

BEFORE THE ENVIRONMENT COURT

Decision No. [2016] NZEnvC 083

IN THE MATTER of an appeal under Section 120 of the
Resource Management Act 1991 (**the
Act**)

BETWEEN PUKE COAL LIMITED
(ENV-2013-AKL-000183)

PAR SOCIETY INCORPORATED
(ENV-2013-AKL-000184)

ROGER HOWLETT
(ENV-2013-AKL-000185)

Appellants

AND WAIKATO DISTRICT COUNCIL

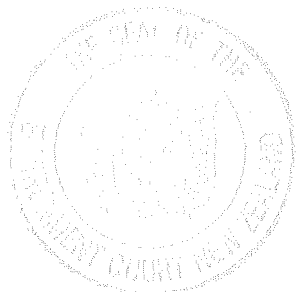
WAIKATO REGIONAL COUNCIL

Respondents

AND LUDGER HINSE
PETER DAVIE

Section 274 parties

Court: Environment Judge JA Smith, on the papers
Environment Commissioner ACE Leijnen
Environment Commissioner D Bunting



Date of Decision: 10 May 2016

DECISION OF THE ENVIRONMENT COURT ON FINAL CONDITIONS

- A. The final conditions of consent are confirmed as annexed hereto.**
- B. Costs issues are subject to separate directions and a decision on these will be issued separately, if necessary.**

REASONS FOR DECISION

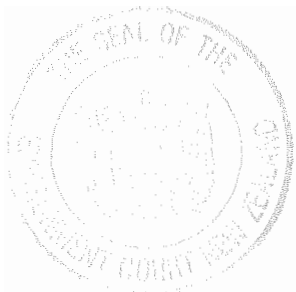
Introduction

[1] In accordance with the directions set out in the decision on final conditions dated 21 April 2016¹ (“**Third Decision**”), Puke Coal Ltd filed a final set of conditions for endorsement by the Court.

[2] Puke Coal Ltd has amended Waikato District Council consent condition 6.3(b) as suggested by the Court at paragraph 12 of its decision so that the overall number of trustees shall be seven. The equivalent change has also been made to the Waikato Regional Council consents (condition 23(b) of the Landfill General Conditions).

[3] Puke Coal Ltd has confirmed that the Peer Review Panel condition (condition 113 of the Landfill General Conditions to the Waikato Regional Council consents) has been amended to include an obligation on the consent holder to advise the Community Liaison Group when the panel is appointed and its members’ names and expertise, being a change endorsed by the Court at paragraph 23 of its decision. This was included in the consent conditions endorsed by the Court in its Third Decision.

¹ *Puke Coal Ltd v Waikato Regional Council* [2016] NZEnvC 068.



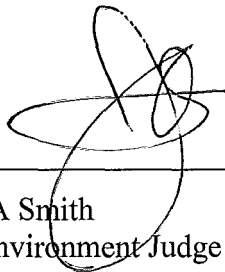
Outcome

[4] The final consent conditions are attached to this Decision.

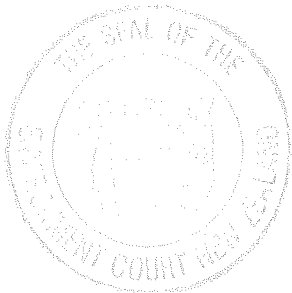
[5] Costs issues are subject to separate directions and a decision on these will be issued separately, if necessary.

SIGNED at AUCKLAND this 10th day of May 2016

For the Court



JA Smith
Environment Judge



Waikato District Council Resource Consent

Pursuant to sections 104, 104B and 108 of the Resource Management Act 1991 the Waikato District Council grants land use consent to Puke Coal Limited to establish and operate a Municipal Solid Waste landfill at 1158 Rotowaro Road, Glen Afton, on Lot 6 DP 427961 comprised in Certificate of Title 510520, as a Discretionary Activity, subject to the following conditions:

1. General Conditions

1.1 The Municipal Solid Waste landfill construction and operation must be carried out in accordance with:

a) the following concept drawings (attached to this consent at Appendix 1):

| DRAWING NO. | DRAWING TITLE | REVISION |
|----------------|---|----------|
| 42045680-C-001 | Site Plan | B |
| 42045680-C-002 | General Arrangement and Surface Water Controls | D |
| 42045680-C-005 | Finished Surface Plan | B |
| 42045680-C-007 | Landfill Long Section | C |
| 42045680-C-008 | Landfill Eastern Cross Section | B |
| 42045680-C-009 | Landfill Western Cross Section | B |
| 42045680-C-010 | Leachate Sump and Toe Bund Detail Prior to Closure of Last Cell | B |
| Figure 8 | Landscape Mitigation Plan prepared by Boffa Miskell | A |

b) the plans and documents attached to this consent in Appendices 2 - 10; and

c) the following draft management plans attached to this consent as Appendix 11:

- i. Site Management Plan;
- ii. Landfill Management Operations Plan;
- iii. Landfill Works and Design Management Plan;
- iv. Landfill Gas and Odour Management Plan;
- v. Erosion and Sediment Control Plan;
- vi. Air Quality Management Plan;
- vii. Rehabilitation and Aftercare Plan,

subject to any approved amendments made to these plans, documents and/or draft management plans through the certification and/or approval process for those documents, as contemplated by the relevant conditions of this consent.

- 1.2 The Municipal Solid Waste landfill development includes all activities proposed under the application including vegetation removal, overburden removal, construction of ancillary buildings and Site rehabilitation.
- 1.3 Where there is any inconsistency between the conditions of this consent, the documents referred to in condition 1.1 or the approved Management Plans, the conditions of this consent shall prevail.
- 1.4 Where there is any inconsistency between the conditions of this consent and the conditions of consent for the existing coal mining and construction and demolition landfill activities the conditions of this consent shall prevail.
- 1.5 The duration of this consent is 35 years from the date of commencement under section 116 of the Resource Management Act 1991.

Definitions and abbreviations

- 1.6 The following definitions are applicable to this consent:

Approval means, in relation to any Management Plan, that the Waikato District Council has approved that the Management Plan contains all information specified in the relevant Management Plan condition(s) and that the Management Plan meets all the requirements set out in the conditions of the resource consent

Community Liaison Group means the Community Liaison Group established pursuant to condition 0 of this consent.

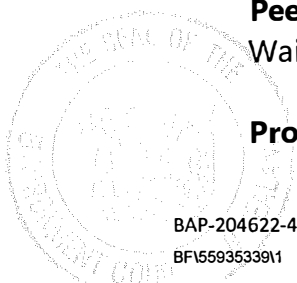
Landfill Envelope means that part of the Site which will be occupied by the MSW landfill upon completion of filling and placement of the final cap as shown on Appendix 2 to this consent;

Landfill Footprint means that area of the Site authorised for the disposal of MSW as shown in red on Appendix 3 to this consent;

Municipal Solid Waste or **MSW** means any non-hazardous, solid waste from domestic, commercial or industrial sources which meets the Waste Acceptance Criteria specified in conditions 4.13 to 4.16 of this consent and excludes Prohibited Waste;

Peer Review Panel means the peer review panel established under condition 113 of Waikato Regional Council consents 125466, 125467 and 125469;

Prohibited Waste means wastes or substances:



- a) classified as explosive, flammable, oxidising or corrosive under the Hazardous Substances and New Organisms Act 1996;
- b) classified as Infectious substances in the Land Transport Rule: Dangerous Goods 2005 (inclusive of Dangerous Goods Amendments 2010 and 2011) and New Zealand Standard 5433:2012;
- c) classified as "Radioactive Material in the Radiation Protection Act 1965 and Regulations 1982"; or
- d) waste marked with an asterisk on the NZ Waste List available at <http://mfe.govt.nz/waste/waste-list> except for the following:
 - i) Solid wastes which, following testing using the US EPA Toxicity Characteristic Leaching Procedure (TCLP), result in leachable concentrations less than the leachable concentration values listed in Table 1 of Module 2: Hazardous Waste Guidelines – Landfill Waste Acceptance Criteria and Landfill; Classification ("Table 1, Module 2") attached as Appendix 4 to this consent.
 - ii) Solid wastes which, following testing for total concentration, result in total concentration values less than the screening criteria listed in Table 1 of Module 2;
 - iii) Solid wastes identified as containing asbestos that have been labelled, packaged and disposed in accordance with the requirements laid out in the Asbestos Regulations 1998; or
 - iv) Small quantities of hazardous waste from households and small commercial premises, such as can reasonably be expected to be contained in the municipal waste stream that standard waste screening procedures will not detect.

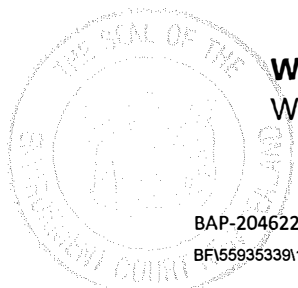
Site means the land owned or controlled by the consent holder as shown by the black boundary on Appendix 5 to this consent;

Special Waste means MSW that requires special handling procedures, such as asbestos, medical and malodorous wastes;

Suitably Qualified Expert means a person who is a member of good standing in the profession or trade association of the discipline for which the person purports to act and has experience in auditing or preparation of management plans or compliance monitoring of resource consent conditions;

Waste Acceptance Criteria means the requirements for acceptance of MSW at the Site set out in conditions 4.13 to 4.16 of this consent.

WRC Landfill General Conditions means the general conditions that apply to Waikato Regional Council discharge permits 125466, 125467 and 125469



The following abbreviations are used in this consent:

C&D means construction and demolition.

CLG means Community Liaison Group.

FIDOL means frequency, intensity, duration, offensiveness and location.

LMOP means Landfill Management and Operations Plan.

LWDMP means Landfill Works Design and Management Plan.

MSW means Municipal Solid Waste.

PHVMP means Post Harvesting Vegetation Management Plan.

PVMP means Protected Vegetation Management Plan.

RAP means Rehabilitation and Aftercare Plan.

SMP means Site Management Plan.

TCLP means Toxicity Characteristic Leaching Procedure.

US EPA means United States Environmental Protection Agency.

Council's Monitoring

1.7 The consent holder must pay to the Waikato District Council all actual and reasonable costs and additional charges in respect of monitoring the conditions of this consent in accordance with section 36 of the Resource Management Act 1991 in relation to:

- a) administration, monitoring and inspections related to this consent; and
- b) charges authorised by regulation.

1.8 The consent holder must at all times provide the Waikato District Council and its officers and agents with access to the Site, for the purposes of carrying out inspections, surveys, investigations, tests, measurements or taking samples.

General Conditions applying to all Management Plans

1.9 Conditions 1.10 to 1.16 apply to all Management Plans required by this consent. For the purpose of this condition, the term Management Plan includes any Contingency Plan, Operations Plan, Control Plan or Response Plan.



- 1.10 All Management Plans required under this consent must be submitted to the Waikato District Council for Approval.
- 1.11 All draft management plans submitted to Waikato District Council by the consent holder for approval must be accompanied by certification from a Suitably Qualified Expert(s) that the draft management plan contains all information specified in the relevant Management Plan condition and that the draft management plan meets all the requirements set out in the conditions of this resource consent.
- 1.12 All Management Plans must be updated if necessary and as a minimum every 2 years. The review of a Management Plan shall assess whether management practices are resulting in compliance with conditions of this consent, and whether the objective of the Management Plan is being met through the actions and methods undertaken. Where appropriate, the review shall result in amendments that are necessary to better achieve the objective of the Management Plan.
- 1.13 Any amendments to an approved Management Plan shall require further expert certification in accordance with condition 1.11 and Approval from Waikato District Council in accordance with condition 1.10.
- 1.14 Where changes are made to the Management Plans are made the copy held onsite must be updated within five (5) working days of any amendments being approved by the Waikato District Council. The Management Plan(s) must be produced (electronic or paper form) without unreasonable delay upon request by an authorised officer of the Waikato District Council. Updated plans must also be provided to a representative of Community Liaison Group.

Advisory Note: *Where changes are made to a Management Plan, Council's preference is that these are done as track changes or highlighted and version control is added to the document.*

- 1.15 Subject to any other conditions of this consent all Management Plans must be implemented by the consent holder and all activities must be undertaken in general accordance with the latest version of the Management Plan approved by the Waikato District Council.
- 1.16 The following Management Plans must be submitted to the Waikato District Council for approval that they are consistent with the conditions of this consent, three months prior to the commencement of any works associated with this consent (including Site preparation works and the placement of MSW):
- (a) Site Management Plan;
 - (b) Landfill Management and Operations Plan;
 - (c) Landfill Works Design and Management Plan;
 - (d) Concept Rehabilitation and Aftercare Plan; and
 - (e) Fire Response Plan.

2 Pre-Construction and/or Pre-Receipt of MSW Requirements

Notification to Council

- 2.1 The consent holder must notify the Waikato District Council's Team Leader Monitoring in writing a minimum of ten working days prior to its intention to commence the following:
- a) the lodgement of any initial management plans required to be submitted to Council under the conditions of this consent;
 - b) the commencement of activities associated with Site preparations for the construction of the landfill liner; and
 - c) the commencement of the receipt of MSW.

Surrender of End of Life Tyres Consent

- 2.2 Prior to placement of any MSW at the Site, the consent holder must surrender, pursuant to s138(1) of the Resource Management Act 1991, the Waikato District Council Resource Consent No. LUC0461/05, which authorises the disposal of end of life tyres onto land.

New Stormwater Discharge Consent

- 2.3 Prior to the commencement of any construction works associated with this consent, the consent holder must obtain from the Waikato Regional Council and implement a new stormwater discharge permit that:
- a) is on terms no less onerous than Regional Council Discharge Permit No. 104244;
 - b) provides for all activities being undertaken on the Site; and
 - c) has the same duration as this consent.
- 2.4 Upon the implementation of the new stormwater discharge permit the consent holder must surrender to the Waikato Regional Council, pursuant to section 138(1) of the Resource Management Act 1991, Regional Council Discharge Permit No. 104244.

Historic Colliery Houses site

- 2.5 If the consent holder undertakes works pursuant to Consent LUC0402/14 to stabilise the southern highwalls, then prior to commencement of any construction works associated with this consent, it must provide the Waikato District Council with a report by a qualified archaeologist which demonstrates that the consent holder did not modify, damage or destroy the historic colliery houses site (S14/133) as a result of any works undertaken pursuant to Consent LUC0402/14 to stabilise the highwalls.



Pukemiro Mine Road

- 2.6 The consent holder must not commence any construction works associated with this consent until the temporary road closure notice dated 7 May 2015 has been revoked and Pukemiro Mine Road has re-opened.

Public viewing areas

- 2.7 Prior to commencement of any construction works associated with this consent the consent holder must, in consultation with the Waikato District Council Roding Manager, establish and maintain an area at the end of each of Glen Road and Pukemiro Mine Road that is suitable for allowing the public to view the Site. The viewing area(s) must, at minimum:
- a) be formed to an unsealed metalled standard and maintained to the minimum standards set out in the Hamilton City Council Infrastructure Technical Specification and the Waikato District Council addendum; and
 - b) allow for manoeuvring for a 90 percentile light vehicle; and
 - c) incorporate seating and tables for a minimum of six (6) persons located clear of any vehicle manoeuvring and circulation paths.

Design plans for the public viewing areas must be provided to the Waikato District Council Roding Manager for approval prior to construction.

Site Management Plan

- 2.8 Three months prior to the commencement of any works associated with this consent (including Site preparation works and the placement of MSW), the consent holder must prepare and submit for approval by the Waikato District Council, a Site Management Plan (SMP).
- 2.9 The objective of the SMP is to establish procedures to identify, control and manage any potential cumulative adverse environmental effects arising from all consented activities being undertaken concurrently at the Site, and to achieve the integrated management of these activities to ensure compliance with all consent requirements and to minimise the potential for off-site nuisance or adverse effects.
- 2.10 To achieve the objective specified in condition 2.9 the SMP must include, but not be limited to:
- a) management and monitoring procedures to control and manage cumulative Site effects and consent limits in relation to:
 - (i) dust;
 - (ii) heavy vehicle movements and on-site parking requirements;
 - (iii) storm water; and
 - (iv) noise.



- b) monitoring and reporting procedures required in relation to any other operational consented activities ;
- c) management plans required for all operational consented activities – which may be prepared as stand-alone documents – including:
 - (i) Coal Mining Operations Plan (LUC 6900004 – condition 39);
 - (ii) C&D Landfilling Operations Plan (LUC 6900004 – condition 39);
 - (iii) MSW Landfill Management and Operations Plan (including Landfill Works Design and Management Plan) (conditions 2.13 and 2.19 of this consent);
 - (iv) Erosion and Sediment Control Plan (condition 2.24 of this consent);
 - (v) Leachate Management Plan;
 - (vi) Landfill Gas and Odour Management Plan;
 - (vii) Air Quality Management Plan;
 - (viii) Rehabilitation and Aftercare Plan (Including Landscape Rehabilitation Plan) (LUC 6900004 – conditions 24 and 25, LUC 6900004 – conditions 28 and 29, LUC0087/10.01 – condition 12), and conditions 2.22 and 0 of this consent;
 - (ix) Contingency Plan (LUC 6900004 – condition 39);
 - (x) Fire Response Plan (condition 2.25 of this consent)
 - (xi) Protected Vegetation Management Plan (condition 2.32 of this consent);
 - (xii) Post Harvesting Vegetation Management Plan (condition 2.37 of this consent).

2.11 For the avoidance of doubt, the Waikato District Council is only required to review and approve those matters in the SMP which are within its jurisdiction, and shall exclude those matters specified in condition 2.10(c) (v), (vi) and (vii).

2.12 If an approved management plan which forms a component part of the SMP is reviewed and/or amended pursuant to the applicable consent conditions for that management plan, the consent holder must:

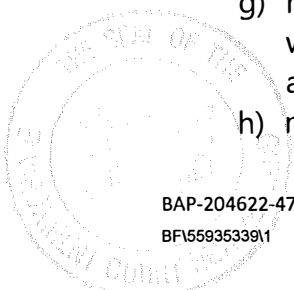
- a) review the SMP to assess whether any consequential amendments are required to the integrated Site -wide management procedures required by that plan; and
- b) update the SMP to include the amended management plan (once approved by the relevant consent authority).

Any proposed amendment to the SMP must be certified by the consent holder pursuant to condition 1.11 and submitted to the Waikato District Council for approval pursuant to condition 1.10 prior to implementation.

Landfill Management and Operations Plan

2.13 Three months prior to the commencement of any works associated with this consent (including Site preparation works and the placement of MSW), and following the steps outlined in condition 2.18, the consent holder must prepare and submit for approval by the Waikato District Council, a Landfill Management and Operations Plan (LMOP).

- 2.14 The objective of the LMOP is to combine and collate all landfill management practices and procedures to be implemented on the Site to achieve compliance with the conditions of this consent, and to minimise the potential for off-site nuisances and adverse effects from the operation of the landfill.
- 2.15 For the avoidance of doubt, the Waikato District Council is only required to review and approve those matters in the LMOP which are within its jurisdiction, which shall exclude those matters specified in conditions 2.16(h), (i), (j), (k), (m) and (v).
- 2.16 To achieve the objective specified in condition 2.14, the LMOP must include details on management, operations and monitoring procedures, and methodologies and contingency plans necessary to comply with the conditions of the MSW landfill consents. It shall include, but not be limited to, the following matters:
- a) the Landfill Works Design and Management Plan required by condition 2.19;
 - b) procedures associated with the acceptance of Municipal Solid Waste and Prohibited Wastes;
 - c) procedures regarding the random inspections of incoming waste loads to ensure compliance with the Waste Acceptance Criteria which at a minimum shall include:
 - i. how loads will be selected on a random basis and the process for adjusting the frequency of these inspections dependent on supplier performance;
 - ii. operation of an inspection/sorting area for the conduct of second (detailed) inspections;
 - iii. detailed inspection methodology including, but not limited to:
 - a. visual inspection;
 - b. physical inspection i.e. sorting; and
 - c. sampling and analysis.
 - iv. trigger criteria for initiating one or more of the inspection methodologies set out in sub-paragraph (c) above; and
 - v. record keeping;
 - d) details of landfill operations (i.e. earthworks, Site preparation, landfill liner and side wall construction, procedures for the control of the Site and tipping face, the placement of waste, waste compaction, and daily cover (including procedures for the selection of cover materials or alternatively a prescriptive list of materials that will be used, maintaining an adequate stockpile of cover materials for use, and the thickness of daily cover material), water control, landfill gas control and leachate control);
 - e) the sequential staging of the landfill and closure of the landfill;
 - f) procedures for mapping the location of Special Waste burials
 - g) management procedures to identify the presence (or otherwise) of flooded mine workings that may be exposed as well as assessment and implementation of appropriate dewatering and disposal procedures if required;
 - h) management procedures for the control of perched leachate layers



- i) routine maintenance procedures to be undertaken on the leachate and gas collection systems, including procedures for cleaning the leachate collection pipes;
- j) an erosion and sediment control plan;
- k) management and monitoring practices for the collection and disposal of leachate and landfill gas;
- l) contingency plans to address the protection of public health and safety and the environment in the event of emergency situations, including landfill fires;
- m) management and monitoring procedures for the control of odour;
- n) management and mitigation practices, including monitoring, to control nuisance effects from noise, birds, vermin and litter;
- o) management and monitoring procedures for the control of dust;
- p) the specific location of the continuous dust monitor for measuring dust emissions and the specific location of the weather monitoring station;
- q) procedures for the management of traffic volumes in accordance with the conditions of this consent including methods of monitoring and reporting compliance with the conditions of this consent;
- r) parking, manoeuvring and loading arrangements to ensure queuing and loading space is available and to avoid any effects from parking or queuing at the entrance;
- s) procedures and methods to control the speed limit on the Site;
- t) driver behaviour guidelines to be included in contracts involving regular hauliers over one month duration to cover debris, covered loads and safety briefing;
- u) procedures to manage any debris spillage onto Rotowaro Road caused by trucks exiting or entering the Site;
- v) spill prevention and response protocols;
- w) an accidental discovery protocol;
- x) specific management procedures for the control and management of any landfill fires, including details of the firefighting equipment to be kept onsite to extinguish fire of a general or chemical nature;
- y) at a minimum, requirements for installation of primary litter fences for each stage of the landfill to a minimum height of 6m on the predominant downwind side as fixed location fences. The LMOP must also include requirement for the use of secondary litter fences to a minimum height of 2m, being mobile fences and able to be relocated as required to provide a litter barrier as close as practicable downwind of the active working face; and
- z) other actions necessary to comply with the requirements of this resource consent.

2.17 An Accidental Discovery Protocol must be prepared and included in the LMOP. It must include procedures to ensure that if wooden, or other artefacts are found during work that they are recognised and identified as such and that appropriate steps are immediately undertaken to secure and conserve them. It must also include matters to ensure that personnel working on the project are briefed on what to look for and who to contact should possible artefacts be found, and the consent holder's obligations under the Heritage New Zealand Pouhere Taonga Act 2014.

