions of the resource consent under s.127 RMA.
4. 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.
5. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH123918.03.01

File Number: 60 36 25A

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

Matamata Metal Supplies Limited
C/o J Swaps
PO Box 153
Matamata 3440

(hereinafter referred to as the Consent Holder)

Consent Type: Discharge Permit

Consent Subtype: Discharge to land

Activity authorised: To place overburden onto the ground in association with a hard rock quarry

Location: Barton Road, Okauia

Map reference: NZTM 1805109 E 5778967 N

Consent duration: This consent will commence on the date of decision notification and expire on 1 December 2033

Subject to the conditions overleaf:

CONDITIONS

1. The Consent Holder shall ensure that the works and activities authorised by this resource consent are carried out in accordance with the conditions as set out in Schedule One.
2. The Consent Holder shall be responsible for the structural integrity and maintenance of the overburden, 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. Any such works shall be to the satisfaction of the Waikato Regional Council and at the Consent Holder's expense.
3. The quality of the discharge from stormwater treatment devices shall be in accordance with the conditions of resource consent number AUTH123918.04.01, which permits these discharges.
4. The activities authorised by this consent shall comply at all times with the standards of resource consent AUTH123918.07.01 which authorises earthworks activities within the site.

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

Advice notes

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
3. The Consent Holder may apply to change the conditions of the resource consent under s.127 RMA.
4. 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.
5. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH123918.04.01

File Number: 60 36 25A

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

Matamata Metal Supplies Limited
C/o J Swaps
PO Box 153
Matamata 3440

(hereinafter referred to as the Consent Holder)

Consent Type: Discharge Permit

Consent Subtype: Water - stormwater

Activity authorised: To discharge stormwater and process water from quarry site

Location: Barton Road, Okauia

Map reference: NZTM 1805109 E 5778967 N

Consent duration: This consent will commence on the date of decision notification and expire on 1 December 2033

Subject to the conditions overleaf:

CONDITIONS

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

Water Quality and Sampling

2. The Consent Holder shall measure the suspended solids concentration and turbidity at the sampling locations: 1, 2, 3, 4, 5 and 6 within the Quarry; and 7, downstream of the Quarry – shown in Appendix 2 attached to Schedule 1. Flow monitoring gauges shall be used at sites 3, 5, 7 and 9 to relate suspended solids concentrations at these sites to suspended solids loads.

Frequency	Parameter	Site
Continuous	Flow rate	Sites 3, 5, 7 and 9
Continuous	Turbidity	Lamella discharge
Continuous	pH	Lamella discharge
Weekly	Suspended Solids	Lamella discharge
Weekly	Dissolved aluminium	Lamella discharge
Rainfall event greater than 15mm in preceding 24 hrs	Suspended solids; Turbidity; pH; Dissolved aluminium	Pond A, Sites 2,3,4,5 and 6

Site	Grid Reference (NZTM)		Description (Approximate locations shown in Appendix 2 of this consent)
	E	N	
01	1854585	5811907	Putangi Stream
02	1854815	5811707	Tributary D Up Stream
03	1854405	5810922	Tributary D down stream
04	1854668	5810609	Tributary C Up stream
05	1854247	5810560	Tributary C down stream
06	1854401	5810568	Lamella Discharge
07	1852856	5811775	Marae Stream
08	1852416	5812556	Downstream of Douglas Road Bridge
09	1851128	5813911	Immediately upstream of the Old Te Aroha Bridge

3. Sampling required in condition 2, shall be undertaken where there is a rainfall event of greater than 15 millimetres in the preceding 24 hours. The Consent Holder shall within four hours of the rainfall reading being taken, measure the suspended solids concentration and turbidity at the discharge points specified in condition 2. Results shall be forwarded to the Waikato Regional Council on a monthly basis.

4. Within two months of the commencement of this consent, the Consent Holder shall install and maintain a rain gauge onsite and shall record rainfall data on a daily basis. The Consent Holder shall keep accurate records of daily rainfall data.
5. The discharges to the Mangapiko Stream, Putangi Stream and Mangaputa Stream shall be managed such that:
 - a) the discharge does not increase the suspended solids concentration in the receiving water; and,
 - b) suspended solids concentrations in the discharge do not exceed 100 grams per cubic metre; and,
 - c) the discharge does not result in any conspicuous change in the clarity of the Mangapiko Stream, Putangi Stream and Mangaputa Stream.
6. The Consent Holder shall ensure that:
 - a) the soluble aluminium concentration of any sediment retention pond discharge shall not exceed 0.1 grams per cubic metre; and,
 - b) the pH of any sediment retention pond discharge shall not be less than 6.5 or greater than 8.0 pH units.
7. All earthmoving machinery, pumps, generators and ancillary equipment shall be operated in a manner, which ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any water body, ephemeral water body, or overland flow path, such that any spillage can be contained so that it does not enter surface water and in accordance with the Hazardous Substances and Spill Prevention Plan.
8. The Consent Holder shall notify the Waikato Regional Council as soon as practicable and as a minimum requirement within 24 hours, of the Consent Holder becoming aware of the limits specified in condition 5 and 6 of this resource consent being exceeded. The Consent Holder shall, within 7 days of the incident occurring, provide a written report to the Waikato Regional Council, identifying the exceedance, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.

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

Advice notes

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
3. The Consent Holder may apply to change the conditions of the resource consent under s.127 RMA.
4. 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.
5. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH123918.05.01

File Number: 60 36 25A

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

Matamata Metal Supplies Limited
C/o J Swaps
PO Box 153
Matamata 3440

(hereinafter referred to as the Consent Holder)

Consent Type: Discharge Permit

Consent Subtype: Discharge to land

Activity authorised: To discharge water by ground filtration in quarry pit

Location: Barton Road, Okauia

Map reference: NZTM 1805109 E 5778967 N

Consent duration: This consent will commence on the date of decision notification and expire on 1 December 2033

Subject to the conditions overleaf:

CONDITIONS

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

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

Advice notes

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
3. The Consent Holder may apply to change the conditions of the resource consent under s.127 RMA.
4. 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.
5. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH123918.06.01

File Number: 60 36 25A

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

Matamata Metal Supplies Limited
C/o J Swaps
PO Box 153
Matamata 3440

(hereinafter referred to as the Consent Holder)

Consent Type: Discharge Permit

Consent Subtype: Discharge to water

Activity authorised: To discharge stormwater from overburden areas to streams

Location: Barton Road, Okauia

Map reference: NZTM 1805109 E 5778967 N

Consent duration: This consent will commence on the date of decision notification and expire on 1 December 2033

Subject to the conditions overleaf:

CONDITIONS

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

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

Advice notes

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
3. The Consent Holder may apply to change the conditions of the resource consent under s.127 RMA.
4. 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.
5. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

PROPOSED RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH123918.07.01

File Number: 60 36 25A

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

Matamata Metal Supplies Limited
C/o J Swaps
PO Box 153
Matamata 3440

(hereinafter referred to as the Consent Holder)

Consent Type: Land Use Consent

Consent Subtype: Land - disturbance

Activity authorised: Soil disturbance in a high risk erosion area

Location: Barton Road, Okauia

Map reference: NZTM 1805109 E 5778967 N

Consent duration: This consent will commence on the date of decision notification and expire on 1 December 2033

Subject to the conditions overleaf:

CONDITIONS

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

Earthworks Management Plan

2. Prior to any overburden stripping programme, the Consent Holder shall provide a draft Earthworks Management Plan (EMP) at least 20 working days prior to stripping works commencing 1 October each year for the term of this consent. The EMP shall document all overburden stripping programme(s) and include the measures by which the Consent Holder intends to comply with all conditions of resource consents issued for the site and shall include, but not be limited to, the following:
 - a) The proposed start date of the works authorised by this resource consent;
 - b) A schedule of overburden stripping activities;
 - c) The extent of overburden placement
 - d) The commencement date and expected duration of the major cut and fill operations;
 - e) The location of the major cut and fill operations;
 - f) The location of topsoil stockpiles;
 - g) The proposed construction methodology, including staging of earthworks;
 - h) Proposed erosion and sediment control methodologies and practices;
 - i) Proposed dust management and mitigation measures;
 - j) Proposed spill prevention and response measures;
 - k) Monitoring procedures and responsibilities; and,
 - l) The stability of existing and new material deposited at overburden disposal sites.

The EMP shall be approved in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works commencing and the Consent Holder shall undertake all activities authorised by this consent in accordance with the approved EMP.

3. Any changes proposed to the EMP shall be confirmed in writing by the Consent Holder and approved in writing by the Waikato Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed
4. The quality of the discharge from these treatment ponds shall be in accordance with the conditions of resource consent number AUTH135079.06.01, which permits these discharges.

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

Advice notes

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
3. The Consent Holder may apply to change the conditions of the resource consent under s.127 RMA.
4. 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.
5. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

SCHEDULE 1 – GENERAL CONDITIONS

TO BE ATTACHED TO CONSENTS AUTH123918.01.01, AUTH123918.02.01, AUTH123918.03.01, AUTH123918.04.01, AUTH123918.05.01, AUTH123918.06.01, AND AUTH123918.7.01

CONDITIONS

General

1. Except as modified by the conditions below and subject to final detailed design, the activities authorised by this consent shall be undertaken in general accordance with the information provided by the applicant in the resource consent applications, and supporting documents being the:
 - a) application for resource consent received on 15 December 2011 and updated on 15 September 2017 (WRC document no. 9885639);
 - b) Site Stormwater Management Plan dated 03 October 2018 (WRC document no. 13161008); and,subject to the following resource consent conditions.
2. The Consent Holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this consent and ensure compliance with those conditions.
3. A copy of this resource consent shall be kept onsite at all times that the works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Waikato Regional Council.

Site Management Plan

4. The Consent Holder shall submit a Site Management Plan (SMP) to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The SMP shall detail the management, operation and monitoring procedures, methodologies and contingency plans necessary to comply with the conditions of this consent. The SMP shall also specify/include detail on the following:
 - a) Erosion and Sediment Control Plan;
 - b) Flocculation Management Plan;
 - c) Stormwater Management Plan;
 - d) Riparian Planting Plan;
 - e) Aquatic Habitat Monitoring Plan;
 - f) Hazardous Substances and Spill Prevention Plan;
 - g) Dust Management Plan;
 - h) Future Quarry Operations Plan;
 - i) Conceptual Site Closure Plan; and,
 - j) Site Rehabilitation Plan.

5. The Consent Holder shall exercise this consent in accordance with the approved Site Management Plan. Any subsequent changes to the Site Management Plan must only be made with the written approval of the Waikato Regional Council. In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Site Management Plan, then the conditions of this consent shall prevail.
6. The Consent Holder must ensure that a copy of the approved Site Management Plan, including any approved amendments, is kept on-site at all times that activities authorised by this consent are being undertaken and the on-site copy of the Site Management Plan shall be updated within 5 working days of any amendments being approved.
7. The Consent Holder shall update the Site Management Plan at least every 3 years from the date when the first SMP was approved.

Pre-Start

8. The Consent Holder shall appoint a representative(s) prior to the exercise of this resource consent who shall be the Waikato Regional Council's principal contact person(s) in regard to matters relating to this resource consent. The Consent Holder shall inform the Waikato Regional Council of the representative's name and how they can be contacted, prior to this resource consent being exercised. Should that person(s) change during the term of this resource consent, the Consent Holder shall immediately inform the Waikato Regional Council and shall also give written notice to the Waikato Region Council of the new representatives name and how they can be contacted.

Erosion and Sediment Control

9. The Consent Holder shall provide an Erosion and Sediment Control Plan (E&SCP) to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The E&SCP shall as a minimum be based upon and incorporate all the relevant principles and practices for the activity authorised by this consent and contained within the Waikato Regional Council document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009), and subsequent amendments or replacement documents; and, shall include but not be limited to, the following;
 - a) Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation if required;
 - b) The design criteria and dimensions of all key erosion and sediment control structures;
 - c) A site plan of a suitable scale to identify;
 - i) The locations of waterways;
 - ii) The extent of soil disturbance and vegetation removal;
 - iii) Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses;
 - iv) Areas of cut and fill;
 - v) Locations of topsoil stockpiles;

- vi) All key erosion and sediment control structures;
 - vii) The boundaries and area of catchments contributing to all stormwater impoundment structures;
 - viii) The locations of all specific points of discharge to the environment;
 - ix) The location and details of stream stabilisation works in areas of damming, diversion or clearing; and,
 - x) Any other relevant site information.
- d) Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
 - e) Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
 - f) Maintenance, monitoring and reporting procedures;
 - g) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
 - h) Procedures and timing for review and/or amendment to the erosion and sediment control measures listed in the E&SCP; and,
 - i) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.
10. The works authorised by this consent shall be undertaken in such a manner so as to avoid causing any new or exacerbating any existing flooding effects on adjacent land.
 11. 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.
 12. The Consent Holder shall ensure that, as far as practicable, all clean water run-off from stabilised surfaces including catchment areas above the site shall be diverted away from the exposed areas via a stabilised system to prevent erosion. The Consent Holder shall also ensure the outfall(s) of these systems are protected against erosion.
 13. The Consent Holder shall ensure that all erosion and sediment control structures are inspected on a weekly basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. A record shall be maintained of the date and time of inspections undertaken, any maintenance requirements identified, and of maintenance undertaken to all erosion and sediment control structures. Records associated with the maintenance of all erosion and sediment control structures shall be made available to the Waikato Regional Council at all reasonable times.

14. The Consent Holder shall, prior to bulk earthworks commencing in an area, submit to the Waikato Regional Council "As Built Certification Statements" signed by an appropriately qualified and experienced professional certifying that erosion and sediment control structures have been constructed in accordance with the certified SMP. Certified controls shall include clean water diversion channels/bunds, sediment retention ponds and decanting earth bunds. The As Built Certification Statements shall be supplied to the Waikato Regional Council within 7 working days of the completion of the construction of those controls. Information contained in the certification statement shall include at least the following:

- a) confirmation of contributing catchment areas;
- b) the location, capacity and design of each structure;
- c) position of inlets and outlets;
- d) stability of structures;
- e) measures to control erosion; and
- f) any other relevant matter.

Advice Note:

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

Flocculation

15. The Consent Holder shall include flocculation treatment in all sediment retention devices for the purpose of reducing sediment discharges from the site, unless the Waikato Regional Council approves otherwise in writing.

16. Prior to the commissioning of any flocculation treatment system, the Consent Holder shall provide the Waikato Regional Council with a draft Flocculation Management Plan (FMP). The FMP shall be submitted to the Waikato Regional Council for approval – acting in a technical certification capacity - prior to bulk earthworks commencing. The FMP shall include as a minimum:

- a) an analysis identifying which ponds require flocculation, this analysis taking into account;
 - (i) the soil's reactivity to flocculants based on soil tests;
 - (ii) the size of the contributing catchment that the pond is treating; and,
 - (iii) the likely duration of the ponds use.
- b) specific design details of the flocculation system;
- c) monitoring (including pH and any other testing procedures), maintenance (including post-storm) and including a record system;
- d) details of optimum dosage (including assumptions);
- e) results of any initial flocculation trial; and,
- f) contact details of the person responsible for the operation and maintenance of the flocculation treatment system and the organisational structure to which this person shall report.

17. Any changes proposed to the FMP shall be confirmed in writing by the Consent Holder and approved in writing by the Waikato Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.
18. Within two working days of taking any samples required, the Consent Holder shall have those samples analysed for suspended solids and turbidity; and, if flocculants are being used to treat any sediment treatment device, pH, and soluble aluminium. The results of the analysis shall be forwarded to the Waikato Regional Council within 7 days of the Consent Holder receiving results of the analysis.
19. The Consent Holder shall undertake all activities authorised by this consent in accordance with the certified FMP and any certified changes.

Winter Works

20. Earthworks (including stripping) shall not be conducted during the period 1 May to 30 September inclusive during any year that this consent is current, apart from necessary maintenance works, unless agreed to in writing by the Waikato Regional Council.
21. Requests to undertake earthworks during the period 1 May to 30 September inclusive, for any year that this consent is current, shall be submitted in writing to the Waikato Regional Council by 1 April.

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

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

Site Stabilisation and Removal of Controls

22. The removal of any erosion and sediment control measure from any area where soil has been disturbed as a result of the exercise of this consent shall only occur after consultation with, and written approval has been obtained from, the Waikato Regional Council - acting in a technical certification capacity. In this respect, the Waikato Regional Council will need to be satisfied as to:
 - a) The quality of the soil stabilisation and/or covering vegetation;
 - b) The quality of the water discharged from the rehabilitated land; and,
 - c) The quality of the receiving water.
23. The Consent Holder shall ensure those areas of the site where earthworks have been completed are stabilised against erosion as soon as practically possible and within a period not exceeding 14 calendar days after completion of any works authorised by this consent. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion to the satisfaction of the Waikato Regional Council - acting in a technical certification capacity.

24. Re-vegetation and/or stabilisation of all disturbed areas is to be completed in accordance with the measures detailed in the document titled "*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*" (Technical Report No. 2009/02 – dated January 2009) and the approved CMP.

Stormwater Management Plan

25. The Consent Holder shall provide a Stormwater Management Plan to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The Plan shall include, but not be limited to, the following matters:
26. A plan depicting how all stormwater and stormwater devices are managed across the quarry footprint;
27. A telemetered continuous monitoring programme which provides quarry managers and Waikato Regional Council up to date information that can be used to actively manage the discharges during wet weather events and when trigger levels are reached;
28. This above telemetered continuous monitoring programme monitoring would provide flow data and water quality data at predetermined flow trigger levels and paired upstream and downstream sites and would also be used to monitor water quality within the ponds and allow compulsory discharge shut off trigger levels;
29. An adaptive management procedure that is activated once trigger levels are exceeded preventing cumulative ecological effects;
30. Quarterly biological monitoring of native fish and macroinvertebrate indicators at paired upstream and downstream sampling sites. This would determine if the stormwater management plan is effective and the correct trigger levels are used in the telemetered continuous monitoring programme; and,
31. The biological monitoring and telemetered continuous monitoring should trigger the adaptive management clause above.

Culverts

32. The Consent Holder shall be responsible for the design, structural integrity and maintenance of the culverts and for any erosion control works that become necessary to preserve the integrity and stability of the waterway channel and/or to control erosion as a result of the exercise of this resource consent.
33. The Consent Holder shall submit final detailed engineered culvert designs and construction methodologies for the culverts for approval by the Waikato Regional Council - acting in a technical certification capacity – within two months of commencement of this consent, and the Consent Holder shall undertake all activities authorised by this consent in accordance with the certified culvert designs and construction methodologies. The detailed design shall include at least the following information;
 - a) Location of proposed works or structures;
 - b) Type and description of the proposed works;
 - c) Construction and design details;

- d) Construction procedures;
 - e) Measures to minimise upstream flooding;
 - f) Measures to minimise adverse fish passage effects;
 - g) Measures to minimise erosion;
 - h) Measures to minimise sediment losses to natural water;
 - i) Mitigation measures;
 - j) Timetable of works.
34. The Consent Holder shall construct all structures and diversion channels in accordance with accepted civil engineering practices. To this end the Consent Holder shall, unless otherwise advised by Waikato Regional Council in writing, retain an appropriately qualified and experienced engineer to:
- a) supervise the detailed design of the structure or channel; and,
 - b) following construction of the diversion channel or placement of the structure, provide a written report to the Waikato Regional Council detailing the construction procedures used and the "as-built" details of works. The report shall demonstrate that the works have been carried out in accordance with accepted civil engineering practice and are such as to meet the conditions of this consent.
35. Construction works shall not commence until certification for the above final detailed designs and construction methodologies has been provided.
36. Any changes proposed to the certified culvert designs and construction methodologies as set out above shall be confirmed in writing by the Consent Holder and certified in writing by the Waikato Regional Council - acting in a technical certification capacity - prior to the implementation of any changes proposed.
37. The culverts and any associated erosion control structures shall not impede the passage of fish either upstream or downstream.

Riparian Planting Plan

38. The Consent Holder shall provide a Riparian Planting Plan (RPP) within two months of commencement of this resource consent for review and approval by Waikato Regional Council – acting in a technical certification capacity. The objective of the Plan shall be to offset the loss of stream habitat that has occurred to the existing tributaries C and D with the intent of restoring ecological values of the streams. The Plan shall provide for the establishment of native plants along the margins of the Tributaries C and D and include, but not be limited to, the following:
- a) Planting and fencing of both of the banks of the stream within a minimum width of 5m on each bank;
 - b) A plan of planting proposed showing location, dimensions, plant species and measures to exclude stock;
 - c) Planting schedule;
 - d) Maintenance schedule including pest plants and pest animals control; and,
 - e) Monitoring and reporting.

Aquatic Habitat Monitoring Plan

39. The Consent Holder shall provide an Aquatic Habitat Monitoring Plan to determine if physical habitat values that develop in new or restored channels are similar or better than those present in the original channel including:
- a) Methods for monitoring of aquatic stream habitat for a minimum of 3 years after which shall be based upon the methods outlined within the document titled “The Restoration Indicator Tool Kit – Indicators for Monitoring the Ecological Success of Stream Restoration”, written by Parkyn et al and dated 2010; and,
 - b) Identification of suitable sampling sites and sampling regimes.

Ecological Mitigation Monitoring Report

40. Each year for a minimum of five years after completion of works, the Consent Holder shall prepare an Ecological Mitigation Monitoring Report (EMMP) which outlines the details of any ecological mitigation and associated monitoring works required under the EMMP which have been undertaken within the preceding 12 month period. The plan shall include, but will not be limited to, the following items:
- a) Details of any planting or plant maintenance works including the outcomes of any maintenance inspections of established plantings;
 - b) Details and outcomes of any aquatic monitoring;
 - c) Details and outcomes of any plant or animal pest control works including any follow up monitoring of pest

The monitoring report shall be forwarded to the Resource Use Directorate of WRC by 31 July each year for a five year period after completion of works.

Hazardous Substances and Spill Prevention

41. The Consent Holder shall provide a Hazardous Substances and Spill Prevention Plan to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The Hazardous Substances and Spill Prevention Plan shall include, but not be limited to, the following matters:
- a) A list of the hazardous materials and their quantities kept on site and their storage details;
 - b) The prevention measures that will be undertaken on site in order to avoid a spill of hazardous materials;
 - c) The equipment available to contain and/or remove spills of hazardous materials;
 - d) Specific procedures and measures that will be undertaken when machinery is operating within close proximity to water bodies that are designed to minimise the risk of any spillages or significant leakages of hazardous materials entering the waterbody;
 - e) Specific procedures and measures that will be undertaken if unrecorded contaminated sites are uncovered during the course of works;

- f) The training staff will receive in the use of hazardous materials spill prevention, containment and clean up measures and associated equipment;
 - g) How the disposal of any contaminated materials arising from spills, leakages or unrecorded contaminated sites of hazardous materials will be undertaken;
 - h) The procedures involved in reporting of any such incidents to the Waikato Regional Council; and,
 - i) Review procedures.
42. The Consent Holder shall notify the Waikato Regional Council as soon as is practicable, and as a minimum requirement within 12 hours, of the Consent Holder becoming aware of a discovery or spill of hazardous materials, fuel, oil, hydraulic fluid or other similar contaminants. The Consent Holder shall, within 7 days of the incident occurring, provide a written report to the Waikato Regional Council, identifying the possible causes, steps undertaken to remedy the effects of the incident and any additional measures that will be undertaken to avoid future spills.

Dust

43. The Consent Holder shall provide a Dust Management Plan to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The Plan shall include, but not be limited to, the following matters:
- a) Measures including, but not limited to, the use of water to suppress dust from the quarry, processing plant and from access roads;
 - b) The revegetation of disturbed land which is currently not being worked;
 - c) The re-grassing of topsoil stockpiles;
 - d) The area of land open for stockpiling, load out and rehabilitation activities shall be kept to a practicable minimum.
44. There shall be no discharge of airborne particulate matter that causes an adverse effect beyond the boundary of the site.
45. Should airborne particulate matter resulting from the exercise of this consent generate a complaint, the Consent Holder shall provide a written report to the Waikato Regional Council within five (5) working days of the complaint being made known to the Consent Holder. The report shall specify:
- a) The cause or likely cause of the event and any factors that influenced its severity;
 - b) The nature and timing of any measures implemented by the Consent Holder to avoid, remedy or mitigate any adverse effects; and,
 - c) The steps to be taken in future to prevent recurrence of similar events.

Advice Note:

Chapter 6.4 of the Waikato Regional Plan 2012 provides guidance on the assessment of the effect of odour and dust emissions.

Machinery

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

Future Quarry Operations

47. The Consent Holder shall provide a Future Quarry Operations Plan to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The Future Quarry Operations Plan shall include, but not be limited to, descriptions and plans of:
- a) Quarry extraction areas including alignment, maximum quarry face length and approximate RL, and, approximate maximum depth RL;
 - b) Overburden removal and disposal areas including site locations and estimated volume capacities;
 - c) Aggregate processing areas including site locations and areas;
 - d) Stockpile areas including site locations and areas;
 - e) Proposed riparian planting for betterment of aquatic habitat
 - f) Drainage plans for the areas identified in a) to d) above;
 - g) Water quality monitoring sampling sites.
48. The Consent Holder shall exercise this consent in accordance with the approved Future Quarry Operations Plan. Any subsequent changes to the Future Quarry Operations Plan must only be made with the written approval of the Waikato Regional Council. In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Future Quarry Operations Plan, then the conditions of this consent shall prevail.

Landscape and Rehabilitation

49. The Consent Holder shall rehabilitate all disturbed land. To this end, the Consent Holder shall develop a Conceptual Site Closure Plan. The Conceptual Site Closure Plan shall be provided to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The Consent Holder shall review and update the plan every five years and within 6 months of any decision to cease quarrying at the site. The revised Conceptual Site Closure Plan shall be forwarded for review and approval by the Waikato Regional Council, acting in a technical certification capacity. As a minimum, the Conceptual Site Closure Plan shall address the following:
- a) Future landforms following all quarrying activities at the site;
 - b) Future groundcover following all quarrying activities at the site;
 - c) Reporting procedures; and,
 - d) Review procedures.

50. In addition to the Conceptual Site Closure Plan required pursuant to condition 49 of this consent, the Consent Holder shall develop a Site Rehabilitation Plan. The Site Rehabilitation Plan shall be provided to the Waikato Regional Council within two months of commencement of this resource consent for review and approval – acting in a technical certification capacity. The Site Rehabilitation Plan shall detail rehabilitation objectives, goals and success criteria to be followed in order to achieve the future landforms and groundcovers detailed within the Conceptual Site Closure Plan. The Consent Holder shall review and update this plan every 5 years and within 6 months of any decision to cease quarrying at the site. The revised plan shall be forwarded for review and approval by the Waikato Regional Council, acting in a technical certification capacity. As a minimum, the Site Rehabilitation Plan shall include the following:

- a) Procedures for progressive rehabilitation;
- b) Any specific measures to control erosion;
- c) Procedures for pest control;
- d) Procedures for noxious weed control;
- e) Land and vegetation maintenance procedures;
- f) Post closure maintenance methods and after care plans;
- g) Approximate timeframes for landscape and rehabilitation events;
- h) Approximate costs associated with the implementation of this plan to the stage of conceptual site closure;
- i) Monitoring procedures; and,
- j) Reporting and review procedures.

51. The rehabilitation of the Quarry shall be undertaken such that:

- a) Where appropriate, and where subsoils and topsoils are available, these shall be used for rehabilitation and the land shall be managed to actively develop stable topsoil mantles generally consistent with topsoils on adjacent areas of land unaffected by quarrying.
- b) Where practical the rehabilitated land cover is generally consistent with that on adjacent land unaffected by quarrying.
- c) The quality of the water discharging from the rehabilitated land is consistent with that discharging from adjacent catchments unaffected by quarrying.

52. The rehabilitation of the quarry shall be undertaken in accordance with the Site Rehabilitation Plan required pursuant to condition 50 of this consent and shall be implemented under the supervision of persons with appropriate restoration or rehabilitation experience.

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

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

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

Complaints

54. If any complaints are received by the Consent Holder regarding the activities authorised by this consent, the Consent Holder shall notify the Waikato Regional Council of those complaints as soon as practicable and no longer than one working day. When/if complaints are received, the Consent Holder shall record the following details in a Complaints Log:
- a) Time and type of complaint, including details of the incident, e.g. duration, any effects noted;
 - b) Name, address and contact phone number of the complainant (if provided);
 - c) Location from which the complaint arose;
 - d) The weather conditions and wind direction at the time of any dust complaint;
 - e) The likely cause of the complaint;
 - f) The response made by the Consent Holder including any corrective action undertaken by the Consent Holder in response to the complaint; and,
 - g) Future actions proposed as a result of the complaint.

Accidental Discovery

55. In the event of any archaeological sites, remains, artefacts, taonga (Maori artefacts) or koiwi are unearthed, dislodged, uncovered or otherwise found or discovered during the works (Discovery), the Consent Holder shall cease works in any part of the project site affected by the Discovery; and,
- a) Advise the Waikato Regional Council, Heritage New Zealand, Ngati Haua Iwi Trust, Raukawa Charitable Trust and Tangata Marae as soon as practicable and within 48 hours of the Discovery;
 - b) Advise the NZ Police and Coroner as appropriate;
 - c) Undertake specific preservation measures to address any Discovery that includes water-logged or wet archaeological materials.

The Consent Holder shall not recommence works in the parts of the project site affected by the Discovery until all necessary statutory authorisations or consents have been obtained; and, written approval has been obtained from the Waikato Regional Council.

The Waikato Regional Council approval shall only be given after the Council has considered:

- i) Tāngata Whenua interests and values;
- ii) Protocols agreed upon by Tāngata Whenua and the Consent Holder;
- iii) The Consent Holder's interests;
- iv) Any Heritage New Zealand authorisations; and,
- v) Any archaeological or scientific evidence.

Annual Report

56. The Consent Holder shall provide to the Resource Use Directorate of the Waikato Regional Council a report by March each year that any of the consents listed at the top of this Schedule are current. As a minimum this report shall include the following:

- a) overburden stripping undertaken during the preceding 12 months and overburden stripping proposed to be carried out during the following 12 months;
- b) any water quality data collected in relation to conditions 2 and 5 of consent AUTH123918.04.01;
- c) all daily rainfall records;
- d) flow monitoring data;
- e) all water quality monitoring data as required by consent AUTH123918.04.01;
- f) ecological Monitoring data and reports;
- g) dust monitoring data;
- h) all daily and annual water take volumes;
- i) a compliance audit of all consent conditions;
- j) any reasons for non-compliance or difficulties in achieving compliance with all consent conditions;
- k) recommendations on alterations to monitoring required by consent conditions; and,
- l) any other issues considered important by the Consent Holder.

A copy of each annual report shall be provided to Ngati Haua Iwi Trust, Raukawa Charitable Trust and Tangata Marae.

Review

57. At any time during 2018, and during every fifth year thereafter for the term of the consent, the Waikato Regional Council may, following service of notice on the Consent Holder, commence a review of the conditions of this resource consent pursuant to section 128(1) of the Resource Management Act 1991 for the following purposes:

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

Administration

58. 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.

Bond

59. Within 12 months of the commencement of this consent the Consent Holder shall provide and maintain, or shall have a third party provide and maintain, a bond in favour of the Consent Authority to enable:

- a) Rehabilitation (including contouring, drainage, revegetation,) of the quarry site and overburden areas to a standard such that the activities and works authorised by this consent no longer require resource consent;
- b) Operation and maintenance of treatment systems on the site to ensure that discharges meet the resource consent requirements while rehabilitation on the site is being completed; and,
- c) Compliance with all the conditions of this consent related to site rehabilitation and site closure.

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

- a) The estimated costs (including any contingency necessary) of the activities outlined in condition 59; and,
- b) Any further sum which the Consent Authority consider necessary for monitoring any adverse effect on the environment that may arise from the site including monitoring anything which is done to avoid, remedy, or mitigate an adverse effect.

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

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

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

64. Should the Consent Holder not agree with the amount of the bond fixed by the Consent Authority then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration shall be commenced by written notice by the Consent Holder to the Consent Authority advising that the amount of the bond is disputed, such notice to be given by the Consent Holder within two weeks of notification of the amount of the bond. If the parties cannot agree upon an arbitrator within a week of receiving the notice from the Consent Holder, then an arbitrator shall be appointed by the Chief Executive Officer of the Institute of Professional Engineers of New Zealand. Such arbitrator shall give an award in writing within 30 days after his or her appointment, unless the Consent Holder and the Consent Authority agree that time shall be extended. The parties shall bear their own costs in connection with the arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration, the existing bond shall continue in force. That sum shall be adjusted in accordance with the arbitration determination.
65. If the amount of the bond to be provided by the Consent Holder is greater than the sum secured by the current bond, then within one month of the Consent Holder being given written notice of the new amount to be secured by the bond, the Consent Holder and the guarantor shall execute and lodge with the Consent Authority a variation of the existing bond or a new bond for the amount fixed on review by the Consent Authority. Activities authorised by the consent shall not be undertaken if the variation of the existing bond or new bond is not provided in accordance with this condition.
66. The bond may be varied, cancelled, or renewed at any time by agreement between the Consent Holder and the Consent Authority.
67. The bond shall be released on completion of Closure of the site.

Advice Note:

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

APPENDIX 1

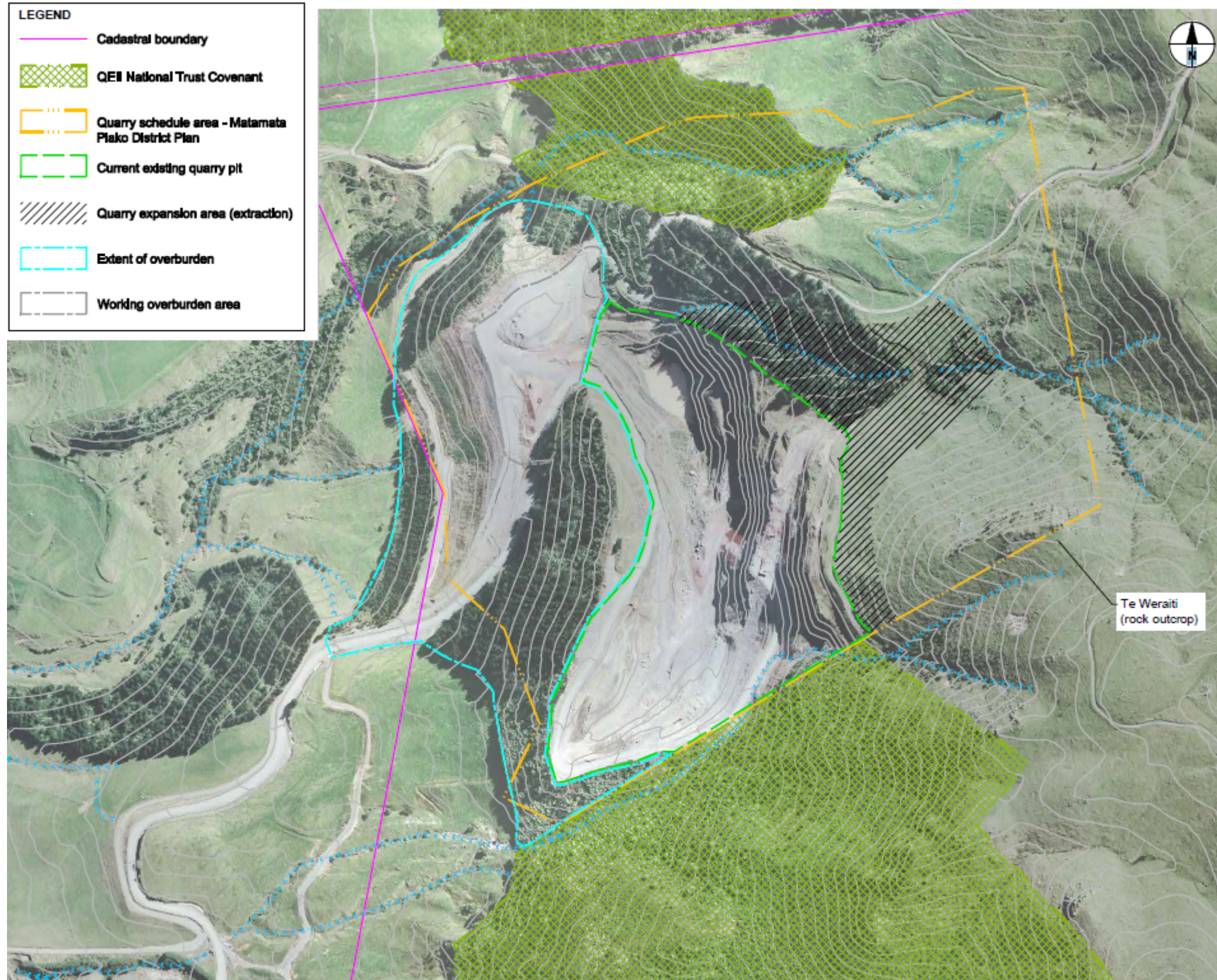
(To be attached to Schedule 1 – General Conditions)

**Quarry Expansion Area, Sheet CI-0001
SSMP 03-Oct-2018**

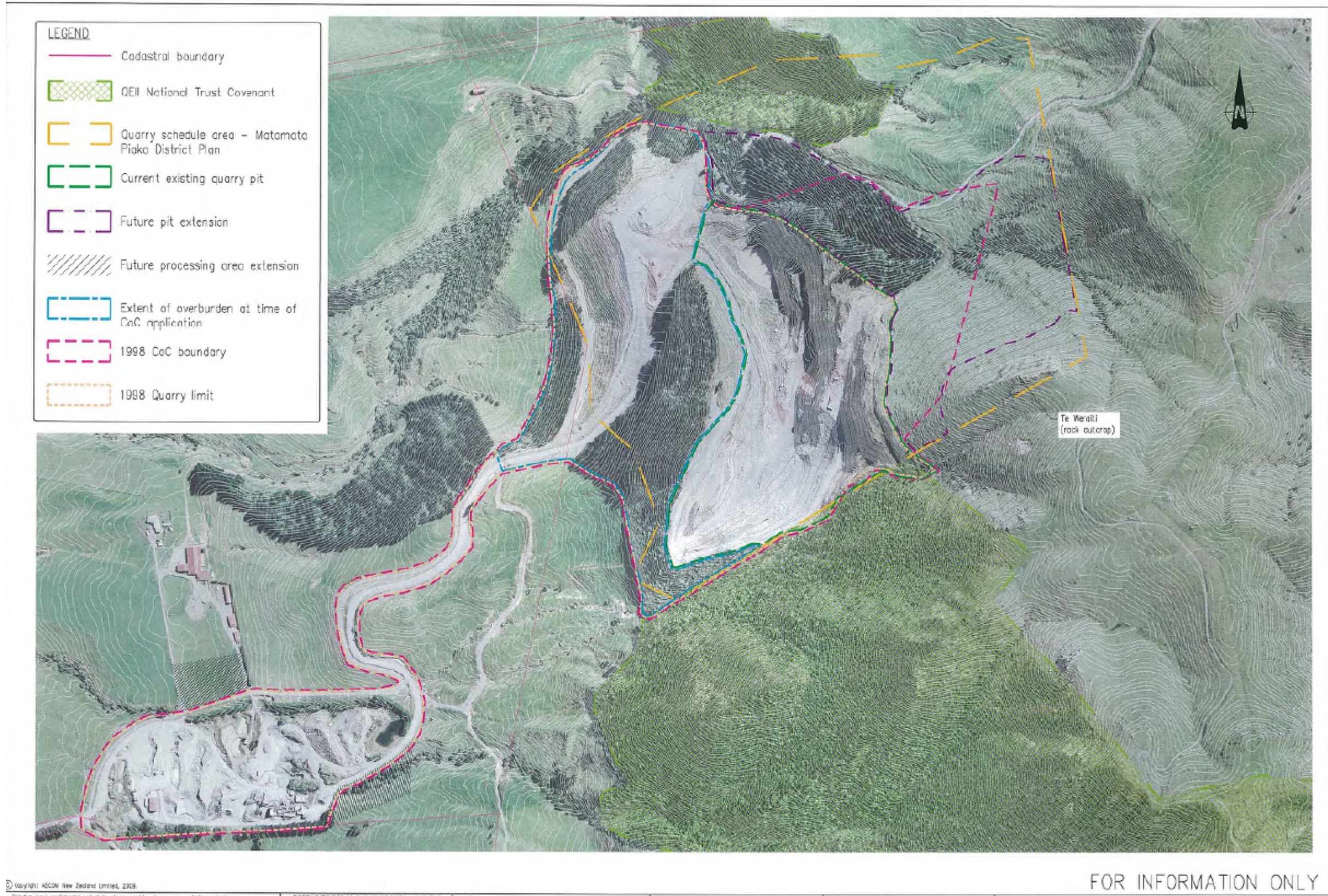
And,

**Quarry Expansion Area, 1998 CoC Boundary (2012 Aerial
Photo) – AEE 12 November 2012**

Quarry Expansion Area, Sheet CI-0001 – SSMP 03-Oct-2018



Quarry Expansion Area, 1998 CoC Boundary (2012 Aerial Photo) – AEE 12 November 2012 (to be attached to schedule 1

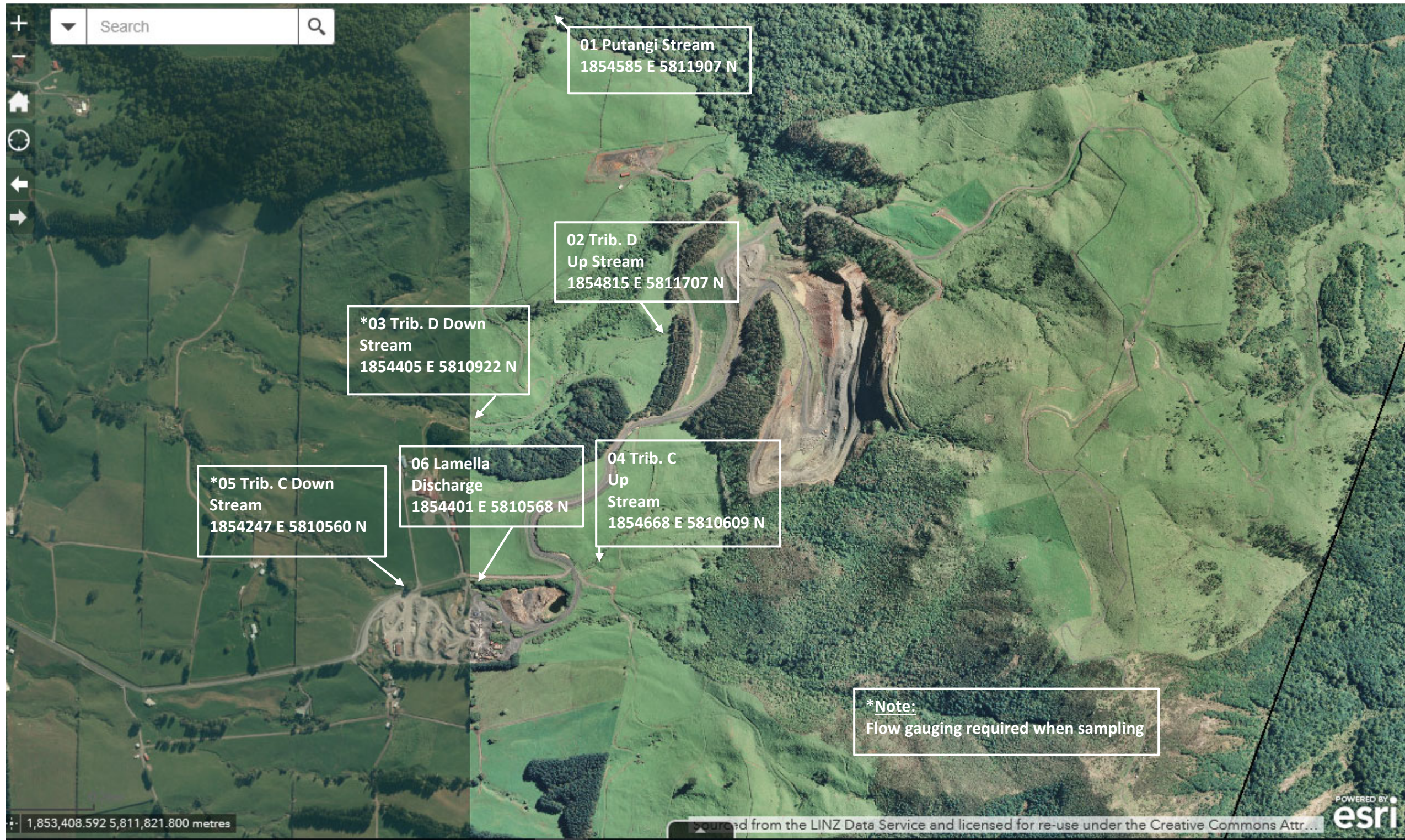


APPENDIX 2

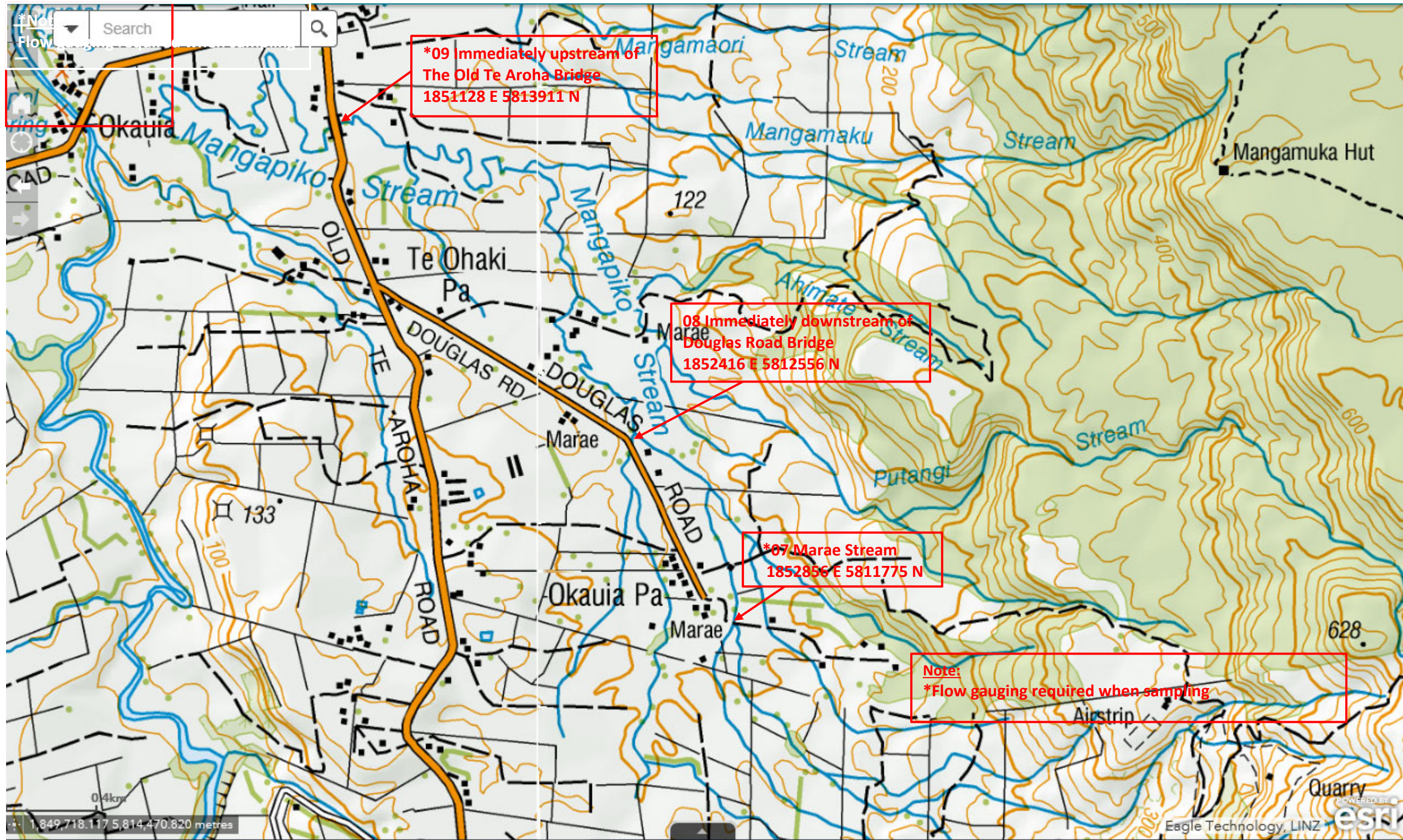
(To be attached to Schedule 1 - General Conditions)

Water Sampling locations at and downstream of the Quarry

Water Sampling Sites 1 - 6



Water Sampling Sites 7 - 9



APPENDIX A

Pre-Hearing Meeting Report

**APPLICATION TO WAIKATO REGIONAL COUNCIL FOR RESOURCE CONSENTS
BY MATAMATA METAL SUPPLIES LIMITED
SITE ADDRESS: BARTON ROAD, OKAUIA**

**REPORT ON A PRE-HEARING MEETING PURSUANT TO SECTION 99 OF THE
RESOURCE MANAGEMENT ACT 1991, HELD ON MONDAY 27 AUGUST 2018 AT
MATAMATA**

INTRODUCTION

1. This report is made pursuant to section 99(5) of the Resource Management Act 1991 (the RMA) and outlines the matters discussed on the record at a pre-hearing meeting conducted at O'Reilly's Motel, 187 Firth Street, Matamata on 27 August 2018 commencing at 10.30am.