2.18 Prior to submitting the LMOP to the Peer Review Panel (established under condition 113 of the Waikato Regional Council consents – Landfill General Conditions) for its review and to the Waikato District Council for approval (and upon subsequent review),

the consent holder must provide a draft to the Community Liaison Group for comment. The consent holder shall provide a copy of any comments received from the Community Liaison Group to the Peer Review Panel for its review and to the Waikato District Council when submitting the LMOP for approval, and in each case, must provide a written commentary explaining how the Community Liaison Group comments have been incorporated, and where comments have not been incorporated, the reasons why. The Community Liaison Group shall be given not less than fifteen (15) working days to provide comments. If no comments are received then the consent holder is deemed to have complied with this condition.

Landfill Works Design and Management Plan

- 2.19 Three months prior to the commencement of any works associated with this consent (including Site preparation works and the placement of MSW), the consent holder must prepare and submit for approval by Waikato District Council, a Landfill Works Design and Management Plan (LWDMP) as part of the LMOP.
- 2.20 The objective of the LWDMP is to establish the design and certification processes that will apply in relation to the design and construction of the landfill, to ensure that each stage of the detailed landfill design meets the requisite engineering standards. The LWDMP must include, but not be limited to:
- a) the staging of works planned and the description of works in each stage including site plans;
 - b) an outline of the engineering controls, supervision and certification that will be applied to each stage;
 - c) an outline of the methods of determining site-specific design parameters and stability analysis design procedures that will be used for each stage;
 - d) details of silt control, methods of controlling surface erosion and stormwater management;
 - e) details of the certification that will be adopted for design, design review, construction and construction review; and
 - f) details of any consent conditions from the Regional Council consents that relate to the overall design, design approval and management of the landfill.
- 2.21 The consent holder must engage chartered professional engineers with geotechnical and civil engineering experience to direct and supervise any additional investigations, undertake design, construction supervision and to certify the construction of all works in accordance with the procedures set out in the LWDMP.

Rehabilitation and Aftercare Plan

- 2.22 Prior to the placement of MSW in any Stage or Cell, the consent holder must prepare and submit for approval by the Waikato District Council, a Concept Rehabilitation and Aftercare Plan (Concept RAP).

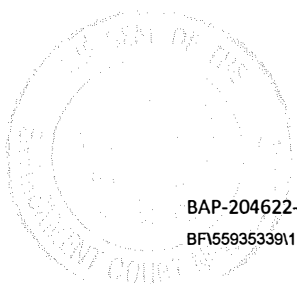
- 2.23 The Concept RAP must describe the key aspects of closure and rehabilitation that will be implemented should the Site close permanently at the completion of the proposed Stage or Cell, and to ensure that any ongoing adverse environmental effects from that stage of development can be managed and monitored.

Erosion and Sediment Control Plan

- 2.24 The consent holder must provide the Waikato District Council with a copy of the approved Erosion and Sediment Control Plan within one (1) week of this approval being provided by the Waikato Regional Council.

Fire Response Plan

- 2.25 Three months prior to the commencement of any works associated with this consent (including Site preparation works and the placement of MSW), the consent holder must prepare and submit for approval by the Waikato District Council, a Fire Response Plan for the Site to meet the requirements of this condition and condition 2.16(l) and (x) in light of the MSW landfill activity, in consultation with the New Zealand Fire Service, Department of Conservation, Waikato Regional Council and Waikato District Council. As a minimum, this document must include (but not be limited to):
- a. The types and quantities fire-fighting equipment and resources (including earth moving equipment, high pressure hose system, fire extinguishers, cover material, supply of water or other fire suppressants, protective equipment, breathing gear etc) to be available onsite at all times;
 - b. Maintenance and upkeep requirements and records for fire-fighting equipment to ensure readiness at all times;
 - c. Control actions that may be undertaken using Site staff;
 - d. Staff fire-fighting roles/chain of command;
 - e. Staff training requirements and records including planning and conduct of regular emergency training events together with formal debriefing and incorporation of lessons learned into Site fire-fighting procedures;
 - f. Actions that will be undertaken to intercept any water associated with firefighting that may enter the stormwater system until such time as the parameter concentrations in the discharge are within the limits provided in Appendix 6 to the Waikato Regional Council Landfill General Conditions
 - g. Emergency management planning, including (but not limited to):
 - i. identifying responsibilities for action/chain of command with the various emergency agencies, Waikato Regional Council and Waikato District Council;
 - ii. Identification of sensitive receptors that could be affected by smoke or other discharges from a fire; and
 - iii. Requirements and methods for contacting sensitive receptors and the surrounding community (i.e. a community contact register) to inform residents of the need for evacuation if required.



Roading Upgrades and Vegetation Trimming

2.26 Prior to the receipt of MSW the consent holder must **either**:

a) undertake localised pavement widening at two bends east of the Site along Rotowaro Road as set out in Section 5.2 of the Traffic Impact Review prepared by Gray Matter Ltd, dated 10 September 2013;

or

b) pay the Waikato District Council \$10,000, being a contribution to such works.

2.27 If the consent holder proposes to undertake the works set out in condition 2.26 then the design details of these works must be submitted to Waikato District Council for written approval prior to any works taking place. The works must also be completed to the satisfaction of the Waikato District Council.

2.28 Prior to the receipt of MSW the consent holder must undertake vegetation control (i.e. trim/cut back the existing grass/vegetation) to the south-western side of Rotowaro Road affecting visibility from the Site's entrances, to ensure an unimpeded sight distance is achieved. This works must be completed to the satisfaction of the Waikato District Council.

Installation of Weather Monitoring Station

2.29 Prior to receipt of MSW, the consent holder must install a weather monitoring station on the Site. The weather monitoring station must be positioned as far away from existing buildings and trees as possible, with the final location confirmed in the Landfill Management and Operations Plan.

Prior to Installation of a Gas Treatment Station

2.30 The consent holder must prepare and submit to the Waikato District Council a site plan showing the location, dimensions and elevations of the gas treatment station prior to the lodgement of a building consent application for that building. The purpose of this information is to verify that the building(s) location can comply with the District Plan setbacks requirements.

Protected Vegetation Areas

2.31 The three areas shown in red on Appendix 6 to this consent must be set aside from future development or vegetation clearance (including by domestic livestock) and be managed in accordance with the approved Protected Vegetation Management Plan (PVMP).

2.32 Prior to commencement of any construction works associated with this consent, the consent holder must prepare and submit for approval by Waikato District Council a Protected Vegetation Management Plan (PVMP). The PVMP must be prepared by a suitably qualified ecologist or landscape architect.

2.33 The objective of the PVMP is to identify the means and measures proposed to protect, maintain and enhance the ecological values of the areas shown in red on Appendix 6 in perpetuity.

2.34 The PVMP must include, but not be limited to, the following relevant matters:

- a) The measures proposed to restore the natural ecology and indigenous biodiversity to the areas, including any pest control, replanting and weed control proposed.
- b) The methods to delineate the protected areas and discourage access by the consent holder or its employees and contractors, including fencing where practicable;
- c) A timetable for carrying out any restoration measures.
- d) Detailed plans of the restoration works proposed as well as a schedule of any species to be planted and indicative planting density and locations.
- e) The maintenance requirements and programme (including replacement of any plants that die) for the measures proposed to ensure their ongoing health.
- f) The review and monitoring measures proposed to ensure the on-going health and management of the protected areas.

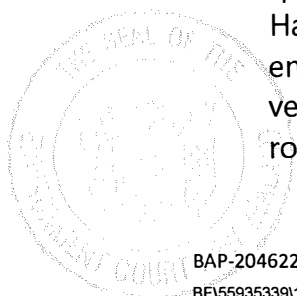
2.35 Following approval by the Waikato District Council the consent holder must implement the PVMP requirements in accordance with the timetable set out in the PVMP to the satisfaction of the Waikato District Council.

2.36 Within three (3) months of the approval of the PVMP, the consent holder must enter into an agreement of an ongoing nature (being a legal instrument such as covenant, memorandum of encumbrance or consent notice pursuant to Section 221 of the Resource Management Act 1991) providing for the areas shown in red on Appendix 6 to be protected and preserved in perpetuity. The agreement shall identify that current and future owners of the land must take every reasonable step to ensure that the vegetation is protected and preserved in accordance with the Protected Vegetation Management Plan prepared in accordance with condition 2.32 above.

The agreement must be prepared at the expense of the consent holder and shall be registered against the relevant title(s).

Post Harvesting Vegetation Management Plan

2.37 Prior to commencement of any harvesting in the pine plantation area marked in red on the Site plan attached at Appendix 7, the consent holder must engage a suitably qualified person to prepare and submit for approval by Waikato District Council a Post Harvesting Vegetation Management Plan (PHVMP). The objective of the PHVMP is to ensure that the area is replanted with suitable commercial timber crop or alternative vegetation for erosion control and to maintain the visual buffer between the public roads and the operations onsite by securing the land contours.



The plan must include but not be limited to:

- a. The planting measures proposed to secure the land contours and maintain the visual buffer between the public roads and the operations onsite
- b. A timetable for carrying out the proposed planting.
- c. A schedule of any species to be planted and indicative planting density and locations.
- d. The maintenance requirements and programme (including replacement of any plants that die) for the measures proposed to ensure their ongoing health.
- e. The review and monitoring measures proposed to ensure the on-going health and management of the pine plantation areas.

3 Construction

Earthworks Near Southern Highwall

- 3.1 Any remedial works to stabilise the southern highwall undertaken pursuant to this consent must be specifically designed to avoid modifying, damaging or destroying the historic colliery houses site (S14/133). The consent holder must engage a suitably qualified archaeologist to provide a report to the Waikato District Council demonstrating that the design of the works will comply with this condition. The report must be provided to the Waikato District Council for approval prior to any stabilisation works on the southern highwall being carried out.

Glen Afton Ridgeline and McKenzie Block Protection

- 3.2 The consent holder must not undertake any earthworks:
- a. that affect the height of the Glen Afton ridgeline as shown in white on the plan prepared by Landform Surveys Limited dated March 2016 at Appendix 8 and recorded by reference to RL heights on the longsection plan prepared by Landform Survey Limited dated March 2016 at Appendix 9;
 - b. within 50 metres of the ridgeline shown in purple hatching on the plan prepared by Landform Surveys Limited dated March 2016 at Appendix 8 other than earthworks associated with pastoral uses permitted under the Waikato District Plan.

The restriction on earthworks imposed by subparagraphs a and b of this condition shall continue to apply for a period of twenty (20) years following cessation of MSW placement at the Site.

- 3.3 The consent holder must not use the area of land noted as the Protected Area and shown in blue stripe on the plan prepared by Landform Surveys Limited dated March 2016 at Appendix 8 and legally described as Part Lot 4 DP10864, Lot 1 DP 32628, Lot 2 DP 32618 and Lot 3 DP 32618 (the Protected Area) for any use other than pastoral uses permitted under the Waikato District Plan until cessation of MSW placement at the Site.

- 3.4 Prior to commencement of any construction work in relation to the MSW landfill the consent holder must enter into an agreement of an ongoing nature (being a legal instrument such as covenant, memorandum of encumbrance or consent notice pursuant to Section 221 of the Resource Management Act 1991) to secure the performance of conditions 3.2 and 3.3 and bind any subsequent landowners of the affected land to the satisfaction of the Waikato District Council.

Accidental Discovery

- 3.5 The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works onsite, the works in that area shall cease immediately. Heritage New Zealand, Kaumatua representing the local Tangata Whenua, Waikato District Council, and in the case of human remains, the New Zealand Police, must be informed of the discovery as soon as possible. Work must not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

Advisory Note: *The consent holder should note that all sites associated with human activity prior to 1900 are protected under the Heritage New Zealand Pouhere Taonga Act 2014 regardless of whether or not the sites are recorded or registered, or whether resource or building consent has been granted, or whether the activity is permitted in a Regional or District Plan, or whether the land is designated. An authority shall be obtained from the Heritage New Zealand in accordance with the Heritage New Zealand Pouhere Taonga Act 2014 prior to any work being carried out. This is a legal requirement.*

4 Operational Requirements

Landfill Manager

- 4.1 The consent holder must retain an appropriately experienced Landfill Manager to supervise landfill operations on the Site. The consent holder must inform the Waikato District Council of the Landfill Manager's name, experience and how that person can be contacted. Should that person(s) change during the term of this resource consent, the consent holder must immediately inform the Waikato District Council and must also give written notice to the Waikato District Council of the new Landfill Manager's name, experience and how that person can be contacted.

For the purpose of this condition an appropriately experienced Landfill Manager means a person who has prior work experience which includes:

- Heavy earthworks construction; and
- Municipal solid waste handling; and
- Environmental/consent compliance experience



Consent Conditions and Management Plans held on-site

- 4.2 The consent holder must develop an environmental induction programme, which shall be intended to ensure that staff and contractors working on the Site are generally aware of the contents of this consent, including any approved Management Plans, as they apply to the activities in which the staff/contractors are involved. Copies of the conditions of this consent and all approved management plans that are required in order to give effect to this consent must be kept on-site at all times, and be made available to all staff and contractors.
- 4.3 Copies of the consent and approved management plans required to give effect to this consent must be provided to the Pukemiro School and, subject to the School's agreement to assist, shall be available for public inspection. If the School is unable to provide this assistance, copies shall be provided to a representative of the Community Liaison Group.

Landfill Footprint and Daily Cover

- 4.4 The placement of MSW material authorised by this consent must not occur outside of the area demonstrated in Drawing 42045680-C-002, Revision D, titled General Arrangement and Surface Water Controls.
- 4.5 As a result of the placement of MSW and the final cap, the final contours of the landfill must not exceed those shown in Drawings 42045680-C-007, Revision C titled Landfill Long Section, 42045680-C-008 Revision B titled Landfill Eastern Cross Section, and 42045680-C-009 Revision B titled Landfill Western Cross Section.
- 4.6 The volume of MSW authorised by this consent is that volume contained within the design void of up to 8 million cubic metres, including the high density polyethylene (HDPE) liner and the final cap, within the contours shown on Plan 42045680-C-005, Revision B, titled Finished Surface Plan at Appendix 1, and as measured at the time of completion of the cap.
- 4.7 The consent holder must ensure that there is a separation distance of no less than 500 metres present between the working face of any cell containing MSW and the nearest Site boundary (excluding public roads). For the avoidance of doubt this separation distance shall not apply to any cell that contains only construction and demolition waste.
- 4.8 The consent holder must not undertake any coal mining or associated earthworks within 50 metres (as measured horizontally) from the landfill liner system.
- 4.9 All MSW must be covered at the end of each working day with a minimum of 150mm daily cover material. The daily cover material must not contain any more than 1% coal by volume, any coal present in the daily cover material must be evenly spread through the cover material, and any piece of coal must be less than 5 cm in its largest dimension. Material that has the potential to support the spread of fire must not be used as daily

cover material. The consent holder must maintain a stockpile of at least two weeks' supply of material for use as daily cover for the duration of MSW placement activities at the Site.

Advisory Note: *The purpose of the daily cover material is to minimise odour, to prevent access to the MSW by pests, birds and vermin, to minimise spread of fire, and to prevent spread of MSW by wind. Material that has the potential to support the spread of fire may include shredded wood, sawdust, shredded tyres, and paper pulp.*

- 4.10 The consent holder must test daily cover material for coal content at a frequency of one test for each 1,000 cubic metres of daily cover material placed. The organic content of the sample must be calibrated against a sample of virgin soils used as daily cover that has no visible coal within it; to determine the organic content of the soil without any coal. The test method shall be subject to review by the Peer Review Panel and approval by the Waikato District Council. The consent holder must maintain records of the quantities of daily cover material placed along with dates together with associated coal content test dates and actions taken with daily cover material that did not pass the coal content tests (i.e. was greater than 1% by volume) to ensure it will not be used as daily cover material.

Staging of Cells

- 4.11 The consent holder must first complete Cells A and B as shown on Drawing 42045680-C-002, Revision D, titled General Arrangement and Surface Water Controls. Cells A and F must only be used for construction and demolition waste.

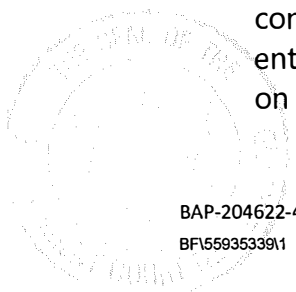
MSW Receipt

- 4.12 The Site must not be open to the general public for the receipt of Municipal Solid Waste (i.e. no private vehicles) without the written agreement of the Waikato District Council (which will only be provided in limited circumstances). All deliveries shall be via approved contractors.

Waste Acceptance Criteria and procedures

- 4.13 The consent holder must only accept MSW for disposal at the Site.
- 4.14 The following types of MSW are acceptable provided that they meet the applicable criteria below:
- a. Liquid wastes shall only be accepted for disposal with the written approval of the Waikato District Council following assessment of site suitability. For waste to be considered non-liquid it must meet one of the following requirements:
 - i. A solids content of at least 20% and liberate no free liquids when transported; or
 - ii. No free liquids when tested in accordance with the US EPA Paint Filter Liquids Test (US EPA Method 9095A) and liberate no free liquids when transported.

- b. Healthcare wastes, as set out in NZS4304:2002 "Management of Healthcare Waste" shall only be acceptable for disposal at the landfill in accordance with NZS4304.
 - c. Sludges that have a solids content of at least 20% w/w (weight for weight), or have a "spadeable" consistency and are not free-flowing.
 - d. Sludges, soils and similar fine particle size materials, Special Wastes or waste that will chemically react with the high density polyethylene (HDPE) liner, shall not be placed within 3 metres of the top of the drainage layer that is to be placed on top of the landfill liner.
 - e. Special Wastes shall only be accepted if their disposal has been pre-booked, and are accompanied a written record detailing its nature, composition and source in sufficient detail to demonstrate compliance with the Waste Acceptance Criteria of this consent. Special Wastes must be placed in the landfill only between the hours of 10am to 3pm only, Monday to Friday, and covered immediately upon placement.
- 4.15 As far as practicable, no loads delivered to the Site containing more than 1% tyres (either whole, in pieces or shredded) shall be accepted at the landfill.
- 4.16 The consent holder must not accept for disposal any whole large industrial or farm tyres (or similar) that are observed or detected during waste load inspections at the Site.
- 4.17 The consent holder must keep a copy of the Waste Acceptance Criteria clearly visible and available for inspection at the Site office at all times whilst the landfill is operating.
- 4.18 All waste disposal contractors and operators must be pre-approved by the landfill operator prior to delivery of any waste to Site. The pre-approval process must, as a minimum, involve entering into supplier contractual agreements which contain:
- a. a copy of the Waste Acceptance Criteria required by this consent;
 - b. an obligation not to bring ProhibitedWaste to the Site; and
 - c. an obligation on the contractor to immediately take any loads containing unacceptable wastes to an alternative disposal facility.
- 4.19 The consent holder must maintain copies of the contractual agreements and written records of approved operators within the Site office confirming the list of approved contractors, along with a record of all contractors' vehicle registration numbers entering / exiting the Site, and this must be provided to the Waikato District Council on request.



4.20 The consent holder must at all times provide the Waikato District Council and its officers and agents with access to the Site, for the purposes of carrying out inspections of any waste deliveries on-site.

4.21 The consent holder must keep a record of:

- a. The quantities and types of waste accepted at the landfill;
- b. The actual location of Special Waste burials; and
- c. The actual location of all waste burials that have been accepted by passing the leachability criteria set out in Appendix 4 to this consent.

A copy of these records must be made available to the Waikato District Council within a reasonable timeframe upon request and must be summarised in the Annual Report required under condition 7.7.

4.22 To minimise the potential for Prohibited Waste to be disposed of at the landfill the consent holder must take the following measures:

- a. A notice must be clearly positioned at the landfill entrance to identify wastes which are prohibited at the landfill;
- b. As a minimum, at least the first two loads from new sources and suppliers must be inspected for the presence of Prohibited Waste, by placing on a hardstand within the working area, and sorting through the load.
- c. Random inspections of incoming loads for the presence of Prohibited Waste must be undertaken subsequently; inspections should be undertaken on a minimum of 1 in 5 loads for each source. The inspections must be undertaken according to the risk of Prohibited Wastes being present in the load, and must consist of the following procedures commensurate with the level of risk:
 - i. Visual inspection as the load is tipped into the working face, to confirm that no Prohibited Waste is present.
 - ii. Placement of the load on a hardstand within the working face, and visual inspection. At least 1 in 20 loads must be inspected in this way.
 - iii. Placement of the load on a hardstand within the working face, and sorting through the load. At least 1 in 50 loads must be inspected in this way. Representative samples may need to be taken for storage or testing, to determine the level of contaminants in the waste load, and to confirm the absence of Prohibited Waste. For all loads inspected in accordance with this sub-paragraph (c)(iii), a photographic record of the waste types must be kept for a period not less than 12 months after receipt of the waste and provided to Waikato Regional Council or Waikato District Council upon request at any reasonable time.

- d. If any inspection finds that a load does not meet the Waste Acceptance Criteria , the load must be rejected and directed off the site. In this case,the following load inspections must be undertaken by the Consent Holder, for waste from that source (regardless of the supplier):
 - i. The next five loads from that source must be inspected as per (c)(iii) above.
 - ii. If all five loads inspected under (d)(i) are confirmed as not having Prohibited Waste, then the next five loads from that source must be inspected as per (c)(ii) above.
 - iii. If all ten inspections confirm the absence of Prohibited Waste, then future wastes from that source must be inspected as per the requirements of (c) above according to the level of risk.
- e. The delivery of material onto the site must be supervised by the consent holder or their representative at all times; and
- f. All entrances to the site must be securely locked when the site is not supervised.
- g. Records must be kept by the Consent Holder of all inspections, for a period of at least 12 months after the inspections, and must be provided to Waikato District Council upon request at any reasonable time.

Advisory Note: For a definition of working face see condition 56 of the WRC Landfill General Conditions.

- 4.23 In the event that the consent holder is made aware of a delivery that does not meet the Waste Acceptance Criteria of this consent, the consent holder must take immediate steps to inform the Waikato District Council in writing of:
- (i) the date and time at which the vehicle was turned away;
 - (ii) the registration number of the vehicle;
 - (iii) the identity of the carrier (if known) ;
 - (iv) the size and type of the load;
 - (v) the source of the load (if known) ; and
 - (vi) the category of the hazard (if known).
- 4.24 The consent holder must also advise the Waikato District Council what steps have been taken to inform the delivery contractor to seek to avoid a recurrence within 48 hours of the incident occurring.
- 4.25 This condition may be reviewed by the Waikato District Council upon the release of any document accepted as a New Zealand Guideline or Standard, which addresses the tracking and/or responsibilities of hazardous waste materials. Such review may be initiated within two months of each anniversary of the date of commencement of this consent.

4.26 The total volume of Municipal Solid Waste transported to the Site (including construction and demolition waste) must not be more than 250,000 tonnes of Municipal Solid Waste per annum. The consent holder shall demonstrate compliance with this condition in the Annual Report required by condition 7.7.

Site Access and Vegetation Trimming

4.27 The consent holder must ensure that heavy vehicle movements associated with all consented activities on the Site do not use Hangapipi Road or Glen Road. All access to the Site is restricted to the existing single access from Rotowaro Road.

4.28 The consent holder must maintain the Site access roading in a sound condition to the satisfaction of the Waikato District Council.

4.29 The consent holder must ensure that any debris spillage onto Rotowaro Road or the right of way as a result of all consented activities on the Site is removed as soon as practical to the satisfaction of Waikato District Council.