FACILITATOR:	David Hill	Facilitator
Waikato Regional Council:	Graeme Cooper	Reporting Officer
	Jorge Rodrigues	Consents Team Leader
	Stu Rice	Administrative support
Applicant:	Matamata Metal Supplies Limited represented by: Dudley Clemens – Environmental Manager Tim Richardson – Legal Counsel Lewis Swap – Corporate Michael Swap – Corporate Stephen Swap – Corporate Mark Tollemache - Planning Chris Hardy – Stormwater Engineer Dr Brian Coffey – Ecology	
SUBMITTERS & OTHERS IN ATTENDANCE:		
Raukawa Charitable Trust	Damian Stone	Dave Marshall
Ngati Haua Iwi Trust	Norm Hill	Lisa Gardiner
Tangata Marae	Te Ao o te Rangi	Jordene Sydney
	Hinemotu Douglas	Lance Apaapa
	Landells Douglas	Carol Naera
	Dean Patterson	
Ngati Hinerangi	Dianna Vaimoso	Phil Samuels
Te Ohaki	Joanne Aoake	

2. The facilitator, David Hill, opened proceedings by inviting those present to introduce themselves and then explained the purpose of the pre-hearing meeting in terms of s99 of the Resource Management Act 1991, being to:
 - (a) Clarify a matter or issue; or
 - (b) Facilitate resolution of a matter or issue,

and to prepare a report, to be circulated to the parties at least 5 days before the hearing, setting out, among other things, matters that were agreed or remain outstanding.

3. The pre-circulated Agenda was then confirmed and the applicant invited to present a brief overview and specific updates on stormwater (Chris Hardy) and ecology (Brian Coffey).

BACKGROUND

4. Replacement consents are sought to continue and expand the existing quarry operation at Barton Road, Okauia. The existing quarry has operated since the late 1950s, and has been owned and operated by Matamata Metal Supplies Limited since 1986.
5. The existing consents expired on 1 July 2012, with the present applications lodged on 15 December 2012². Those authorised activities have continued under s124(3) of the RMA while the applications for renewal and expansion have been under consideration. Consent is sought, among other things, for water take, stream diversion, overburden discharge / disposal, stormwater discharge, water discharge to ground, and soil disturbance in a high risk erosion area, all for a 35 year term.
6. Part of the application involves extraction toward the rocky outcrop feature known as Te Weraiti, and which has particular cultural significance for those represented by the submitters.

ISSUES

7. By the close of the pre-hearing meeting, the details of which are not recorded as submitters requested that be held in confidence, the principal matter resolved was whether submitters wished to further engage with the applicant to attempt to resolve their issues or proceed to a hearing on the matters.
8. After much discussion the submitters collectively advised that they wished the matter to proceed direct to hearing, and maintain their opposition to the application.

MATTERS AGREED AS PER SECTION 99(5)(b)(i) RMA


9. No matters are recorded as having been agreed.

MATTERS OUTSTANDING AS PER SECTION 99(5)(b)(ii) RMA

10. All submission matters remain outstanding.

CONCLUSION OF MEETING

11. The meeting closed at approximately 3pm.



David Hill
Independent Hearings Commissioner

31 August 2018

² The date given in section 2.0 of the application, although presumably that is in error and should refer to 2011 otherwise s124(3) RMA would not apply.

APPENDIX B

**Report from Cameron King:
Senior Resource Officer,
Water Allocation**

Hi Graeme.

From my consideration the application is seeking to take water from two take sites:

1. A take site – map reference NZTM 1854735 E 5810490 N – on an unnamed tributary of the Mangapiko Stream. This unnamed tributary is designated “tributary A” in the application documentation. I’ll refer to this as take site A.
2. A take site – map reference NZTM 1854595 E 5810526 N – on a dammed unnamed tributary of the Mangapiko Stream. This unnamed tributary, designated “tributary B” in the application documentation, has been previously diverted such that it effectively terminates in a small dam, what the application documentation has designated “plant water supply pond”. I’ll refer to this as take site B. As discussed, the applicant should confirm or otherwise that it is complying with 3.6.4.4 Permitted Activity Rule – Small Dams and Damming Water.

The proposed maximum net take rate and daily net take volume are 6 l/s and 220 m³, respectively.

Water taken at take site B is used to meet the quarry water requirements, with this water being comprised of tributary B inflow and water reticulated from water taken at take site A.

The application states that tributary A and tributary B are ephemeral. By extension, this means that the Q5 for each catchment defined by each take site is zero.

Expired water take consent 961428 is affected by s124 RMA. With this being the case the 220 m³ daily allocation it allowed for is currently included in the accounting of cumulative authorised water take and a grant will not result in a change to this accounting.

For the catchments relevant to the proposed take, a summary of allocation as at 4 May 2018 and based on 24 hour values is as follows.

- Unnamed tributary at take site A
 - The Q5 estimate, assuming ephemeral system, is 0 l/s; the primary allocable flow is 0 l/s (5% of Q5); the secondary allocable flow is 0 l/s (25% of Q5).
 - The cumulative authorised water take is 2.55 l/s for all months of the year. This value is greater than the combined primary and secondary allocable flow.
 - This catchment is over-allocated for all months of the year.
 - The take is a discretionary activity as provided for by the WRP’s 3.3.4.23 Discretionary Activity Rule – Surface Water Takes.
- Unnamed tributary at take site B
 - The Q5 estimate, assuming ephemeral system, is 0 l/s; the primary allocable flow is 0 l/s (5% of Q5); the secondary allocable flow is 0 l/s (25% of Q5).
 - The cumulative authorised water take is 2.55 l/s for all months of the year. This value is greater than the combined primary and secondary allocable flow.
 - This catchment is over-allocated for all months of the year.
 - The take is a discretionary activity as provided for by the WRP’s 3.3.4.23 Discretionary Activity Rule – Surface Water Takes.
- Unnamed tributary at confluence with Mangapiko Stream
 - The Q5 estimate is 9 l/s; the primary allocable flow is 0.45 l/s (5% of Q5); the secondary allocable flow is 2.25 l/s (25% of Q5); the combined primary and secondary allocable is 2.7 l/s.

- The cumulative authorised water take is 2.67 l/s for all months of the year. This value exceeds the primary allocable flow and is less than the combined primary and secondary allocable flow.
 - Water will remain available for allocation within the secondary allocable flow in the event of a grant for all months of the year.
 - The take is a discretionary activity as provided for by the WRP's 3.3.4.23 Discretionary Activity Rule – Surface Water Takes.
- Mangapiko Stream at confluence with Waihou River
 - The Q5 estimate is 105 l/s; the primary allocable flow is 5.25 l/s (5% of Q5); the secondary allocable flow is 26.25 l/s (25% of Q5); the combined primary and secondary allocable is 31.5 l/s.
 - The cumulative authorised water take is 5.95 l/s for the months May through November and 14.05 l/s for all other months. Both values exceed the primary allocable flow and are less than the combined primary and secondary allocable flow.
 - Water will remain available for allocation within the secondary allocable flow in the event of a grant for all months of the year.
 - The take is a discretionary activity as provided for by the WRP's 3.3.4.23 Discretionary Activity Rule – Surface Water Takes.
- Waihou at CMA
 - The Q5 estimate is 24.304 m³/s; the primary allocable flow 2.430 m³/s; the secondary allocable flow 4.861 m³/s; the combined primary and secondary allocable flow 7.291 m³/s.
 - The cumulative authorised water take ranges between 1.017 m³/s and 2.341 m³/s across the months of the year.
 - Water will remain available for allocation within the primary allocable flow in the event of a grant for all months of the year.
 - The activity status is controlled for the months of the year with cumulative authorised water take less than 70 percent of the primary allocable flow and restricted discretionary for all other months.

As directed by the WRP's 3.3.3 Policy 3, the strictest activity status applies so the proposed water take is a discretionary activity pursuant to 3.3.4.23 Discretionary Activity Rule – Surface Water Takes.

With appropriate conditions, particularly with respect to water shortage requirements, I consider, having had regard to the scheme of the WRP, that the proposed water take will have a less than minor adverse effect on flow regime – and consequently the matters that flow regime provides for as set out in the WRP's 3.3.3 Policy 1: Establish Allocable and Minimum Flows for Surface Water – for all relevant catchments bar unnamed tributary at take site A and unnamed tributary at take site B.

As I noted the other day Graeme, I it could be sensible in the circumstances to have a freshwater ecologist provide comment on the potential for adverse effects in relation to unnamed tributary at take site A and unnamed tributary at take site B.

If it is required, please let me know if you wish me to help with drafting conditions for the water take.

Happy to discuss when it suits.

Cheers
Cameron

APPENDIX C

**Dr. Jonathan Caldwell's comments
re flocculation conditions**

Hi Perry

Thought I had better get back to you on your query about flocculation conditions as per your enquiry:

For many years treated storm water discharges from earthworks which are subject to flocculation often have the following conditions or something similar... "Unless site specific analysis provides evidence to the contrary, as detailed in the certified Flocculation Management Plan, the consent holder shall ensure that the soluble aluminium concentration of any sediment retention pond discharge shall not exceed 0.2 grams per cubic metre. " The 0.2 g per cubic metre has come from somewhere but I wonder whether the limit is still relevant or another values or range of values would be a better fit depending upon the receiving environment. In addition the need to measure Sol Aluminium is probable moot for non Alum based flocculants. which are becoming increasingly common. If so, what other parameters should be measured? Spoken previously to Jonathan Caldwell on this matter.

For aluminium coagulants the two main ones are Alum (aluminium sulphate) and PAC (Polyaluminium chloride). It is generally accepted that dissolved aluminium at a concentration between 0.05 and 0.1 g/m³ and a pH between 6.5 –and 8.0 presents little threat of toxicity. The ANZECC 95% protection limit is 0.055 g/m³ and the ANZECC 90% protection limit is 0.08 g/m³ and the ANZECC 80% protection limit is 0.15 g/m³. However, at lower pH, the toxicity increases with an effect of possible major concern being the coagulation of mucus on the gills of fish. A recent assessment by consultants Aurecon for a discharge consent in the Bay of Plenty recommended consent conditions based on dissolved aluminium at a concentration between 0.05 and 0.1 g/m³ and a pH between 6.5 –and 8.0.

I would recommend that the standard default discharge requirement should be:

The consent holder shall ensure that the dissolved aluminium concentration of any sediment retention pond discharge shall not exceed 0.1 grams per cubic metre at a pH of 6.5 to 8.0.

If other flocculants are used instead of aluminium based ones, typically organic polymer based ones then it will need to be assessed on a case by case basis.

Auckland Council's TP227 is a useful reference as it provides a review of all the trials they have undertaken on various flocculants and coagulants.

Anionic polyacrylamides are preferred over cationic polyacrylamides as the latter have greater toxicity implications for fish due to causing mechanical suffocation.

Crystafloc L3RC (polydiallyldimethylammonium chloride) is also a fairly commonly used organic polymer in place of aluminium based ones. The current international limit for drinking water purposes is 0.05 g/m³ which will be based on a chronic long term exposure. Recent studies have also shown that polyelectrolytes like polydiallyldimethylammonium chloride can be toxic to aquatic organisms at levels exceeding 0.05 g/m³. However, these types of polymer based flocculants require very sensitive and less routine methods of analysis which are typically very expensive unlike aluminium. While a limit could be set at say 0.05 g/m³, routine monitoring may be less reasonable to expect.

Auckland Council's TP90 document for earthworks management says that the preference for choice of reagent should be for that which has a minimal impact on the receiving environment.

The TP90 says that a bench test should be undertaken. A bench test involves collecting a sample of the earthworks site's soil, mixing it with water in a clear cylinder and measuring the time the suspended sediment takes to settle. The bench test will provide information on which coagulants and flocculants are most effective and the optimal dosage rate at which they should be applied. I note that NZTA will do this

whenever they are proposing to use chemical treatments for earthworks projects in specific areas of the country where there are different soils.

Therefore, I think that when assessing consent applications, it would be important to ensure that bench tests have been done to optimise the chemical treatment being used so that the doses used are not higher than necessary. This will also provide information about the potential dilution required for the discharge after mixing in the receiving waters to ensure that water quality limits for protection of aquatic organisms are not exceeded.

So in summary, if it is an aluminium based floc then the limit I have recommended above would be a good default condition. If it is an organic polymer then it is likely that it will need to be assessed on a case by case basis and while a limit could be set, it might be too expensive to require routine analysis but it should be expected that bench testing trials are undertaken to ensure optimal dose rates.

If you prefer this written up as a memo based document then let me know.

Cheers

Jonathan

Jonathan Caldwell Senior Scientist | Land and Soil, Science and Strategy

WAIKATO REGIONAL COUNCIL | Te Kaunihera ā Rohe o Waikato

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APPENDIX D

**Josh Markham's ecological review of documents prepared
by: Brian T Coffee and Associates; Christopher Wilcox
Erosion Control Co. Ltd; and, Erosion Control Co. Ltd**

Memo

To: Graeme Cooper, Resource Officer, Land Development Resource Use, Waikato Regional Council **Job No:** _____

From: Josh Markham, Senior Ecologist **Date:** 19 October 2018

Subject: Matamata Metal Supplies Quarry - Waikato Regional Council Ecological Review

Introduction

Matamata Metal Supplies Ltd (MMS) have applied for resource consent to expand and continue the quarry operation at Barton Road, Okauia. As part of the resource consent application process Waikato Regional Council have asked for an independent ecological review of the following documents:

- *A Comparative Consideration of Wet Weather Discharges of Suspended Solids from the Matamata Metal Supplies Quarry to the Mangopiko Stream and Effects on Instream Macroinvertebrate Community Structure. Prepared by Brain T. Coffey and Associates Limited Environmental Consultants.*
- *Matamata Metal Supplies, Evaluation of the Ecotoxicity of Water Treatment Chemicals. Prepared by Christopher Wilcox Erosion Control Co. Ltd, dated 17 September 2018.*
- *J Swap Contractors Ltd, Matamata Metal Supplies Barton Road Okauia, Chemical Treatment Management Plan (CTMP). Prepared by Erosion Control Co. Ltd, dated 21 September 2018.*

Overview of the above reports

The report prepared by Coffey and Associates gives a full and accurate account of the site and historical water quality information. Wet weather sampling was conducted on the 29 August 2018 in order to determine if discharges from the quarry still remained compliant with current consent conditions.

Water samples were taken from 11 sites within the quarry footprint and nine along Old Aroha Road and Douglas Road respectively. The report prepared by Coffey and Associates has provided a full analysis of the water quality results. Five of the highest turbidity and suspended solid concentrations were within the quarry footprint (sites 3, 4, 6, 10 and 11). The report further explains that the source of sediment discharges contributing to high turbidity and suspended solid concentrations came from the haul road, stormwater swales, ponds A + B and the Lamella Plant at site 9.

Macroinvertebrates were also sampled as they are an indicator species for water quality and deposited sediment. Six sites (upstream and downstream paired sites on Tributary D and Tributary A + C) were sampled for macroinvertebrates on the 14 September 2018 12 days after a significant rain event. A statistically significant reduction was found in all five macroinvertebrate metrics (MCI, QMCI and EPT index) between upstream and downstream paired sites in Tributary D and Tributary A + C. The report concludes that stream bed embeddedness caused by sedimentation is the main driver for these statistically significant reductions in macroinvertebrate metrics.

The key conclusions and recommendations of the report prepared by Coffey and Associates are:

- The MMS quarry has significant discharges of suspended solids concentrations in Tributary C and D that exceed the Waikato Regional Council Plan standards;
- There is no management plan or adaptive management to effectively monitor and manage non-compliances at the quarry and infrastructure (ponds A+ B is specially mentioned but same may apply to the Lamella Plant);
- The discharge of sediment laden from the haul roads, stormwater swales, pond A + B and the Lamella Plant) water from the quarry has an effect on macroinvertebrate communities in tributaries D and A + C downstream of the discharge points; and
- Recommendations have been made to upgrade the stormwater infrastructure across the quarry footprint.

A Chemical Treatment Management Plan (CTMP) and Evaluation of Ecotoxicity of Water Treatment Chemicals (EEWTC) has been provided as part of the report prepared by Coffey and Associates. The CTMP outlines bench testing results, treatment methodologies and management and spill procedures. The EEWTC provides generic ecotoxicity information for the use of polyDADMAC, PAM and PAC. In high concentrations both polyDADMAC and PAM can become toxic to fish life and PAC can have an effect (increase of acidity) on pH albeit less than other similar products. Both of these reports state that if polyDADMAC, PAM and PAC are used and managed as per recommendations then any effects to aquatic organisms will be non-detectable. These reports further state that polyDADMAC, PAM and PAC are commonly used in the Auckland and Waikato region.

Review Summary and Recommendations

The key summary of my review of the above documents are:

- I agree with the report prepared by Coffey and Associates that stormwater discharges from the quarry has an effect on water quality and the macroinvertebrate communities during wet weather events based on the analysis of paired upstream and downstream water quality and macroinvertebrate data.
- The report prepared by Coffey and Associates also infers that these discharges have been occurring for some time and have cumulative effects as the streambed embeddedness is higher directly downstream of the discharge points when compared to upstream and further downstream locations. Embeddedness is an index of settled sediment which fills interstitial spaces reducing habitat availability and food sources for both macroinvertebrates and native fish resulting in a negative effect.
- I agree with the report prepared by Coffey and Associates that a stormwater management plan needs to be developed for the quarry and major upgrades of quarry infrastructure is needed. However, based on the long term nature of the quarry and risk of exceedances this stormwater management plan needs to include (but not limited to):
 - A plan depicting how all stormwater and stormwater devices are managed across the quarry footprint;

- A telemetered continuous monitoring programme which provides quarry managers and Waikato Regional Council up to date information that can be used to actively manage the discharges during wet weather events and when trigger levels are reached;
 - This above telemetered continuous monitoring programme monitoring would provide flow data and water quality data at predetermined flow trigger levels and paired upstream and downstream sites and would also be used to monitor water quality with the ponds and allow compulsory discharge shut off trigger levels;
 - An adaptive management procedure that are activated once trigger levels are exceeded preventing cumulative ecological effects;
 - Quarterly biological monitoring of native fish and macroinvertebrate indicators at paired upstream and downstream sampling sites. This would determine if the stormwater management plan is effective and the correct trigger levels are used in the telemetered continuous monitoring programme; and
 - The biological monitoring and telemetered continuous monitoring should trigger the adaptive management clause above.
- I agree with the content of the CTMP and EEWTC reports and the bench test pH rate is within the neutral range (6.5 – 7.5) for good stream health. Storage of large amounts of chemical onsite should be appropriately bunded to contain large spills prevent high concentration of chemical entering the surrounding streams, this is not sufficiently covered in the CTMP currently. Both reports are laboratory and desktop based. The key point is if these chemical products are appropriately used and managed to the recommended specification then any effects will be negligible. Stormwater management across the site is currently not appropriately managed and therefore overuse of these chemicals or poor management of these chemicals and associated stormwater devices could cause significant effects on instream biota and instream pH levels.

Review Conclusion

It is considered that report prepared by Coffey and Associates provides an accurate account of the effects of stormwater discharge from the quarry footprint during wet weather conditions and that there is a clear ecological effect based on water quality and macroinvertebrate data. Furthermore the report infers that the amount and rate of sediment discharge could have been happening for some time based on the embeddedness of the streambed immediately downstream of the discharge points.

The report prepared by Coffey and Associates provides a list of recommendations that appear to be upgrades to the stormwater infrastructure across the quarry footprint. I agree that a major upgrade of the stormwater infrastructure across the quarry footprint is warranted. However, these proposed upgrades don't take into account the active management of stormwater across the quarry footprint. Therefore, I have recommended that a modern monitoring programme and stormwater management plan be designed and implemented allowing for real time adaptive management to stormwater management across the quarry footprint. The recommendations are considered appropriate based in the scale and longevity of the quarry and the cumulative nature of the potential ecological effects if appropriate stormwater management is not put in place.

APPENDIX E

Submissions

15 May 2018



Waikato Regional Council

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APPLICATION BY MATAMATA METAL SUPPLIES LTD TO OPERATE AND EXPAND A QUARRY AT BARTON ROAD OKAUIA

1. INTRODUCTION

1.1 Ngāti Hauā Iwi Trust (the trust) has received a copy of the application by Matamata Metal Supplies to continue and expand the quarry at Barton Road, Okauia. The following consents have been applied for:

- Soil disturbance in a high-risk erosion area;
- Place overburden onto the ground in association with a hard rock quarry;
- Divert tributaries of Mangapiko Stream through storage impoundment;
- Take up to 220 cubic metres of water per day for aggregate washing and dust suppression;
- Discharge storm water and process water from quarry site;
- Discharge water by ground filtration in quarry pit;
- Discharge storm water from overburden area to stream.

1.2 The Trust's submission is based on the implications of the proposal as it relates to the mauri o te taiao, the health and wellbeing of the environment including the Waihou River, and the environmental, social and cultural interests described in relevant statutory documentation.

2. NGĀTI HAUĀ IWI TRUST
- 2.1 Ngāti Hauā descend from the eponymous ancestor Hauā, a direct descendant of Hoturoa, the captain of the Tainui waka. The hapū of Ngāti Hauā are Ngāti Te Oro, Ngāti Werewere, Ngāti Waenganui, Ngāti Te Rangitaupi and Ngāti Rangī Tawhaki.
- 2.2 The Ngāti Hauā rohe spans from Te Aroha, south along the Kaimai Range to Te Weraiti, from Te Weraiti west to Maungatautari then northwest to Te Rapa, from Te Rapa eastward to Mangateparu and then to Te Aroha. Part of the Ngāti Hauā rohe is located within the Waikato Raupatu Claims Area established in 1995.
- 2.3 The Ngāti Hauā geographically extend the co-management instruments afforded to Waikato-Tainui through the raupatu settlement to cover the Ngāti Hauā area of interest. Ngāti Hauā are involved in the co-management of the Waikato River within our area of interest through Waikato-Tainui.
- 2.4 Location Te Weraiti (Being part of Kaimai Mamaku Conservation Park), at the southern end of the Kaimai Ranges
- 2.5 Te Weraiti is a Puke tapu of Ngāti Hauā located in the Okauia district; it is a key boundary marker used to define both the eastern and southern boundaries of Ngāti Hauā rohe.
- 2.6 Te Weraiti was acknowledged as a significant landmark, viewed from Ngāti Hauā pā and kāinga in the vicinity of Te Weraiti. It is often referred to as 'nga kohatu whakatu mai te rohe o Ngāti Hauā' or 'the rocks that establish the territory of Ngāti Hauā'
- 2.7 According to Ngāti Hauā tradition, Te Waharoa of Ngāti Hauā provided protection to those who resided in the areas below Te Weraiti at Waihou, Waiharakeke, Parekarewarewa and Okauia where there were mahinga kai (areas of cultivation), papa kāinga (inhabitations) and urupā (sacred burial grounds).
- 2.8 Ngāti Hauā, through the hapū of Ngāti Rangī Te Oro, Ngāti Rangī, Ngāti Tāwhaki, have had a strong association with Te Weraiti.
3. NGĀTI HAUĀ IWI TRUST POSITION
- 3.1 Mana whenua refers to the mana or 'authority' held by an iwi, hapū or whanau over the land, territory and/or resources of a particular area. The Resource Management Act 1991 provides that 'mana whenua' means customary authority exercised by an iwi or hapū in an identified area. This authority is passed down through whakapapa (genealogy) and is based on the settlement and occupation of, and continued use and control of natural resources within, an area. Mana whenua is also used to describe the people who hold this authority, and who are also considered the kaitiaki (guardian/ caregiver, steward) of their particular area or takiwā.
- 3.2 The Trust appreciates the efforts taken to discuss the Matamata Metal Supplies Ltd Resource Consent Application via one site visit. We believe this development cannot be processed in isolation from a number of large scale developments within our rohe.
- 3.3 This submission opposes this applications in its entirety, for the reasons outlined below:

- fails to meet the Ngāti Hauā Iwi Trusts Rautaki Taiao Environmental Framework, with particular regard to the sacred maunga Te Weraiti, the protection of the mauri, water quality and ecology the Mangapiko catchment
 - Inadequate recognition of our values, interests and relationship with our marae, ancestral lands and the mitigation recommendations do not adequately avoid, remedy or mitigate the adverse cultural and environmental effects
 - The duration of consent sought
- 3.4 The Trust looks forward to discussing with the applicant and Waikato Regional Council on how to best resolve its concerns. The Trust suggests that the next step in addressing these concerns is a pre-meeting involving the applicant, Council and iwi, mana whenua.
- 3.5 The Trust shall review our position following further consultation and negotiations with the Trust and Matamata Metal Supplies Ltd to address these matters/conditions to our satisfaction, with a focus to protect and restore the mauri of our taiao within our area of mana whakahaere.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Lisa Gardiner', is written over a light blue rectangular background.

Lisa Gardiner
General Manager

16 May 2018

Waikato Regional Council
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

Email: RCsubmsions@waikato.govt.nz

Tēnā koutou,

APPLICATION BY MATAMATA METAL SUPPLIES LTD TO OPERATE AND EXPAND A QUARRY AT BARTON ROAD OKAUIA

1. INTRODUCTION

1.1 The Raukawa Charitable Trust (the Trust) has received a copy of the application by Matamata Metal Supplies to continue and expand the quarry at Barton Road, Okauia. The following consents have been applied for:

- Soil disturbance in a high risk erosion area;
- Place overburden onto the ground in association with a hard rock quarry;
- Divert tributaries of Mangapiko Stream through storage impoundment;
- Take up to 220 cubic metres of water per day for aggregate washing and dust suppression;
- Discharge stormwater and process water from quarry site;
- Discharge water by ground filtration in quarry pit;
- Discharge stormwater from overburden area to stream.

1.2 The Trust's submission is based on the implications of the proposal as it relates to the Raukawa takiwā, the health and wellbeing of the Waihou River, and the environmental, social and cultural interests described in relevant statutory documentation. The Trust seeks to have its views recognised and taken into account as part of the decision making process. The Trust is not a trade competitor for the purposes of section 308B of the RMA.

2. RAUKAWA

2.1 Raukawa is a large iwi associated within a significant area of the central north island that is rich in natural and cultural heritage. The Raukawa takiwā is represented by four traditional rohe: Te Pae O Raukawa, Wharepūhanga, Maungatautari and Te Kaokaoroa O Pātetere. These four areas include Mōkai, Atiamuri, Whakamaru, Mangakino, Tokoroa, Putāruru, Tirau, Tapapa, Matamata, Kēmureti, Kihikihi and Te Awamutu.

2.2 The Raukawa Settlement Trust (RST) represents 16 marae and was formed in 2009, as the Post Settlement Governance Entity, to receive and manage settlement assets. RST has delegated responsibility for the management of environmental and resource management activities to the Raukawa Charitable Trust. The Trust represents Raukawa as the iwi authority for resource management purposes.

2.3 Tangata Marae is one of the 16 marae that affiliate to the Raukawa Settlement Trust. Tangata Marae has a strong association to Te Weraiti maunga and rocky outcrop and to the tributaries of the Waihou (and in particular the tributaries of the Mangapiko) that flow in the vicinity of the Matamata Metal Supplies Quarry. The Tangata Marae response to the application is attached as Appendix A to this submission.

2.4 The Crown has recognised the association of Raukawa with the Waihou through the signing of the Deed of Settlement of Historical Claims in June 2012 and through statutory acknowledgement in the Raukawa Claims Settlement Act 2014. The statutory acknowledgment applies to the Waihou River and its tributaries and is attached as Appendix B along with the statement of association. Tangata Marae is specifically mentioned in the statement of association.

3. RAUKAWA POSITION

3.1 The Trust appreciates the opportunity previously provided by J Swap Contractors Ltd to comment on this proposal. The Trust recognises the economic benefits that arise from quarry activities and the provision of aggregates.

However the Trust does have concerns regarding aspects of the application made by Matamata Metal Supplies. Particular aspects are:

- The expansion of the quarry towards Te Weraiti rocky outcrop;
- The protection of the mauri, water quality and ecology the Mangapiko catchment;
- Ensuring adequate monitoring of the effects of the quarry and associated takes and discharges; and
- The duration of consent sought.

3.2 The Trust looks forward to discussing with the applicant and Waikato Regional Council on how to best resolve its concerns. The Trust appreciates that these discussions occur within the context of the enduring relationship between the Trust and J Swap Contractors Ltd and form part of the ongoing, open and positive communication between the parties. The Trust suggests that the next step in addressing these concerns is a pre-hearing meeting involving the applicant, Council and all affected parties.

4. RELEVANT PLANNING AND STATUTORY FRAMEWORK

TE RAUTAKI TAIAO A RAUKAWA – RAUKAWA ENVIRONMENTAL MANAGEMENT PLAN

4.1 Te Rautaki Taiao a Raukawa – Raukawa Environmental Management Plan (Te Rautaki Taiao) is a statement of Raukawa issues, aspirations, and priorities in relation to the environment. It has been prepared by the Trust on behalf of ngā uri o Raukawa.

4.2 The overall purpose of Te Rautaki Taiao is two-fold. Firstly, it provides a statement of Raukawa values, experiences, and aspirations pertaining to the use and management of our environment. Secondly, it is a living and practical document that will assist Raukawa to proactively and effectively engage in and shape current and future policy, planning processes, and resource management decisions.

4.3 The sections of the Te Rautaki Taiao considered to be most relevant to this application are Section 2.1 Water - Wai, Section 2.5 Cultural Landscapes and Taonga - Ngā Wāhi Tūturu me ngā Taonga Tuku Iho and Section 2.12 Mining, Quarrying, Oil and Gas - Ngā Waro, Kōhatu, Puna Urutapu, Kapuni hoki. Some of the relevant objectives and methods from these sections are set out below

"Section 2.1 Water – Wai

- *The mana and mauri of water is safeguarded for present and future generations.*
- *The Raukawa kaitiaki relationship with our waters is respected, enhanced, and supported.*
- *The health and wellbeing of the Waikato, Te Waihou, and the Upper Waipā River and their catchments are restored and protected.*

Section 2.5 Cultural Landscapes and Taonga –Ngā Wāhi Tūturu me ngā Taonga Tuku Iho

Objectives

- *Our cultural landscapes embody the whakapapa and tikanga of Raukawa and are recognised, protected, and enhanced.*
- *Raukawa continue to develop knowledge of our cultural landscapes and taonga, and safeguard that knowledge for future generations.*
- *Raukawa current and future generations have the ability to access, use and care for our cultural landscapes and taonga in accordance with Raukawa tikanga and kawa.*
- *Raukawa cultural heritage underpins and is celebrated within district and regional heritage and identity.*

Method 16 Government agencies and local authorities should develop a framework of regulatory and non-regulatory methods that provide for Raukawa cultural heritage sites/areas/landscapes.

Method 17 Local authorities should work with Raukawa and landowners to secure access to Raukawa cultural sites/ areas/landscapes.

Method 29 Government agencies and local authorities should include Accidental Discovery protocols, developed in collaboration with RCT, as consent conditions with resource consents involving land disturbance."

Section 2.12 Mining, Quarrying, Oil and Gas - Ngā Waro, Kōhatu, Puna Urutapu, Kapuni Hoki

Objectives

- *Our relationship with Papa-tū-ā-nuku guides our approach to managing the adverse effects of mining, gas, oil and quarrying industries within our takiwā.*
- *The Raukawa cultural landscape and sites/areas of importance are protected and provided for in all sector planning and operations.*
- *The mining, gas, oil and quarrying sector understands and supports Raukawa values and interests relating to land, water and air.*
- *Best practice, innovation and excellence in the areas of mining, gas, oil, and quarrying are promoted within the Raukawa takiwā.*

Method 12 Local authorities and government agencies should actively discourage sector activities within sites/areas/landscapes of cultural importance for Raukawa.

Method 13 Local authorities and government agencies should ensure early collaboration with Raukawa in the development of new and existing mining, quarrying, oil, and gas activities, and avoid, remedy, or mitigate any adverse effects.

Method 15 Local authorities should require best practice approaches to sector operations, including:

- a. Consideration of cumulative effects.*
- b. Cultural Impact Assessment of proposed activities.*

- c. *Site rehabilitation plans that include planting of indigenous species and cultural resource areas in collaboration with Raukawa.*
 - d. *Requirement for managing effects on amenity values and providing appropriate screening of operations.*
 - e. *Prevention or reduction of vibration, noise, dust, and contaminants*
 - f. *Restriction of hours where explosives are used.*
 - g. *Manage the effects of the activity within the site, catchment and/or takiwā.*
 - h. *Establish and implement monitoring regime across consent life."*
- 4.4 Given the status, purpose and relevance of the Te Rautaki Taiao, it is of concern that the application does not address Te Rautaki Taiao and the relevant objectives and methods. The Trust seeks that the Te Rautaki Taiao and the specific provisions above be considered and addressed as part of this application in accordance with section 104 (1) (c) of the Resource Management Act 1991 (RMA).

NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2014 (AMENDED 2017)

- 4.5 The National Policy Statement for Freshwater Management 2014 (Freshwater NPS) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. It came into effect on 1 August 2014 and amendments made in August 2017 took effect on 7 September 2017. The following objectives and policies are relevant:

Objective A1

To safeguard:

- a) *the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and*
- b) *the health of people and communities, as affected by contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants.*

Objective A2

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) *protecting the significant values of outstanding freshwater bodies;*
- b) *protecting the significant values of wetlands; and*
- c) *improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.*

Objective B1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.

Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Policy D1

Local authorities shall take reasonable steps to:

- a) *involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;*
- b) *work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and*
- c) *reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.*

REGIONAL POLICY STATEMENT

- 4.6 Objectives 3.9, 3.14 and 3.18 of the Proposed Regional Policy Statement (RPS) are particularly relevant to this application and are set out below.

“3.9 Relationship of tāngata whenua with the environment

The relationship of tāngata whenua with the environment is recognised and provided for, including:

- a. the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori;*
- b. the role of tāngata whenua as kaitiaki.*

3.14 Mauri and values of fresh water bodies

Maintain or enhance the mauri and identified values of fresh water bodies including by:

- a) maintaining or enhancing the overall quality of freshwater within the region;*
- b) safeguarding ecosystem processes and indigenous species habitats;*
- c) safeguarding the outstanding values of identified outstanding freshwater bodies and the significant values of wetlands;*
- d) safeguarding and improving the life supporting capacity of freshwater bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030;*
- e) establishing objectives, limits and targets, for freshwater bodies that will determine how they will be managed;*
- f) enabling people to provide for their social, economic and cultural wellbeing and for their health and safety;*
- g) recognising that there will be variable management responses required for different catchments of the region; and'*
- h) recognising the interrelationship between land use, water quality and water quantity.*

3.18 Historic and cultural heritage

Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region's and New Zealand's history and culture.”

WAIKATO REGIONAL COUNCIL LONG TERM PLAN 2015-25 AND PLAN CHANGE 2 TO THE WAIKATO REGIONAL PLAN

- 4.7 The Waikato Regional Council Long Term Plan 2015-25 identifies that a plan change for the Waihou-Piako catchment will be one of the next phases of the Waikato Regional Plan Review¹. This plan change can be expected to improve water quality standards within the Waihou-Piako catchment in a manner similar to the Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments. The Waikato Regional Council Long Term Plan 2015-25 identifies the needs to work with communities in the Hauraki and Coromandel catchments to prepare for upcoming limits and targets to be implemented under Plan Change 2 to the Waikato Regional Plan².

5. ASSESSMENT OF PROPOSAL

OVERVIEW

- 5.1 The Matamata Metal supplies Quarry is located on the western side of the Kaimai Ranges. It is close to and below Te Weraiti rocky outcrop. Te Weraiti rocky outcrop is a culturally significant site for a number

¹ Waikato Regional Council Long Term Plan 2015-25 page 84

² Ibid page 75

of iwi and hapu including Ngāti Hinerangi, Ngāti Haua and Raukawa. It is wahi tapu and an urupā. The quarry also sits close to the top of the catchment for the Mangapiko river, which flows to the Waihou River. Several tributaries of the Mangapiko are in close proximity to the quarry and are diverted, taken or discharged to for quarry purposes.

- 5.2 The application is for a continuation and expansion of the existing quarry activities including earthworks in high erosion areas, overburden disposal, water takes, water discharges, and stream diversions. The application contains no cultural impact assessment. The application contains no ecological assessment. It is understood that previous ecological assessments have been undertaken for the 2012 and 2017 applications but these are not included in this application.

TE WERAITI AND QUARRY EXPANSION

- 5.3 It is proposed to extend the quarry pit to the east and north. This brings the edge of the quarry closer to Te Weraiti rocky outcrop and increases the depth of the horizontal cut of the quarry face into the maunga. No clear boundary or buffer between quarry activities and Te Weraiti rocky outcrop is proposed. No limit on further quarry extension is identified. The proposal does not provide for any access for mana whenua to Te Weraiti rocky outcrop or for any engagement of mana whenua in its protection and management. The Tangata Marae response to the application (Appendix A) sets out the whakapapa connecting Te Weraiti to the hapu of the Marae. The response identifies that the quarry diminishes their maunga tūpuna and that the continued expansion of the quarry weakens the mauri and wairua of Te Weraiti rocky outcrop. The Tangata Marae response states that the expansion diminishes their ability to act as kaitiaki.

- 5.4 It is considered that the proposal does not recognise or provide for the relationship of Tangata Marae with their wahi tapu and taonga. It is considered that the proposal provides for the continued diminishment of the cultural landscape that embodies the Tangata Marae whakapapa. It does not have regard to kaitiakitanga, mātauranga or the expression of tikanga and kawa in the management of the site.

OVERBURDEN AREAS

- 5.5 The proposal includes two proposed overburden areas outside the current quarry activity areas. Although it is noted that earthworks preparing one of these proposed sites for spoil has already commenced. Te Weraiti and the surrounding landscape and features are rich in cultural heritage. It is essential that any earthworks undertaken as part of the quarry activities be subject to accidental discovery protocols. The standard Raukawa Accidental Discovery protocol is attached as Appendix C. Discharge from the overburden areas is addressed below.

WATER TAKES

- 5.6 The application proposes to continue a take of up to 220m³ per day from two tributaries of the Mangapiko Stream. The application describes these tributaries as both ephemeral and subject to base flow. The take volume is proposed solely in regard to the demands of quarry activities and without regard to effects on the stream flows. No monitoring of actual take volumes exists or is proposed.

The Tangata Marae response sets out the significant cultural connections between the Marae and the Mangapiko and its tributaries. The application states that adverse effects are minor as all water is returned downstream. However this fails to address the cultural and ecological effects of reducing or removing flows from reaches of these small tributaries and then returning it down stream in an altered state. Investigation and clarification of the nature and flows of these streams is required in order to

assess the effects of the take. Should consent be granted conditions should be imposed requiring monitoring of take levels along with controls to avoid or mitigate adverse effects.

STREAM DIVERSIONS

- 5.7 The application refers to both existing and proposed stream diversions. However it is understood that the diversions proposed in the application have been granted separate consents in 2017. The Tangata Marae response identifies the adverse effects of diversions on the mauri of the Mangapiko and its tributaries. Consequently it is considered that no further diversions should be undertaken.

DISCHARGES TO WATER

- 5.8 The quarry and associated activities are almost at the top of the Mangapiko catchment. Discharges from the quarry affect all downstream waters and water users. The Tangata Marae response sets out the significant adverse effects of low water quality on the mauri of the waters, the Tangata relationship with those waters and the wellbeing of the people. The response identifies that the water supply for the Marae is from a tributary to which the quarry will discharge.
- 5.9 It is therefore important that discharges from the quarry be treated to a high quality and monitored closely. This includes discharges from the processing area, haul road and overburden disposal areas. However the application proposes an upper limit for suspended solids of 100 grams per cubic meter and a continuation of the existing monthly monitoring regime. No reason is given why higher quality discharges cannot be achieved. Monthly monitoring allows for significant variations in discharge quality to go unrecorded. The application provides for conditions relating to the discharge of soluble aluminium concentrations although it is understood this is not currently used for the operation of the Lamella plant. The Tangata Marae response identifies specific concerns with the discharge of soluble aluminium.
- 5.10 Overall it is considered that the application provides for the continued degradation of water quality in the Mangapiko and Waihou catchment and does not restore, improve, protect or safeguard the water quality, the life-supporting capacity, ecosystem processes or mauri of the catchment. It does not safeguard the health of the people and their communities.
- 5.11 It is considered that any consent for these discharge should only be granted subject to higher quality limits of 80 grams of suspended solids per cubic metre and a prohibition on the discharge of soluble aluminium. Any consent granted should require substantial improvements in the monitoring regime. This should include daily monitoring at discharge points when discharges are occurring. Monitoring of the effects of discharges should include Mātauranga Maori monitoring in order recognise the mauri of the tributaries and the relationship of mana whenua with the awa and the whenua. Mātauranga Maori monitoring provides for mana whenua to directly carrying out monitoring. It enables for their knowledge and perspective to be included in the assessment of the environment.
- 5.12 Further it is noted that the Waikato Regional Council is committed to introducing a regional plan change for the Waihou catchment to restore and protect the health and wellbeing of the catchment in a manner similar to Regional Plan Change One for the Waikato and Waipa River catchments. In a changing policy environment that will seek to improve water quality a consent period of 35 years is inappropriate. It is anticipated that Waikato regional plan change two will be completed within 10 years. At that time the quarry operations and discharge should be reassessed against the improved water quality stands for the catchment. Therefore, if consent is granted, the maximum duration of the consent should be no more than 10 years.

6. RELIEF SOUGHT

- 6.1 Based on the assessment above the Trust considers that the application has the potential for significant adverse effects on the environment, and is not consistent with Te Rautaki Taiao a Raukawa, the National Policy Statement on Freshwater Management or the Waikato Regional Policy Statement. Conditions of consent are required to address these matters.
- 6.2 Having regard to the above, the Trust would not oppose the application if conditions of consent are adopted that:
- Avoid any further expansion of the quarry towards Te Weraiti rocky outcrop and any increase in the horizontal depth of the cut quarry face on the maunga;
 - Apply a clear and appropriate protective boundary or buffer between Te Weraiti rocky outcrop and quarry activities;
 - Provide for mana whenua access to Te Weraiti rocky outcrop and engagement with mana whenua in the future management of the site;
 - Require the standard Raukawa Accidental Discovery Protocol to be implemented should any archaeological items, culturally significant features, koiwi or taonga be disturbed or uncovered as a result of quarrying activities;
 - Limit water takes to avoid or mitigate adverse effects on the tributaries of the Mangapiko and require monitoring of those takes;
 - Prohibit any further steam diversions;
 - Limit suspended solid discharge volumes to 80 grams per cubic metre;
 - Prohibit discharge of soluble aluminium;
 - Require daily monitoring at discharge points when discharges are occurring;
 - Require Mātauranga Maori monitoring of the effects of the quarry, including takes and discharges;
 - Limit consent duration to 10 years.
- 6.3 The Trust looks forward to working with the applicant, Waikato Regional Council and all affected parties to resolve the Trust's concerns. The Trust anticipates that a pre-hearing meeting would be help clarify and resolve issues.
- 6.4 If you have any questions or queries concerning this submission please contact Dave Marshall, Senior Planner, Pūtake Taiao in the first instance.

Nāku noa, na



Grant Kettle
Group Manager, Putake Taiao (Environment)
Raukawa Charitable Trust

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Private Bag 8,
Tokoroa 3444

Attn: Dave Marshall
Email: dave.marshall@raukawa.org.nz

cc. Matamata Metal Supplies
C/o J Swaps
Pox 153 Matamata 3440
Attn: Dudley Clemens

Via email: Dudley.clemens@jswaps.co.nz

Appendix A – Tangata Marae Response to Application

Ngati Tangata do not give consent to the Matamata Metal Supply (MMS) Application.

27 Reasons why Ngati Tangata say No to giving consent to MMS.

Whakapapa (geneology).

Putangimaru (M) and Tuwaewae (F) are brother and sister, their Father is Koperu. Putangimaru married Tuwera, the sister of Kotorerua(M) of Ngai te Rangi. Tuwaewae, married Tamure of Tainui and begat Tangata(M), the progenitor of Tangata Marae and Ngati Tangata Hapū. Putangi maunga and awa are named after Putangimaru and Weraiti is named after his wife Tuwera.

Effects on the local community (Ngati Tangata) from MMS Quarry Expansion on Te Weraiti.

1. The quarry severs the relationship Ngati Tangata has to their culture and traditions with our ancestral burial ground, being the rocky out crop (Te Weraiti).
2. MMS will continue to diminish the ahua (physical appearance of energy) of our Maunga tupuna (ancestral landmark). Affecting Hinengaro (mental health), of Ngati Tangata through stress and depression of seeing our ancestor disappear in front of our eyes.
3. MMS expansion weakens the Mauri (health and vitality) and Wairua (balance of energy) of Te Weraiti, causing a loss of connection to cultural identity for Ngati Tangata.
4. MMS expansion threatens the overall wellbeing for our future generations, by desecrating key aspects of our Pepeha, Ko Weraiti raua ko Putangi oku Maunga. Ko Waihou raua ko Mangapiko oku Awa. Ko Ngati Tangata te Hapu. Ko Tangata te Marae.

5. The MMS expansion diminishes our ability to act as Kaitiaki of Te Weraiti. A duty we have held for over 500 years.
6. Te Weraiti is a Taonga of Ngati Tangata and is in the heart of Ngati Hinerangi Iwi our people have a long, deep and strong connection to Weraiti. This association is historical, spiritual and environmental.

Effects from MMS Quarry on the Mangapiko stream.

7. Monitoring the contamination of soluble aluminium (a carcinogenic compound) has been incorrectly done for discharge to the Mangapiko since 1996 (MMS, Appendix E).
8. The Mangapiko was once the Mauri (life force) of four Marae being Tangata, Tamapango, Hinerangi Tawhaki and Te Ohaki Marae. Now we all struggle to find fresh water koura and tuna, when once it was abundant and flowed with vitality and health (Mauri).
9. Of great significance is the headwaters of the Mangapiko, that springs forth from Te Weraiti (Urupa). MMS will divert the Mangapiko at the beginning of the headwaters to allow for quarrying of this sacred and spiritual waterway.
10. On several occasions the local community has seen native fish dead or dying in the Mangapiko stream a waahi tapu, a cultural site.
11. The Mangapiko is where our children swim, play and together we gather watercress. The tributaries of the Mangapiko and Ahimate (Putangi Stream) provide the water supply to the Marae.
12. During rainy seasons the storm water discharge increases the volume of sediment in the Mangapiko and the Waihou. (3.1.2 Appendix E)

13. Due to the high-risk erosion area MMS operates, the storm water and sediment after heavy rain, leaves our community with no clean water to drink or bath in for days, or even weeks.
14. We have no confidence MMS can rectify or even see these deficiencies.
15. The Mangapiko is a main feeder stream for the Waihou and Matamata district. 22 years of MMS contaminated discharge and runoff contributes to the pollution of the water of the wider community. 4.2.4 Appendix E

Effects from MMS Quarry Expansion on Putangi stream (Ahimate) and Mangapiko.

16. MMS have produced no credible evidence of their environmental and cultural impacts over many years.
17. MMS shows minimal physical improvements in their plant and site over the past 8 years.
18. MMS mentions improvements to their site in their consent application they were supposed to have done post 2010 but have not actioned.
19. Unknown levels of soluble aluminium (a carcinogenic compound) has been discharged by MMS in to the Mangapiko for over 22 years.
20. MMS do not recognise these deficiencies and are blind to the environmental shadow their site and activities casts.
21. MMS intent, is to discharge storm water into the Putangi stream, a stream famed after an esteemed ancestor, who is an important part of New Zealand history. Putangimaru was a Raukawa Tohunga (cultural and spiritual expert) and Rangatira (leader), a Rangatira who was instrumental in the success of a battle known as Te Kokowai in the 1700s, a battle where Kotorerua from Ngai te Rangi claimed Mauao.

22. The Mauri of the Mangapiko will no longer exist, this waterway that provides the necessities of life for our community will reflect what has happened to our Maunga for the last 60 years, being degradation and destruction on a massive scale.
23. Putangi stream is the community's food source for short fin tuna, that our community have culturally harvested for centuries. Our tupuna awa (Putangi stream) and waahi tapu(Mangapiko) join at a junction near Te Ohaki Marae, two kilometres from the source of the intended storm water discharge from overburden areas (6.1.6).
24. All clean water in Aotearoa N.Z holds Mauri (conscious energy) and each creates its own Biodiversity. The Mauri of Putangi stream creates an ecological system that supports the life of the only known freshwater snail (*Latia neritoides*) in NZ, that can emit its own light. This light emitting snail is a key indicator for the health of Putangi stream and is of National importance, as it is the only snail of its kind in the World.

Tangata Wahi Tapu (sights of significance).

25. MMS will discharge directly in to Putangi stream diminishing the Mauri of the water and the Mauri of a well-known Pirirakau Pa. N.Z History records show that, the Pa was re occupied by Pirirakau in 1867 when a cease fire was called by King Tawhiao during the New Zealand Land Wars, (Pirirakau report 1997).
26. In the vicinity of overburden area two, is an archaeological site that has not been investigated, this site is an ancient Papakainga of Ngati Hinerangi 1700-1800. under the Heritage New Zealand Pouhere Taonga act, if an undiscovered archaeological site is discovered any works that are affecting the site will cease and authority sort (8.7).

Other Matters.

27. The Treaty of Waitangi 1840 (Article 2) has guaranteed to Maori rangatiratanga (duty of care) over their taonga(water). Tangata Marae through 'Te Tai Ao' environmental portfolio (2017), location, Whakapapa (genealogy) and legislation have the right to

exercise 'Kaitiakitanga' over our Taonga being Te Weraiti, Mangapiko and Putangi stream (RMA Part 2).

28. For all of the above reasons Tangata Marae Kaumatua, Pakeke, Haukainga, Rangatahi and Mokopuna oppose the application and seeks that Council refuse the consent in its entirety.

Acts and policy:

A. With respect to the RMA it is noted that: Part 2 Matters in the RMA that are of relevance to Maori, in particular (but not limited to): (i) Section 6 – recognising and providing for: (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga; (g) the protection of historic heritage from inappropriate subdivision, use, and development; (f) the protection of protected customary rights; (ii) Section 7 Other Matters – (a) having particular regard to kaitiakitanga; and (iii) Section 8 Treaty of Waitangi – taking into account the principles of the Treaty of Waitangi.