4.30 The consent holder must undertake regular vegetation control (i.e. trim/cut back the existing vegetation) to the south-western side of Rotowaro Road to ensure an unimpeded sight distance is achieved. This work shall be completed to the satisfaction of the Waikato District Council.

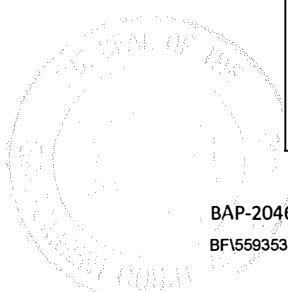
Vehicle Movements

4.31 The consent holder must ensure that heavy vehicle movements to and from the Site in association with all consented activities on the Site shall not exceed 164 heavy vehicles per day (i.e. 82 heavy vehicles entering and 82 leaving per day) averaged over a month but excluding Sundays and public holidays.

Advisory Note: A heavy vehicle is a vehicle with a gross vehicle mass of more than 3500 kg (Land Transport Rule: Heavy Vehicles 2004, Published: 01 April 2005).

This condition supersedes any previous limits on combined total heavy vehicle movements set out in any previous resource consents for the Site provided that the daily maximum and maximum quantities for each consented activity, as set out in the following table, must not be exceeded and provided that the combined total movements from all activities on the Site does not exceed 164 heavy vehicles per day.

| Consent Number | Activity | Maximum Heavy Vehicles | Maximum Quantities |
|----------------|---|---|--|
| 690004 | Original coal mining area, cleanfill, landfill, C&D and | 62 vehicles movements per day averaged over a month | 1850 tonnes coal per year and 130,000 cubic metres cleanfill |



| | importation of soil | | per year |
|---------------|--------------------------------|----------------------|---|
| LUC0087/10.01 | Coal mine expansion | 60 movements per day | 600 tonnes per day, or 180,000 tonnes per calendar year with an overall total extraction volume of 700,000 tonnes |
| LUC0238/12 | Municipal Solid Waste landfill | 84 movements per day | 250,000 tonnes per annum |

4.32 All vehicles delivering MSW to the Site must be fully enclosed or covered to prevent the escape of litter.

Vehicle Parking On-Site

4.33 The consent holder must ensure that a minimum of 25 car parking spaces and sufficient onsite manoeuvring areas are provided for all vehicles associated with all consented activities on the Site. The parking and circulation areas shall be well maintained to an all-weather surface, which is not required to be a sealed surface, to the satisfaction of the Waikato District Council.

Hours of Operation

4.34 The hours of operation for the landfill must be as follows:

- a) Access to the landfill shall be permitted only between the hours of 7.00am and 4.00pm Monday to Saturday inclusive.
- b) Onsite works at the landfill shall be permitted only between the hours of 7.00am and 6.00pm Monday to Saturday inclusive.

4.35 No activities associated with the landfill shall be undertaken outside of these hours, or on Sundays or Public Holidays.

Noise

4.36 All activities which are the subject of this consent, including transport of MSW on the Site, placement of MSW on the Site, covering of MSW and stripping or placement of top soil, in combination with other authorised activities on the Site, must be conducted to ensure that noise levels at or within the notional boundary of any dwelling (not owned by the consent holder) do not exceed the following limits:

- Monday – Friday, 7.00am to 7.00pm and Saturday's 7.00am to 6.00pm 50dBA L₁₀; and
- At all other times, including Public Holidays, 40dBA L₁₀

Advisory Note: *The notional boundary is defined as a line 20m from the façade of any rural dwelling or the legal boundary where this is closer to the dwelling.*

Noise levels must be measured and assessed in accordance with the requirements of New Zealand Standards NZS 6801: 1991 Measurement of Sound and NZS 6802: 1991 Assessment of Environmental Sound.

- 4.37 All equipment used onsite for landfill operations must be well maintained and fitted with effective mufflers at all times.

Dust and Odour

- 4.38 The consent holder must ensure that no particulate matter or odour resulting from activities authorised by this resource consent causes an offensive or objectionable effect beyond the boundary of the Site .

Advisory Note: For the purpose of this condition, the Waikato District Council will consider an offensive or objectionable effect to have occurred if any appropriately experienced officer of the Waikato District Council deems so after having regard to:

- i. The frequency, intensity, duration, amount, effect and location of the suspended or deposited particulate matter or odour; and/or
 - ii. Receipt of complaints from neighbours or the public; and/or
 - iii. Relevant written advice or a report from an Environmental Health Officer of a territorial authority or health authority.
- 4.39 Should an emission of particulate matter or odour occur that has an offensive or objectionable effect, the consent holder must inform the Waikato District Council within 48 hours of the incident and provide a written report to the Waikato District Council within five days of being notified of the incident. The report must 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 the future to prevent recurrence of similar events.

Fires and burning

- 4.40 The consent holder must not allow the deliberate burning of MSW on-site.
- 4.41 All electrical wiring and instrumentation on the Site must comply with the hazardous area standard AS/NZS 60079.10.1 to avoid creating ignition sources.
- 4.42 Immediately on detection of a fire, or smoke, of any scale onsite, the consent holder must:
- a) Advise all persons onsite of the fire and that a hazardous situation may exist and employ all practical means to ensure their safety;
 - b) Call 111 and advise the Fire Communications Centre of the following details:
 - i. Nature of the incident:
 1. What is burning;
 2. Size/extent of the fire; and

3. Nature of the fuel.

- ii. Location of the fire (provide grid reference if possible);
- iii. Access; and
- iv. Environmental conditions (e.g. wind direction and strength).

- 4.43 On detection of a fire, or smoke, of any scale onsite, the consent holder must undertake the following as soon as practicable, but within 24 hours:
- a) Commence control actions if safe to do so or initiate evacuation measures as agreed with the Fire Communications Centre or Fire Response Plan;
 - b) Notify the Rural Fire Authority (Department of Conservation), Waikato District Council, Waikato Regional Council, the Peer Review Panel, and any other parties as provided for in the Fire Response Plan.
- 4.44 The consent holder must provide a report to the Waikato District Council and Waikato Regional Council as soon as practicable, but within 72 hours of the fire, or smoke, of any scale being detected onsite, which shall include details of the cause of the fire, or smoke, of any scale and actions taken to extinguish it.
- 4.45 As soon as practicable after any fire, or smoke, of any scale has been extinguished, the consent holder must provide an investigation report to the Waikato District Council setting out:
- a) the cause, or likely cause, of the fire, or smoke, of any scale;
 - b) when it was first noticed;
 - c) actions taken;
 - d) whether the liner or any other landfill infrastructure was, or is likely to be, damaged;
 - e) any remedial actions necessary (to the liner or the environment); and
 - f) measures that will be taken to avoid re-occurrence and updating the Fire Response Plan (and other parts of the SMP as necessary) with these measures as well as other relevant lessons learned.
- 4.46 In the event of a fire, or smoke, of any scale emanating from the MSW Landfill Footprint or landfill related activities the consent holder must cease receiving waste and undertake the following as soon as practicable provided it is safe to do so:
- a) Shut down the landfill gas extraction system;
 - b) Monitor temperature and carbon monoxide (CO) concentrations for a period of up to 48 hours in any existing landfill gas wells to determine whether the wells are being affected (CO concentrations that are increasing or greater 100 ppm or temperatures that are increasing or greater than 55°C) by the fire and return to service wells those wells that are unaffected by fire and are more than 150 metres distant from the likely extent of fire; and
 - c) Activate an alternate working face, where excavated waste may need to be placed.

Vegetation to be Retained

- 4.47 The consent holder must maintain the existing vegetation along the Site's boundary with 204 Hangapipi Road (Lot 1 DP 16173) and 214 Hangapipi Road (Lot 2 DP 16173) until such time as the landfill is remediated and is closed. Any gaps in this existing planting that occur over the life of the landfill must be filled and any dead, diseased or damaged planting is to be replaced as soon as practicable with appropriate screening plants.

Landscaping Requirements at RL150

- 4.48 The consent holder must implement visual mitigation planting in accordance with the landscape mitigation planting plan (Boffa Miskell, Figure 8: Landscape Mitigation Plan, Revision A, dated 18 October 2013 at Appendix 1), prior to the landfill reaching a height of RL150m, to allow for this planting to become established before the landfill becomes visible from the residence at 1308 Rotowaro Road.

Landscape Rehabilitation Plan at RL170

- 4.49 Prior to works on the landfill Site exceeding RL170m, the consent holder must engage a registered landscape architect to prepare and submit for approval by the Waikato District Council, a detailed Landscape Rehabilitation Plan (LRP). The objective of the LRP is to detail how the potential landscape effects of the landfill will be successfully mitigated.

The LRP must include, but not be limited to, the following:

- a) Contours for the completed landform that reflect the natural topographical features existing in the surrounding landscape and respond to the wider landscape context. The contours shall have a naturalised variation to avoid any perceived engineering linearity of the slope faces. Contours shall be shown at no greater than 1 metre intervals.
- b) Landscape planting that responds to the proposed landform shape and consists of small native or exotic woodlots, shelterbelts, and amenity/shelter trees consisting of either native or exotic species.
- c) Appropriate linkages between the landscape rehabilitation works and/or plans for other consented activities across the wider Site.
- d) An implementation schedule detailing the anticipated timing of operations, which shall be updated and approved by Waikato District Council prior to the undertaking of any planting on the Site.

Litter Collection Gate and Fences

- 4.50 Any gate in the boundary fence between the Site and the Howlett Farm that may be required to enable convenient access to the Howlett Farm for litter removal must be installed by the consent holder.

4.51 The consent holder must control wind-blown litter by the erection of litter control fences around the operational portion of the landfill as provided for in the LMOP.

Hazardous Substances

4.52 Refuelling, lubrication and mechanical repairs of equipment and storage of hazardous substances and dangerous goods must be undertaken in such a manner so as to ensure that spillages of hazardous substances or dangerous goods onto the land surface or into a waterbody do not occur. Any accidental discharge of greater than 20 litres must be reported within 24 hours to the Waikato District Council along with details of the steps taken to remedy and/or mitigate the adverse effects of the discharge.

Signage

4.53 The consent holder must erect and maintain 20 kph maximum speed signs along the Site access road and internal roads and ensure that these vehicle speed restrictions are complied with at all times.

4.54 No signs are permitted as part of this consent unless provided for as a permitted activity within the District Plan or by a separate resource consent application with all necessary information submitted and approved.

Weather Monitoring Station

4.55 The weather monitoring station must be retained throughout the duration of the operational phase of the landfill and the meteorological data shall be provided to the Waikato District Council upon request.

Complaints Process

4.56 At all times from the date this consent is given effect to, the consent holder must provide a 24 hour contact name and number for receipt of complaints. This contact shall be provided to all members of the Community Liaison Group and must be clearly posted at the Site entrance together with details of the MSW landfill website established pursuant to condition 4.57 below

Online-site information, complaints and incident book

4.57 During the design phase but prior to establishment of the CLG, the onsent older must make available a website for the MSW landfill which provides the following information:

- (a) current on-site activities relating to the landfill (including any uncontrolled MSW fires);
- (b) current meteorological conditions;
- (c) a 24 hour contact name and phone number for receipt of complaints;

- (d) an email address for lodging complaints with the consent holder
- (e) an anonymous record of complaints received (including time and date)
- (f) a copy of this consent and approved management plans and links to any external documents or references in these consents (except where restricted by copyright)
- (g) a copy of any consents related to other operational activities on the Site
- (h) a copy of the latest annual report required by this consent
- (i) applications for new consents or variations to existing consents for the Site;
- (j) a copy of a plan showing the location of all consented operational activities on the Site.

4.58 The consent holder must investigate and take measures to respond to any complaint received either by phone, email or via the website as soon as practicable provided that where possible an initial response must be provided to the complainant within 24 hours of any complaint being received.

4.59 Prior to commencement of any construction works relating to the MSW landfill , the consent holder must maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this consent (the Incident Book). The Incident Book must include:

- a) the name and address (as far as practicable) of the complainant and the nature of the complaint;
- b) location, date and time of the complaint and of the alleged event;
- c) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to odour or dust;
- d) the outcome of the consent holders investigation into the complaint;
- e) measures taken by the consent holder to respond to the complaint; and
- f) any other activities in the area, unrelated to the landfill that may have contributed to the complaint, such as fires or unusually dusty conditions/activities.
- g) any remedial actions undertaken as a result of the complaint.

The Incident Book must be maintained onsite and must be made available to the Waikato District Council on request. The consent holder must notify the Waikato District Council of any such complaints as soon as practicable after the complaint is received. This notification must be in writing by email, or an alternative method as agreed with the Waikato District Council.

Notification of Breach of Conditions

4.60 If any breach of the conditions of this consent occurs, including a failure to prepare a management plan, the consent holder must notify the Waikato District Council within 48 hours of the breach being discovered. Within seven days of any breach being discovered, the consent holder must provide written notification and report to the Council with an explanation of the cause of the breach, the steps which were taken to remedy the breach, and the steps which will be taken to prevent any further occurrence of the breach.

5 Community Liaison Group Requirements

- 5.1 During the design phase but prior to commencement of construction of the MSW landfill, the consent holder must establish a Community Liaison Group (CLG) to facilitate ongoing communication, engagement and information sharing with local residents and stakeholders for the duration of this consent.

The consent holder must seek nominations for Community Liaison Group membership from the following:

- a) Waikato District Council;
- b) Waikato Regional Council;

Not more than one representative from each of:

- a) Waahi Whanui Trust;
- b) Pukemiro School;
- c) Bush Tramway Club Inc;
- d) Adjoining landowners, including Hangapi Road residents;
- e) PAR Society Incorporated;
- f) Residents of the Pukemiro settlement; and
- g) Residents of the Glen Afton settlement.

The Community Liaison Group shall be comprised of representatives of those parties referred to in this condition who elect to take up the opportunity, along with a senior representative of the consent holder who is suitably knowledgeable about the Site operations and this resource consent.

The function of the Community Liaison Group is to:

- a) Enable the consent holder to communicate progress of the various activities associated with the landfill including appointment of the Peer Review Panel pursuant to condition 113 of the WRC Landfill General Conditions;
- b) Enable the consent holder to facilitate Site inspections;
- c) Provide input into the preparation, implementation and review(s) of the LMOP, including input on the methods and procedures by which complaints are recorded, investigated and responded to in accordance with conditions 4.57-4.59 and the processes and time frames for enabling the CLG to (where practicable) provide comment on the odour remedial measures outlined in subparagraph (h) below;
- d) Share and discuss the results of monitoring and reporting as required by the conditions of this consent;
- e) Identify any community concerns regarding the effects of the exercise of this consent;
- f) Identify and discuss potential measures to address issues raised, including provision of further information;
- g) Receive reports on actions taken by the consent holder on any concerns raised; and

- h) Provide comment on the remedial measures required pursuant to Waikato Regional Council air discharge consent 125467, being whether the Waikato Regional Council should direct the consent holder to:
 - i) undertake a community odour survey where required for by condition 9 of that consent;
 - ii) commission an independent review of odour management onsite where required for by condition 10 of that consent;
 - iii) offer the installation of home ventilation in accordance with condition 11 of that consent;
 - iv) provide alternate accommodation in accordance with condition 12 of that consent; and/or
 - v) cease receipt of MSW at the Site where required for by condition 5 of that consent;
- i) Provide comment to the Waikato District Council regarding the requirement for a section 128 review of this consent or any aspect of it pursuant to condition 7.12 of this consent.

The consent holder must fund the reasonable costs of the operation of the Community Liaison Group including by providing an off-site venue, providing staff time, and funding an independent facilitator to chair meetings if, in consultation with the Waikato District Council, an independent person is considered to be beneficial.

Community Liaison Group meetings must be held not less than quarterly for the duration of this consent, unless agreed in writing with the Waikato District Council. At least 10 working days' notice of each meeting shall be provided in writing to all attendees, along with minutes from the previous meeting. Minutes must be provided to the District and Regional Council, regardless of whether an officer(s) attends. Where Community Liaison Group members have indicated they do not have access to email, minutes and meeting invites must be provided by post.

6 Community Trust

- 6.1 Prior to the commencement of construction of the MSW landfill at the Site, the consent holder must settle a deed for a charitable community trust on the terms set out in conditions 6.2-6.5 below based on the template trust deed set out at Appendix 10 to this consent provided that the terms of the Deed set out at Appendix 10 may be amended in such a way as to enable the Deed to be in a form acceptable to the Department of Internal Affairs so that the community trust may be registered as a Charitable Trust on the Charities Register.
- 6.2 The community trust deed must have wholly charitable purposes in order to promote the relief of poverty, the advancement of education or religion and or other matters beneficial to the community by promoting the social, environmental and cultural interests of the Pukemiro, Glen Afton and Hangapipi Road communities to be defined in the trust deed.
- 6.3 The trustees of the trust must comprise:

- a) one representative trustee from the consent holder;
- b) three representative trustees from the Glen Afton, Pukemiro and Hangapipi Road communities;
- c) one representative trustee from the Pukemiro School Board of Trustees;
- d) one representative trustee nominated by the Waikato River Raupatu Trust and Waahi Whaanui Trust; and
- e) one independent trustee appointed by the Waikato Regional Council in consultation with the Waikato District Council.

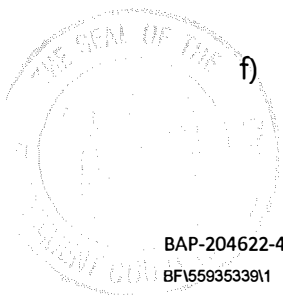
6.4 The consent holder must provide funding to the charitable community trust as follows:

- a) \$60, upon commencement of construction of the MSW landfill pursuant to this consent;
- b) \$20,000 for each subsequent year on the anniversary of that commencement date until the cessation of MSW filling operations,

provided that the funds referred to in this condition must be indexed against the Consumer Price Index (CPI) published by Statistics New Zealand as at the date on which consent is granted.

6.5 The deed must:

- a) provide the trustees with the power to regulate their own procedures, provided that
 - i. no change may be made which would alter the charitable nature of the community trust or the funding the consent holder is required to provide in condition 6.4 above;
 - ii. any decision or resolution of the trustees to change the trust deed can only be made by a unanimous decision of the trustees following receipt of legal advice confirming that the proposed changes to the trust deed will not affect its charitable status of the trust or fail to meet its purpose
 - iii. any decision regarding distribution of funding must be by a 75% majority vote of trustees ;
- b) Provide for grants to be made to further the charitable purposes of the community trust upon application or by nomination by the trustees;
- c) not allow the trustees to act otherwise than in accordance with the duty to invest prudently pursuant to the Trustees Act 1956;
- d) provide for reimbursement of trustee expenses only if pre-approved to be paid against receipts only;
- e) provide for the trustees to receive advice of legal counsel in regard to the administration of the trust;
- f) provide for or allow for the appointment of advisory trustees as required pursuant to the Trustees Act 1956



- g) require annual reporting regarding the distribution of the trust fund and any financial reports or audits to:
 - a. the Community Liaison Group;
 - b. any person who has contributed funds to the trust within the previous 12 months; and
 - c. the community (by at a minimum maintaining a trust website for such reporting).
- h) provide for auditing and accounting requirements in accordance with the appropriate tier of the Financial Reporting Act

7 Monitoring and Review Requirements

Daily Monitoring

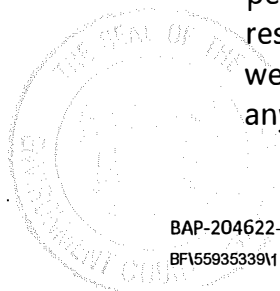
- 7.1 Daily patrols of the Site must be carried out by the consent holder to identify and collect litter outside of the Landfill Footprint. This must include the Site area immediately inside the boundary with Part Lot 2 DP 33176 ("the Howlett Farm").
- 7.2 The consent holder must also conduct daily patrols of that part of the Howlett Farm located within 300m of the boundary of the Site to identify and collect wind blown litter from the landfill. Unless otherwise advised by the owner of the Howlett Farm, this requirement for removal of litter can be conducted by the consent holder without the need to obtain the prior approval of the owner of the Howlett Farm except during the months of June, July and August when the prior approval of the owner must be obtained prior to entry on the Howlett farm. If prior approval for entry on the Howlett Farm for litter inspection and removal cannot be reasonably obtained by the consent holder, then the consent holder shall not be obliged to comply with the litter inspection and removal requirements of this condition.

Weekly Monitoring

- 7.3 The consent holder must undertake weekly monitoring of Rotowaro Road between the intersection with Hangapipi Road and the Site access and, should a litter problem arise en route to the Site due to litter falling or being blown from vehicles delivering MSW to the Site, the consent holder shall be responsible for the immediate clean up of this litter.

Six Monthly Vermin and Bird Surveys

- 7.4 The consent holder must engage a suitably qualified independent expert to undertake a vermin and bird survey of the Site at intervals of not more than six (6) months for the period of the landfill operation following the commencement of this consent. The results of this survey must be provided to the Waikato District Council, within two weeks of its completion in the form of a report that identifies the results and includes any recommendations for management improvements and/or contingency strategies



for the management and control of vermin and birds. The report must be made available to the Community Liaison Group on request.

7.5 If the reporting required by condition 7.4 identifies that management improvements and/or contingency strategies are required, over and above those contained in the LMOP, then the consent holder in consultation with the Waikato District Council, must implement those recommendations to the satisfaction of the Waikato District Council and if directed in writing must update the LMOP.

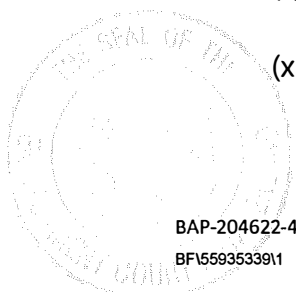
7.6 After a minimum of four years of monitoring, the consent holder may amend the frequency of the vermin and bird surveys with the agreement of the Waikato District Council. Any change shall not be made until agreed in writing with the Waikato District Council.

Annual Report

7.7 The consent holder must provide to the Waikato District Council by 1 September each year an Annual Report that shall cover the preceding 12 month period from 1st July to 30th June (or on an alternative date as otherwise agreed to by the Council). The purpose of this report is to provide an overview of the monitoring and all reporting work undertaken, compliance performance, and any environmental issues that have arisen during the construction and operation of the activities authorised by this consent.

As a minimum this Annual Report must include:

- (i) The status of the landfilling operations on the Site and work completed during the preceding year, including earthworks;
- (ii) Any difficulties which have arisen in the preceding year and measures taken to address those difficulties;
- (iii) Activities proposed for the next year of the landfill operation;
- (iv) Record of compliance with the relevant consents including any difficulties with compliance;
- (v) Annual quantities of MSW received at the landfill, categorised by waste type as well as types of quantities of Special Waste received and other waste that have required certification prior to acceptance;
- (vi) any instances of Waste Acceptance Criteria being breached, the reasons why and any methods used to avoid reoccurrence;
- (vii) Analysis of all monitoring data required to be collected under the relevant consents, including any breaches of limits, trends, and interpretation of the results;
- (viii) Actions taken in the event of any trigger alerts or breaches of limits;
- (ix) Summary of complaints received, and actions taken in response;
- (x) Summary of Community Liaison Group meetings held, dates held, any resolutions made by the consent holder, and minutes of the meetings;
- (xi) Comment on any peer reviewer recommendations made during the annual reporting year, and any responses made by consent holder to the Peer Review Panel recommendations.



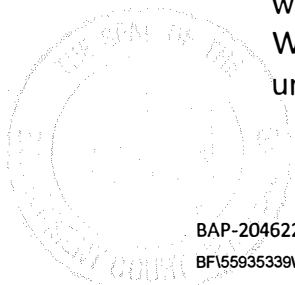
- (xii) Summary of progress made under the Protected Vegetation Management Area Plans

Yearly Traffic Monitoring and Heavy Vehicle Impact Fee Payment

- 7.8 The consent holder must maintain records of all heavy vehicle movements transporting material to and from the Site and associated quantities (in cubic metres or tonnes) and must submit those records to the Waikato District Council on a twelve monthly basis. The reporting must demonstrate compliance with the volumes set out in condition 4.31 cumulatively and individually for each activity. The report format must be approved in writing by the Waikato District Council prior to the first report being submitted.
- 7.9 The consent holder must pay the Waikato District Council a heavy vehicle impact fee of \$0.08 per tonne of Municipal Solid Waste transported to the landfill site. The following additional provisions shall apply:
- a) the heavy vehicle impact fee must be paid annually in arrears commencing one year from the first day of the receipt of MSW; and
 - b) the cost per tonne may be reviewed annually and updated for cost increases against the Construction Cost Index or similar to allow for inflation.

Yearly Noise Monitoring

- 7.10 The consent holder must at twelve monthly intervals during the first two years of the landfill operation and thereafter when directed in writing by the Waikato District Council:
- a) undertake noise measurements to demonstrate compliance with condition 4.36 in accordance with New Zealand Standards 6801: 1991 Measurement of Sound and NZS 6802: 1991 Assessment of Environmental Sound;
 - b) all work shall be carried out by an approved acoustic expert agreed between Waikato District Council and the consent holder; and
 - c) all noise measurements and associated reporting shall be provided to Waikato District Council within one month of its collection.
- 7.11 Where the monitoring of noise levels under condition 7.10 demonstrates a non-compliance with condition 4.36, the consent holder must take action to ensure that compliance is achieved and must report to the Waikato District Council, the mitigation actions implemented within five (5) working days of the non-compliance being identified. Following implementation of such mitigation measures a further noise level survey must be undertaken within ten (10) working days confirming that compliance with the relevant criteria has been achieved, and those results forwarded to the Waikato District Council within five (5) working days of the noise measurements being undertaken.



In the event that it is not practicable to implement a particular mitigation measure identified in the report within five (5) working days, the consent holder may seek an extension from the Waikato District Council to the timeframe for undertaking a further noise level survey.

Review under s.128

7.12 Pursuant to sections 128 to 131 of the Resource Management Act 1991, the Waikato District Council may, annually or upon cessation of MSW placement at the Site, serve notice on the consent holder of its intention to review the conditions of this resource consent for the following purposes:

- (i) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent. In particular the potential adverse environmental effects in relation to:
 - a) site suitability and stability issues;
 - b) noise and dust from the landfill activity;
 - c) nuisance issues arising from odour, vermin and birds;
 - d) amenity issues arising from the operational hours associated with the landfill activity;
 - e) traffic safety and/or efficiency of Rotowaro Road; and
 - f) Pavement effects on Rotowaro Road and other roads affected by the regular haulage route:

and if necessary to avoid, remedy or mitigate such effects by way of further of amended conditions.

- (ii) if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the exercise of this consent; and/or
- (iii) to review the adequacy of and the necessity for monitoring undertaken by the consent holder; and/or
- (v) in response to development of or changes in the national definition of hazardous wastes, or the release of new national hazardous waste treatment and/or disposal guidelines, or changes to the standards relating to healthcare wastes; and/or
- (vi) in the case of repeated non-compliances or breaches of consent limits, to review the conditions, with the aim of introducing new or revised conditions that will effectively and efficiently seek to manage environmental effects.

The Waikato District Council will undertake the review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review pursuant to section 36 of the Resource Management Act 1991.

8 Pre-Closure Requirements

- 8.1 At least twelve months prior to landfill operations ceasing on the Site, the consent holder must prepare and submit for approval by the Waikato District Council, a Detailed Rehabilitation and Aftercare Plan (Detailed RAP).

The objective of the Detailed RAP is to provide a management framework for post closure rehabilitation and after care responsibilities to minimise the potential for off-site nuisances and adverse effects from the landfill once operations have ceased. This plan shall be prepared after consultation with the owners of the Site, the owners of adjacent properties and the Waikato District Council.

To achieve the objective of the Detailed RAP specified above the plan must include but not be limited to:

- a) land ownership and liability for contamination;
- b) responsibilities for aftercare;
- c) final contours;
- d) capping and re-vegetation;
- e) maintenance of the landfill cap to prevent cracking and ponding of stormwater;
- f) management of land uses to prevent contamination of surface water runoff by sediment or nutrients;
- g) operation and maintenance of leachate management systems;
- h) operation and maintenance of landfill gas management systems;
- i) ongoing monitoring, including groundwater, surface water, landfill gas and site capping; and
- j) funding of aftercare.

- 8.2 For the avoidance of doubt, the Waikato District Council is only required to approve those matters in the Detailed RAP which are within its jurisdiction, which shall exclude those matters specified in condition 0 (e), (f), (g), (h) and (i).

Advisory Notes:

- A. *In accordance with section 125 of the Resource Management Act 1991, the consent shall lapse five (5) years after the date on which it was granted, unless it has been given effect to before the end of that period.*
- B. *Unless otherwise specified, all reports and information to be submitted to Waikato District Council, including plans requiring approval, shall be submitted to the Team Leader Monitoring.*
- C. In the event of non-compliance with this *consent* the Waikato District Council may take one or more of the following steps under the enforcement provisions of the RMA:
 - a. *Informal warning*
 - b. *Formal warning*

- c. *Letter of direction*
- d. *Infringement notice*
- e. *Abatement notice*
- f. *Enforcement order (decided by the Environment Court)*
- g. *Prosecution (decided by the Environment Court)*



Puke Coal Limited

MSW Landfill Resource Consents

File Number: 60 52 63F
Puke Coal Limited
Box C5
RD 1
Glen Afton
Huntly 3771

Location: 1058 Rotowaro Rd - Glen Afton (Lot 6 DP 427961 comprised in Certificate of Title 510520)

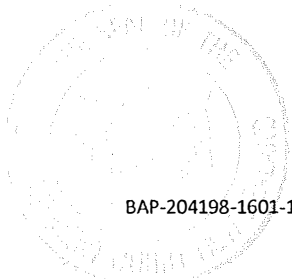
Spatial Reference: NZTM 1780721 E 5835043 N

| Consent Number | Consent Type | Consent Subtype | Activity Authorised | Duration |
|-----------------------|---------------------|------------------------|---|--|
| 125466 | Discharge permit | Discharge to land | Discharge up to 8,000,000 cubic metres of Municipal Solid Waste to land | 35 years from the date of commencement |
| 125467 | Discharge permit | Discharge to air | Discharge contaminants to air from a Municipal Solid Waste landfill | 35 years from the date of commencement |
| 125469 | Discharge permit | Discharge to land | Discharge leachate to ground from a Municipal Solid Waste landfill | 35 years from the date of commencement |

The conditions that apply to the above permits are structured as follows:

- **Definitions**
- **Consents and specific conditions**
 - **125466 – Discharge permit:** up to 8,000,000 cubic metres of solid municipal waste to land
 - **125467 – Discharge permit:** Discharge contaminants to air from a Municipal Solid Waste landfill
 - **125469 – Discharge permit:** Discharge leachate to ground from a Municipal Solid Waste landfill
- **Landfill General Conditions – apply to all consents**
- **Advice notes**
- **Appendices**
 - Appendix 1 – Landfill Envelope
 - Appendix 2 - Landfill Footprint

- Appendix 3 - Leachability limits and screening concentrations (Taken from *Module 2: Hazardous Waste Guidelines – Landfill Waste Acceptance Criteria and Landfill Classification*, Ministry for the Environment, 2004)
- Appendix 4 – Site boundary
- Appendix 5 – Indicative monitoring locations
- Appendix 6 - Schedule of Compliance Limits and Trigger Levels
- Appendix 7 - Consent drawings
- Appendix 8 – Community Trust Deed template
- Appendix 9 – Glen Afton Ridgeline
- Appendix 10 – Glen Afton Ridgeline Longsection
- Appendix 11 – Draft management plans



Definitions

The following definitions are applicable to all of these Consents:

Approval means, in relation to any Management Plan, that the Waikato Regional Council has approved that the Management Plan contains all information specified in the relevant Management Plan condition(s) and that the Management Plan meets all the requirements set out in the conditions of the resource consent

Consent Holder means Puke Coal Limited.

Consents means WRC discharge permits 125466, 125467 and 125469 (each a Consent) and includes the Landfill General Conditions which apply to each Consent.

CLG means the Community Liaison Group established pursuant to condition 20 of the Landfill General Conditions

Dry Days mean days when rainfall in the 24 hours prior to sampling is less than 5mm.

Landfill Envelope means that part of the Site which will be occupied by the MSW landfill upon completion of filling and placement of the final cap as shown on Appendix 1.

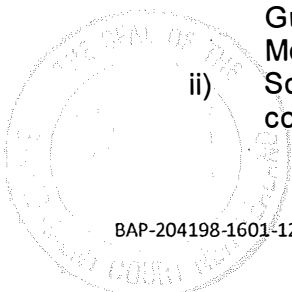
Landfill Footprint means that area of the Site authorised for the disposal of MSW as shown in red on Appendix 2 to this consent

Landfill General Conditions means those conditions that apply to all Consents in addition to the specific conditions.

Municipal Solid Waste or **MSW** means any non-hazardous, solid waste from domestic, commercial or industrial sources which meets the Waste Acceptance Criteria and excludes Prohibited Waste;

Prohibited Waste means wastes or substances:

- a) classified as explosive, flammable, oxidising or corrosive under the Hazardous Substances and New Organisms Act 1996; or
- b) classified as infectious substances in the Land Transport Rule: Dangerous Goods 2005 (inclusive of Dangerous Goods Amendments 2010 and 2011) and New Zealand Standard 5433:2012;
- c) classified as Radioactive Material in the Radiation Protection Act 1965 and Regulations 1982;
- d) waste marked with an asterisk on the NZ Waste List available at <http://mfe.govt.nz/waste/waste-list> except for the following:
 - i) Solid wastes which, following testing using the US EPA Toxicity Characteristic Leaching Procedure (TCLP) result in leachable concentrations less than the leachable concentration values listed in Table 1 of Module 2: Hazardous Waste Guidelines – Landfill Waste Acceptance Criteria and Landfill Classification (“Table 1, Module 2”) attached as Appendix 3 to this consent.
 - ii) Solid wastes which, following testing for total concentration, result in total concentration values less than the screening criteria listed in Table 1 of Module 2.



- iii) Solid wastes identified as containing asbestos that have been labelled, packaged and disposed in accordance with the requirements laid out in the Asbestos Regulations 1998; or
- iv) Small quantities of hazardous waste from households and small commercial premises, such as can reasonably be expected to be contained in the municipal waste stream that standard waste screening procedures will not detect.

Site means the land owned or controlled by the Consent Holder as shown by the black boundary on Appendix 4 to this consent.

Special Waste means MSW that requires special handling procedures, such as asbestos, medical and malodorous wastes.

Suitably Qualified Expert means a person who is a member of good standing in the profession or trade association of the discipline for which the person purports to act and has experience in auditing or preparation of management plans or compliance monitoring of resource consent conditions;

Confirmed Odour Complaint means any odour effect that has been confirmed by the Waikato Regional Council or a Warranted Officer as being an odour effect that originated from the Site but did not result in or have the potential to result in offensive or objectionable effects beyond the boundary of the Site.

Validated Offensive Or Objectionable Odour Effects or Complaint means any confirmed odour effect that has also been validated by the Waikato Regional Council or a Warranted Officer as having offensive or objectionable effect(s) beyond the boundary of the Site.

Warranted Officer means a person appointed to act as an enforcement officer by the Waikato Regional Council under section 177 of the Local Government Act 2002. For the avoidance of doubt, any reference to the Waikato Regional Council in these Consents also includes a Warranted Officer.

Waste Acceptance Criteria means the requirements for acceptance of MSW at the Site set out in conditions 59 - 62 of the Landfill General Conditions.

Glossary of abbreviations

C&D means construction and demolition.

CLG means Community Liaison Group.

ESC means erosion and sediment control.

FIDOL means frequency, intensity, duration, offensiveness and location.

HNZPT means Heritage New Zealand Pouhere Taonga.

LGOMP means Landfill Gas and Odour Management Plan.

LMOP means Landfill Management and Operations Plan.

LWDMP means Landfill Works Design and Management Plan.

MSW means Municipal Solid Waste.

RAP means Rehabilitation and Aftercare Plan.

RMA means the Resource Management Act 1991.

SMP means Site Management Plan.

SWIP means surface water improvement programme.

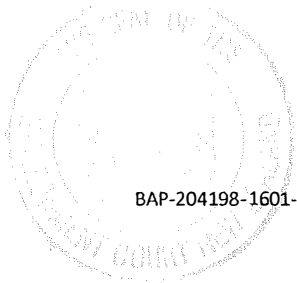
TCLP means Toxicity Characteristic Leaching Procedure.

TSP means total suspended particulates.

US EPA means United States Environmental Protection Agency.

WDC means Waikato District Council.

WRC means Waikato Regional Council.



Resource Consent Certificate

Resource Consent: 125466

File Number: 60 52 63F

Consent Holder: Puke Coal Limited
Box C5
RD 1
Glen Afton
Huntly 3771

Consent Type: Discharge permit

Consent Subtype: Discharge to land

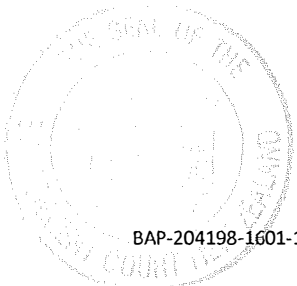
Activity authorised: Discharge up to 8,000,000 cubic metres of Municipal Solid Waste to land

Location: 1058 Rotowaro Rd - Glen Afton (Lot 6 DP 427961 comprised in Certificate of Title 510520)

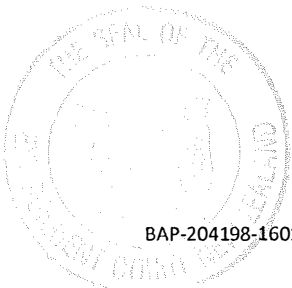
Spatial Reference: NZTM 1780721 E 5835043 N

Consent Duration: 35 years from the date of commencement of this consent

Subject to the conditions overleaf:



1. This consent is also subject to the Landfill General Conditions. Where there may be differences or apparent conflict between those general conditions and the condition below, the condition below shall prevail.
2. The total volume of MSW, including associated HDPE liner, cover material and final landfill cap, authorised by this consent must not exceed 8 million cubic metres.



Resource Consent Certificate

Resource Consent: 125467

File Number: 60 52 63F

Consent Holder: Puke Coal Limited
Box C5
RD 1
Glen Afton
Huntly 3771

Consent Type: Discharge permit

Consent Subtype: Discharge to air

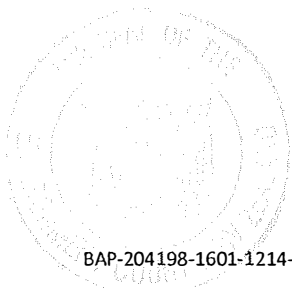
Activity authorised: Discharge contaminants to air from a Municipal Solid Waste landfill

Location: 1058 Rotowaro Rd - Glen Afton (Lot 6 DP 427961 comprised in Certificate of Title 510520)

Spatial Reference: NZTM 1780721 E 5835043 N

Consent Duration: 35 years from the date of commencement of this consent

Subject to the conditions overleaf:



- 1 This consent is also subject to the Landfill General Conditions. Where there may be differences or apparent conflict between those general conditions and the conditions below, the conditions below shall prevail.

Offensive or objectionable odour effects

- 2 Beyond the boundary of the Site, there must be no smoke, dust and/or odour caused by discharges from the Site, which in the opinion of a Warranted Officer, is noxious, offensive or objectionable.

Note 1:

In determining whether an odour causes an effect that is offensive or objectionable, the Waikato Regional Council will undertake a FIDOL assessment which will result in one of the following determinations by the Waikato Regional Council:

- a) *Odour was not detected;*
- b) *Odour was detected but it would not have an offensive or objectionable effect at any location for any duration or frequency;*
- c) *Odour was detected, and it would have an offensive or objectionable effect if it became continuous;*
- d) *Odour was detected, and it would have an offensive or objectionable effect if it occurred on a regular or frequent basis;*
- e) *Odour was detected, and it would have an offensive or objectionable effect even in periods of short duration.*
- f) *Odour was detected, and it did have an offensive or objectionable effect.*

Note 2:

Nothing in conditions 10-13 of this consent shall prevent the Council from taking enforcement action under the RMA as a result of a breach of condition 2 of this consent.

- 3 If the Waikato Regional Council confirms that Validated Offensive Or Objectionable Odour Effects have occurred, then the Consent Holder must as soon as practicable investigate the potential source and provide a report to the Waikato Regional Council (within 24 hours of its investigation) of what caused the odour and what remedial action has been undertaken to stop the odour.
- 4 The Consent Holder must engage a suitably qualified independent person who must be available, as far as practicable, within 30 minutes of receiving notification from either the Consent Holder or WRC, to investigate odour complaints, and as far as is practicable, within 24 hours, to provide a written report to the Consent Holder and WRC on whether the complaint is a Confirmed Odour Complaint and whether that odour was considered to have an offensive or objectionable effect beyond the Site boundary by the independent person. The Consent Holder must:
- a. refer any odour complaints directly to the independent investigator as soon as reasonably practicable but no later than 30 minutes of receipt;
 - b. provide the independent investigator with access to the Site, for the purposes of carrying out inspections or measurements relevant to its investigation;
 - c. be responsible for paying all costs associated with the independent person's investigation and report.

Receipt of MSW to cease

- 5 If Validated Offensive Or Objectionable Odour Effects persist continuously or are present intermittently for more than 24 hours, then the WRC may issue a written notice to the Consent Holder requiring receipt of MSW at the Site to cease. Receipt of MSW must not resume until the WRC is satisfied that the offensive or objectionable odour effect has ceased and WRC advises the Consent Holder in writing that receipt of MSW may resume.

Note:

Nothing in conditions 3 and 5 shall prevent the Council from taking enforcement action under the RMA as a result of a breach of condition 2. The following enforcement tools are available to the Council under the RMA at its discretion:

- a. *Informal warning*
- b. *Formal warning*
- c. *Letter of direction*
- d. *Infringement notice*
- e. *Abatement notice*
- f. *Enforcement order (decided by the Environment Court)*
- g. *Prosecution (decided by the Environment Court)*

Odour identification, monitoring and response requirements**Weekly walk over surveys**

- 6 The Consent Holder must undertake a walk-over survey of the landfill surface at no less than weekly intervals. The purpose of the walk-over survey is (but not limited to) to check for odours (particularly around penetrations), to monitor the effectiveness of the landfill gas management system, cracks in the landfill surface, gas bubbles, integrity of pipework, and areas of vegetation damage and the state of cover. The outcome of each walk-over survey must be recorded. The Consent Holder must investigate the cause of any significant odour detected during each survey, and must remedy any faults located within 48 hours. The results of the walk-over survey must be provided to the landfill manager on the day of the survey and a record of each walk-over survey and any remediation carried out must be reported in writing to the WRC monthly.

The weekly walk-over survey must be undertaken in accordance with the UK Environment Agency Guidance LFTGN07 v2 2010 for visual landfill surface inspections, or alternative methodology approved in writing by the WRC.

Methane detection

- 7 Where methane is detected at more than 500 parts per million of air during any surface gas survey pursuant to condition , the Consent Holder must investigate the reasons why, and if necessary must take remedial action within 48 hours of such investigation to reduce the landfill gas emissions. The remedial actions taken by the Consent Holder must be reported in writing to the Waikato Regional Council monthly.

Note:

The 500 ppm value is not intended to be a compliance limit for off-site odour or methane, but rather is intended to as a trigger point to initiate onsite investigations.

Independent monthly odour surveys at boundary of site

- 8 The Consent Holder must carry out monthly odour surveys around the boundary of the Site, at a minimum at the locations shown on Appendix 5 to these Consents, and must record whether any landfill odour is discernible or not at each location. These boundary surveys must be undertaken by a person independent of the landfill, and who is familiar with the German VDI standard 3940 and the 0 to 6 intensity scale. The outcome of each monthly odour survey must be recorded. The Consent Holder must investigate the cause of any significant odour (intensity greater than two on the VDI 3940 intensity scale) detected during each survey, and implement any necessary remedial action within 48 hours of its detection.

A record of each monthly odour survey and any remediation carried out must be reported in writing to the WRC monthly.

Community odour survey in the event of Confirmed Odour Complaints

- 9 If directed in writing by the WRC following one or more Confirmed Odour Complaints and after consultation with the Consent Holder, the Consent Holder must undertake a community odour survey within two months of being directed to do so. The design of the odour survey questionnaire and methodology must be approved in writing by the WRC prior to the survey being undertaken and any subsequent amendments to the survey questionnaire or methodology must be approved in writing by the WRC.

The results and findings of the odour survey must be submitted to the WRC within two months of the survey being conducted. If the survey results indicate that more than 20 percent of respondents to the survey identify odour from the landfill as a significant issue, the Consent Holder must investigate the issues identified, and if required by WRC, prepare an Odour Remediation Plan within one month of the results of the survey becoming available which specifies the remedial measures required to address the identified odour issues. These measures must be implemented as soon as practicable and no later than three months after receiving the survey results.

In the event that it is not practicable to implement a particular remedial measure within three months, the Consent Holder may seek an extension from the WRC to the three month timeframe for that particular recommendation.

Note:

In preparing an Odour Remediation Plan the Consent Holder may consider the use of atmospheric dispersion modelling, with any results compared against an off-site odour guideline of 2 odour units for more than 0.5 percent of the time.

Independent review of odour management in the event of Validated Offensive Or Objectionable Odour Complaints

- 10 If directed in writing by the WRC following one or more Validated Offensive Or Objectionable Odour Complaints and, after consultation with the Consent Holder, the Consent Holder must commission a report by an appropriately qualified independent person, to review the efficacy of odour management at the Site, including the landfill gas extraction system, and must provide that report to the WRC within four weeks of receipt of the written direction by WRC.

The Consent Holder must implement any recommendations contained within the report as soon as practicable and no later than three months after receiving the report.

In the event that it is not practicable to implement a particular recommendation within three months, the Consent Holder may seek an extension from the WRC to the three month timeframe for that particular recommendation.

Home ventilation system

- 11 In the event that four Validated Offensive Or Objectionable Odour Complaints originating from the landfill occur at any one property not owned or under the control of the Consent Holder, the Consent Holder must, if directed in writing by the WRC, and following consultation with the Consent Holder, offer to the affected landowner to install at its expense, including all reasonably necessary installation costs, a ventilation system into any occupied residence on that property, designed to a standard necessary to enable personal comfort within the residence without any natural ventilation during periods of offensive or objectionable odour effects. The Consent Holder must cover all reasonable operating and maintenance expenses for any installed ventilation system for a period of three years from the date of installation.