B. The Treaty of Waitangi 1840 guaranteed Maori iwi rangatiratanga over taonga (Article 2) the iwi must have a central role in dealing with identification and management of wahi tapu. The Treaty envisaged a place in New Zealand for two peoples with their own laws and customs, in which the interface was governed by partnership and mutual respect. Inherent in the Treaty relationship was that Māori, whose laws and autonomy were guaranteed and protected, would have options when settlement and the new society developed. They could choose to continue their tikanga and way of life largely as it was, to assimilate to the new society and economy, or to combine elements of both and walk in two worlds. Their choices were to be free and unconstrained.

C. In respect to the Heritage New Zealand Pouhere Taonga act,

42. Archaeological sites not to be modified or destroyed (1) Unless an authority is granted under section 48, 56(1)(b), or 62 in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.

43. Declaration of archaeological site.

Heritage New Zealand Pouhere Taonga may, on reasonable grounds, declare any place to be an archaeological site if the place—

(b) provides, or may be able to provide, through investigation by archaeological methods, significant evidence relating to the historical and cultural heritage of New Zealand.

Appendix B

Statutory Acknowledgement and Statement of Association – Waihou River and its Tributaries – Pursuant to Sections 22 to 29 and Part 2 of Schedule 1 of the Raukawa Claims Settlement Act 2014

Raukawa have an association with the Waihou Awa and its tributaries, and in particular, the source of the Waihou and the Waihou Springs. Raukawa acknowledge that other iwi share interests in parts of the Waihou River and its tributaries.

Thirteen generations after the arrival of the Tainui ancestors, Rakatāura and Kahukeke, the ancestor, Raukawa, was born and spent his first days in the region of the Waihou Awa. The grandchildren of Raukawa returned to this region to defeat another iwi. Since that time Raukawa hapū have maintained their ahikāroa.

For over 600 years, Raukawa have held that the mauri of the Waihou Awa and the mauri of Raukawa are inextricably linked. The Waihou Awa is a taonga to Raukawa. It is a whole and indivisible entity that flows from the punawai (source) of the Waihou to the Blue Springs near Putaruru to Te Puaha o Waihou (the mouth) and includes its water, banks, beds (and all minerals under them), and its streams, waterbodies, tributaries, lakes, aquatic life, vegetation, flood plains, wetlands, islands, springs, water column, geothermal aspects, airspace and substratum as well as its metaphysical elements.

As tangata whenua within a region that the awa flows, the relationship Raukawa have with the awa is paramount. It includes the enhancement of tribal mana but also gives rise to the responsibilities to protect the awa, its mana, and mauri. These responsibilities are woven within the customary assertion of mana whakahaere, which is encompassed within long established kawa and tikanga.

Raukawa continue to exercise customary rights and assert the rights and responsibilities of kaitiakitanga in relation to the Waihou Awa within the Raukawa rohe. The awa has provided a source of spiritual, cultural, social, and physical sustenance for the Raukawa people and, in turn, the role of kaitiaki embraces respect and an inter-generational responsibility. Raukawa consider the Waihou Awa to be a boundary marker remembered in the pepeha 'Mai te Wairere ki Maungatautari'.

In accordance with the principles of ahikāroa, many Raukawa marae and hapū were located near the Waihou Awa. To the west of the Waihou Springs stand the Ngāti Ahuru marae of Ngātira and Whakaaratamaiti. Also in this area are the remnants of ancient marae and wahi tapu, including Hamareha which is also known as Hamaria where the source of the Waihou Awa is found. To the east of the Waihou Awa stand the Ngāti Tūkorehe and Ngāti Te Rangi marae of Ruapeka and Tāpapa, Ūkaipō marae of Ngāti Kirihihi and Ngāti Wehiwehi and Tangata marae. Also in this area once stood the Ngāti Tūkorehe pā of Tokopikowhakahau. To the south of the Waihou stands the Ngāti Mōtai and Ngāti Te Apunga marae of Paparaamu. Also in this area is the old pā of Wairerehaurangi and an eel weir called Ruatu, which was used by the hapū of Ngāti Mōtai, Ngāti Tūkorehe, and Ngāti Kirihihi.

There are also particular sites of significance associated with the Waihou Awa that are of inestimable importance to Raukawa people. The swamp, Te Mana-o-Kahu, which forms part of the Waihou Awa, was named by Rakatāura following the death of his wife, Kahukeke. One of the four famous niu pole, Te Niu o Tuwharakarara, is located to the north of the Waihou Springs in a village sustained by the spring waters. The Mangaowheo stream, a tributary of the Waihou, includes the Ruataupuku falls, and the eel weir at Kopuaroa. At Te Maire and Iwituaroa on the Waihou River, there were more eel weirs. Other tributaries of the Waihou River including the streams of Waiteariki and Manganui also supplied hapū with tuna (eels) and kōura (freshwater crayfish) as well as their daily drinking water supply.

Kia ora Graeme.

As discussed, a heads up copy with changes highlighted. I will send through any formal request to update the appendix to the RCT submission after your discussion.

Ngā mihi, nā

Dave

From: Printer

Sent: Monday, 18 June 2018 4:02 p.m.

To: Dave Marshall <Dave.Marshall@raukawa.maori.nz>

Subject: Attached Image

Revised. Received. 15/5/18.

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3. MMS expansion weakens the Mauri (health and vitality) and Wairua (balance of energy) of Te Weraiti, causing a loss of connection to cultural identity for Ngati Tangata.
4. MMS expansion threatens the overall wellbeing for our future generations, by desecrating key aspects of our Pepeha, Ko Weraiti raua ko Putangi oku Maunga. Ko Waihou raua ko Mangapiko oku Awa. Ko Ngati Tangata te Hapu. Ko Tangata te Marae.

5. The MMS expansion diminishes our ability to act as Kaitiaki of Te Weraiti. A duty we have held for over 500 years.
6. Te Weraiti is a Taonga of Ngati Tangata and is in the heart of Ngati Hinerangi Iwi our people have a long, deep and strong connection to Weraiti. This association is historical, spiritual and environmental.

Effects from MMS Quarry on the Mangapiko stream.

7. Tradition of Tangata Marae states: that when the wairua leaves the body of our deceased at Tangata it travels the path of the mangapiko, beginning at weraiti to the waihou and beyond to Hawaiki.

8. Monitoring the contamination of soluble aluminium (a carcinogenic compound) has been incorrectly done for discharge to the Mangapiko since 1996 (MMS, Appendix E).

9. The Mangapiko was once the Mauri (life force) of four Marae being Tangata, Tamapango, Hinerangi Tawhaki and Te Ohaki Marae. Now we all struggle to find fresh water koura and tuna, when once it was abundant and flowed with vitality and health (Mauri).

10. Of great significance is the headwaters of the Mangapiko, that springs forth from Te Weraiti (Urupa). MMS will divert the Mangapiko at the beginning of the headwaters to allow for quarrying of this sacred and spiritual waterway.

11. On several occasions the local community has seen native fish dead or dying in the Mangapiko stream a waahi tapu, a cultural site.

12. The Mangapiko is where our children swim, play and together we gather watercress. The tributaries of the Mangapiko and Ahimate (Putangi Stream) provide the water supply to the Marae.

13. During rainy seasons the storm water discharge increases the volume of sediment in the Mangapiko and the Waihou. (3.1.2 Appendix E)

14. Due to the high-risk erosion area MMS operates, the storm water and sediment after heavy rain, leaves our community with no clean water to drink or bath in for days, or even weeks.

15. We have no confidence MMS can rectify or even see these deficiencies.

16. The Mangapiko is a main feeder stream for the Waihou and Matamata district. 22 years of MMS contaminated discharge and runoff contributes to the pollution of the water of the wider community. 4.2.4 Appendix E

Effects from MMS Quarry Expansion on Putangi stream (Ahimate) and Mangapiko.

17. MMS have produced no credible evidence of their environmental and cultural impacts over many years.

18. MMS shows minimal physical improvements in their plant and site over the past 8 years.

19. MMS mentions improvements to their site in their consent application they were supposed to have done post 2010 but have not actioned.

20. Unknown levels of soluble aluminium (a carcinogenic compound) has been discharged by MMS in to the Mangapiko for over 22 years.

21. MMS do not recognise these deficiencies and are blind to the environmental shadow their site and activities casts.

22. MMS intent, is to discharge storm water into the Putangi stream, a stream famed after an esteemed ancestor, who is an important part of New Zealand history. Putangimaru was a Raukawa Tohunga (cultural and spiritual expert) and Rangatira (leader), a Rangatira who was instrumental in the success of a battle known as Te Kokowai in the 1700s, a battle where Kotorerua from Ngai te Rangi claimed Mauao.

23. The Mauri of the Mangapiko will no longer exist, this waterway that provides the necessities of life for our community will reflect what has happened to our Maunga for the last 60 years, being degradation and destruction on a massive scale.

24. Putangi stream is the community's food source for short fin tuna, that our community have culturally harvested for centuries. Our tupuna awa (Putangi stream) and waahi tapu(Mangapiko) join at a junction near Te Ohaki Marae, two kilometres from the source of the intended storm water discharge from overburden areas (6.1.6).

25. All clean water in Aotearoa N.Z holds Mauri (conscious energy) and each creates its own Biodiversity. The Mauri of Putangi stream creates an ecological system that supports the life of the only known freshwater snail (*Latia neritoides*) in NZ, that can emit its own light. This light emitting snail is a key indicator for the health of Putangi stream and is of National importance, as it is the only snail of its kind in the World.

Tangata Wahi Tapu (sights of significance).

26. MMS will discharge directly in to Putangi stream diminishing the Mauri of the water and the Mauri of a well-known Pirirakau Pa. N.Z History records show that, the Pa was re occupied by Pirirakau in 1867 when a cease fire was called by King Tawhiao during the New Zealand Land Wars, (Pirirakau report 1997).

27. In the vicinity of overburden area two, is an archaeological site that has not been investigated, this site is an ancient Papakainga of Ngati Hinerangi 1700-1800. under the Heritage New Zealand Pouhere Taonga act, if an undiscovered archaeological site is discovered any works that are affecting the site will cease and authority sort (8.7).

Other Matters.

28. The Treaty of Waitangi 1840 (Article 2) has guaranteed to Maori rangatiratanga (duty of care) over their taonga(water). Tangata Marae through 'Te Tai Ao' environmental portfolio

(2017), location, Whakapapa (genealogy) and legislation have the right to exercise 'Kaitiakitanga' over our Taonga being Te Weraiti, Mangapiko and Putangi stream (RMA Part 2).

29. For all of the above reasons Tangata Marae Kaumatua, Pakeke, Haukainga, Rangatahi and Mokopuna oppose the application and seeks that Council refuse the consent in its entirety.

We suggest an alternative to extending the quarry, being restoring and closing down of the site on weraiti, benefiting MMS, Tangata whenua and our environment.

Acts and policy:

A. With respect to the RMA it is noted that: Part 2 Matters in the RMA that are of relevance to Maori, in particular (but not limited to): (i) Section 6 – recognising and providing for: (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga; (g) the protection of historic heritage from inappropriate subdivision, use, and development; (f) the protection of protected customary rights; (ii) Section 7 Other Matters – (a) having particular regard to kaitiakitanga; and (iii) Section 8 Treaty of Waitangi – taking into account the principles of the Treaty of Waitangi.

B. The Treaty of Waitangi 1840 guaranteed Maori iwi rangatiratanga over taonga (Article 2) the iwi must have a central role in dealing with identification and management of wahi tapu. The Treaty envisaged a place in New Zealand for two peoples with their own laws and customs, in which the interface was governed by partnership and mutual respect. Inherent in the Treaty relationship was that Māori, whose laws and autonomy were guaranteed and protected, would have options when settlement and the new society developed. They could choose to continue their tikanga and way of life largely as it was, to assimilate to the new society and economy, or to combine elements of both and walk in two worlds. Their choices were to be free and unconstrained.

C. In respect to the Heritage New Zealand Pouhere Taonga act,

42. Archaeological sites not to be modified or destroyed (1) Unless an authority is granted under section 48, 56(1)(b), or 62 in respect of an archaeological site, no person may modify

or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.

43. Declaration of archaeological site.

Heritage New Zealand Pouhere Taonga may, on reasonable grounds, declare any place to be an archaeological site if the place—

(b) provides, or may be able to provide, through investigation by archaeological methods, significant evidence relating to the historical and cultural heritage of New Zealand.

To: Waikato Regional Council

By email: RCsubmissions@waikatoregion.govt.nz

Submission by Tangata Marae on the application by Matamata Metal Supplies to continue and expand the quarry at Barton Road, Okauia

1. Tangata Marae has received a copy of the application by Matamata Metal Supplies to continue and expand the quarry at Barton Road, Okauia. The following consents have been applied for:
 - Soil disturbance in a high risk erosion area;
 - Place overburden onto the ground in association with a hard rock quarry;
 - Divert tributaries of Mangapiko Stream through storage impoundment;
 - Take up to 220 cubic metres of water per day for aggregate washing and dust suppression;
 - Discharge storm water and process water from quarry site;
 - Discharge water by ground filtration in quarry pit;
 - Discharge storm water from overburden area to Putangi stream.

- 1.1 The Tangata Marae submission is based on the implications of the proposal as it relates to the Tangata whenua of Okauia, the health and wellbeing of the Mangapiko awa and the environmental, social and cultural interests described below Tangata Marae seeks to have its views recognised and taken into account as part of the decision making process. Tangata Marae is not a trade competitor for the purposes of section 308B of the RMA.

2. Tangata Marae, was built in the early 1900s, notably by Korowhiti Tuataka (Douglas). At present we have over 600 registered members and several hundred unregistered, however in 1972 it was reported by the National Library of N.Z. that the whanau of Korowhiti and Edward Douglas was between, 700-800 whanau members.

- 2.1 Tangata Marae has formed a unique relationship with our environment, by associating our identity as Tangata whenua through our pepeha (geographical locators) being, Weraiti te maunga, Mangapiko te awa, Ngati Hinerangi te hapu, Raukawa te iwi, Tainui te waka. Tangata Marae has a strong association to Te Weraiti (rocky out crop) as we have ancient koiwi placed in caves within the maunga. The headwaters of the Mangapiko are particularly important, as explained in the Tangata Marae Mātauranga section below.

Tangata Marae Position

3. Tangata Marae appreciates the opportunity provided by J Swap Contractors Ltd to comment on this proposal. Tangata Marae recognises the economic benefits that arise from quarry activities and the provision of aggregates. However Tangata Marae has concerns regarding the application made by Matamata Metal Supplies. Particular aspects are:
 - The expansion of the quarry towards Te Weraiti rocky outcrop (urupa).
 - The protection of the mauri, wairua, water quality and ecology of the Mangapiko catchment.
 - Proposed storm water discharge into Putangi stream.

3.1 Tangata Marae looks forward to discussing with the applicant and Waikato Regional Council on how to best resolve its concerns. Tangata Marae suggests that the next step in addressing these concerns is a pre-hearing meeting involving the applicant, Council and the Tangata whenua of Okauia. We have set out below general and specific reasons in opposition to the proposal.

The specific parts of the Application that the Tangata Marae submission relates to are:

- Entire Application

Tangata Marae submits that the entire Application should be **declined**.

Reasons for submission

General Reasons

- 1 The proposal is located adjacent to the Kaimai-Mamaku Ranges, within the traditional and contemporary rohe of Tangata Marae. Tangata Marae has ahi kā and mana whenua status in relation to the proposal, for reasons identified below. These include its historic, continuous and predominant relationship with Weraiti, Mangapiko Awa, and the wider cultural landscape.
- 2 The subject area has high cultural value to Tangata Marae including:
 - values of national importance under s6(e) RMA (ancestral and contemporary relationships with lands, waters, taonga);
 - exercise of kaitiakitanga, tikanga and matauranga Māori (s6(e) and s7 RMA);
 - Treaty principles under s8 RMA, including the duty to actively protect taonga.
- 3 The proposal is inconsistent with Part 2 RMA and the relevant planning framework. It results in significant adverse cultural impacts to a cultural landscape of high significance to Tangata Marae. Cultural impacts include matters identified below.

4 The Application identifies that:

"2.0 Background

The quarry has been operational since the late 1950's, and was purchased by MMS in 1986. The quarry presently functions under a Certificate of Compliance (CoC) obtained in May 1998 from MPDC. The current quarrying activities are operating in accordance with the issued CoC. The proposed works are all within the extent of the CoC extractive limits as determined by MPDC and no not [sic] require resource consent from MPDC.

Regional resource consents for activities related to the operation of the quarry were obtained from WRC in October 1997. These consents all have the same expiry date of 1 July 2012. An application to renew these consent was received by WRC on 15 December 2012, but was placed on hold as the level of information was considered inadequate."

- 5 Council has not identified the planning basis upon which an application that results in significant adverse cultural effects was placed on hold for nearly 6 years pending receipt of further information. Given proposal for expansion of quarry footprint, it seems unlikely that existing regional consents cover all relevant activities required. Tangata Marae puts Council and the Applicant to proof over these assertions. The Applicant has not assessed whether proposal to expand quarry activity is lawfully covered by the Certificate of Compliance. Tangata Marae contests the lawfulness of land use and quarry activity under the putative Certificate of Compliance. If landuse consents as required from the District Council, then all applications should be bundled and considered together, in order to promote integrated management. Quarrying Te Weraiti is quarrying of an ancestor for reasons stated in this submission, and in breach of the duty in s17 RMA.

SPECIFIC REASONS:

4. TANGATA MARAE MĀTAURANGA

Ngati Tangata do not give consent to the Matamata Metal Supply (MMS) Application.

28 reasons why we say no.

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10. Of great significance is the headwaters of the Mangapiko, that springs forth from Weraiti (Urupa). MMS have already culverted the Mangapiko in the 1990s without consent by Tangata whenua. In 2017 the culvert failed, as a result sediment from the overburden flowed directly in to the Mangapiko main stream, depositing vast amounts of sediment still seen adjacent Tangata Marae. This year MMS will divert the Mangapiko at the beginning of the headwaters to allow for quarrying of this sacred and spiritual waterway, continuing the desecration.

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RELEVANT PLANNING AND STATUTORY FRAMEWORK

TE RAUTAKI TAIAPŌ A RAUKAWA – RAUKAWA ENVIRONMENTAL MANAGEMENT PLAN

4.1 Te Rautaki Taiapō a Raukawa – Raukawa Environmental Management Plan (Te Rautaki Taiapō) is a statement of Raukawa issues, aspirations, and priorities in relation to the environment. It has been prepared by the Trust on behalf of ngāuri o Raukawa.

4.2 The overall purpose of Te Rautaki Taiapō is two-fold. Firstly, it provides a statement of Raukawa values, experiences, and aspirations pertaining to the use and management of our environment. Secondly, it is a living and practical document that will assist Raukawa to proactively and effectively engage in and shape current and future policy, planning processes, and resource management decisions.

- 4.3 The sections of the Te Rautaki Taiao considered to be most relevant to this application are Section 2.1 Water - Wai, Section 2.5 Cultural Landscapes and Taonga – Ngā Wāhi Tūturu me ngā Taonga Tuku Iho and Section 2.12 Mining, Quarrying, Oil and Gas – Ngā Waro, Kōhatu, Puna Urutapu, Ka puni hoki. Some of the relevant objectives and methods from these sections are set out below

"Section 2.1 Water – Wai

/

- *The mana and mauri of water is safeguarded for present and future generations.*
- *The Raukawa kaitiaki relationship with our waters is respected, enhanced, and supported.*
- *The health and wellbeing of the Waikato, Te Waihou, and the Upper Waipā River and their catchments are restored and protected.*

Section 2.5 Cultural Landscapes and Taonga – Ngā Wāhi Tūturu me ngā Taonga Tuku Iho

Objectives

- *Our cultural landscapes embody the whakapapa and tikanga of Raukawa and are recognised, protected, and enhanced.*
- *Raukawa continue to develop knowledge of our cultural landscapes and taonga, and safeguard that knowledge for future generations.*
- *Raukawa current and future generations have the ability to access, use and care for our cultural landscapes and taonga in accordance with Raukawa tikanga and kawa.*
- *Raukawa cultural heritage underpins and is celebrated within district and regional heritage and identity.*

Method 16 Government agencies and local authorities should develop a framework of regulatory and non-regulatory methods that provide for Raukawa cultural heritage sites/areas/landscapes.

Method 17 Local authorities should work with Raukawa and landowners to secure access to Raukawa cultural sites/ areas/landscapes.

Method 29 Government agencies and local authorities should include Accidental Discovery protocols, developed in collaboration with RCT, as consent conditions with resource consents involving land disturbance."

Section 2.12 Mining, Quarrying, Oil and Gas – Ngā Waro, Kōhatu, Puna Urutapu, Ka puni Hoki

Objectives

- Our relationship with Papa-tū-ā-nuku guides our approach to managing the adverse effects of mining, gas, oil and quarrying industries within our takiwā.
- The Raukawa cultural landscape and sites/areas of importance are protected and provided for in all sector planning and operations.
- The mining, gas, oil and quarrying sector understands and supports Raukawa values and interests relating to land, water and air.
- Best practice, innovation and excellence in the areas of mining, gas, oil, and quarrying are promoted within the Raukawa takiwā.

Method 12 Local authorities and government agencies should actively discourage sector activities within sites/areas/landscapes of cultural importance for Raukawa.

Method 13 Local authorities and government agencies should ensure early collaboration with Raukawa in the development of new and existing mining, quarrying, oil, and gas activities, and avoid, remedy, or mitigate any adverse effects.

Method 15 Local authorities should require best practice approaches to sector operations, including:

- Consideration of cumulative effects.*
- Cultural Impact Assessment of proposed activities.*
- Site rehabilitation plans that include planting of indigenous species and cultural resource areas in collaboration with Raukawa.*
- Requirement for managing effects on amenity values and providing appropriate screening of operations.*
- Prevention or reduction of vibration, noise, dust, and contaminants*
- Restriction of hours where explosives are used.*
- Manage the effects of the activity within the site, catchment and/or takiwā.*
- Establish and implement monitoring regime across consent life.”]*

- 4.4 Given the status, purpose and relevance of the Te Rautaki Taiao, it is of concern that the application does not address Te Rautaki Taiao and the relevant objectives and methods. The Trust seeks that the Te Rautaki Taiao and the specific provisions above be considered and addressed as part of this application in accordance with section 104 (1) (c) of the Resource Management Act 1991 (RMA).

NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2014 (AMENDED 2017)

- 4.5 The National Policy Statement for Freshwater Management 2014 (Freshwater NPS) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. It came into effect on 1 August 2014 and amendments made in August 2017 took effect on 7 September 2017. The following objectives and policies are relevant:

Objective A1

To safeguard:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and*
- b) the health of people and communities, as affected by contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants.*

Objective A2

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;*
- b) protecting the significant values of wetlands; and*
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.*

Objective B1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.

Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Policy D1

Local authorities shall take reasonable steps to:

- a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;
- b) work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and
- c) reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.

REGIONAL POLICY STATEMENT

- 4.6 Objectives 3.9, 3.14 and 3.18 of the Proposed Regional Policy Statement (RPS) are particularly relevant to this application and are set out below.

"3.9 Relationship of tāngata whenua with the environment

The relationship of tāngata whenua with the environment is recognised and provided for, including:

- a. the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori;
- b. the role of tāngata whenua as kaitiaki.

3.14 Mauri and values of fresh water bodies

Maintain or enhance the mauri and identified values of fresh water bodies including by:

- a) maintaining or enhancing the overall quality of freshwater within the region;
- b) safeguarding ecosystem processes and indigenous species habitats;
- c) safeguarding the outstanding values of identified outstanding freshwater bodies and the significant values of wetlands;
- d) safeguarding and improving the life supporting capacity of freshwater bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2030;
- e) establishing objectives, limits and targets, for freshwater bodies that will determine how they will be managed;
- f) enabling people to provide for their social, economic and cultural wellbeing and for their health and safety;
- g) recognising that there will be variable management responses required for different catchments of the region; and'
- h) recognising the interrelationship between land use, water quality and water quantity.

3.18 Historic and cultural heritage

Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region's and New Zealand's history and culture."

WAIKATO REGIONAL COUNCIL LONG TERM PLAN 2015-25 AND PLAN CHANGE 2 TO THE WAIKATO REGIONAL PLAN

- 4.7 The Waikato Regional Council Long Term Plan 2015-25 identifies that a plan change for the Waihou-Piako catchment will be one of the next phases of the Waikato Regional Plan Review. This plan change can be expected to improve water quality standards within the Waihou Piako catchment in a manner similar to the Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments. The Waikato Regional Council Long Term Plan 2015-25 identifies the needs to work with communities in the Hauraki and Coromandel catchments to prepare for upcoming limits and targets to be implemented under Plan Change 2 to the Waikato Regional Plan.