If the affected land owner does not accept the offer, or does not provide reasonable access to the Consent Holder to undertake the installation work within three months of the offer being made, this condition shall be deemed to have been discharged in relation to that property. Except that following a further four subsequent Validated Offensive Or Objectionable Odour Complaints at that property, the WRC may again request that the Consent Holder install any such ventilation system.

In the event that:

- a. A ventilation system installed for an affected owner ceases working and is no longer operational (after the Consent Holder's initial 3 year maintenance and operation obligations are complete) and cannot be practically or economically fixed; and
- b. subsequent to this occurring, a further four Validated Offensive Or Objectionable Odour Complaints originating from the landfill occur at any one property, not owned or under the control of the Consent Holder,

the Consent Holder must install at its expense (including all reasonably necessary installation costs) a replacement ventilation system, designed to the standard referred to within this condition. The Consent Holder shall not have any maintenance or operation obligations in relation to the second or subsequent systems installed.

Alternate accommodation

- 12 If directed in writing by the WRC, and following consultation with the Consent Holder, the Consent Holder must provide suitable alternate accommodation within 20km of Pukemiro for any permanent residents of any off-site properties where Validated Offensive Or Objectionable Odour Effects have been identified and are reasonably anticipated to persist for longer than four hours, in the immediate vicinity of their place of residence. The Consent Holder must continue to provide alternate accommodation until the WRC confirm to the Consent Holder that offensive or objectionable odour effects have ceased. However, if WRC's advice that such odours have ceased is provided to the Consent Holder after 6pm, the Consent Holder must continue to provide accommodation to affected residents overnight.

Notwithstanding the above, the Consent Holder shall not be required to provide such alternate accommodation if:

- i. the odours occur in the months April to November and a ventilation system required by condition 11 has been installed in the affected property, or
- ii. the Consent Holder is in the process of implementing mitigation and the odours will likely cease within four hours; or
- iii. the affected property is or will be vacant during the period when odour might be present; or
- iv. the affected resident does not wish to take up the offer of alternative accommodation

Tiered response to odour issues

- 13 The Consent Holder must undertake the following actions in response to the trigger events specified in the table below:

| Tier/level | Trigger event | Action required |
|------------|-------------------------------|--|
| Low | Receipt of an odour complaint | Initiate review of onsite activities to determine any potential odour sources (this may include but is not limited to the monitoring required by |

| Tier/level | Trigger event | Action required |
|------------|---|---|
| | | condition 6). |
| | | Request that the independent person required by condition 4 investigate the complaint within 30 minutes of receipt. |
| Medium | Receipt of 4 Confirmed Odour Complaints over 12 months | Initiate community odour survey in accordance with the requirements of condition 9 of this consent. |
| | Receipt of 3 Validated Offensive Or Objectionable Odour Complaints over 12 months | Initiate independent odour management review in accordance with the requirements of condition 10 of this consent. |
| High | Validated Offensive Or Objectionable Odour Effects are identified at an off-site place of residence and reasonably anticipated to persist for more than 4 hours | Initiate provision of alternate accommodation in accordance with the requirements of condition 12. |
| | Receipt of four Validated Offensive Or Objectionable Odour Complaints at one property | Initiate offer of home ventilation system in accordance with the requirements of condition 11. |
| | Validated Offensive Or Objectionable Odour Effects persist continuously or are present intermittently for more than 24 hours | Receipt of MSW at the Site to cease in accordance with the requirements of condition 5 of this consent. |

Notwithstanding the trigger events specified in this condition 13, nothing in this condition shall prevent the Waikato Regional Council from directing the Consent Holder to undertake any actions required to address odour effects as provided for under any other condition of this consent, or otherwise taking enforcement action under the RMA, as a result of any breach of this consent.

Odour management

- 14 During the filling of the first cell containing MSW, a comprehensive independent review of odour management must be undertaken every six months and a report prepared and submitted to WRC within one month of that six month period ending. Any recommendations identified in the review must be implemented within one month of the report being submitted.

This report must include but not be limited to:

- Appropriate meteorological parameters that need to be considered when placing waste in order to avoid off-site odour nuisance. These meteorological triggers shall be derived from information gathered during the odour monitoring required by conditions 36 and 8, together with any other operations experience or information derived from atmospheric dispersion modelling.
- Whether there are wastes that should not be placed in certain meteorological conditions.
- Additional monitoring using the methodology set out in condition 37 that might be required in certain meteorological conditions.

For the avoidance of doubt this requirement does not apply to the placement of construction and demolition waste in cells designated exclusively for that waste. After 18 months, the Consent Holder may reduce the frequency with the written agreement of WRC following consultation with the CLG.

- 15 Prior to placement of MSW in each subsequent cell containing MSW, the Consent Holder must commission an independent review of odour practice and management at the Site. The report must be submitted to WRC, and filling in any subsequent cell cannot commence until any odour management improvement recommendations in the report have been implemented.

For the avoidance of doubt this requirement does not apply to the placement of construction and demolition waste in cells designated exclusively for that waste.

Costs relating to the above review must be borne by the Consent Holder.

- 16 Having regard to the findings set out in conditions 14 and 15, if meteorological conditions are present onsite that could give rise to off-site offensive or objectionable odour effects the Consent Holder must not:
- (a) accept malodorous wastes (refer to condition 14); or
 - (b) undertake works involving excavation into closed portions of the landfill which could give rise to malodorous odours.

Monitoring of TSP

- 17 The Consent Holder must monitor total suspended particulates (TSP) as follows:
- (i) At least six months prior giving effect to this consent, the Consent Holder must install a continuous TSP matter monitor. Results must be reported to the WRC six monthly unless the trigger level defined in part (iv) of this clause is exceeded. If the trigger level is exceeded this must be reported as provided for in condition (iv) below;
 - (ii) the TSP monitor must be generally located to the east of the Landfill Footprint at a location to be approved in writing by the WRC;
 - (iii) the method of measurement must be a US EPA equivalent method appropriate to the instrument used, or other method approved in writing by the WRC. The Consent Holder must record hourly and 24 hour average concentrations; and
 - (iv) the concentration of TSP in ambient air at or beyond the eastern boundary of the Site as a result of onsite activities must not exceed 120 micrograms per cubic metres as a 24 hour average. In the event this trigger level is exceeded the Consent Holder must report to the WRC within 7 days of receiving the result. The report must include an explanation of any reasons for the exceedance and any remedial measures taken to prevent any further exceedances.

Landfill Gas and Odour Management Plan

- 18 Within three months following the first receipt of MSW at the Site, the Consent Holder prepare and submit for Approval by WRC, a Landfill Gas and Odour Management Plan (LGOMP).

The objectives of the LGOMP are to:

- (a) Detail the design, construction, operation, maintenance, and monitoring of the landfill gas collection system;
- (b) Set out methods to facilitate achieving compliance with the conditions of this consent; and
- (c) Minimise the potential for adverse off-site odour effects from the operation of the landfill.
- (d) Implement the best practicable option for achieving (a)-(c) above.

The LGOMP must address, but not be limited to:

- (i) the design and construction of the landfill gas system, including flares;
- (ii) operation and maintenance of the landfill gas system;
- (iii) specific procedures for monitoring the landfill gas collection system, subsurface migration and onsite buildings. This should include the types of equipment to be used and procedures for using the equipment, sampling, collecting data and recording data;
- (iv) procedures for removing and disposing of condensate from condensate traps;
- (v) contingency plans to address the protection of public health and safety and the environment in the event of emergency situations, including landfill fires;
- (vi) procedures for the relocation of C&D material, in terms of managing odour;
- (vii) procedures about stripping of intermediate cover from cells, in terms of managing odour;
- (viii) procedures for drilling for retrospective installation of gas extraction wells, in terms of managing odour;
- (ix) procedures for utilisation of a sacrificial gas collection system around the working face in any area;
- (x) procedures for progressive installation of a gas collection system around the working face, including vertical extendable wells, retrofitting wells as the waste depth increases, and gas extraction where there is 10m or more of waste in situ;
- (xi) surface emission monitoring procedures;
- (xii) odour monitoring procedures;
- (xiii) specification of the monitoring locations for the monthly odour surveys required by condition 8;
- (xiv) operation of odour control equipment for the leachate storage tanks;
- (xv) procedures related to random inspections of incoming waste, for the purpose of identifying malodorous or undeclared waste;
- (xvi) contingency measures for odour such as tankering leachate in the emergency leachate storage contingency pond off-site as an immediate priority; and
- (xvii) contingency measures for the control of gas migration, including but not limited to the installation of cut off trenches or additional gas extraction wells.

Landfill Gas Process and Limit Conditions

- 19 Prior to construction of the landfill, the Consent Holder must prepare a report on the potential for landfill gas migration (including migration in mine adits and other manmade structures) and identify mitigation measures to be carried out during construction. The report shall be forwarded to the Independent Peer Review Panel for comment, updated by the Consent Holder if necessary, and then submitted to the WRC, prior to any construction of the landfill.
- 20 Once the landfill contains not less than 200,000 tonnes of MSW, the concentration of methane at the surface of landfill areas with intermediate or final cover must not exceed 5,000 parts of methane per million parts of air (0.5% by volume).
- 21 The Consent Holder must install a gas collection system for any MSW before it that is more than 10 metres deep, or before it has been in place more than 6 months, and all practicable measures must be taken to optimise the extraction of landfill gas. This may include, but not be restricted to, use of temporary or sacrificial horizontal gas collectors around the working face. All collected gas must be treated by burning, in accordance with conditions 23 and 24.
- 22 Once the landfill contains not less than 200,000 tonnes of MSW, a gas collection system must be installed, and all collected landfill gas must be conveyed to an enclosed flare(s)

and treated by burning. The landfill gas collection system must maximise the volume of landfill gas collected at all times.

- 23 The enclosed landfill gas flare(s) must be designed and operated in full accordance with Regulation 27 of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004, and subsequent Amendments, and monitored in accordance with the following minimum specifications:

The principal flare must:

- (i) have a flame arrestor;
- (ii) have an automatic backflow prevention device, or an equivalent device, between the principal flare and the landfill;
- (iii) have an automatic isolation system that ensures that, if the flame is lost, no significant discharge of unburnt gas from the flare occurs;
- (iv) have a continuous automatic ignition system;
- (v) be designed to achieve a minimum flue gas retention time of 0.5 seconds;
- (vi) be designed and operated so that gas is burned at a temperature of at least 750 degrees C;
- (vii) have a permanent temperature indicator;
- (viii) have a destruction and removal efficiency of at least 99%;
- (ix) have appropriate sampling ports to enable verification of the requirements of (vi) and (viii) above; and
- (x) provide for safe access to sampling ports while any emission tests are being undertaken.

For the purposes of this consent, the definition of an enclosed gas flare also includes any gas-to-energy gas engine which complies with specifications (i) to (iii) above.

The Consent Holder may operate a backup flare only if the principal flare is not operational due to malfunction or maintenance. Any back up flare must comply with specifications (i) to (iv) above.

- 24 The principal flare must be operated at all times unless it has malfunctioned or is shut down for maintenance.
- 25 The Consent Holder must operate the gas collection system in a manner that ensures that the rate of extraction of landfill gas is maximised, while the risk of landfill fires due to over extraction is minimised.
- 26 To achieve compliance with condition 25 the Consent Holder must ensure that the extraction system is operated to minimise oxygen ingress. The extraction system must be shut down if oxygen concentrations exceed 4% at the gas utilisation station.
- 27 Records must be kept of the times of operation of the gas flares, time not operating, and the combustion temperature, and must be forwarded to the Waikato Regional Council monthly.
- 28 Notwithstanding conditions 21, 22, 23, and 24, where it is not practicable or safe to convey landfill gas to the main gas treatment facility it must be conveyed to an open flare(s) and must be treated by burning. Open flares may also be used to burn landfill gas generated in individual stages during and for six months after filling of the individual stages.

Open landfill gas flares must be designed, operated and monitored in accordance with the requirements of the United States EPA Code of Federal Regulations 40 CFR Part 60, Subpart A – General Provisions, Section 60.18 (1997) and must have the following minimum specifications:

- (i) flame arrestor and back flow prevention devices, or similar equivalent system, approved in writing by the WRC, to prevent flashback; and

(ii) automatic ignition to provide a minimum 99% reliability.

29 During times when the landfill gas extraction system installed under conditions 21, 22, 23, and 24 is not operating for 24 hours or more, for any reason, the Consent Holder must monitor for landfill gas migration in all the landfill gas monitoring probes for the following parameters every day, until the gas extraction system becomes operable:

- (i) methane;
- (ii) carbon dioxide;
- (iii) oxygen; and
- (iv) barometric pressure

The results of daily monitoring must be reported to the Waikato Regional Council within one week of sampling.

The landfill gas extraction system must not be inoperable for more than 48 hours. In circumstances where the system remains inoperable for more than 48 hours (including for reasons beyond the control of the Consent Holder), the Consent Holder must undertake the monitoring required by conditions 36 and 8 to demonstrate to the Waikato Regional Council that MSW receipt can continue without contributing to off-site offensive or objectionable odour effects. The Consent Holder must notify the Waikato Regional Council in writing within one week of any such event. If the Waikato Regional Council determines that the monitoring identifies that MSW receipt is contributing to the presence of Validated Offensive Or Objectionable Odour Effects, then MSW receipt must cease until the landfill gas system becomes operative. MSW receipt may resume with the written approval of the WRC.

30 All flares used for gas control must be shrouded, so that there is no visible flame at the point of discharge from the flare.

Landfill gas monitoring conditions

31 Prior to the receipt of MSW at the Site, the Consent Holder must install landfill gas monitoring probes to monitor landfill gas migration at 100 metre intervals along the western and southern boundaries adjacent to the Landfill Footprint as shown on drawing 42045680-C-001 Revision B. The design and location of the landfill gas monitoring probes must be approved in writing by the WRC prior to the probes being installed.

The Consent Holder must, unless otherwise directed in writing by the Waikato Regional Council, monitor all landfill gas monitoring probes for the following parameters every month, commencing one month after installation of the probes:

- (i) methane;
- (ii) carbon dioxide;
- (iii) oxygen; and
- (iv) barometric pressure the day before and the day of reading

The method and equipment used to monitor the probes and the detection limits to be adopted must be approved in writing by the Waikato Regional Council prior to monitoring commencing.

The results of each monitoring round must be reported in writing to the Waikato Regional Council within one month of sampling.

The frequency of monitoring may be reviewed by the Waikato Regional Council following the results from twelve monitoring rounds with a view to reducing the frequency of monitoring.

- 32 If the concentration of methane in a monitoring probe exceeds 1.25% by volume as a result of landfill activities, then the Consent Holder must increase the frequency of monitoring from that required by condition 31 to fortnightly for all probes. Should the concentration of methane exceed 1.25% by volume as a result of landfill activities for three successive monitoring rounds the Consent Holder must make adjustments to the landfill gas collection system, or undertake appropriate remedial actions to reduce the level caused by landfill activities to below 1.25% by volume within one month of the third exceedance.

Note:

Remedial measures to be undertaken could include (but are not limited to) the installation of a cut-off trench (which is capped and from which gas can be extracted), or additional gas extraction wells adjacent to the monitoring well where the concentration was detected.

- 33 Following the installation of the landfill gas collection system required by conditions 21 and 22, landfill gas must be monitored at each extraction wellhead and at the utilisation station on a monthly basis. The following parameters must be recorded:
- (i) Gas flow rate (m³/hr);
 - (ii) Gas composition (% methane, % oxygen, % carbon dioxide, ppm carbon monoxide, ppm hydrogen sulphide and % residual nitrogen);
 - (iii) Gas temperature;
 - (iv) Ambient temperature; and
 - (v) Gas pressure.

For each monitoring round the Consent Holder must record the barometric pressure. The monitoring of extraction wells and the utilisation station must be undertaken utilising test methods that have been given prior approval by the Waikato Regional Council.

The results of the monitoring must be compared against the trigger levels in condition 35. The Consent Holder must provide a summary of the monthly results to the WRC on an annual basis.

- 34 The Consent Holder must monitor landfill gas at the inlet and outlet of each ground gas flare and at the inlet of each open flare in order to understand the composition of the gas, and to enhance understanding of the efficiency of the flare.

In addition to the monitoring required by condition 33, the Consent Holder must, unless otherwise directed in writing by the WRC, monitor for the following parameters every six months:

- (a) gas flow rate;
- (b) methane (percentage);
- (c) carbon dioxide (percentage);
- (d) oxygen (percentage);
- (e) nitrogen (percentage);
- (f) carbon monoxide (parts per million);
- (g) hydrogen sulphide (parts per million);
- (h) gas pressure (inlet only);
- (i) total non methane organic compounds (NMOCs); and
- (j) temperature.

In the event that monitoring of raw gas provides an indication that any of the trigger values in condition 35 are present, the Consent Holder must notify the WRC within 24 hours, and must as soon as practicable implement the contingency measures outlined in the LGOMP.

For each monitoring round the Consent Holder must record the barometric pressure.

The results of each monitoring round must be reported to the WRC within one month of sampling.

Note:

The purpose of the monitoring, in part, is to confirm compliance with condition 23(viii) in terms of combustion efficiency.

- 35 The results of monitoring undertaken in conditions 33 and 34 shall be compared against the Trigger Levels set out below to support an assessment of sub-surface fire risk.

Trigger Level 1:

- Residual Nitrogen = 15 %v/v
- Gas Temperature = 55 °C
- Carbon Monoxide = 100 ppm

Any exceedances of any of the Trigger Level 1 values will require investigation, with the Consent Holder providing the Waikato Regional Council with a report within 24 hours identifying the potential causes of any exceedance, and measures implemented to return values to below the Trigger Value.

Trigger Level 2:

- Residual Nitrogen = 20 %v/v
- Gas Temperature = 65 °C
- Carbon Monoxide = 500 ppm and

Any exceedances of any of the Trigger Level 2 values will require urgent mitigation actions, as set out in the Fire Management Plan required by the LMOP. The Consent Holder notify the Waikato Regional Council within 12 hours of any exceedance of trigger limit 2 values, with a report prepared within 48 hours.

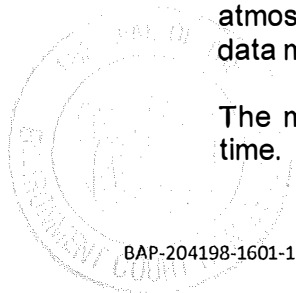
- 36 To monitor landfill gas odour, and to demonstrate compliance with condition 20, the Consent Holder must monitor surface gas emissions on areas of intermediate or final cover on at least a monthly frequency, and the results of each survey must be reported monthly to WRC.

The surface emissions survey must be undertaken in accordance with the UK Environment Agency Guidance on monitoring landfill gas surface emissions, LFTGN07 v2 2010, or an alternative methodology approved in writing by the Waikato Regional Council. As guidance, the method requires the site to be surveyed on an approximately 25 m by 25 m grid, using a flame ionisation detector (FID) or equivalent device to measure the concentration of methane and a GPS to record the monitoring locations. At each 25 m transect the surveyor shall pause to take a concentration reading, the sampling probe shall be placed less than 5 cm above the ground surface and fitted with a cup attachment designed by the instrument manufacturer to minimise the influence of wind gusts. The results of the survey are to be provided to the landfill manager on the day the monitoring is undertaken.

Collection and use of meteorological data

- 37 The Consent Holder must continuously collect meteorological data from a location approved by the WRC either within the Site, or at some other appropriate location which the Council considers is fairly representative of conditions at the Site. Data recorded must be for no longer than 10 minute averages for wind direction, wind speed, air temperature, atmospheric pressure, rainfall, solar radiation and standard deviation of wind direction. The data must be of an appropriate standard to enable its use for odour dispersion modelling.

The meteorological data must be provided to the WRC upon request at any reasonable time.



Resource Consent Certificate

Resource Consent: 125469

File Number: 60 52 63F

Consent Holder: Puke Coal Limited
Box C5
RD 1
Glen Afton
Huntly 3771

Consent Type: Discharge permit

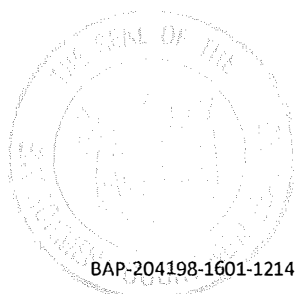
Consent Subtype: Discharge to land

Activity authorised: Discharge leachate to ground from a Municipal Solid Waste landfill

Location: 1058 Rotowaro Rd - Glen Afton (Lot 6 DP 427961 comprised in Certificate of Title 510520)

Spatial Reference: NZTM 1780721 E 5835043 N

Consent Duration: 35 years from the date of commencement of this consent
Subject to the conditions overleaf:



- 1 This consent is also subject to the Landfill General Conditions. Where there may be differences or apparent conflict between those general conditions and the conditions below, the conditions below shall prevail.

Leachate Management and Monitoring

- 2 The Consent Holder must monitor leachate depths above the liner within each stage on a weekly basis. The monitoring locations must be selected to coincide, as far as practicable, with areas of maximum predicted leachate depth and must be approved in writing by the Waikato Regional Council

The Consent Holder must submit to the Waikato Regional Council for approval in writing, details of the proposed means of monitoring leachate depths in each successive stage prior to any MSW being accepted in that stage. The recorded leachate depths must be reported to the Waikato Regional Council by 1 September each year unless the leachate depth on top of the liner at the required monitoring locations exceeds 300mm, in which event the Council must be notified within one week of the depths being recorded.

- 3 Subject to condition 5, the landfill must be designed and operated to ensure, as far as practicable, that any leachate depth on top of the liner does not exceed 300 mm. Where the landfill design includes a liner protection layer over the HDPE component of the landfill liner, the depth of leachate on top of the liner protection layer must be no more than 300 mm.
- 4 The Consent Holder must maintain the primary and secondary leachate collection pipes in a fully operable and free-flowing condition at all times. The locations and designs of the leachate depth monitoring points must be approved in writing by the Waikato Regional Council prior to the construction of each stage commencing.
- 5 In the event that the depths of leachate exceed the limits specified in condition 3, the Consent Holder must monitor hourly, depths at the point of leachate abstraction at the low point of the base liner. The leachate depth at this location must not exceed 2.5 metres above the top of the HDPE liner at its lowest level, at any time, and the average leachate depth must not exceed 1.5 metres for more than four weeks at any one time or more than 10 percent of the time in any one year. For all other areas of the landfill liner, the leachate depth must not exceed 2 metres above the top of the HDPE component of the landfill liner at its lowest depth in any location, at any time, and the average leachate depth must not exceed 0.5 metres for more than four weeks at any one time or more than 10 percent of the time in any one year.

Records of the daily leachate depths must be recorded, and reported in writing to Waikato Regional Council on a monthly basis until such time as leachate depths have returned to the limits specified in condition 3.

Note:

The intent of this condition is to ensure that the storage of leachate within the landfill is only a contingency event and not normal practice.