5. ASSESSMENT OF PROPOSAL

OVERVIEW

- 5.1 The Matamata Metal supplies (MMS) Quarry is located on the western side of the Kaimai Ranges. It is close to and below Te Weraiti rocky outcrop. Te Weraiti rocky outcrop is a culturally significant site for a number of iwi and hapu including Ngāti Hinerangi, Ngāti Haua and Raukawa. It is waahi tapu and an urupā of Tangata Marae. The quarry also sits close to the top of the catchment for the Mangapiko river, a spiritual pathway and place of healing for Tangata Marae for over 200 years. Several tributaries of the Mangapiko are in close proximity to the quarry and are diverted, taken or discharged for quarry purposes. This year is the first time Tangata Marae has been consulted on the works done by MMS.
- 5.2 The application is for a continuation and expansion of the existing quarry activities including earthworks in high erosion areas, overburden disposal, water takes, water discharges, and stream diversions. The application contains no cultural impact assessment. The application contains no ecological assessment. It is understood that previous ecological assessments have been undertaken for the 2012 and 2017 applications but these are not included in this application.

TE WERAITI AND QUARRY EXPANSION

- 5.3 It is proposed to extend the quarry pit to the east and north. This brings the edge of the quarry closer to Te Weraiti rocky outcrop and increases the depth of the horizontal cut of the quarry face into the maunga. No clear boundary or buffer between quarry activities and Te Weraiti rocky outcrop is proposed. No limit on further quarry extension is identified. The proposal does not provide for any access for Tangata Marae to Te Weraiti rocky outcrop or for any engagement with Tangata whenua in its protection and management. The Tangata Marae Mātauranga section above sets out the whakapapa connecting Te Weraiti to the hapu of the Marae. The response identifies that the quarry diminishes their maunga tūpuna and that the continued expansion of the quarry weakens the mauri and wairua of Te Weraiti rocky outcrop. The Tangata Marae response states that the expansion diminishes their ability to act as kaitiaki.
- 5.4 It is considered that the proposal does not recognise or provide for the relationship of Tangata Marae with their waahi tapu and taonga. It is considered that the proposal provides for the continued diminishment of the cultural landscape that embodies the Tangata Marae whakapapa. It does not have regard to kaitiakitanga, Mātauranga or the expression of tikanga and kawa in the management of the site.

OVERBURDEN AREAS

- 5.5 The proposal includes two proposed overburden areas outside the current quarry activity areas. Although it is noted that earthworks preparing one of these proposed sites for spoil has already commenced. Te Weraiti and the surrounding landscape and features are rich in cultural heritage. It is essential that any earthworks undertaken as part of the quarry activities be subject to accidental discovery protocols.

WATER TAKES

- 5.6 The application proposes to continue a take of up to 220m³ per day from two tributaries of the Mangapiko Stream. The application describes these tributaries as both ephemeral and subject to base flow. The take volume is proposed solely in regard to the demands of quarry activities and without regard to effects on the stream flows. No monitoring of actual take volumes exists or is proposed.

The Tangata Marae Mātauranga section sets out the significant cultural connections between the Marae and the Mangapiko and its tributaries. The application states that adverse effects are minor as all water is returned downstream. However this fails to address the ecological and cultural effects of reducing or removing flows from reaches of these small tributaries and then returning it down stream in an altered state. Investigation and clarification of the nature and flows of these streams is required in order to assess the effects of the take.

STREAM DIVERSIONS

- 5.7 In regard to the stream diversions the application refers to both existing and proposed diversions. However it is understood that the diversions proposed in the application have been granted separate consents in 2017 without notification. The Tangata Marae Mātauranga section above identifies the adverse effects of diversions on the mauri and wairua of the Mangapiko and its tributaries. Consequently it is considered that no diversions of the Mangapiko awa should have been or should be undertaken without Tangata Marae consent.

DISCHARGES TO WATER

- 5.8 The quarry and associated activities are almost at the top of the Mangapiko catchment. Discharges from the quarry affect all downstream waters and all downstream water users. The Tangata Marae Mātauranga sets out the significant adverse effects of low water quality on the mauri of the waters, our relationship with those waters and the wellbeing of the people. The Tangata Marae Mātauranga identifies that the spiritual and cultural water supply for the Marae is from tributaries to which the quarry discharge.
- 5.9 The application provides for continued discharge of soluble aluminium concentrations although it is understood this is no longer used for the operation of the Lamella plant. The Tangata Marae response identifies specific concerns with the discharge of soluble aluminium.
- 5.10 Overall it is considered that the application provides for the continued degradation of water quality in the Mangapiko and Waihou catchment and does not restore, improve, protect or safeguard the water quality, the life-supporting capacity, ecosystem processes or mauri of the catchment. It does not safeguard the health of the people and their communities.
- 5.12 Further it is noted that the Waikato Regional Council is committed to introducing a regional plan change for the Waihou catchment to restore and protect the health and wellbeing of the catchment in a manner similar to Regional Plan Change One for the Waikato and Waipa River catchments. It is anticipated that Waikato regional plan change two will be completed within 10 years.

6. WAAHI TAPU

- 6.1 See the Tangata Marae Mātauranga section above.

7. RELIEF SOUGHT

- 7.1 Based on the assessment above Tangata Marae considers that the application has the potential for significant adverse effects on the environment, and is not consistent with Te Rautaki Taiao a Raukawa, National Policy Statement on Freshwater Management or the Waikato Regional Policy Statement; relevant planning provisions and Part 2 RMA.
- 7.2 Having regard to the above, Tangata Marae oppose the application and seeks that Council refuse the consent in its entirety, as the Tangata whenua of Okauia we suggest an alternative to extending the quarry, being 10 years to restore and close down the quarry site on Weraiti, benefiting MMS, Tangata whenua and our environment.
- 7.3 Tangata Marae looks forward to working with the applicant, Waikato Regional Council and all affected parties to resolve concerns from the Tangata Whenua of Okauia. If you have any questions or queries concerning this submission please contact Tangata Marae.
- 7.4 *For reasons stated above, Tangata Marae opposes the proposal. Primary relief is therefore to decline the proposal on the basis of the effects identified above.*

TangataMarae
Environmental portfolio
206 Douglas Rd, Okauia, Matamata
0212677345
Kotuku81@gmail.com

L.T. Apaapa

CC:Matamata Metal Supplies

Via email: Dudley.clemens@jswaps.co.nz

Kia ora Graeme,
Please see Waikato Regional Council submission form attached as Appendix 1a.
Nga mihi
Dr Morehu McDonald

On 11 December 2018 at 12:20 M Mcdonald <morehum@xtra.co.nz> wrote:

Kia ora Graeme,
Please see attached submissions and attachments in opposition to the resource consent application by Matamata Metal Supplies to expand the Swaps Quarry operation threatening to destroy the Ngati Hinerangi wāhi tapu on Te Weraiti maunga and to divert and destroy the Mangapiko Stream, being located at the end of Barton Road, Okauia, Matamata.
In view of our past submissions to the Crown about the MMS resource consent application breaching our Treaty rights and the ongoing failure of the Waikato Regional Council for almost 3 decades now to protect our wāhi tapu and our customary resources provided by the Mangapiko Stream, I have notified these submissions to the Prime Minister, the Treaty Minister and the Environment Minister to seek further action should the Waikato Regional Council continue to ignore the serious concerns of the Ngati Hinerangi people to the destruction of our wāhi tapu and our waterways.
Nga mihi
Dr Morehu McDonald

On 30 November 2018 at 09:39 Graeme Cooper <Graeme.Cooper@waikatoregion.govt.nz> wrote:

Kia ora Morehu,

5pm Tuesday, 11 December 2018

Regards

Graeme Cooper Senior Resource Officer | Land Development, Resource Use
WAIKATO REGIONAL COUNCIL | Te Kaunihera ā Rohe o Waikato
P: [+6478590803](tel:+6478590803)
M: [+6421408397](tel:+6421408397)
F: [facebook.com/waikatoregion](https://www.facebook.com/waikatoregion)
Private Bag 3038, Hamilton East, Hamilton 3240

From: Graeme Cooper
Sent: Friday, 30 November 2018 9:36 AM
To: M Mcdonald <morehum@xtra.co.nz>
Subject: RE: MMS consent application APP123918_01 - Site Stormwater Management Plan

Kia ora Morehu,

The closing date for your submission is Tuesday, 11 December 2018

Regards

Graeme Cooper Senior Resource Officer | Land Development, Resource Use

From: M McDonald [<mailto:morehum@xtra.co.nz>]
Sent: Wednesday, 28 November 2018 10:56 AM
To: Graeme Cooper <Graeme.Cooper@waikatoregion.govt.nz>
Subject: Re: MMS consent application APP123918_01 - Site Stormwater Management Plan

Kia ora Graeme,

Could you please confirm the date and time for filing submissions opposing the MMS application.

Ngā mihi

Morehu

On 14 November 2018 at 08:50 Graeme Cooper <Graeme.Cooper@waikatoregion.govt.nz> wrote:

Hi Morehu,

The MMS application sent to you yesterday includes an AEE.

The AEE includes a Site Stormwater Management Plan (Appendix C) that has been superseded; the replacement SSMP is attached.

Please contact me should you have any queries or require further information.

Regards,

Graeme Cooper Senior Resource Officer | Land Development, Resource Use

Notes

- A signature is not required if you are lodging your submission by electronic means.
- If you are making a submission to the Environmental Protection Agency (EPA) please use form 16B. Refer to the EPA website www.epa.govt.nz or call 0800 CALL EPA (22 55 372).
- The closing date for providing your submission to Waikato Regional Council is 20 working days after public notification or notice is served. You must also provide a copy of your submission to the applicant. This should be done as soon as possible.
- If you need any further help, please phone our Resource Use staff on 0800 800 402.

Office use only

File no:

Consent no:

Section 1: Application details

Applicant name: Dr Morehu McDonald & Mrs Hine Thompson Rauwhero for themselves and on behalf of Ngā Hapū o Ngāti Hinerangi Trust (which includes the following hapū – Ngāti Tokotoko, Ngāti Whakamaungarangi, Ngāti Kura, Ngāti Te Riha, Ngāti Tangata, Ngāti Tamapango, Ngāti Tawhaki and Ngāti Rangī also including Wai Claimants - Wai 2578, Wai 1226, Wai 2106, Wai 2111, Wai 2112, Wai 2113, and Wai 2114.

Description of proposal:

(Briefly describe the type of consent, and the nature and location of the activity. If the proposal is for a change or cancellation of an existing consent condition, please detail the type and location of consent, the relevant condition and the proposed change. If the application is for a transfer of a water or discharge permit, provide details of the existing activity site and, if relevant, the part of the permit proposed to be transferred.)

This submission reiterates the submissions made earlier to the Waikato Regional Council on **12 July 2018**; and also **Signed Petitions on 12 October 2012** sent to the Prime Minister, Minister of Environment and other Government Ministers opposing the proposed Swaps Quarry Resource Consent Application from members of Te Ohaki marae, and Hinerangi Tawhaki marae located at the foot of Te Weraiti maunga and adjacent to the Mangapiko Stream, in Douglas Road, Okauia, Matamata.

Opposition and Cancellation of the Resource Consent applications of Matamata Metal Supplies Ltd for:

1. Destruction of Wāhi Tapu (burial caves) on Te Weraiti Maunga by Swap Quarry

The extension of Swap Quarrying operations at Barton Rd, Okauia, on the sacred mountain of Ngāti Hinerangi maunga, Te Weraiti, to the location of the Ngāti Hinerangi burial caves located above the current quarry site, on the rocky outcrop approx. 1km north of the trig station on the maunga.

2. Deviation, destruction & pollution of Mangapiko Stream by Swap Quarry extending their quarry operations which will cause ongoing harm and detriment not only to the environment but also to the Ngati Hinerangi people and hapu who have lived in the immediately affected area for 500 years by polluting and contaminating the water with toxic chemicals.

The specific parts of the application that this submission relates to are:

1. Destruction of Wāhi Tapu (burial caves) on Te Weraiti Maunga

Breach of Heritage NZ registered Wāhi Tapu site as depicted in the Heritage NZ map sent in a letter dated 11 July 2018; Breach of Ngati Hinerangi Treaty rights under RMA; Breach of Ngati Hinerangi Treaty rights under Te Tiriti o Waitangi and breach of terms and principles of Treaty rights under Treaty of Waitangi.

2. Deviation, destruction & pollution of Mangapiko Stream

Breach of Heritage NZ registered Wāhi Tapu site as depicted in the Heritage NZ map sent in a letter dated 11 July 2018; Breach of Ngati Hinerangi Treaty rights under RMA; Breach of Ngati Hinerangi Treaty rights under Te Tiriti o Waitangi and breach of the terms and principles of Treaty rights under Treaty of Waitangi.

Section 2: Submitter details

We will use your email address as preferred address for service, unless you advise otherwise.

Name	Full name of submitter: Dr Morehu McDonald
	Hine Thompson Rauwhero
	Contact person (include designation if applicable): Dr Morehu McDonald,
	Trustee–Ngā Hapū o Ngāti Hinerangi Trust (Not Ngati Hinerangi Trust)
Postal address	Street/RD/PO Box/Private Bag: 6 Hakanoa Street
	Suburb: Grey Lynn
	Town/city: Auckland
	Postcode: 1021
Residential address If different from postal address	Street:
	Suburb:
	Town/city:
	Postcode:
Email address	morehum@xtra.co.nz

Waikato Regional Council, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240.
Phone our enquiries officer on 0800 800 402. www.waikatoregion.govt.nz



Section 3: Submission on proposal

Please detail your submission below. Attach additional pages if necessary.

I/we (tick one option only):

- Support the application/s
- Oppose the application/s
- Neither support nor oppose the application/s (neutral submission)

My submission:

Please see attached Appendices 1a – 18 of emails, correspondence and accompanying documentation.

The submitters on behalf of themselves and the Ngā Hapū o Ngati Hinerangi Trust oppose the Resource Consent of Matamata Metal Supplies (MMS) for the extension of the Swap Quarry operations on Te Weraiti maunga and the threatened destruction of the Ngati Hinerangi wāhi tapu – sacred Ngāti Hinerangi burial caves on Te Weraiti maunga.

Opposition by Ngāti Hinerangi hapū against MMS Resource Consent applications to the destruction of the site of burial Caves located above the current quarry and the destruction and pollution of the Mangapiko Stream located at the end of Barton Rd, Okauia, began in 1994 with letters and signed petitions and was picked up again in 2011 – 2012. I sent letters and signed petitions via email to the Prime Minister, the Environment Minister, Treaty Minister and other Central Government Crown Ministers of our ongoing opposition to the Waikato Regional Council against the quarry extension and the destruction and pollution of our Mangapiko stream and other waterways. I submitted a wāhi tapu protection registration with Heritage NZ in September 2012. I attach an updated letter from Heritage NZ with a map site plan covering the registration of Te Weraiti maunga dated 11 July 2018. The Ngā Hapū o Ngati Hinerangi Trust representing all 8 of the hapū of Ngāti Hinerangi specifically oppose the letter of approval submitted by the Ngāti Hinerangi Trust (“the Trust”) dated 7 July 2017 in Appendix D titled ‘Written Approvals’ of the Resource Consent application of MMS. The submitters state that the “Trust”, in writing their letter of approval in support of the MMS resource consent application in July 2017, is illegal because it deliberately misrepresents the fact the Trust has the sole mandate, power and authority to speak for, to represent and act on behalf of all the people, whānau, marae and hapū of Ngāti Hinerangi which it does not have. The Trust’s letter of approval is also illegal because it sets out to deliberately mislead Local Body and Central Government officials that all the hapū members have been fully consulted and informed about all the issues regarding the MMS resource consent application which they has not occurred. The Trust has never called any meetings with hapū members for their consent or approval or provided a copy of their Trust letter of approval for hapū to review and therefore are acting without the consent, approval or authority from the hapū members. In sending their letter of approval to MMS, the Trust is in breach of their fiduciary duties as trustees, and are in breach of Ngāti Hinerangi hapū kaitiakitanga, rangatiratanga, mana, Treaty Rights and natural justice.

The reasons for my views are:

Please see attached emails, correspondence and accompanying documentation.

See letter of opposition to Crown Ministers and Prime Minister in 2012 with signed petitions of support.

The Ngāti Hinerangi opposition to the MMS resource consent application has been going on since 1994, 2011-2012 and now 2018. Each time the Waikato Regional Council has ignored Ngati Hinerangi.

The Council acts in secret by failing to run a proper open and transparent notification process with adverts in newspapers that would alert our whanau and instead only informs selected groups who are compliant and can

be pressured to acquiesce to the Council's demands of supporting the MMS resource consent.

By these actions the Council is acting in favour of the Swap Quarry application to continue to destroy our sacred maunga and our wāhi tapu of the Ngati Hinerangi burial caves and to allow the Swap quarry to continue to

destroy, divert and pollute our sacred Mangapiko stream and other waterways with no regard for the people of Ngati Hinerangi who have lived there for more than 500 years.

submission form

I seek the following decision from the consent authority:

(Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.)

I have seen the MMS Resource Consent documentation and Waikato Regional Council documentation going back to 1994 which I requested under the Local Government Official Information Act 1987.

I specifically request that the Resource Consent applications by Matamata Metal Supplies be denied on the grounds that the extension of the Swap Quarry and the deviation of the Mangapiko Stream will cause irreparable damage to the environment and ecosystems of Te Weraiti maunga and the surrounding waterways and that the Waikato Regional Council will be in breach of the Treaty rights of the hapū of Ngāti Hinerangi and it will also be in breach of the Wāhi Tapu registration with Heritage NZ of Te Weraiti and the burial caves above the Swap Quarry. The MMS application will also cause irreparable harm, detriment and prejudice to the people of Ngati Hinerangi who have lived in the area for over 500 years by undermining their Treaty rights, their kaitiakitanga rights, their rangatiratanga rights, their mana, their tikanga and their customary food gathering practices by destroying diverting, polluting and contaminating the water, and the tuna, the traditional and customary food source of the Ngāti Hinerangi people from the Mangapiko Stream with toxic chemicals that is used on our marae and people living in around our marae.

This is a breach of our Treaty rights under the Treaty of Waitangi Act and the RMA Act and is also a breach of our mana, rangatiratanga and kaitiakitanga under Te Tiriti and by the terms and principles of the Treaty of Waitangi.

Please tick either yes or no to the following options:

I/we wish to be heard in support of this submission

Yes No

I/we will consider presenting a joint case at a hearing if others make a similar submission

Yes No

I/we request the functions, powers and duties required to hear and decide the application/s are delegated to one or more hearing commissioners who are not members of Waikato Regional Council.

Yes No

(A request for delegation of hearing and decision-making authority must be made in writing no later than 5 working days after the submission closing date. You may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make this request in relation to an application to carry out an activity that a regional plan describes as a restricted coastal activity.)

Signature of submitter: Dr Morehu McDonald Date: 11 December 2018

(or person authorised to sign on behalf of submitter)

LIST OF APPENDICES:

Appendix 1A	Submissions of Dr McDonald & Hine Thompson Rauwhero in opposition to the Resource Consent application of Matamata Metal Supplies (MMS) to expand quarry and take water from Mangapiko Stream for threatened destruction of waahi tapu and awa
Appendix 1-4	1994 - Petition to Waikato Regional Council of Ngati Hinerangi people opposing Swaps Quarry operation causing pollution of Mangapiko Stream
Appendix 5	July 2012 - Emails of Morehu McDonald to Waikato Regional Council registering opposition to resource consent application of MMS and lodging Local Government Official Information Act application for information from the Council
Appendix 6 -12	Oct 2012 – Petitions of Ngati Hinerangi people from Te Ohaki marae and Hinerangi Tawhaki marae opposing renewal of resource consent of MMS
Appendix 13 – 14	Sept 2012 – Letters to the Prime Minister, Treaty Minister, Environment Minister & Maori Affairs Minister about petition and opposition to MMS resource consent seeking assistance and formal meetings
Appendix 15	Nov 2012 – Letter of reply from Treaty Minister, Chris Finlayson
Appendix 16	Sept 2012 – Application to NZ Historic Place Trust to register waahi tapu on Te Weraiti above quarry as a waahi tapu to be protected from destruction by MMS
Appendix 17	18 Sept 2012 – Acknowledgement Letter from NZ Historic Place Trust to Ngati Hinerangi register waahi tapu on Te Weraiti above quarry as a waahi tapu
Appendix 18	9 July 2018 – Acknowledgement letter from Heritage NZ that registration for waahi tapu on Te Weraiti maunga is working its way through the listing process
Appendix 19	12July2018 - Submission-MMcDonald to Waikato Regional Council re opposition to MMS destruction of Te Weraiti waahi tapu & Mangapiko stream

Graeme Cooper

From: M McDonald <morehum@xtra.co.nz>
Sent: Tuesday, 11 December 2018 12:20 PM
To: Graeme Cooper
Cc: j.ardern@ministers.govt.nz; a.little@ministers.govt.nz; n.mahuta@ministers.govt.nz
Subject: Re: FW: MMS consent application APP123918_01 - Site Stormwater Management Plan

Attachments: Appendix 1 Petition & Signatures 1 vs Swaps Quarry 25Feb1994.pdf; Appendix 2 - Petition & Signatures 2 vs Swaps Quarry 22Feb1994.pdf; Appendix 3 - Photos 1 Polluted Mangapiko River Swaps 1 1992.pdf; Appendix 4 - Photos 2 Polluted Mangapiko River Swaps 1992.pdf; Appendix 5 - Emails to Waikato Regional Council Opposing Swap Quarry on Te Weraiti maunga 12May2011-Sept 2012.pdf; Appendix 6 - Petition1NgatiHinerangi vs Swaps Quarry12Oct12.pdf; Appendix 7 - Petition2NgatiHinerangi vs Swap Quarry 12Oct12.pdf; Appendix 8 - Petition3NgatiHinerangi vs Swap Quarry 12Oct12.pdf; Appendix 9 - Petition4NgatiHinerangi vs Swap Quarry 12Oct12.pdf; Appendix 10 - Petition5NgatiHinerangi vs Swap Quarry 12Oct12.pdf; Appendix 11 - Petition6NgatiHinerangi vs Swap Quarry 12Oct12.pdf; Appendix 12 - Petition7NgatiHinerangi vs Swap Quarry 12Oct12.pdf; Appendix 13 - Ngati Hinerangi Iwi complaint to Crown against Quarrying Sacred maunga Te Weraiti Matamata.msg; Appendix 14 - Ngati Hinerangi Iwi Petition of opposition to Swap Quarry RMA renewal on Te Weraiti maunga Matamata.msg; Appendix 15 - LT Minister re Te Weraiti to Mōrehu McDonald.pdf; Appendix 16 - Fw_ Application for Registration of Te Weraiti maunga burial caves as waahi tapu.eml; Appendix 17 - NZ Historic Places Trust re Te Weraiti maunga Acknowledgement Letter1 18Sept12.jpg; Appendix 18 - Heritage NZ acknowledgement re Te Weraiti 09 07 2018.pdf; Appendix 19 - RC-Submission-MMcDonald to Waikato Regional Council 12July2018 re Te Weraiti & Mangapiko.pdf

Kia ora Graeme,

Please see attached submissions and attachments in opposition to the resource consent application by Matamata Metal Supplies to expand the Swaps Quarry operation threatening to destroy the Ngati Hinerangi wāhi tapu on Te Weraiti maunga and to divert and destroy the Mangapiko Stream, being located at the end of Barton Road, Okauia, Matamata.

In view of our past submissions to the Crown about the MMS resource consent application breaching our Treaty rights and the ongoing failure of the Waikato Regional Council for almost 3 decades now to protect our wāhi tapu and our customary resources provided by the Mangapiko Stream, I have notified these submissions to the Prime Minister, the Treaty Minister and the Environment Minister to seek further action should the Waikato Regional Council continue to ignore the serious concerns of the Ngati Hinerangi people to the destruction of our wāhi tapu and our waterways.

Nga mihi

Dr Morehu McDonald

60 36 254

D. Bantle

Waikato Regional Council
 Mail Ref: *918953*
 Received by: *A. Hunt*
 RECD 25 FEB 1994 RECD
 Copy of: _____
 Instructions: _____
 MAIL

DISTRICT REGIONAL COUNCIL
 TEAROHA

TO WHOM IT MAY CONCERN

WE THE UNDERSIGNED HEREBY PETITION THE DISTRICT REGIONAL COUNCIL TO ENFORCE CONSERVATION METHODS NECESSARY TO STOP THE POLLUTION OF, AND ENSURE FUTURE NON-POLLUTION OF, THE MANGAPIKO RIVER, DOUGLAS ROAD, OKAUIA.

THE BUILD UP OF SILT HAS RAISED THE LEVEL OF THE RIVER BED TO SUCH A DEGREE THAT HEAVY RAINS CAUSE FLOODING IN AREAS NOT PREVIOUSLY AFFECTED. SILTING HAS ALSO CAUSED THE DISSAPPEARANCE OF MUCH OF THE RIVER LIFE eg. EELS, FRESH WATER CRAYFISH AND IN SOME AREAS, WATERCRESS. IT IS ALSO NOT FIT FOR THE WATERING OF LIVE-STOCK, OR THE EDUCATIONAL USE OF THE TANGATA MARAE KOHANGA REO.