- 6 The Consent Holder must record daily the quantity of leachate collected, the amount remaining in storage in the leachate storage tanks, and the amount removed from the Site. The leachate quantity and leachate depth data must be submitted to the Waikato Regional Council on a monthly basis.
- 7 The Consent Holder must place the leachate storage tanks within a bunded area specifically designed to hold and contain any leachate spillage or leaks. The type of storage tanks must be reviewed by the Peer Review Panel and approved in writing by the Waikato Regional Council before receiving any leachate.

- 8 The leachate storage tank bunded area required by condition 7 of this consent and as detailed on Drawing 42045680-C-017 must be provided with a minimum emergency storage capacity of 800 m³ exclusive of free board. This emergency storage capacity must be confirmed during detailed design.
- 9 The Consent Holder must characterise the leachate within the landfill leachate storage tanks. To this end, the Consent Holder must, unless otherwise directed in writing by the Waikato Regional Council, monitor the leachate three monthly for the following parameters:
- pH (field and laboratory)
 - conductivity (field and laboratory)
 - alkalinity
 - ammoniacal nitrogen
 - BOD₅
 - COD
 - chloride
 - total zinc

and must monitor the leachate six monthly for the following parameters:

- sulphate
- nitrate nitrogen
- total kjeldahl nitrogen
- calcium
- magnesium
- sodium
- potassium
- total iron
- total lead
- total copper
- total boron
- total aluminium
- total cadmium
- total chromium
- total manganese
- total nickel
- total cobalt
- total arsenic
- unfiltered organochlorine pesticides

and must monitor the leachate annually for the following parameters:

- unfiltered volatile organic compounds
- unfiltered semi-volatile organic compounds
- unfiltered pentachlorophenol
- unfiltered polychlorinated biphenyls

Sampling must be undertaken using appropriate protocols.

The results of the above leachate characterisation must be reported to the Waikato Regional Council within two months of sampling, unless otherwise agreed in writing by the Waikato Regional Council.

Groundwater quality monitoring

- 10 Following the installation of any bore (e.g. monitoring or recovery bores) the Consent Holder must conduct tests to assess the hydraulic conductivity of the in-situ ground conditions. The results of these tests must be submitted to the Waikato Regional Council with the first set of monitoring results from the bore.
- 11 At least twelve months prior to the receipt of MSW at the landfill, the Consent Holder must:

- a) identify no less than 10 locations where both shallow and deep monitoring wells must be installed as paired wells, to provide a total of 20 monitoring wells in the immediate vicinity of the landfill, the purpose of which is to monitor groundwater quality and the effect of any potential leachate loss. At least 2 of the locations must be up-gradient of the landfill, at least 2 lateral to Stage 1, and at least 6 downgradient of the landfill. All downgradient monitoring wells are to be installed as dual purpose monitoring/interception wells. Existing monitoring wells at the Site may be included in the monitoring well network.

The location, depth and design of these monitoring wells must be approved in writing by the Waikato Regional Council prior to installation.

- b) identify two locations, where both shallow and deep monitoring wells must be installed as paired wells, immediately adjacent to the unnamed tributary of the Waitawhara Stream, to allow assessment of groundwater quality reporting to the stream.
- c) confirm the location of faults beneath the Landfill Footprint and determine whether any identified faults have potential to act as preferential pathways for groundwater flow. If any faults are identified as potential preferential pathways for groundwater flow the Consent Holder must install two additional groundwater monitoring wells in the shear zone of the fault; one immediately adjacent to the landfill and a second installed further down gradient, in the vicinity of the unnamed tributary or the property boundary (whichever is closer). Two such monitoring wells must be installed for each fault shear zone identified as constituting a potential preferential pathway for groundwater flow.

- 12 Prior to the receipt of MSW at the Site, the Consent Holder must establish the baseline water quality in all groundwater monitoring wells required under condition 11. The baseline water quality must be re-established every 5 years following establishment of the initial baseline water quality. The lower concentration of each parameter provided in List A and List B, measured between any two baseline monitoring events is to be adopted as the baseline water quality.

To this end, the Consent Holder must, unless otherwise directed in writing by the Waikato Regional Council, monitor water levels every month, as follows:

List A - must be monitored every month until twelve sampling rounds have been achieved:

List A

pH (field and laboratory)
 Conductivity (field and laboratory)
 Ammoniacal nitrogen
 Chloride.

List B - must be monitored every three months until four (4) sampling rounds have been achieved:

List B

pH (field and laboratory)
 conductivity (field and laboratory)
 suspended solids
 alkalinity
 sulphate
 bicarbonate
 ammoniacal nitrogen
 nitrate nitrogen
 total kjeldahl nitrogen
 dissolved reactive phosphorus
 BOD₅



COD
 calcium
 magnesium
 sodium
 potassium
 chloride
 soluble iron
 soluble boron
 soluble zinc
 soluble aluminium
 soluble cadmium
 soluble chromium
 soluble lead
 soluble manganese
 soluble nickel
 soluble cobalt
 soluble copper
 soluble arsenic
 unfiltered volatile organic compounds
 unfiltered semi-volatile organic compounds
 unfiltered pentachlorophenol
 unfiltered organochlorine pesticides
 unfiltered polychlorinated biphenyls

Sampling must be undertaken using appropriate protocols as detailed in condition 17.

The results of such baseline water quality monitoring must be reported to the Waikato Regional Council within two months of sampling, unless otherwise agreed in writing by the Waikato Regional Council.

Note:

The purpose of the above monitoring is to establish the baseline water quality for individual parameters in the groundwater boreholes.

- 13 Once the receipt of MSW has commenced, the Consent Holder must characterise the groundwater quality of all monitoring bores required under conditions 11 and 14(b), throughout the duration of the consent.

To this end the Consent Holder must monitor the groundwater boreholes every three months, for the List A parameters, and annually in April (to coincide with the summer low water level) for the List B parameters.

Sampling must be undertaken using appropriate groundwater bore sampling protocols as detailed in condition 17.

The results of such characterisation must be reported to the Waikato Regional Council within two months of sampling, unless otherwise agreed in writing by the Waikato Regional Council.

- 14 Groundwater trigger levels must be determined for all leachate parameters in the List B monitoring suite detailed in condition 12. The groundwater trigger level shall be an increase (increase or decrease in the case of pH) of three standard deviations from the mean for that parameter, using the mean established by the baseline monitoring rounds described in condition 12 above. Exceedance of the groundwater trigger level must be defined as a "statistically significant departure" from the baseline condition. If groundwater trigger levels are exceeded then:

- (a) exceedance of the trigger values must be reported to the Waikato Regional Council within 48 hours of receipt of the results, and
- (b) monitoring wells must be monitored for all List B parameters twice during the following two weeks. If after these two monitoring rounds any parameter is still showing a statistically significant departure from the baseline water quality mean, the following must occur:
 - (i) The Consent Holder must provide the Waikato Regional Council with notification of the results within 48 hours of receipt of the results.
 - (ii) The Waikato Regional Council may review whether the Consent Holder is required to install additional groundwater monitoring boreholes. The review shall consider both advective and dispersive flow mechanisms. If these additional groundwater boreholes are required by the Waikato Regional Council, the design and location of these wells must be submitted to the Waikato Regional Council for approval in writing prior to construction commencing. Groundwater sampled from these additional boreholes must be analysed for all the parameters listed in List B of this consent on a six monthly basis unless otherwise advised by the Waikato Regional Council in writing.
 - (iii) The Consent Holder must report to the Waikato Regional Council and the peer review panel is to review the environmental importance of the event. This reporting should include reference to the consented surface water quality compliance levels and any current water quality standards/guidelines accepted for use in New Zealand as a reference for assessment of environmental importance of groundwater trigger level exceedance. The Consent Holder must also report on any remedial or contingency measures proposed. This report must be submitted to the Waikato Regional Council within three weeks of the results being received from the additional monitoring referred to above in this condition.
 - (iv) If, after consultation with the Consent Holder, the Waikato Regional Council deems that remedial measures are required to be undertaken to address contamination of groundwater and surface water, the Consent Holder must undertake remedial works in accordance with the measures outlined in the Contingency Plan required by condition 20 of this consent to the satisfaction of the Waikato Regional Council.

- 15 The Consent Holder must provide a suitable monitoring point at the confluence of the groundwater diversion sub-drain outlets. After the sub-drains are constructed and prior to placing any MSW in the landfill, the Consent Holder must, at weekly intervals, carry out baseline monitoring of the drain outlets for List A parameters on at least twelve occasions, and List B parameters on at least four occasions. The baseline water quality must be re-established every 5 years following establishment of the initial baseline water quality. With the exception of electrical conductivity, the lower concentration of each parameter provided in List A and List B, measured between any two baseline monitoring events is to be adopted as the baseline water quality.

After commencement of landfilling the Consent Holder must monitor the sub-drains continuously for conductivity, and monthly for list A parameters, boron, alkalinity and sulphate.

The sub-drain trigger levels must be determined as an increase (increase or decrease in the case of pH) of 3 standard deviations from the mean for that parameter (defined as a statistically significant departure) using the mean established by the baseline monitoring

rounds described above. In the event that a sub-drain trigger level is exceeded, then the following action must be taken:

- The Consent Holder must notify Waikato Regional Council verbally within 48 hours and in writing within one week of identifying the variance,
- The drain must be monitored for all List B parameters immediately and again one month after identifying the variance,
- The Consent Holder must within one month of identifying the variance, present a report to the Waikato Regional Council detailing:
 - Reason(s) for the presence of leachate in the groundwater drain, and measures to be taken to prevent leachate from accessing those drains,
 - Estimated volumes of leachate discharging,
 - Proposed measures to minimise leachate discharges to the environment, and

The mean and standard deviation for conductivity shall be calculated from the previous year's monitoring. For the balance of the List A parameters, the mean and standard deviation shall be calculated from the baseline monitoring.

In the event that groundwater from the sub-drains exceeds the limits provided in Appendix 6 to the Landfill General Conditions it must be diverted as detailed in the Contingency Plan required by condition 20.

- 16 In the event that any springs or seeps occur laterally or downgradient of the landfill, but upgradient of the Site Stormwater Treatment Pond, the Consent Holder must monitor on a 3 monthly basis for the following:
- conductivity
 - alkalinity
 - chloride
 - flow rate
 - ammoniacal-nitrogen

Monitoring results must be reported to the Waikato Regional Council within one month of sampling, unless otherwise agreed in writing by the Waikato Regional Council.

A summary of the spring inspections over the year must be incorporated in the Annual Report, required by condition of the Landfill General Conditions.

In the event that the concentration of leachate parameters above, for seeps greater than 1 L/s, exceeds the limits provided in Appendix 6 to the Landfill General Conditions it must be diverted as detailed in the Contingency Plan required by condition 20.

Note:

The purpose of this monitoring is to determine whether any of the springs or seeps are contaminated with landfill leachate.

- 17 All water quality sample analyses required must be undertaken in accordance with the methods detailed in the most recent edition of "Standard Methods For The Examination Of Water And Waste Water", by A.P.H.A. and A.W.W.A. and W.E.F. or any subsequent updated version of that document, or any other equivalent method approved in advance by the Waikato Regional Council.

- 18 Clean stormwater diverted around the active Landfill Footprint and from the stormwater storage facility required in condition 19 must be continuously monitored for ammoniacal nitrogen at the location shown on the figure at Appendix 5 of the Landfill General Conditions (unless otherwise agreed by Waikato Regional Council to ensure a more effective monitoring point) prior to discharge to the receiving watercourse.

If monitoring of surface water flows shows ammoniacal nitrogen exceeding the limit stated in Appendix 6 to the Landfill General Conditions, the source of the exceedance must be located through targeted analysis and the Consent Holder must implement remedial actions in accordance with the Contingency Plan required by condition 20.

- 19 The Consent Holder must install and maintain a stormwater storage facility between the landfill (and leachate storage and handling facilities) and the stormwater treatment pond [as shown indicatively on drawing 42045680-C-002D] to detain stormwater flows from the Landfill Footprint and leachate storage and handling facilities that may be contaminated with leachate. The purpose of the stormwater storage facility is to allow treatment and/or disposal of contaminated stormwater (if necessary). This pond must be separated from catchments upslope of the landfill.

The pond capacity must accommodate 20mm of rainfall over the area of one undeveloped cell plus the leachate storage tank bunded area and leachate storage and load out facilities area. The pond must be lined with compacted clay suitable to water retention and have outlet devices designed to accommodate a 1% AEP storm flow.

Contingency Plan for Leachate Contamination

- 20 At least three months prior to the commencement of placement of MSW, the Consent Holder must prepare and implement a Contingency Plan. Prior to its implementation, the Contingency Plan must be provided to the Waikato Regional Council for Approval following a review by the Peer Review Panel in accordance with condition 113 of the Landfill General Conditions.

The objective of the Contingency Plan is to outline the actions that will be undertaken by the Consent Holder in the event that any leachate contamination is detected in the sub-drain discharge monitored under condition 15, any springs/seeps discharges monitored under condition 16 or the clean stormwater monitored under condition 18, to ensure that any leachate contamination or discharges can be appropriately remedied or mitigated.

The Contingency Plan must provide a methodology for the capture and diversion of the sub-drain discharge monitored under condition 15, any springs/seeps discharges monitored under condition 16 or the clean stormwater monitored under condition 18, such that these flows can be pumped to the leachate storage facility for removal off-site until such time as the parameter concentrations in the discharge are within the limits provided in Appendix 6 to the Landfill General Conditions.

At a minimum the Contingency Plan must include:

- a) A process to verify that trigger level exceedance in groundwater, from monitoring wells or sub-linear drains or surface water flows is a result of leachate discharge from the landfill (as opposed to alternate sources).
- b) Actions to be undertaken to protect surface water quality in the event that a trigger level is exceeded.
- c) A description of required infrastructure to carry out groundwater remediation.
- d) A verification process for determining leachate influence on seeps/springs.
- e) Remedial actions to be undertaken in the event that a spring/seep is verified as being impacted by landfill leachate.
- f) Remedial actions to be undertaken in the event that groundwater recovered from the sub-liner drains is verified as being impacted by landfill leachate
- g) Remedial actions to be undertaken in the event that clean stormwater is verified as being impacted by landfill leachate.
- h) A process for how any trigger level exceedances will be reported to the WRC.
- i) A process and timeframe for any remedial actions being undertaken to respond to trigger level exceedances or breaches.

LANDFILL GENERAL CONDITIONS

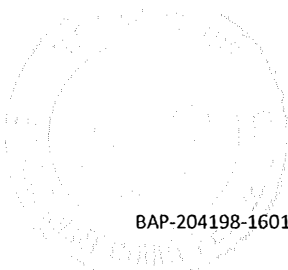
1 The Consent Holder must develop and operate the Site in accordance with:

a. the following drawings:

| DRAWING NO. | DRAWING TITLE | REVISION |
|----------------|---|----------|
| 42045680-C-000 | Cover Sheet | - |
| 42045680-C-001 | Site Plan | B |
| 42045680-C-002 | General Arrangement and Surface Water Controls | D |
| 42045680-C-003 | Leachate Drainage | B |
| 42045680-C-004 | Groundwater Management | B |
| 42045680-C-005 | Finished Surface Plan | B |
| 42045680-C-006 | Finished Surface and Gas Collection | B |
| 42045680-C-007 | Landfill Long Section | C |
| 42045680-C-008 | Landfill Eastern Cross Section | B |
| 42045680-C-009 | Landfill Western Cross Section | B |
| 42045680-C-010 | Leachate Sump and Toe Bund Detail Prior to Closure of Last Cell | B |
| 42045680-C-011 | Leachate Sump and Toe Bund Detail at Closure | B |
| 42045680-C-012 | Northern and Southern Highwall Liner Detail | C |
| 42045680-C-013 | Treatment of Existing Mine Adits on Southern Highwall | C |
| 42045680-C-014 | Connection of Upper Liner Bench to Lower Liner Bench | C |
| 42045680-C-015 | Inferred Fault Treatment Detail | D |
| 42045680-C-016 | Typical Details | C |
| 42045680-C-017 | Gas Well Detail | D |
| 42045680-C-018 | Longsection (West-East) Site Geology Proposed landfill | C |
| 42045680-C-019 | Treatment of Mine Workings Under Landfill Footprint | B |
| 42045680-C-020 | Borehole Location Plan | A |
| 42045680-C-021 | Hydrogeology | A |
| 42045680-C-022 | Engineering Geology Site Observation Map | B |
| 42045680-C-023 | Existing Site Geology Plan | C |

b. the plans and documents attached to these consents in Appendices 2 - 10; and
 c. the following draft management plans attached to these Consents as Appendix 11:

- i. Site Management Plan;
- ii. Landfill Management Operations Plan;
- iii. Landfill Works and Design Management Plan;
- iv. Landfill Gas and Odour Management Plan;
- v. Erosion and Sediment Control Plan;
- vi. Air Quality Management Plan;
- vii. Rehabilitation and Aftercare Plan,



subject to any approved amendments made to these drawings, plans, documents and/or draft management plans through the certification and/or Approval process for those documents, as contemplated by the relevant conditions of these Consents.

- 2 Where there is any inconsistency between the conditions of these Consents and the approved management plans required as part of these consent conditions, the conditions of these Consents shall prevail.
- 3 Where there is any inconsistency between the conditions of these Consents and the documents referred to in condition 1, the conditions of these Consents shall prevail.
- 4 Where there is any inconsistency between the conditions of these Consents and the conditions of consent for the existing coal mining and construction and demolition landfill activities the conditions of these Consents shall prevail.
- 5 The Consent Holder must develop an environmental induction programme, which shall be intended to ensure that staff and contractors working on the Site are generally aware of the contents of these Consents, including any approved management plans, as they apply to the activities in which the staff/contractors are involved. Copies of the conditions of these Consents and all approved management plans that are required in order to give effect to these Consents must be kept onsite at all times, and be made available to all staff and contractors.
- 6 Copies of these Consents and the approved management plans required to give effect to these Consents must be provided to the Pukemiro School and, subject to the School's agreement to assist, must be available for public inspection. If the School is unable to provide this assistance, copies must be provided to a representative of the Community Liaison Group.
- 7 All investigations, design, supervision of construction, operation, monitoring and aftercare must be undertaken by suitably qualified personnel experienced in such works, or works of a similar nature, and to the satisfaction of the Waikato Regional Council.

Note:

At all times the Consent Holder shall be responsible for retaining the services of any independent persons required to fulfil the conditions of this consent. Failure to engage an independent person or contractor to perform any independent testing, monitoring, reviewing and/or reporting obligations required by the conditions of these Consents may constitute a significant non-compliance for which the WRC may take enforcement action under the RMA.

Administration

- 8 The Consent Holder must pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act 1991.
- 9 The Consent Holder must notify the Waikato Regional Council in writing a minimum of ten working days prior to its intention to commence the following:
 - a) the lodgement of any initial management plans required to be submitted to Council under the conditions of this consent;
 - b) the commencement of activities associated with Site preparations for the construction of the landfill liner; and
 - c) the commencement of the receipt of MSW.

- 10 The Consent Holder must at all times provide the Waikato Regional Council and its officers and agents with access to the Site, for the purposes of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
- 11 Any independent persons required to be engaged by the Consent Holder to fulfil conditions of this consent must be certified in writing by Waikato Regional Council as suitably qualified for the relevant task prior to the commencement of that task.

Environmental Incidents

- 12 The Consent Holder must as soon as reasonably practicable notify the Waikato Regional Council if there are any environmental incidents or non-compliances at the Site including:
 - (a) failure of any waste containment structures or the leachate collection system;
 - (b) any other incident which either directly or indirectly causes, or is likely to cause, adverse ecological effects in any watercourse that is not authorised by a resource consent held by the Consent Holder; or
 - (c) any breach of the conditions of these Consents.

If any of these incidents occur, the Consent Holder must also:

- (a) re-establish control measures as soon as practicable where these have failed;
- (b) carry out any remedial and/or mitigation action to the satisfaction of the Council; and
- (c) maintain a permanent record of the incident at the Site, which must include the date and time of the incident, the nature, manner and cause of the release of the contaminants, weather conditions at the time of the incident and the steps taken to contain any further release and to remedy any adverse ecological effects.

Notification to the Council must be in writing by email, or an alternative method as agreed with the Council.

Complaints

- 13 At all times from the date these Consents are given effect to, the Consent Holder must provide a 24 hour contact name and number for receipt of complaints. This contact must be provided to all members of the Community Liaison Group and must be clearly posted at the Site entrance together with details of the MSW landfill website established pursuant to condition 14 below.

Online-site information, complaints and incident book

- 14 During the design phase but prior to the establishment of the CLG, the Consent Holder must make available a website for the MSW landfill which provides the following information:
 - (a) current on-site activities relating to the landfill (including any uncontrolled MSW fires);
 - (b) current meteorological conditions;
 - (c) a 24 hour contact name and phone number for receipt of complaints;
 - (d) an email address for lodging complaints with the Consent Holder;
 - (e) an anonymous record of complaints received (including time and date);
 - (f) a copy of this consent and approved management plans and links to any external documents or references in these consents (except where restricted by copyright);
 - (g) a copy of any consents related to other operational activities on the Site;

- (h) a copy of the latest annual report required by these Consents;
 - (i) applications for new consents or variations to existing consents for the Site;
 - (j) a copy of a plan showing the location of all consented operational activities on the Site.
- 15 The Consent Holder must investigate and take measures to respond to any complaint received either by phone, email or via the website as soon as practicable provided that where possible an initial response must be provided to the complainant within 24 hours of any complaint being received. Any odour complaints must be directed to the independent investigator required by condition 4 of consent 125467 within 30 minutes of receipt.
- 16 Prior to commencement of any construction works relating to the MSW landfill, the Consent Holder must maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this consent (the Incident Book). The Incident Book must include:
- (a) the name and address (as far as practicable) of the complainant and the nature of the complaint;
 - (b) location, date and time of the complaint and of the alleged event;
 - (c) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to odour or dust;
 - (d) the outcome of the Consent Holder's investigation into the complaint;
 - (e) measures taken by the Consent Holder to respond to the complaint; and
 - (f) any other activities in the area, unrelated to the landfill that may have contributed to the complaint, such as fires or unusually dusty conditions/activities; and
 - (g) any remedial actions undertaken as a result of the complaint

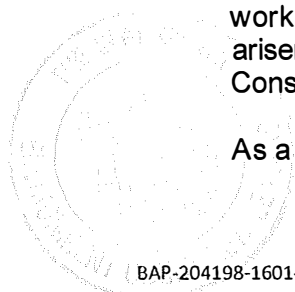
The Incident Book must be maintained onsite and must be made available to the Waikato Regional Council on request. The Consent Holder must notify the Waikato Regional Council of any such complaints as soon as practicable after the complaint is received. This notification must be in writing by email, or an alternative method as agreed with the Waikato Regional Council.

- 17 Where any neighbouring property presents reasonable evidence to the Waikato Regional Council that its bore or roof-sourced drinking water has been contaminated by landfill activities to an extent that it is unpotable, the Waikato Regional Council shall evaluate the data and confirm that the likely source of contamination of the potable water has arisen as a result of the discharges associated with this consent. The Consent Holder must provide potable water to that neighbour, or provide treatment to the water (for instance a filter to remove pathogens) to make the water potable.