<u>NAME:</u>	<u>DATE:</u>	<u>NAME:</u>	<u>DATE:</u>
<i>Keena Murray</i>	<i>6-2-94</i>	<i>Carol Naera</i>	<i>6-2-94</i>
<i>Francisca Hoffer</i>	<i>6-2-94</i>	<i>Steven Benjamin</i>	
<i>Leisa Murray</i>	<i>6-2-94</i>	<i>R. Craigo</i>	<i>6-2-94</i>
<i>Caylene Murray</i>	<i>6-2-94</i>	<i>R. Craigo</i>	<i>6-2-94</i>
<i>Kevin Nelson</i>	<i>6-2-94</i>	<i>Carol Naera</i>	<i>6-2-94</i>
<i>William Murray</i>	<i>06 02.94</i>	<i>M. Brooke</i>	<i>6-2-94</i>
<i>Jorge Smith</i>	<i>6-2-94</i>	<i>L. Craigo</i>	<i>6-2-94</i>
<i>Sas Sydney</i>	<i>6-2-94</i>	<i>Kim Williams</i>	<i>6-2-94</i>
<i>George Douglas</i>	<i>6-2-94</i>	<i>DDA</i>	<i>6-2-94</i>
<i>Natalia</i>	<i>"</i>	<i>George Douglas</i>	<i>6-2-94</i>
<i>Lanella Douglas</i>	<i>"</i>	<i>M. Williams</i>	<i>6-2-94</i>
<i>George Douglas</i>	<i>" "</i>	<i>H. Hairepo</i>	<i>6-2-94</i>
<i>Wendy</i>	<i>" "</i>	<i>G. Hairepo</i>	<i>6-2-94</i>
<i>George Douglas</i>	<i>6-2-94</i>	<i>Lei-Lai Hairepo</i>	<i>6-2-94</i>
<i>George Douglas</i>	<i>6-2-94</i>	<i>N. Scott</i>	<i>6-2-94</i>
<i>George Douglas</i>	<i>6-2-94</i>	<i>R. Douglas</i>	<i>6-2-94</i>
		<i>M. Williams</i>	<i>6-2-94</i>

P.T.O.

<u>Name</u>	<u>Date</u>
Rachael Jones	22-2-94
Angel Marsh	21-2-94
Rod. Bartley	21-2-94
A. J. Douglas	22.2.94
L. J. Mofungo	22.2.94
R. J. Samuels	22-2-94
Wahia Neta	22-2-94
R. N. Boylan	22-2-94
P. M. Thompson	22-2-94
J. A. Cooke	22-2-94
J. Cooke	22-2-94
A. Cooke	22-2-94

Appendix 3

603625A



14/7/92.

Stream immediately below outlet from
(Windmill Pond) lower ponds from dairy

Neg 11, 11



Film 178w

Matamoras Metal Supplies
60362519

Neg 21



stream below quarry ~~at~~

Appendix 5

Fwd: FW: Ngati Hinerangi Request Under the Local Government Official Information and Meetings Act 1987 for Information Swap Quarry on Te Weraiti Maunga, Barton Rd,Okauia

morehum@xtra.co.nz

01:09

To [Jorge Rodriguez](#), brent.sinclair@waikatoregion.govt.nz and 5 others

Tena koutou,

Further to my phone call to Jorge on Tuesday, I was asked to forward the attached formal notices of complaints and petitions and correspondence against the Swaps Quarry operations and specifically about the destruction of our sacred Ngati Hinerangi burials in the caves above the quarry and surrounding waterways made in September 2012 to the WRC officials some of whom are addressed to in this email and the Prime Minister, and Ministers of 2012 being the Ministers of Treaty Negotiations, Environment and Maori Development.

I also attach the registration of Te Weraiti maunga as a wāhi tapu in September 2012 including the burial caves above the Swap quarry with the NZ Historic Places Trust, now known as Heritage NZ, with an updated acknowledgement of the registration from this year.

Accordingly, as an interested party from 2012 and based on my formal submissions made to WRC and government ministers, I request permission to be included in the Swap Quarry (Matamata Metal Supplies) Resource Consent pre-hearing set for 23 July.

Morehu McDonald

Ngā Hapū o Ngāti Hinerangi

----- Original Message -----

From: Morehu McDonald <morehum@xtra.co.nz>

To: Morehu McDonald <morehum@xtra.co.nz>

Date: 11 July 2018 at 23:53

Subject: FW: Ngati Hinerangi Request Under the Local Government Official Information and Meetings Act 1987 for Information Swap Quarry on Te Weraiti Maunga, Barton Rd,Okauia

fyi

From: Morehu McDonald [<mailto:morehum@xtra.co.nz>]

Sent: Tuesday, 24 July 2012 8:02 a.m.

To: Hayley Farrington

Cc: Clare Crickett; Grant Blackie; Martin Keep

Subject: Re: Ngati Hinerangi Request Under the Local Government Official Information and Meetings Act 1987 for Information Swap Quarry on Te Weraiti Maunga, Barton Rd,Okauia

Kia ora Hayley,

Is there any reason why you have not responded to my earlier requests sent to you by email to phone me to arrange a time to view the records on Swaps Quarry?

Please call me on 021 646479.

Naku noa, na

Morehu McDonald

Chairperson

Ngati Hinerangi iwi Trust Board

----- Original Message -----

From: Hayley Farrington

To: morehum@xtra.co.nz

Sent: Monday, July 16, 2012 3:12 PM

Subject: FW: Ngati Hinerangi Request Under the Local Government Official Information and Meetings Act 1987 for Information Swap Quarry on Te Weraiti Maunga, Barton Rd,Okauia

Dear Mr McDonald,

Further to our email dated 12 July 2012.

We confirm that we have collated the information you have requested and invite you in to peruse the files.

Please phone me, or provide me with your phone number so that we can arrange a time for you to come in.

Please consider this invitation our response to your request for information.

Kind regards,

Hayley Farrington | Contracts and Information Administrator | Legal Services
Waikato Regional Council
P: +64 7 859 0763
F: +64 7 859 0998
Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Please consider the environment before printing this email

From: Hayley Farrington

Sent: Thursday, 12 July 2012 3:24 p.m.

To: 'morehum@xtra.co.nz'

Cc: Martin Keep

Subject: Ngati Hinerangi Request Under the Local Government Official Information and Meetings Act 1987 for Information Swap Quarry on Te Weraiti Maunga, Barton Rd,Okauia

Dear Mr McDonald,

We have retrieved the files that relate to the information you have requested. We now invite you to visit our office to peruse the files at which time we will photocopy the information you require.

Please can you phone me to arrange a time that suits or alternatively email me your phone number and I will call you.

Kind regards,

Hayley Farrington | Contracts and Information Administrator | Legal Services
Waikato Regional Council
P: +64 7 859 0763
F: +64 7 859 0998
Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Please consider the environment before printing this email

From: Hayley Farrington
Sent: Thursday, 5 July 2012 3:39 p.m.
To: Morehu McDonald
Subject: RE: Ngati Hinerangi Request Under the Local Government Official Information and Meetings Act 1987 for Information Swap Quarry on Te Weraiti Maunga, Barton Rd,Okauia

Dear Mr McDonald,

Thank you for your request for information below. Your request has been forwarded to me to respond to as one of the staff here responsible for requests made pursuant to the Local Government Official Information and Meetings Act 1987.

We will respond to you as soon as possible – I note your request that this matter be dealt with promptly.

We will most likely ask you to visit our office to peruse the files given the large volume of information requested.

Kind regards,

Hayley Farrington | Contracts and Information Administrator | Legal Services
Waikato Regional Council
P: +64 7 859 0763
F: +64 7 859 0998
Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Please consider the environment before printing this email

From: Morehu McDonald [<mailto:morehum@xtra.co.nz>]
Sent: Friday, 29 June 2012 12:54 a.m.
To: Grant Blackie
Cc: Darrell Naden; Martin Keep; Clare Crickett
Subject: Ngati Hinerangi Request Under the Local Government Official Information and Meetings Act 1987 for Information Swap Quarry on Te Weraiti Maunga, Barton Rd,Okauia

Ngati Hinerangi Iwi Trust Board.

28 June 2012

Kia ora Grant,

Ngati Hinerangi Request Under the Local Government Official Information and Meetings Act 1987 for Information on Swap Quarry (Matamata Metal Supplies Ltd) on Te Weraiti Maunga, Barton Rd,Okauia, Matamata.

I have received your letter dated 25 June 2012 with information from Matamata Metal Supplies Ltd.

This is an official request under the Local Government Official Information and Meetings Act 1987 (LGOI&MA) for all information and maps held by the council on Swap Quarry operations (Matamata Metal Supplies Ltd), its past resource consent applications, council compliances, land use, and all other information relating to file 60 36 25A and Consents Numbered 970986, 961427, 961428, 961429, 961430, 961431, 961432 with regard to quarrying activities on Te Weraiti Maunga, Barton Rd,Okauia, Matamata.

This is also to officially notify you that the Ngati Hinerangi iwi Trust Board is vehemently opposed to the applications by Swap Quarry / Matamata Supplies Ltd for a continuation of quarrying operations on Te Weraiti maunga, at Barton Rd, Okauia, Matamata; that we are also opposed to all Consents numbered 970986, 961427, 961428, 961429, 961430, 961431, 961432 with regard to quarrying activities on Te Weraiti Maunqa, Barton Rd,Okauia, Matamata on the grounds of on-going damage and pollution to the surrounding environment, endangerment of flora and fauna, and waterways such

as Mangapiko river, and the endangerment to native species such as tuna, which is a traditional food source of Ngati Hinerangi people; and the violation and visual pollution of Te Weraiti, the sacred Ngati Hinerangi maunga, urupa and waahi tapu.

This is also to officially notify you that the Ngati Hinerangi iwi Trust Board is vehemently opposed to the applications by Swap Quarry / Matamata Supplies Ltd for a continuation of quarrying operations on Te Weraiti maunga, at Barton Rd, Okauia, Matamata; that we are also opposed to all such Consent Applications 123918, 123919, 123920, 123921, 123922, 123923, 123924 on the grounds of on-going damage and pollution to the surrounding environment, visual pollution, endangerment of flora and fauna, and waterways such as Mangapiko river, and the endangerment to native species such as tuna, which is a traditional food source of Ngati Hinerangi people; and the violation and visual pollution of Te Weraiti, the sacred Ngati Hinerangi maunga, urupa and waahi tapu.

If the LGOI&M Act information is too voluminous then I will be happy to arrange a time to view the information at your offices in Hamilton.

Given the imminent processing of the resource consent for the quarry by the council, I would appreciate a prompt response to my request under the Local Government Official Information and Meetings Act 1987.

Would you also please re-send to me in email form your letter dated 25 June 2012 and the attached information so that I can forward this material on to our solicitor, Darrell Naden at Tamaki Legal.

I would appreciate it if you could also send your correspondence and replies to me by email and for a hard copy also to be sent to me through the post to assist our Ngati Hinerangi Iwi Trust Board record keeping and communication and information processes.

Naku noa

Na Morehu McDonald

Chairperson

Ngati Hinerangi Iwi Trust Board

----- Original Message -----

From: Morehu McDonald

To: Grant Blackie

Cc: Clare Crickett ; Martin Keep

Sent: Monday, June 25, 2012 11:53 AM

Subject: Ngati Hinerangi Complaint - re Lack of Notification about Resource Consent for Swaps Quarry on Te Weraiti Maunga, Okauia

Kia ora Grant,

Re: Ngati Hinerangi Complaint - re Lack of Notification about Resource Consent for Swaps Quarry on Te Weraiti Maunga, Okauia

This is to advise you that the Ngati Hinerangi Iwi Trust Board has lodged this official complaint against the Waikato regional Council / Environment Waikato for failing to advise the Ngati Hinerangi Iwi Trust Board in sufficient time about the due date for the Resource Consent hearing Process so that the Board is able to lodge complaints against Swaps Quarry on Te Weraiti Maunga, Barton Rd, Matamata

As you will recall, Ngati Hinerangi have for several years past, lodged complaints with the Waikato Regional Council, against the Swap Quarry on Te Weraiti Maunga, Barton Rd, Matamata.

Te Weraiti maunga is a waahi tapu of Ngati Hinerangi and as the mana whenua of the Matamata-Okauia region, Ngati Hinerangi wish to again register our vehement opposition to the quarrying operations being conducted by Swap Ltd on Te Weraiti maunga, Bartons Rd, Okauia.

The Swap quarry is causing great distress to the people of Ngati Hinerangi because Swap Ltd are quarrying a sacred site and violating nearby burial grounds where the bones of our ancestors are interred.

Ngati Hinerangi is also vehemently opposed to Swap Quarrying operations because Swap Ltd is polluting the environment, damaging the flora and fauna as well as the clean water of nearby waterways, and it is harming the health and vitality of eels in the nearby streams which is a traditional food source of the Ngati Hinerangi people.

From your last correspondence to us you mentioned that resource consent for Swaps Quarry was due about this time. We have not heard from you since about the resource consent process for lodging an official complaint against Swaps Quarry and for seeking a hearing about the resource consent.

We ask that you urgently contact myself, the Chairperson of the Ngati Hinerangi Iwi Trust Board to clarify the matter by return email or on 021 646479.

Naku noa

Na

Morehu McDonald

Chairperson

Ngati Hinerangi iwi Trust Board

----- Original Message -----

From: Grant Blackie
To: 'Morehu McDonald'
Cc: Martin Keep ; Erin Wilson
Sent: Wednesday, May 18, 2011 11:43 AM
Subject: Follow up from yesterday

Kia ora Morehu

Nice to meet you yesterday and chat briefly. A couple of points that I said I would follow up on are as follows;

1. Swaps Quarry

As mentioned one of my staff (Martin Keep) has recently inspected the Swap Quarry site on Barton Road in heavy rain to ascertain any runoff problems and some issues which may be leading to a discoloration of the stream were identified relating to runoff from the metal roads within the site. This matter is being followed up directly with the site operators to resolve.

2. Liaison with the Waikato Regional Council

In this respect I have spoken with Erin Wilson of this office who you will have met at some time in an early meeting with Clare Crickett. Erin advised that he would be a good starting/contact point for any issues you wished to discuss regarding Ngati Hinerangi's relationship with the Waikato Regional Council.

regards

Grant Blackie | Manager - Land and Soil | Resource Use Group
Waikato Regional Council
P: +64 7 859 0723
F: +64 7 859 0998

Appendix 6

Petition To: The Prime Minister; Minister for the Environment; Minister of Maori Affairs;
Minister of Treaty Settlements; Waikato Regional Council and Matamata Piako District Council.

We, the undersigned people of the Ngati Hinerangi Iwi and supporters are opposed to the continuation and renewal of the Resource Consent for the quarrying of our sacred maunga, Te Weraiti, by Swap Matamata Metal Supplies Ltd. We call on the Crown and local authorities to put an immediate stop to the quarrying of Te Weraiti maunga and the pollution of our sacred rivers and surrounding lands, and the threatened destruction of our waahi tapu.

Date: 9th September 2012 Te Ohaki Marae, Okara.

Name	Address
Phil Smith.	40 Towera Place Whakapapa village. Mt Ruapehu
Maurice Smith	27 Raikui a St, Torangi 3334
Reg Kihema	12 Ihaka St - Pipataetoe
leigh Semmens	Mangawhero Rd, Matamata
TERE WISLEY	6 Hakarua St, Grey Lynn Auckland 1021
Kio Rawiri - McDonald	6 Hakarua St Grey Lynn, Auckland
Tatahi Rawiri - McDonald	6 Hakarua St, Grey Lynn, Auckland
Whinrang hahetei mawae okemia	10 Bexhill Tce Tiran.
Tangimai Payne	31 Charles Cres, Putaruru.

Appendix 7

Petition To: The Prime Minister; Minister for the Environment; Minister of Maori Affairs;
Minister of Treaty Settlements; Waikato Regional Council and Matamata Piako District Council.

We, the undersigned people of the Ngati Hinerangi Iwi and supporters are opposed to the continuation and renewal of the Resource Consent for the quarrying of our sacred maunga, Te Weraiti, by Swap Matamata Metal Supplies Ltd. We call on the Crown and local authorities to put an immediate stop to the quarrying of Te Weraiti maunga and the pollution of our sacred rivers and surrounding lands, and the threatened destruction of our waahi tapu.

Date: 9th September 2012 Te Ohaki Marae, Okauia

Name	Address
May Kemp	109 Billah St Tokoroa
Tony Harrison	11 Allright Place Mt Wellington Auckland
Michelle Harrison	11 Allright Place Mt Wellington Auckland
Joanne Floake	794 Oia Te Ara Rd, Okauia Matamata
Anhea. Floake.	79 Douglas Rd., Okauia. Mata-mata.
Kerrie Smith	R.D.3. SH 29 MATAMATA.
Rose Ihema	12 Ihaka Pi, Paparoto
Nalyse Hapeta	13a Marae nui drive Kerikeri
Casey Shalders.	13a Western street Matamata
edna Marsh	1 george street matamata.

Appendix 8

Petition To: The Prime Minister; Minister for the Environment; Minister of Maori Affairs;
Minister of Treaty Settlements; Waikato Regional Council and Matamata Piako District Council.

We, the undersigned people of the Ngati Hinerangi Iwi and supporters are opposed to the continuation and renewal of the Resource Consent for the quarrying of our sacred maunga, Te Weraiti, by Swap Matamata Metal Supplies Ltd. We call on the Crown and local authorities to put an immediate stop to the quarrying of Te Weraiti maunga and the pollution of our sacred rivers and surrounding lands, and the threatened destruction of our waahi tapu.

Date: 23 September 2012 Hinerangi Tauhaki Marae, Okauia.

Name	Address
MIRIATA HEPI	4 HIRIWA PL OMAHU HASTINGS
Douglas Manahi Hapi	2 Browne St Matamata.
Hinengaru Rauwhero	87c Pukaki Rd Mangere AK 9022.
Peter H. Thompson	96 Douglas Rd MATAMATA
Bianca Marsh	1 George street matamata
R MARSH	1 George Street, Matamata
Smearsh	1 1 George Street, Matamata
Cmarsh	1 George street, Matamata
Rang Wade.	2 Browne St Matamata.
Anita Theodore-Marsh	8/22 211 Flaxmere Ave Hastings
RACHEL HINAKI MARSH	211 Flaxmere Ave Hastings.

Appendix 9

Petition To: The Prime Minister; Minister for the Environment; Minister of Maori Affairs;
Minister of Treaty Settlements; Waikato Regional Council and Matamata Piako District Council.

We, the undersigned people of the Ngati Hinerangi Iwi and supporters are opposed to the continuation and renewal of the Resource Consent for the quarrying of our sacred maunga, Te Weraiti, by Swap Matamata Metal Supplies Ltd. We call on the Crown and local authorities to put an immediate stop to the quarrying of Te Weraiti maunga and the pollution of our sacred rivers and surrounding lands, and the threatened destruction of our waahi tapu.

Date: 23 September 2012 Hinerangi Tawhaki marae, Okauia.

Name	Address
D.M. Donald	501B Weymouth Road Weymouth Auckland.
New Signatures - B. Kinzett	RD4 Hamilton 3284 . S-10-R

Appendix 10

Petition To: The Prime Minister; Minister for the Environment; Minister of Maori Affairs;
Minister of Treaty Settlements; Waikato Regional Council and Matamata Piako District Council.

We, the undersigned people of the Ngati Hinerangi Iwi and supporters are opposed to the continuation and renewal of the Resource Consent for the quarrying of our sacred maunga, Te Weraiti, by Swap Matamata Metal Supplies Ltd. We call on the Crown and local authorities to put an immediate stop to the quarrying of Te Weraiti maunga and the pollution of our sacred rivers and surrounding lands, and the threatened destruction of our waahi tapu.

Date: 23 September 2012 Hinerangi Tawhaki marae, Okauia.

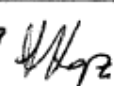



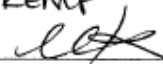
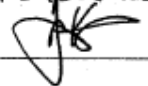
Name	Address
Peter H. Thompson	96 Douglas Rd Okauia MATAMATA
DR Thompson	13 McDiarmid Crescent Hunby 0274454028

Appendix 11

Petition To: The Prime Minister; Minister for the Environment; Minister of Maori Affairs;
Minister of Treaty Settlements; Waikato Regional Council and Matamata Piako District Council.

We, the undersigned people of the Ngati Hinerangi Iwi and supporters are opposed to the continuation and renewal of the Resource Consent for the quarrying of our sacred maunga, Te Weraiti, by Swap Matamata Metal Supplies Ltd. We call on the Crown and local authorities to put an immediate stop to the quarrying of Te Weraiti maunga and the pollution of our sacred rivers and surrounding lands, and the threatened destruction of our waahi tapu.

Date: 7 October 2012 Sydney Whanganui

Name	Address
John Hopa 	30 REEL ST BELMERE SYD AUS
KEEGAN HOPA 	30 REEL ST BELMERE SYD AUS
TOM JEMMENS 	22 FRIGATE BIRD AVE
Whetu Leefe 	22 Frigate Bird ave
MICHAELA KEMP 	13/25 Harvey St Rytmont NSW AUS.
LAWRENCE PETER KEMP 	13/25 Harvey St Rytmont NSW AUS.
Chevie Smith	2 Albany St, Buxby, 2168
Michelle Smith	100 d'Ardes rd, Chipping Norton 2170
Karli Bimtravsk	9 Dilston cl, West Hoxton

Appendix 12

Date: 7 October 2011 Sydney Whanau.

Name	Address
Natalia Toi Toi	2 Albany St Busby, 2108.
Pangilly Smith	2 Albany St Busby 2108
Kinemoa Smith	2 Albany St Busby 2108
Thomas Pitama	15 Sunset Avenue Lunenburg 2170
Meihana Iua	5 F Antares Ave Hinchinbrook 2170
Charlie Pitama	4 McKay Ave, Moorebank 2170
Tom Hopa.	250 Bransgrove Rd Panania 2213 NSW
Diana Hopa	5/111 Marken St Mermaid Waters QLD
Jay Hopa.	250 Bransgrove Rd Panania 2213
Kawate Hopa	"
Jordan Hopa.	"
Murray Hopa	5/111 Marken St Mermaid Waters QLD

Appendix 13

From: morehum@xtra.co.nz
To: Temp1.Adams
Cc: c.finlayson@ministers.govt.nz; p.sharpley@ministers.govt.nz; j.key@ministers.govt.nz; a.adams@ministers.govt.nz; Morehu.McDonald
Subject: Ngati Hinerangi Iwi complaint against Quarrying Sacred maunga, Te Weraiti, Matamata
Date: Tuesday, 11 September 2012 6:19:29 PM
Attachments: [Te Weraiti maunga Swap Quarry RMA resource consent renewal 5Sept12.pdf](#)
[Matamata Metal Supplies Key to Landuse for Swan Quarry on Te Weraiti Maunga.docx](#)

Tena koutou e aku rangatira,

Please find attached the map and key with the description of the area on our sacred maunga that Matamata metal Supplies is applying in their Resource Consent Renewal for an extension of their quarrying on our sacred maunga, Te Weraiti in Matamata.

The Ngati Hinerangi Iwi calls on this Government to bring an immediate halt to the desecration of our waahi tapu / burial caves and urupa on our sacred maunga and the continued pollution of the Mangapiko river and the destruction of our environment by Swap Quarrying operations.

As the mana whenua iwi of Matamata and Te Weraiti maunga, the Ngati Hinerangi Iwi call on the Ministers of the Crown for the Environment, for Maori Affairs and the Prime Minister of this Government to take over the accountability of our maunga, our environment and our waterways from the Waikato Regional Council and the Matamata Piako District Council who are turning a blind eye to the destructive activities of Swap Quarry on our sacred maunga, Te Weraiti.

We invite you to have a kanohi ki te kanohi meeting with us urgently to address the above issues that we have put before you in relation to our sacred maunga Te Weraiti and our waterways in Okauia -Matamata. We are at present gathering a petition which we will submit shortly calling for an end to the quarry on Te Weraiti maunga.

Naku noa, na
Morehu McDonald
Chairperson
Ngati Hinerangi Iwi Trust

--- On Mon, 10/9/12, Temp1 Adams <Temp1.Adams@parliament.govt.nz> wrote:

From: Temp1 Adams <Temp1.Adams@parliament.govt.nz>
Subject: Correspondence from Hon Adams
To: "morehum@xtra.co.nz" <morehum@xtra.co.nz>
Date: Monday, 10, September, 2012, 10:48 AM

Please find enclosed correspondence from Hon Adams.

Janice Lopez:: Ministerial Secretary

Office of the Hon Amy Adams : Minister for the Environment, Minister for

Communications & Information Technology, Associate Minister for Canterbury Earthquake Recovery.

Level 4 EW, Parliament Buildings, Wellington NZ > Ph: +64 4 817 6831

Matamata Metal Supplies - Regional Resource Consent Renewal and Land Use Consent Applications

Monday, 9 July, 2012 4:00 PM

"Dudley Clemens" <dudley.clemens@jswap.co.nz>
[Add sender to Contacts](#)

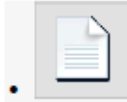
From:

"morehum@xtra.co.nz" <morehum@xtra.co.nz>

To:

Message contains attachments

1 File (6KB)



• [Matamata Metal Supplies Consent Consultation July 2012.kmz](#)



No virus threat detected

File: Matamata Metal Supplies Consent Consultation July 2012.kmz [Download File](#)

Hi Morehu

Thanks for the chance to have a brief chat this morning re the process for consultation.

As discussed please find attached a Google Earth file of the site with proposed areas of works marked.

Description of Proposal (in reference to the Google Earth Map):

1. Light blue and purple areas; These are the proposed quarry pit expansion stages. These areas extend up to an elevation of 580 m R.L. from a current height pit height of approximately 550 m R.L. For context the apex of the 'cone' upslope of the proposed quarry areas is 650 m RL, so excavation would be going higher but with a significant buffer between the top of the pit and the apex.

The quarry pit in these areas would extend down to a depth of 355m RL being the current pit depth.

2. Light green area; Currently overburden has been historically disposed of in this area since quarry commencement in the 1950's to 1960's. Some capacity is left within this area however it is limited. Filling would ultimately include back filling the into the pit once the rock resource is exhausted.

3. Pink, white and red areas; Additional overburden areas are required for disposal and these areas are considered the most suitable given site constraints such as slope, streams and on site operations. Filling within the pink would match the surrounding amphitheatre shaped landform. Filling in the red and white would occur up to approximately the 400 m RL contour, which is basically creating a flat pancake layer over this upper terrace.

4. The darker green area is the extent of the current processing area, and this is not likely to change in the near future.

Consents to be Applied for:

Regional Activities;

A complete suite of regional activities is required for onsite operations to continue. This includes activities including quarrying, overburden disposal, water take, damming, use on site and the discharge water (storm water and taken) into the Mangapiko Stream. Such activities as the water take and discharges are not proposed to change from their current levels and locations.

Within the AEE more specific information on the effects and how these are to be addressed are to follow. This includes items like erosion and sediment control plans, storm water design plans and water take plans. We are able to outline these for you during discussions if more detail is required.

District Activities;

A land use consent is required from the district council for overburden disposal in the pink, white and red areas. Effects such as landscape/amenity and noise are the main issues being considered here. This may include land use consent for some areas around the quarry pit too.

As further documents are created, being the AEE and plans, we are more than happy to send these off to you for consideration. This information will be based around the central proposal as outlined above.

In the meantime it would be great to meet and begin discussions in person about the proposal, around your perspective and what cultural issues may be/are present. Alternatively if you wish to provide some feedback via email that will also be useful.

Next week looks relatively free at this stage in my calendar, I look forward to your response for a suitable time.

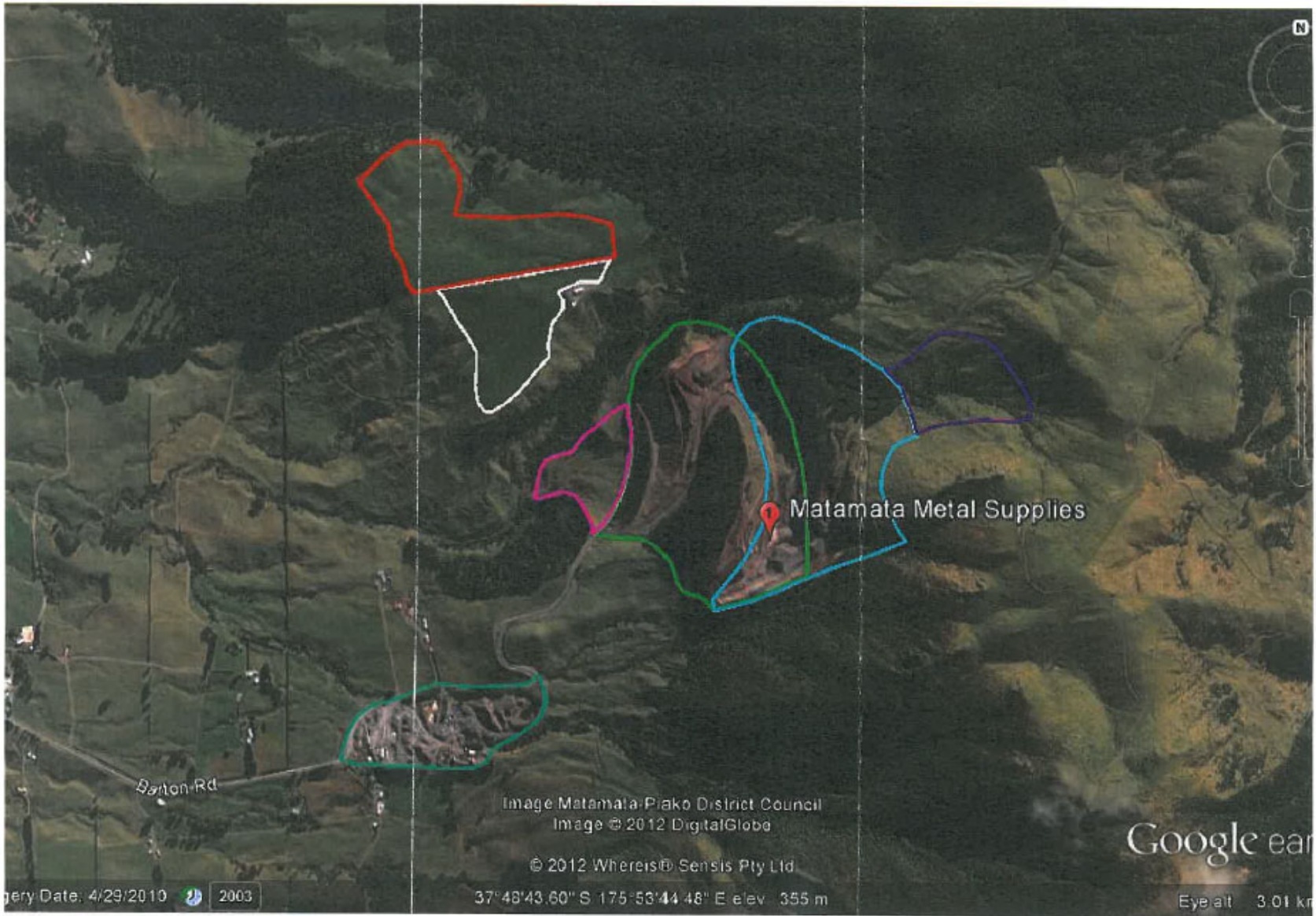
Regards

Dudley Clemens – Environmental Manager

J.Swap Contractors Ltd

PO Box 153 Matamata 3440

E dudlev.clemens@jswap.co.nz PH 0800 807 927 M 021 192 3368



Appendix 14

Graeme Cooper

From: J Key (MIN) <J.Key@ministers.govt.nz>
Sent: Thursday, 1 November 2012 10:08 AM
To: Morehu McDonald
Subject: RE: Ngati Hinerangi Iwi Petition of opposition to Swap Quarry RMA renewal on Te Weraiti maunga, Matamata

Dear Morehu McDonald

On behalf of the Prime Minister, Rt Hon John Key, I acknowledge your email of 12 October 2012. Please be assured your comments have been noted.

As the issue you have raised falls within the portfolio responsibility of the Minister for Treaty of Waitangi Negotiations, Hon Chris Finlayson, your email has been forwarded to his office for his information.

Thank you for taking the time to write to the Prime Minister.

Regards

L Diehl

Executive Assistant | Office of the Prime Minister
Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

From: Morehu McDonald [mailto:morehum@xtra.co.nz]
Sent: Friday, 12 October 2012 10:09 am
To: J Key (MIN); C Finlayson (MIN); P Sharples (MIN); A Adams (MIN); Peter Galvin
Cc: Don McLeod; Grant Blackie; Clare Crickett
Subject: Re: Ngati Hinerangi Iwi Petition of opposition to Swap Quarry RMA renewal on Te Weraiti maunga, Matamata

Tena koutou katoa e rau rangatira ma,

Please find attached our letter outlining the Ngati Hinerangi Iwi's opposition to the Resource Consent renewal for the continuation and expansion of quarrying on our sacred maunga, Te Weraiti in Okauia, Matamata, and our formally submitted petition signatures gathered from Ngati Hinerangi tribal members at marae hui and from relatives in Sydney, Australia.

Naku noa, na
Morehu McDonald
Chairperson
Ngati Hinerangi Iwi Trust

----- Original Message -----

From: [Morehu McDonald](#)
To: [Amy Adams](#) ; [Prime Minister John Key](#) ; [Pita Sharples](#) ; [Chris Finlayson](#) ; [Clare Crickett](#)
Cc: [Grant Blackie](#) ; [Don McLeod](#)
Sent: Tuesday, September 04, 2012 9:57 AM

1

Subject: Ngati Hinerangi Iwi opposition to Swap Quarry RMA renewal on Te Weraiti maunga, Matamata

Tena koutou katoa e nga rangatira,

Please find attached a letter of opposition and notice of petition for the opposition of the renewal of resource consent for the Swap Quarry operation on our sacred mountain Te Weraiti maunga in Matamata on the grounds of pollution and destruction of our traditional waterways, the destruction of waahi tapu and burial caves and the breach of the Treaty rights of the Ngati Hinerangi iwi by the Crown and local authorities, including the Waikato Regional Council and the Matamata Piako District Council.

Naku noa, na
Morehu McDonald
Chairperson
Ngati Hinerangi Iwi Trust



Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage
Associate Minister of Māori Affairs

02 NOV 2012

Mōrehu McDonald
Chairperson
Ngāti Hinerangi Iwi Trust
morehum@xtra.co.nz

E Mōrehu, tēnā koe

Thank you for your email of 19 September 2012 regarding Ngāti Hinerangi's opposition to a resource consent application for an extension of quarrying operations on Te Weraiti maunga.

The Minister for the Environment, Hon Amy Adams, has replied to you in relation to matters that fall within her portfolio responsibilities. I am responding about matters that fall within my responsibilities as Minister for Arts, Culture and Heritage.

Thank you for informing me you have nominated Te Weraiti maunga for registration as a wāhi tapu under the Historic Places Act 1993.

Wāhi tapu registration is important because it recognises a site is sacred to Māori. However, it does not provide direct protection of the site.

Councils can regulate for protection of wāhi tapu under the Resource Management Act, through listing of such sites in district plans. A wāhi tapu does not have to be registered under the Historic Places Act to be listed on a district plan.

If you have not already done so, you may therefore wish to talk to the Matamata Piako District Council about listing Te Weraiti and other sites of significance to you on the district plan.

If any archaeological site (as defined in the Historic Places Act) would be modified as a result of an extension of quarrying activity, such modification would require an authority (consent) from the New Zealand Historic Places Trust. An authority would be required regardless of whether or not the wāhi tapu were registered under the Historic Places Act.

Thank you for writing to me about this matter.

Nāku noa, nā



Hon Christopher Finlayson
Minister of Arts, Culture and Heritage

cc Rt Hon John Key
Prime Minister

Hon Amy Adams
Minister for the Environment

Hon Dr Pita Sharples
Minister of Māori Affairs

Appendix 16

From: [Morehu McDonald](#)
To: [Morehu McDonald](#)
Subject: Fw: Application for Registration of Te Weraiti maunga burial caves as waahi tapu
Date: Thursday, 13 September 2012 8:41:51 AM
Attachments: [NZ Historic Places Trust Te Weraiti maunga Register 12Sept2012.pdf](#)
[Map of Swap Quarry on Te Weraiti Maunga, Matamata.pdf](#)
[DSC01166.JPG](#)
[DSC01167.JPG](#)

----- Original Message -----

From: [Morehu McDonald](#)
To: [Fiona Low](#)
Sent: Wednesday, September 12, 2012 9:06 AM
Subject: Application for Registration of Te Weraiti maunga burial caves as waahi tapu

Tena koe Fiona,

Please see application form and additional information attached for registration of our sacred maunga, Te Weraiti in Okauia, Matatmata, as a waahi tapu under the Category 1 of the NZ Historicx Places Act.

Please contact me for futher information and for arranging a meeting kanohi ki te kanohi on our marae to discuss the process for this very important issue.




Naku noa, na
Morehu McDonald
Chairperson
Ngati Hinerangi Iwi Trust

021 646479

Instructions on how to complete this PDF document

Instructions on how to fill in the form

Fill in, save, and electronically submit forms easily. Start by selecting either the Hand tool or the Select tool. When you place the pointer over an Interactive form field, the pointer icon changes to one of the following:

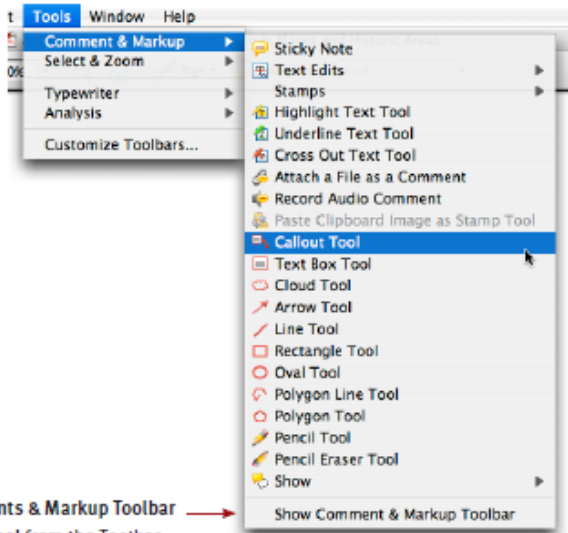
- ▶ The Pointing Finger  tool appears when the pointer is over a button, check box, or item in a list.
- ▶ The Select tool  appears when you can select an item in a list.
- ▶ The I-beam tool  appears when you can type text into a form field.
- ▶ Move from one form field to the next by pressing the Tab key. To delete an entry, press the Esc key.
- ▶ To save your information to your computer: From the menu choose File > Save As to name the file and save the form with your information without submitting it.

Tip: Save the file to your computer before starting the form then save regularly when filling it in to ensure no information is lost.

- ▶ Once you finish the form and have marked the property location on the map, do a final save and then click the submit button. This will place the PDF in an addressed email. Send as a regular email.

Instructions on how to use the Callout Tool to mark the location of the property on the map

- Download the map from the NZHPT website.
- To Indicate where the property is: From the Menu Bar go to **Tools** > choose **Comment & Markup** > then select the **Callout Tool**.



Or select **Show Comments & Markup Toolbar** and choose **Callout Tool** from the toolbar.



- Click the map with the **Callout Tool** where you want the callout to point, drag to where you want the text to appear, and start typing.
- Type the place name and/or address in the text box.
- Save.



sample



Application for Registration of Historic Places and Historic Areas

Registration signifies that a place or area is part of New Zealand's historical and cultural heritage. Your application must identify the heritage values of the place or area you recommend for registration. You must also explain why you believe those values are important. Your explanations must be supported by evidence. Incomplete or unsupported applications are unlikely to be accepted.

Before you start

- ▶ Is the place/area *already* registered? Check with your local NZHPT Regional or Area office. (See the Guideline for contact details)
- ▶ Read the Information Sheet.
- ▶ Read the Guideline.

Application Questions Use the Guideline for advice on answering each question

1. What is the name of the place or area?

Te Weraiti maunga

2. Where is the place or area? *(Attachment required)* Mark the location of your place or area on the map provided.

Barton Road, Okauia, Matamata.

3. Do you know the legal description of the place or area?

NC

Select from drop list. If yes please provide details.

4. Do you know who owns the place or area?

Select from drop list. If yes please provide details. *(Attachment required)*

Name: The Crown administered by local councils

Address: c/- Parliament Buildings

Postcode:

Ph:

Fax:

Email:

5. Who might be interested in the place or area?

The local mana whenua iwi are Ngati Hinerangi Iwi

Application Form

6. Who have you consulted about your application?

The Ngati Hinerangi Iwi

7. What are your aims in applying for registration?

To register our maunga as a waahi tapu to protect our tupuna burial caves with ancestral koiwi from quarrying operations from Matamata Metal Supplies Ltd.

8. How does your place or area compare with other similar places?

Te Weraiti maunga compares with the maunga of all other iwi such as Taupiri for Waikato and Tongariro for Ngati Tuwharetoa

9. Why do you think it is important? Make a case for the significance of your place or area under one or more of these values: Aesthetic, Archaeological, Architectural, Cultural, Historical, Scientific, Social, Spiritual, Technological or Traditional. (Your statements must be supported by evidence)

Te Weraiti maunga is important because it is waahi tapu and contains burial caves with the koiwi of our ancestors.

Te Weraiti maunga embodies te mana, te ihi, te wehi, te tapu o te iwi of Ngati Hinerangi.

Te Weraiti maunga is of extremely high spiritual, historical, traditional, social and cultural significance to the whanau, marae, hapu and iwi of Ngati Hinerangi.

As a sign of its high spiritual, cultural, historical, traditional and social importance, at the foot of Te Weraiti maunga are located four Ngati Hinerangi marae. Our maunga has sheltered, sustained and protected our whanau, marae, hapu and iwi for more than 500 years and as mana whenua we are responsible as kaitiaki for its maintenance and protection, including the burial caves on our maunga.

10. Can you make a case for Category I registration?

Select from drop list. If yes please describe.

We can make a case for Category 1 registration based on the fact that the maunga contains ancient burial caves with koiwi of our ancestors which we wish to ensure are protected from destruction by the Crown, local councils and commercial operators.

11. Have you visited the place or area?

Select from drop list. If yes provide details and dates.

The maunga is accessible by driving up Barton Rd, Okauia, Matamata

12. How would you describe the place or area? (Attachments optional) Remember to consider these questions: What is the surrounding area like? What does the place or area include? What is it made from? What does it look like? What is it like inside?

The top of Te Weraiti maunga is farmed with sheep while the mountain top containing the burial caves are being encroached upon by the quarrying operations of Matamata Metal Supplies Ltd.

13. What condition is it in?

The mountain top contains a lot of loose boulders which by blasting and quarrying beneath it could dislodge and destroy the burial caves containing the koiwi of our ancestors

14. What is the history of the place or area? (Attachments required)

Te Weraiti maunga is currently under threat by the resource consent renewal for expanded quarrying by Matamata Metal Supplies Ltd. See attachments.

15. What information is available on the place or area? Where have you looked for information? What books or papers have you used? What other materials have you used? Do you know where other information might be found?

Please see attachments

Signing and Dating Your Application

Name:

Address: Postcode:

Ph: Fax: Email:

Signed: Date:

Final check

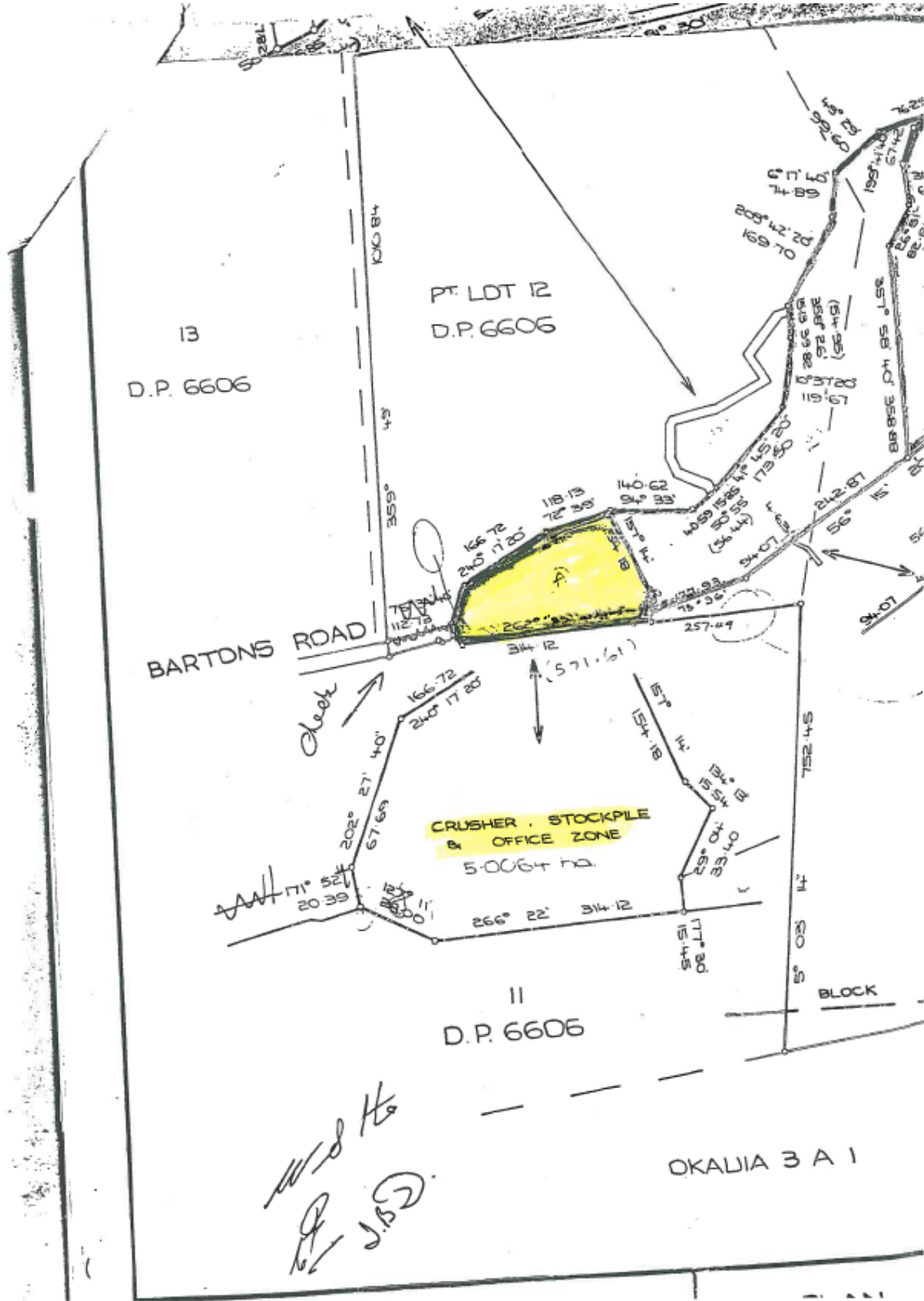
Your recommendation will not be considered until each question is completed, the attachments provided, and the application is signed and dated.

Have you:

- Answered each question?
- Marked location of property on map (see following two pages)?
- Attached the certificate of title (if available)?
- Included recent photographs of the place (if available)?
- Attached copies of the evidence you have relied on?
- Signed and dated the form?
- Saved?









New Zealand Historic Places Trust
Pouhere Taonga



18 September 2012

Morehu McDonald
Chair Ngati Hinerangi Iwi Trust
6 Hakanoa Street
Grey Lynn
AUCKLAND 1021

Re: Application to enter Te Weraiti Maunga into the NZHPT Register of Wahi Tapu, Wahi Tapu Areas, Historic Places, Historic Areas

Tena Koe Morehu,

This letter is to acknowledge the receipt of your nomination to consider Te Weraiti Maunga for registration as a wahi tapu and inclusion in the Register. The information you have provided is now being assessed by Tamoe Ngata, our Maori Heritage Adviser in the Lower Northern Regional Office.

We would like to thank you for nominating Te Weraiti Maunga for wahi tapu registration; and we appreciate your time and effort in preparing your nomination.

If you have any questions about the registration process please feel free to contact Tamoe Ngata, on (07) 577 4540 or via email at tngata@historic.org.nz. Alternatively you may contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dave Robson".

Dave Robson
Maori Heritage Manager,
Northern Region
09 307 6952
drobson@historic.org.nz

"Saving Our Past For Our Future"



HERITAGE NEW ZEALAND
POUHERE TAONGA

09 July 2018

Dr Morehu Mcdonald
Ngā Hapū o Ngāti Hinerangi Trust

Tēnā koe Morehu

Proposed Recognition of Te Weraiti onto the New Zealand Heritage List / Rārangī Kōrero

We are writing to confirm that Te Weraiti maunga has been nominated for inclusion in the New Zealand Heritage List / Rārangī Kōrero as a wāhi tapu area, after applications from yourself on 12 September 2012 and from Casey Douglas on 05 May 2013. The latter application was endorsed by Sophie Douglas of Tangata Marae on behalf of iwi/hapū.

The listing has not yet been progressed as Heritage New Zealand Pouhere Taonga's listing service is oversubscribed, and accordingly prioritises listings for progression on an annual basis as per its policy.

The New Zealand Heritage List / Rārangī Kōrero is the national schedule of New Zealand's historic and cultural heritage.

Under section 6 of the Heritage New Zealand Pouhere Taonga Act 2014, a wāhi tapu area is defined as "an area containing one or more wāhi tapu".

We understand that Te Weraiti is the maunga tapu of Ngāti Hinerangi, and that there are a number of your ancestors burial caves present.

The legal description of the land nominated is Part Lot 12 Deposited Plan 6606 and Part Okauia No.1 Block, as included in the attached map.

Nāku noa, nā,

Xavier

Dr. Xavier Forde | Kaiwhakahaere Kōrero Tuku Iho | Manager Māori Heritage Recognition
Heritage New Zealand Pouhere Taonga |
Antrim House, 63 Boulcott Street, Wellington |
P: 04 472-4341 | M: 027 249-3645 |
www.heritage.org.nz | E: xforde@heritage.org.nz