Annual Report

- 18 The Consent Holder must provide to the Waikato Regional Council by 1 September each year an Annual Report that must cover the preceding 12 month period from 1st July to 30th June (or on an alternative date as otherwise agreed to by the Council). The purpose of this report is to provide an overview of the monitoring and all reporting work undertaken, compliance performance, and any environmental issues that have arisen during the construction and operation of the activities authorised by these Consents.

As a minimum this Annual Report must include:



- (i) The status of the landfilling operations on the Site and work completed during the preceding year, including earthworks;
- (ii) Any difficulties which have arisen in the preceding year and measures taken to address those difficulties;
- (iii) Activities proposed for the next year of the landfill operation;
- (iv) Record of compliance with the relevant consents including any difficulties with compliance;
- (v) Annual quantities of MSW received at the landfill, categorised by waste type as well as types of quantities of Special Waste received and other waste that have required certification prior to acceptance;
- (vi) any instances of Waste Acceptance Criteria being breached, the reasons why and any methods used to avoid reoccurrence.
- (vii) Analysis of all monitoring data required to be collected under the relevant consents, including any breaches of limits, trends, and interpretation of the results;
- (viii) Actions taken in the event of any trigger alerts or breaches of limits;
- (ix) Summary of complaints received, and actions taken in response;
- (x) Summary of Community Liaison Group meetings held, dates held, any resolutions made by the Consent Holder, and minutes of the meetings;
- (xi) Comment on any peer reviewer recommendations made during the annual reporting year, and any responses made by Consent Holder to the Peer Review Panel recommendations.

Archaeology

- 19 In the event that any human remains or archaeological items are discovered, the works in that area of the Site must cease immediately and the Police, Tangata Whenua, and/or the Heritage New Zealand Pouhere Taonga (HNZPT), and the Waikato Regional Council, must be notified by the Consent Holder as soon as practicable. Works in that area may only recommence with the written confirmation of the Waikato Regional Council. Such confirmation shall be given after the Waikato Regional Council has considered:
- (i) Tangata Whenua interests and values;
 - (ii) the Consent Holder's interests;
 - (iii) any archaeological or scientific evidence;
 - (iv) any requirements of the Police; and
 - (v) whether any necessary statutory authorisations have been obtained from the HNZPT.

Community Liaison Group

- 20 During the design phase but prior to the commencement of construction of the MSW landfill, the Consent Holder must establish a Community Liaison Group (CLG) to facilitate ongoing communication, engagement and information sharing with local residents and stakeholders for the duration of these Consents.

The Consent Holder must seek nominations for CLG membership from the following:

- a) Waikato District Council;
- b) Waikato Regional Council;

Not more than one representative from each of:

- a) Waahi Whanui Trust;
- b) Pukemiro School;
- c) Bush Tramway Club Inc;
- d) Adjoining landowners, including Hangapipi Road residents;
- e) PAR Society Incorporated;

- f) Residents of the Pukemiro settlement; and
- g) Residents of the Glen Afton settlement.

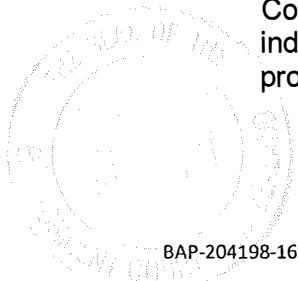
The CLG must be comprised of representatives of those parties referred to in this condition who elect to take up the opportunity, along with a senior representative of the Consent Holder who is suitably knowledgeable about the Site operations and these Consents.

The function of the CLG is to:

- a) Enable the Consent Holder to communicate progress of the various activities associated with the landfill including appointment of the Peer Review Panel pursuant to condition 112 of the WRC Landfill General Conditions;
- b) Enable the Consent Holder to facilitate Site inspections;
- c) Provide input into the preparation, implementation and review(s) of the LMOP including input on the methods and procedures by which complaints are recorded, investigated and responded to in accordance with conditions 14 - 17 and the processes and timeframes for enabling the CLG to (where practicable) provide comment on the odour remedial measures outlined in subparagraph (h) below;
- d) Share and discuss the results of monitoring and reporting as required by the conditions of these Consents;
- e) Identify any community concerns regarding the effects of the exercise of these Consents;
- f) Identify and discuss potential measures to address issues raised, including provision of further information;
- g) Receive reports on actions taken by the Consent Holder on any concerns raised;
- h) Provide comment on the remedial measures required pursuant to Waikato Regional Council air discharge consent 125467, being whether the Waikato Regional Council should direct the Consent Holder to:
 - (i) undertake a community odour survey where required for by condition 9 of that consent;
 - (ii) commission an independent review of odour management onsite where required for by condition 10 of that consent;
 - (iii) offer the installation of home ventilation in accordance with condition 11 of that consent;
 - (iv) provide alternate accommodation in accordance with condition 12 of that consent; and/or
 - (v) cease receipt of MSW at the Site where required for by condition 5 of that consent; and
- i) Provide comment to the Waikato Regional Council regarding the requirement for a section 128 review of these Consents or any aspect of them pursuant to condition 117 of these Consents.

The Consent Holder must fund the reasonable costs of the operation of the CLG including by providing an off-site venue, providing staff time, and funding an independent facilitator to chair meetings if, in consultation with the Waikato Regional Council, an independent person is considered to be beneficial.

CLG meetings must be held not less than quarterly for the duration of this consent, unless agreed in writing with the Waikato Regional Council. At least 10 working days' notice of each meeting must be provided in writing to all attendees, along with minutes from the previous meeting. Minutes must be provided to the District and Regional Council, regardless of whether an officer(s) attends. Where CLG members have indicated they do not have access to email, minutes and meeting invites must be provided by post.



Community Trust

- 21 Prior to the commencement of construction of the MSW landfill, the consent holder must settle a deed for a charitable community trust on the terms set out in conditions 22-25 below based on the template trust deed set out at Appendix 8 to this consent provided that the terms of the Deed set out at Appendix 8 may be amended in such a way as to enable the Deed to be in a form acceptable to the Department of Internal Affairs so that the community trust may be registered as a Charitable Trust on the Charities Register.
- 22 The community trust deed must have wholly charitable purposes in order to promote the relief of poverty, the advancement of education or religion and or other matters beneficial to the community by promoting the social, environmental and cultural interests of the Pukemiro, Glen Afton and Hangapi Road communities to be defined in the trust deed.
- 23 The trustees of the trust must comprise:
- a) one representative trustee from the consent holder;
 - b) three representative trustees from the Glen Afton, Pukemiro and Hangapi Road communities;
 - c) one representative trustee from the Pukemiro School Board of Trustees;
 - d) one representative trustee nominated by the Waikato River Raupatu Trust and Waahi Whaanui Trust; and
 - e) one independent trustee appointed by the Waikato Regional Council in consultation with the Waikato District Council.
- 24 The consent holder must provide funding to the charitable community trust as follows:
- a) \$60,000 upon commencement of construction of the MSW landfill pursuant to these Consents;
 - b) \$20,000 for each subsequent year on the anniversary of that commencement date until the cessation of MSW filling operations,
- provided that the funds referred to in this condition must be indexed against the Consumer Price Index (CPI) published by Statistics New Zealand as at the date on which consent is granted.
- 25 The deed must:
- a) provide the trustees with the power to regulate their own procedures, provided that
 - i. no change may be made which would alter the charitable nature of the community trust or the funding the consent holder is required to provide in condition 24 above;
 - ii. any decision or resolution of the trustees to change the trust deed can only be made by a unanimous decision of the trustees following receipt of legal advice confirming that the proposed changes to the trust deed will not affect its charitable status of the trust or fail to meet its purpose
 - iii. any decision regarding distribution of funding must be by a 75% majority vote of trustees;
 - b) Provide for grants to be made to further the charitable purposes of the community trust upon application or by nomination by the trustees;
 - c) not allow the trustees to act otherwise than in accordance with the duty to invest prudently pursuant to the Trustees Act 1956;

- d) provide for reimbursement of trustee expenses only if pre-approved to be paid against receipts only;
- e) provide for the trustees to receive advice of legal counsel in regard to the administration of the Trust;
- f) provide for or allow for the appointment of advisory trustees as required pursuant to the Trustees Act 1956
- g) require annual reporting regarding the distribution of the trust fund and any financial reports or audits to:
 - a. the Community Liaison Group;
 - b. any person who has contributed funds to the trust within the previous 12 months; and
 - c. the community (by at a minimum maintaining a trust website for such reporting).
- h) provide for auditing and accounting requirements in accordance with the appropriate tier of the Financial Reporting Act

End-of-life tyre consents

- 26 Prior to placement of MSW at the Site the Consent Holder must surrender those parts of Waikato Regional Council Resource Consent Nos.101858, 103079, 104191, 104192 and 104193 which authorise the disposal of end-of-life tyres to land, including discharges to air and land associated with this activity pursuant to section 138(1) of the Resource Management Act 1991.
- 27 No later than two years after commencement of placement of MSW, the Consent Holder must either remove all end-of-life tyre stock piles off site or place them into the landfill in accordance with the applicable Waste Acceptance Criteria.

Pukemiro Mine Road

- 28 The Consent Holder must not commence any construction works associated with these Consents until the temporary road closure notice dated 7 May 2015 has been revoked and Pukemiro Mine Road has re-opened.

New Stormwater Discharge Permit

- 29 Prior to the commencement of any construction works associated with these Consents, the Consent Holder must obtain from the Waikato Regional Council and implement a new stormwater discharge permit that:
 - a) is on terms no less onerous than Regional Council Discharge Permit No. 104244;
 - b) provides for all activities being undertaken on the Site; and
 - c) has the same duration as this consent.
- 30 Upon the implementation of the new stormwater discharge permit the Consent Holder must surrender to the Waikato Regional Council, pursuant to section 138(1) of the Resource Management Act 1991, Regional Council Discharge Permit No. 104244.
- 31 If water take permit 102303 is renewed or replaced, the Consent Holder must only seek a consent term for that water take which aligns with the term of these Consents.

Landfill Design

- 32 The landfill base liner system must comprise, from bottom to top, the following materials as a minimum:

- (a) 600 millimetres of compacted clay, compacted to achieve a permeability of not greater than 1×10^{-9} metres per second, or a combination of compacted clay layer and Geosynthetic Clay Liner;
 - (b) a 1.5 millimetre thick textured high density polyethylene (HDPE) liner, or an equivalent liner approved in writing by the Waikato Regional Council; and
 - (c) a leachate drainage layer approved in writing by the Waikato Regional Council.
- 33 The landfill side liner system must comprise, from bottom to top, the following materials as a minimum:
- (a) 600 millimetres of compacted clay, compacted to achieve a permeability of not greater than 1×10^{-8} metres per second, or a combination of compacted clay layer and Geosynthetic Clay Liner;
 - (b) a 1.5 millimetre thick textured high density polyethylene (HDPE) liner, or an equivalent liner approved in writing by the Waikato Regional Council; and
 - (c) a leachate drainage layer approved in writing by the Waikato Regional Council.
- 34 The landfill liner system must be constructed in accordance with the synthetic materials manufacturer's recommended quality assurance/quality control procedures.
- 35 Alternative liner designs and materials for the base liner or side liner will be considered for approval by Waikato Regional Council prior to the development of any new Stage or Cell of the landfill where such alternatives are demonstrated to provide equivalent or superior performance in terms of:
- Resistance to chemical degradation
 - Hydraulic containment
 - Physical strength and deformation characteristics under service and seismic loads
 - General installation procedures
 - Expected service life.
- 36 If a geosynthetic clay liner (GCL) is approved in writing by the Waikato Regional Council as part of an alternative liner design, it must be installed:
- (i) in accordance with the requirements specified in condition 34; and
 - (ii) in accordance with the final design documents approved under condition 114(h) to ensure appropriate confinement and hydration and to avoid desiccation.
- 37 The landfill design must ensure achievement of calculated minimum factors of safety and maximum displacements as listed in the following table.

| DESIGN SCENARIO | MINIMUM DESIGN FACTOR OF SAFETY (FOS) |
|--|---|
| Construction slopes – design conditions | 1.3 |
| Final Design – design conditions | 1.5 |
| Final design – elevated leachate levels | 1.5 |
| Final Design – Design Basis Earthquake (DBE) | >1.0 (or maximum displacement criteria) |

| | |
|--|--|
| Final design – DBE with elevated leachate levels | >1.0 |
| | MAXIMUM DISPLACEMENT |
| Final Design –DBE | Displacement of Liner <0.3 m Displacement of capping layer <1.0 m |

- 38 All ponds constructed on the Site must be designed to incorporate access for maintenance purposes, including sludge and sediment removal as may be required from time to time.

Staging and Sequencing

- 39 The Consent Holder must first complete Cells A and B as shown on Drawing 42045680-C-002 Rev:C. Cells A and F must only be used for construction and demolition waste.
- 40 The Consent Holder must ensure that there is a separation distance of no less than 500 metres present between the working face of any cell containing Municipal Solid Waste and the Site boundary (excluding public roads).

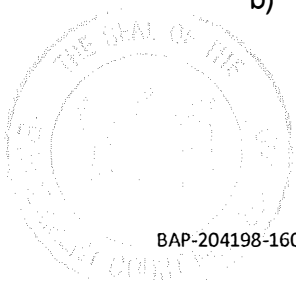
For the avoidance of doubt this separation distance shall not apply to any cell that contains only construction and demolition waste.

- 41 Following construction of any landfill Stage or Cell, the Consent Holder must not place any MSW in that stage until the Waikato Regional Council has received as-built records, and full QA/QC records to confirm that the landfill liner has been constructed in accordance with the approved design, and that all necessary infrastructure is in place to collect and store leachate according to the approved design, and for clean stormwater to be diverted in accordance with the approved design, and provides written approval of this.
- 42 Prior to submitting the design of the first cell to the Waikato Regional Council, the Consent Holder must:
- a) undertake an investigation of groundwater levels under the upper slope of the southern high wall, to intersect working voids, and to determine if dewatering is necessary. If dewatering is required then the Consent Holder must prepare a dewatering management plan, which must be submitted to the Waikato Regional Council for Approval prior to implementation of the dewatering management plan. The plan must outline the requirements for treatment, if necessary, to meet the relevant receiving water quality requirements;

Note:

In the event the quantity or quality of mine water encountered is such that it cannot be treated onsite to meet consented surface water quality requirements for discharge to the unnamed tributary, separate consent may be required to permit the mine water to be discharged or removed off-site for disposal at an appropriate treatment facility.

- b) excavate the South Eastern corner of the Landfill Footprint to virgin ground below the Kupakupa Coal Seam to remove any historical mine workings (underground or opencast) that may exist. The excavation must be inspected by the Waikato Regional Council to confirm all the underground coal mine workings are removed from beneath the footprint of the landfill. The void created by the excavation must be backfilled with engineered fill to the design profile of the landfill base grade; and



- c) undertake geotechnical investigations to locate the horizontal and vertical position of any historical underground mine working that may exist on the southern and western high walls. If any historical mine workings are identified, detailed design must provide for the separation of the landfill liner from the underground mine workings by an Angle of Draw of 26.5 degrees from the vertical (for the purposes of this condition Angle of Draw means the angle at which underground mine subsidence spreads out towards the limit of subsidence, at the surface). The separation between the landfill liner and the underground mine workings must be backfilled with engineered fill that contains less than 1% coal by volume, and any coal must be interspersed in the fill and must not be in excess of 50mm in its largest dimension.

Landfill Cover Material – Daily Cover, Intermediate Cover, Final Cap

- 43 All MSW must be covered at the end of each working day with a minimum of 150mm daily cover material. The daily cover material must not contain any more than 1% coal by volume, any coal present in the daily cover material must be evenly spread through the daily cover material, and any piece of coal must be less than 5 cm in its largest dimension. Material that has the potential to support the spread of fire must not be used as daily cover material. The Consent Holder must maintain a stockpile of at least two weeks' supply of material for use as daily cover for the duration of MSW placement activities at the Site.

Note:

The purpose of the daily cover material is to minimise odour, to prevent access to the MSW by pests, birds and vermin, to minimise spread of fire, and to prevent spread of MSW by wind. Material that has the potential to support the spread of fire may include shredded wood, sawdust, shredded tyres, and paper pulp.

- 44 The Consent Holder must test engineered fill and daily cover material for coal content at a frequency of one test for each 1,000 cubic metres of engineered fill or daily cover material placed respectively. The organic content of the sample must be calibrated against a sample of virgin soils used as engineered fill that has no visible coal within it; to determine the organic content of the soil without any coal. The test method shall be subject to review by the Peer Review Panel and approval by the WRC. The Consent Holder must maintain records of the quantities of engineered fill and daily cover material placed along with dates together with associated coal content test dates and actions taken with engineered fill or daily cover material that did not pass the coal content tests (i.e. was greater than 1% by volume) to ensure it will not be used as engineered fill or daily cover material.

- 45 Any area within the lined landfill which contains MSW, and which is not working face or areas spread with daily cover to a combined maximum of 10,000 square metres must have a minimum of 300 mm compacted soil applied as an intermediate cover. This condition does not apply to finished areas within the lined landfill, where no further MSW is to be applied, and where the consent condition pertaining to final cover must apply. The intermediate cover must be applied within 3 months of the last deposition of MSW in that area.

Areas of intermediate cover that the Consent Holder does not plan to fill with additional waste for at least 12 months, must be grassed or otherwise stabilised as soon as practicable.

Note:

The purpose of intermediate cover is to limit the infiltration of surface water and therefore leachate generation, reduce fire risks, improve gas control, provide a base for

access roads during landfill staging and support vegetation for areas not in use to minimise erosion.

- 46 The approved final cover on all stages must comprise from, bottom to top, as a minimum:
- (i) a 600 mm compacted clay cap with a permeability no greater than 1×10^{-8} m/s, or a combination of compacted clay layer and Geosynthetic Clay Liner;
 - (ii) a 450 mm layer of lightly placed soil; and
 - (iii) 150 mm of topsoil.

Detailed design for final cover must be submitted to the Waikato Regional Council for Approval at least 6 months prior to any stage final capping works commencing.

Cell Construction

- 47 The construction methodology for each cell under construction must include preliminary works to prepare the subgrade for adjacent cells for a distance of not less than 50 metres from the edge of the current cell.
- 48 The Consent Holder must take all necessary steps to:
- a) stabilise the southern high wall for a minimum distance of 100m in advance of adjoining landfill cells under construction; and
 - b) stabilise the western high wall prior to construction of landfill cells E and J.
- 49 The Consent Holder must monitor the stability of the western and southern high walls. To this end the Consent Holder must undertake an appropriate monitoring programme on these high walls at least six months prior to the construction of Stage 1 and must develop an appropriate response plan. Monitoring must be undertaken on a monthly basis during construction, and must include visual observations and mapping. This monitoring must continue until completion of placement of the engineered fill between the high walls and the landfill.
The monitoring programme must include such measures that allow for quantitative assessment of the rate and direction of movement and must be approved in writing by the Waikato Regional Council prior to implementation. Data obtained from the monitoring programme must be submitted to Waikato Regional Council in a form that demonstrates the rate and direction of any movement detected.
- 50 The Consent Holder must undertake an inspection of the landfill cap at least every six months, and after any significant storm event (greater than 50% AEP at a duration of less than 1 day). The inspection must check for:
- vegetation die-off;
 - cracking of the landfill cap;
 - subsidence and erosion;
 - leachate breakout through the cap;
 - damage by stock;
 - new groundwater springs; and
 - MSW protruding through the cap.

Any defects noticed during the inspection must be remedied immediately by the Consent Holder.

A report on the inspection and details of any remedial actions required to be undertaken by the Consent Holder, must be submitted to the Waikato Regional Council within two months of each inspection.

Storage of leachate

- 51 Except in extreme weather events, all leachate must be stored in tanks which must be vented to atmosphere via a biofilter. The leachate storage system must be designed to ensure there is no potential for odour to discharge when leachate is being transferred to tanker trucks for off-site disposal.
The biofilter must be designed, operated and maintained so as to avoid off-site offensive or objectionable odour effects associated with the storage and transfer of leachate. As a minimum the biofilter must be designed such that:
- The maximum filtration rate of 100 m³/m²/hr;
 - The pH of filter material shall be between 6 and 8 pH units;
 - There is an even distribution of gas flow through the filter bed; and
 - There are no short circuits of untreated air through the filter bed.
- 52 The Consent Holder must employ an appropriately qualified person to undertake an assessment of the performance of the biofilter at least once annually unless otherwise agreed with the Waikato Regional Council. The assessment must involve an evaluation of the media size distribution and composition and effectiveness in removing contaminants. The report must be submitted to the Waikato Regional Council within one month of completion of the assessment. Any remedial actions recommended by the report must be implemented in full within one month of receipt of the report.
- 53 The Consent Holder must install and maintain a leachate contingency pond to act as an emergency leachate storage facility. The leachate contingency pond must be lined to the same standard as the consented landfill base liner must and have capacity to accommodate flow from a 1% AEP rainfall event flow generated from the area of a new lined and yet unfilled cell that drains to the landfill leachate collection system. This emergency leachate storage pond must be connected to the primary leachate storage tank pipework system to pump or gravitate flows directly to the contingency pond should the above-ground leachate storage tanks approach capacity.
- 54 Discharge from the contingency pond will be by pumping. Accumulated rainfall will be pumped to the stormwater system following analysis of the water and confirmation that it is not contaminated; otherwise it will be treated as leachate for treatment or off-site disposal. The contingency pond must be emptied prior to reaching 20% of its design capacity.
- 55 The contingency pond must only be used in the event of an emergency and any leachate captured within it must be removed offsite.

Landfill Operation & Management Conditions

- 56 The working face must not exceed 900 square metres at any time, without the written approval of WRC for temporary operational reasons which approval must not exceed one (1) month. For the purposes of this consent, "working face" is defined as the area within the Landfill Footprint where waste is deposited by trucks, spread and compacted, and daily cover applied. The working face also includes those areas where Special Wastes such as sludges are entrenched and covered. The working face may include multiple discrete areas, but in total shall not exceed 900 square metres.
The area of exposed waste shall be kept to the practical minimum having consideration to the quantity of waste entering the Site, maintenance of optimum compaction, and health and safety requirements.

Note:

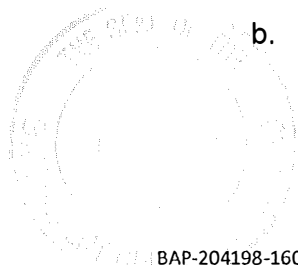
Vehicle access roads and tum-around bays within the landfill are not considered to be working face. The vehicle access roads and tum-around bays shall be kept to the minimum practicable size.

- 57 The Consent Holder must not undertake any coal mining or associated earthworks within 50 metres (as measured horizontally) of the landfill liner system.
- 58 The Consent Holder must provide vehicle wheel wash facilities which shall be inspected weekly to ensure they are functioning so as to minimise the tracking of particulate matter off-site. Unless recycled, the water draining from the wash facility must be transferred to the leachate storage tanks. The wheel washing facilities must be used by all vehicles exiting the landfill.

Waste Acceptance Criteria and procedures

- 59 The Consent Holder must only accept Municipal Solid Waste for disposal at the Site.
- 60 The following types of Municipal Solid Waste are acceptable provided that they meet the applicable criteria below:
- a. Liquid wastes shall only be accepted for disposal with the written approval of the Waikato Regional Council following assessment of site suitability. For waste to be considered non-liquid it must meet one of the following requirements:
 - i. A solids content of at least 20% and liberate no free liquids when transported; or
 - ii. No free liquids when tested in accordance with the US EPA Paint Filter Liquids Test (US EPA Method 9095A) and liberate no free liquids when transported.
 - b. Healthcare wastes, as set out in NZS4304:2002 "Management of Healthcare Waste" shall only be acceptable for disposal at the landfill in accordance with NZS4304.
 - c. Sludges that have a solids content of at least 20% w/w (weight for weight), or have a "spadeable" consistency and are not free-flowing, are acceptable.
 - d. Sludges, soils and similar fine particle size materials, Special Wastes or waste that will chemically react with the high density polyethylene (HDPE) liner, shall not be placed within 3 metres of the top of the drainage layer that is to be placed on top of the landfill liner.
 - e. Special Wastes must only be accepted if their disposal has been pre-booked, and are accompanied a written record detailing its nature, composition and source in sufficient detail to demonstrate compliance with the waste acceptance criteria of this consent. Special Wastes must be placed in the landfill only between the hours of 10am to 3pm only, Monday to Friday, and covered immediately upon placement.
- 61 As far as practicable, no loads delivered to the Site containing more than 1% tyres (either whole, in pieces or shredded) shall be accepted at the landfill.

- 62 The Consent Holder shall not accept for disposal any whole large industrial or farm tyres (or similar) that are observed or detected during waste load inspections at the Site.
- 63 The Consent Holder shall keep a copy of the Waste Acceptance Criteria clearly visible and available for inspection at the Site office at all times whilst the landfill is operating.
- 64 All waste disposal contractors and operators shall be pre-approved by the landfill operator prior to delivery of any waste to Site. The pre-approval process shall, as a minimum, involve entering into supplier contractual agreements which contain:
- a. a copy of the Waste Acceptance Criteria required by these Consents;
 - b. an obligation not to bring Prohibited Waste to the Site; and
 - c. an obligation on the contractor to immediately take any loads containing unacceptable wastes to an alternative disposal facility.
- 65 The Consent Holder must maintain copies of the contractual agreements and written records of approved operators within the Site office confirming the list of approved contractors, along with a record of all contractors' vehicle registration numbers entering / exiting the Site, and this must be provided to the Waikato Regional Council on request.
- 66 The Consent Holder must at all times provide the Waikato Regional Council and its officers and agents with access to the Site, for the purposes of carrying out inspections of any waste deliveries on-site.
- 67 The Site must not be open to the general public for the receipt of MSW (i.e. no private vehicles) without the written agreement of the Waikato Regional Council (which shall only be provided in limited circumstances). All deliveries shall be via approved contractors.
- 68 The Consent Holder must keep a record of:
- a. The quantities and types of waste accepted at the landfill;
 - b. The actual location of Special Waste burials; and
 - c. The actual location of all waste burials that have been accepted by passing the leachability criteria set out in Appendix 3 to the Landfill General Conditions.
- A copy of these records must be made available to the Waikato Regional Council within a reasonable timeframe upon request and must be summarised in the Annual Report required under condition 18 of the Landfill General Conditions.
- 69 To minimise the potential for Prohibited Wastes to be disposed of at the landfill the consent holder must take the following measures:
- a. A notice must be clearly positioned at the landfill entrance to identify wastes which are prohibited at the landfill;
 - b. As a minimum, at least the first two loads from new sources and suppliers must be inspected for the presence of Prohibited Waste, by placing on a hardstand within the working area, and sorting through the load.



- c. Random inspections of incoming loads for the presence of Prohibited Waste must be undertaken subsequently; inspections should be undertaken on a minimum of 1 in 5 loads for each source. The inspections must be undertaken according to the risk of Prohibited Waste being present in the load, and must consist of the following procedures commensurate with the level of risk:
 - i. Visual inspection as the load is tipped into the working face, to confirm that no Prohibited Waste is present.
 - ii. Placement of the load on a hardstand within the working face, and visual inspection. At least 1 in 20 loads must be inspected in this way.
 - iii. Placement of the load on a hardstand within the working face, and sorting through the load. At least 1 in 50 loads must be inspected in this way. Representative samples may need to be taken for storage or testing, to determine the level of contaminants in the waste load, and to confirm the absence of Prohibited Waste. For all loads inspected in accordance with this sub-paragraph (c)(iii), a photographic record of the waste types must be kept for a period not less than 12 months after receipt of the waste and provided to WRC upon request at any reasonable time.
- d. If any inspection finds that a load does not meet the Waste Acceptance Criteria, the load must be rejected and directed off the site. In this case, the following load inspections must be undertaken by the Consent Holder, for waste from that source (regardless of the supplier):
 - i. The next five loads from that source must be inspected as per (c)(iii) above.
 - ii. If all five loads inspected under (d)(i) are confirmed as not having Prohibited Waste, then the next five loads from that source must be inspected as per (c)(ii) above.
 - iii. If all ten inspections confirm the absence of Prohibited Waste, then future wastes from that source must be inspected as per the requirements of (c) above according to the level of risk.
- e. The delivery of material onto the site must be supervised by the Consent Holder or their representative at all times; and
- f. All entrances to the site must be securely locked when the site is not supervised.
- g. Records must be kept by the Consent Holder of all inspections, for a period of at least 12 months after the inspections, and must be provided to Waikato Regional Council upon request at any reasonable time.

Note:

For a definition of working face see condition 56 of the General Conditions.

70 In the event that the Consent Holder is made aware of a delivery that does not meet the Waste Acceptance Criteria, the Consent Holder must take immediate steps to inform the Waikato Regional Council in writing of:

- (i) the date and time at which the vehicle was turned away;
- (ii) the registration number of the vehicle;
- (iii) the identity of the carrier (if known);
- (iv) the size and type of the load;

- (v) the source of the load (if known); and
 - (vi) the category of the hazard (if known).
- 71 The Consent Holder must also advise the Waikato Regional Council what steps have been taken to inform the delivery contractor to seek to avoid a recurrence within 48 hours of the incident occurring.
- 72 Conditions 59 and 60 may be reviewed by the Waikato Regional Council upon the release of any document accepted as a New Zealand Guideline or Standard, which addresses the tracking and/or responsibilities of hazardous waste materials. Such review may be initiated within two months of each anniversary of the date of commencement of these Consents.
- 73 The total volume of Municipal Solid Waste transported to the Site (including construction and demolition waste) must not be more than 250,000 tonnes of Municipal Solid Waste per annum. The Consent Holder must demonstrate compliance with this condition in the Annual Report required by condition 18.
- 74 The Consent Holder must install and maintain emergency power generation equipment to supply sufficient power to operate the leachate pumps in the landfill and all operating and monitoring equipment used in the management of leachate, plus the landfill gas systems, should the primary grid supply fail.

Landfill Manager

- 75 The Consent Holder must retain an appropriately experienced Landfill Manager to supervise the landfill operations on the Site. The Consent Holder must inform the Waikato Regional Council of the Landfill Manager's name, experience and how that person can be contacted. Should that person(s) change during the term of this resource consent, the Consent Holder must immediately inform the Waikato Regional Council and shall also give written notice to the Waikato Regional Council of the new Landfill Manager's name, experience and how that person can be contacted. For the purpose of this condition an appropriately experienced Landfill Manager means a person who has prior work experience that includes:
- Heavy earthworks construction; and
 - Municipal solid waste handling; and
 - Environmental/consent compliance experience.

Fires and burning

- 76 The Consent Holder must not allow the deliberate burning of MSW on-site.
- 77 All electrical wiring and instrumentation on the Site must comply with the hazardous area standard AS/NZS 60079.10.1 to avoid creating ignition sources.
- 78 Three months prior to the commencement of any works associated with these Consents (including Site preparation works and the placement of MSW), the Consent Holder must prepare and submit to the Waikato Regional Council for Approval, a Fire Response Plan for the Site to meet the requirements of this condition and condition 105 l) andx) , in consultation with the New Zealand Fire Service, Department of Conservation, WRC and WDC. As a minimum, this document must include (but not be limited to):
- a) The types and quantities fire-fighting equipment and resources (including earth moving equipment, high pressure hose system, fire extinguishers, cover material, supply of water or other fire suppressants, protective equipment, breathing gear etc) to be available onsite at all times;

- b) Maintenance and upkeep requirements and records for fire-fighting equipment to ensure readiness at all times;
- c) Control actions that may be undertaken using Site staff;
- d) Staff fire-fighting roles/chain of command
- e) Staff training requirements and records including planning and conduct of regular emergency training events together with formal debriefing and incorporation of lessons learned into Site fire-fighting procedures;
- f) Actions that will be undertaken to intercept any water associated with firefighting that may enter the stormwater system until such time as the parameter concentrations in the discharge are within the limits provided in Appendix 6 to these Landfill General Conditions
- g) Emergency management planning, including (but not limited to):
 - i. identifying responsibilities for action/chain of command with the various emergency agencies, WRC and WDC;
 - ii. Identification of sensitive receptors that could be affected by smoke or other discharges from a fire; and
 - iii. Requirements and methods for contacting sensitive receptors and the surrounding community (i.e. a community contact register) to inform residents of the need for evacuation if required.

79 Immediately on detection of a fire, or smoke, of any scale on site, the Consent Holder must:

- a) Advise all persons onsite of the fire and that a hazardous situation may exist and employ all practical means to ensure their safety;
- b) Call 111 and advise the Fire Communications Centre of the following details:
 - i. Nature of the incident:
 - 1. What is burning;
 - 2. Size/extent of the fire; and
 - 3. Nature of the fuel.
 - ii. Location of the fire (provide grid reference if possible);
 - iii. Access; and
 - iv. Environmental conditions (e.g. wind direction and strength).

80 On detection of a fire, or smoke, of any scale on site, the Consent Holder must undertake the following as soon as practicable, but within 24 hours:

- a) Commence control actions if safe to do so or initiate evacuation measures as agreed with the Fire Communications Centre or Fire Response Plan;
- b) Notify the Rural Fire Authority (Department of Conservation), WDC, WRC, the Peer Review Panel, and any other parties as provided for in the Fire Response Plan.

81 In the event of a fire, or smoke, of any scale emanating from the MSW Landfill Footprint or landfill related activities the Consent Holder must cease receiving waste and undertake the following as soon as practicable provided it is safe to do so:

- a) Shut down the LFG extraction system;
- b) Monitor temperature and carbon monoxide (CO) concentrations for a period of up to 48 hours in any existing LFG wells to determine whether the wells are being affected (CO concentrations that are increasing or greater 100 ppm or temperatures that are increasing or greater than 55°C) by the fire and return to service wells those wells that are unaffected by fire and are more than 150 metres distant from the likely extent of fire; and
- c) Activate an alternate working face, where excavated waste may need to be placed.

- 82 The Consent Holder must provide a report to the WDC and WRC as soon as practicable, but within 72 hours of the fire, or smoke, of any scale being detected on site, which shall include details of the cause of the fire, or smoke, of any scale and actions taken to extinguish it.
- 83 As soon as practicable after any fire, or smoke, of any scale has been extinguished, the Consent Holder must provide an investigation report to the Waikato Regional Council setting out:
- a) the cause, or likely cause, of the fire, or smoke, of any scale;
 - b) when it was first noticed;
 - c) actions taken;
 - d) whether the liner or any other landfill infrastructure was, or is likely to be, damaged;
 - e) any remedial actions necessary (to the liner or the environment); and
 - f) measures that will be taken to avoid re-occurrence and updating the Fire Response Plan (and other parts of the Site Management Plan as necessary) with these measures as well as other relevant lessons learned.

Earthworks Management

- 84 Prior to giving effect to this consent, the Consent Holder must commission an independent contractor with experience with both earthworks monitoring and implementation of the Waikato Regional Council's Erosion and Sediment Control Guidelines 2009 (E&SC Guidelines), to inspect earthworks related to these Consents at weekly intervals. The reports must be sent to Waikato Regional Council and the Consent Holder at the same time. The reports must use a rating scale of 1 to 4, where 1 is best practice and no further action is required, 2 is minor technical issue with a control device, but where the purpose of the E&SC Guidelines or consent conditions have been met, 3 is where controls are absent or the construction device is so poor that it leads to or is likely to lead to failure as an efficient erosion/sediment control method, and 4 is where controls are absent or construction of the ESC device is so poor that it leads to failure as an efficient ESC method leading to an uncontrolled sediment discharge.
- 85 The weekly frequency of monitoring shall be reduced to monthly if there have been four consecutive monitoring reports recording nil 3 or 4 ratings. Should the monitoring frequency become monthly, then in the event of any subsequent reports recording a 3 or a 4 rating, then the monitoring frequency must revert to weekly.

Historic Colliery Houses site

- 86 If the Consent Holder undertakes works pursuant to Consent LUC0402/14 to stabilise the southern highwalls, then prior to commencement of any construction works associated with this consent, it must provide the Waikato Regional Council with a report by a qualified archaeologist which demonstrates that the Consent Holder did not modify, damage or destroy the historic colliery houses site (S14/133) as a result of any works undertaken pursuant to Consent LUC0402/14 to stabilise the highwalls.

Glen Afton Ridgeline and McKenzie Block Protection

- 87 The Consent Holder must not undertake any earthworks:
- a) that affect the height of the Glen Afton ridgeline as shown in white on the plan prepared by Landform Surveys Limited dated March 2016 attached at

Appendix 9 and recorded by reference to RL heights on the longsection plan prepared by Landform Surveys dated March 2016 attached at Appendix 10;

- b) within 50 metres of the ridgeline as shown in purple hatch on the plan prepared by Landform Surveys Limited dated March 2016 attached at Appendix 9 other than earthworks associated with pastoral uses permitted under the Waikato District Plan.

The restriction on earthworks imposed by this condition shall continue to apply for a period of twenty (20) years following cessation of MSW placement at the Site.

- 88 The Consent Holder must not use the land noted as the Protected Area and shown in blue stripe on the plan prepared by Landform Surveys Limited dated March 2016 attached at Appendix 9 and legally described as Part Lot 4 DP10864, Lot 1 DP 32628, Lot 2 DP 32618 and Lot 3 DP 32618 (the Protected Area) for any use other than pastoral uses permitted under the Waikato District Plan until cessation of MSW placement at the Site.
- 89 Prior to commencement of any construction work in relation to the MSW landfill the Consent Holder shall enter into an agreement of an ongoing nature (being a legal instrument such as covenant, memorandum of encumbrance or consent notice pursuant to Section 221 of the Resource Management Act 1991) to secure the performance of conditions 87 and 88 and bind any subsequent landowners of the affected land to the satisfaction of the Waikato Regional Council.

General conditions applying to all monitoring

- 90 All monitoring of groundwater, surface water, air emissions and stormwater is to be carried out by an independent contractor with monitoring expertise, and approved by Waikato Regional Council. All samples collected by the independent monitoring contractor must be taken directly to an accredited testing laboratory by the independent monitoring contractor.
- 91 In the event of any long term groundwater monitoring borehole being destroyed, the Consent Holder must replace it with a new borehole in the same general location screened over a similar depth interval.

General conditions applying to all Management Plans

- 92 All management plans required by these Consents shall be implemented by the Consent Holder and must be complied with for the duration of this consent in general accordance with the latest version of the Management Plan approved by the Waikato Regional Council.
For the purpose of this condition, the term Management Plan includes any Contingency Plan, Operations Plan, Control Plan or Response Plan.
- 93 All Management Plans required under this Consent must be submitted to the Waikato Regional Council for Approval.
- 94 All draft management plans submitted to Waikato District Council by the consent holder for approval must be accompanied by certification from a Suitably Qualified Expert(s) that the draft management plan contains all information specified in the relevant Management Plan condition and that the draft management plan meets all the requirements set out in the conditions of this resource consent.
- 95 All Management Plans must be reviewed and updated if necessary and as a minimum every 2 years. The review of a Management Plan shall assess whether management practices are resulting in compliance with conditions of this consent,

and whether the objective of the Management Plan is being met through the actions and methods undertaken. The review shall result in amendments that are necessary to better achieve the objective of the Management Plan.

- 96 Any amendment to an approved Management Plan shall require further expert certification in accordance with condition 94 and Approval in accordance with condition 93 from the Waikato Regional Council. Any amendments made shall not be given effect to until such time as the written Approval has been received from the Waikato Regional Council.
- 97 Where changes are made to a Management Plan, the Consent Holder must review the Site Management Plan and all other relevant plans to assess whether any consequential amendments are required to the integrated Site-wide management procedures required by that plan.
- 98 Where changes to a Management Plan are made, the copy held onsite must be updated within five (5) working days of any amendments being approved by the Waikato Regional Council. The Management Plan must be produced (electronically or paper form) without unreasonable delay upon request by the Waikato Regional Council. Updated plans must also be provided to a representative of the CLG.

Site Management Plan

- 99 Three months prior to the commencement of any works associated with these Consents, (including Site preparation works and the placement of MSW), the Consent Holder must prepare and submit to the Waikato Regional Council for Approval, a Site Management Plan (SMP).

The objective of the SMP is to establish procedures to identify, control and manage any potential cumulative adverse environmental effects arising from all consented activities being undertaken concurrently at the Site, and to achieve the integrated management of these activities to ensure compliance with all consent requirements and to minimise the potential for off-site nuisance or adverse effects.

- 100 To achieve the objective specified in condition 99, the SMP must include, but not be limited to:
- a) management procedures to control and manage cumulative Site effects and consent limits in relation to:
 - (i) dust;
 - (ii) heavy vehicle movements and on-site parking requirements;
 - (iii) storm water; and
 - (iv) noise
 - b) monitoring and reporting procedures required in relation to any other operational consented activities;
 - c) management plans required for all operational consented activities – which may be prepared as stand-alone documents – including:
 - (i) Coal Mining Operations Plan (consent 121645, condition 8);
 - (ii) C&D Landfilling Operations Plan (consent 103079, Schedule 1, condition 6);
 - (iii) Landfill Management and Operations Plan – LMOP (including Landfill Works and Design Management Plan) (Landfill General Conditions 103 and 109);
 - (iv) Erosion and Sediment Control Plan (Consent 104244, Schedule 1, condition 6 or any replacement consent);

- (v) Leachate Management Plan (as part of the LMOP);
- (vi) Landfill Gas and Odour Management Plan (consent 125467, condition 18);
- (vii) Air Quality Management Plan (as part of the LMOP);
- (viii) Rehabilitation and Aftercare Plan (Including Landscape Rehabilitation Plan) (Landfill General Conditions 126);
- (ix) Contingency Plan (as part of the LMOP)
- (x) Fire Response Plan (Landfill General Conditions 78);
- (xi) Protected Vegetation Management Plan; and
- (xii) Post Harvesting Vegetation Management Plan.

101 For the avoidance of doubt, the Waikato Regional Council is only required to approve those matters in the SMP which are within its jurisdiction, and shall exclude traffic management and vegetation management requirements.

102 If an approved management plan which forms a component part of the SMP is reviewed and/or amended pursuant to the applicable consent conditions for that management plan, the Consent Holder shall:

- a) review the SMP to assess whether any consequential amendments are required to the integrated Site-wide management procedures required by that plan; and
- b) update the SMP to include the amended management plan (once approved by the relevant consent authority).

Any proposed amendment to the SMP must be certified by the Consent Holder pursuant to condition 94 and submitted to the Waikato Regional Council for Approval pursuant to condition 93 prior to implementation.

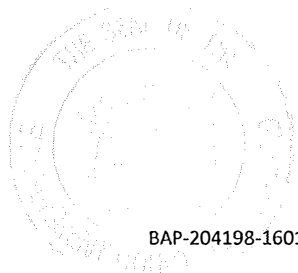
Landfill Management and Operations Plan

103 Three months prior to the commencement of any works associated with these Consents (including Site preparation works and the placement of MSW), and following the steps outlined in conditions 107, the Consent Holder must prepare and submit for Approval by the Waikato Regional Council, a Landfill Management and Operations Plan (LMOP).

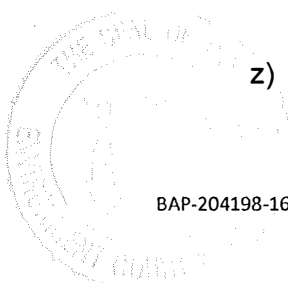
104 The objective of the LMOP is to combine and collate all landfill management practices and procedures to be implemented on the Site to achieve compliance with the conditions of this consent, and to minimise the potential for nuisances and adverse effects from the operation of the landfill.

105 To achieve the objective specified in condition 103, the LMOP must include details on management, operations and monitoring procedures, and methodologies and contingency plans necessary to comply with the conditions of the MSW landfill Consents. It must include, but not be limited to, the following matters:

- a) the Landfill Works Design and Management Plan as required by condition 109;
- b) procedures associated with the acceptance of Municipal Solid Waste and Prohibited Wastes;
- c) procedures regarding the random inspections of incoming waste loads to ensure compliance with the Waste Acceptance Criteria which at a minimum shall include:
 - i. how loads will be selected on a random basis and the process for adjusting the frequency of these inspections dependent on supplier performance;
 - ii. operation of an inspection/sorting area for the conduct of second (detailed) inspections;
 - iii. detailed inspection methodology including, but not limited to:



1. visual inspection;
 2. physical inspection i.e. sorting; and
 3. sampling and analysis.
- iv. trigger criteria for initiating one or more of the inspection methodologies set out in sub-paragraph (c) above; and
 - v. record keeping.
- d) details of landfill operations (i.e. earthworks, Site preparation, landfill liner and side wall construction, procedures for the control of the Site and tipping face, the placement of waste, waste compaction, and daily cover (including procedures for the selection of cover materials or alternatively a prescriptive list of materials that will be used, maintaining an adequate stockpile of cover materials for use, and the thickness of daily cover material), water control, landfill gas control and leachate control);
 - e) the sequential staging of the landfill and closure of the landfill;
 - f) procedures for mapping the location of Special Waste burials;
 - g) management procedures to identify the presence (or otherwise) of flooded mine workings that may be exposed as well as assessment and implementation of appropriate dewatering and disposal procedures if required;
 - h) management procedures for the control of perched leachate layers;
 - i) routine maintenance procedures to be undertaken on the leachate and gas collection systems, including procedures for cleaning the leachate collection pipes;
 - j) an erosion and sediment control plan;
 - k) management and monitoring practices for the collection and disposal of leachate and landfill gas;
 - l) contingency plans to address the protection of public health and safety and the environment in the event of emergency situations, including landfill fires;
 - m) management and monitoring procedures for the control of odour;
 - n) management and mitigation practices, including monitoring, to control nuisance effects from noise, birds, vermin and litter;
 - o) management and monitoring procedures for the control of dust;
 - p) the specific location of the continuous dust monitor for measuring dust emissions and the specific location of the weather monitoring station;
 - q) procedures for the management of traffic volumes in accordance with the conditions of this consent including methods of monitoring and reporting compliance with the conditions of this consent;
 - r) parking, manoeuvring and loading arrangements to ensure queuing and loading space is available and to avoid any effects from parking or queuing at the entrance;
 - s) procedures and methods to control the speed limit on the Site;
 - t) driver behaviour guidelines to be included in contracts involving regular hauliers over one month duration to cover debris, covered loads and safety briefing;
 - u) procedures to manage any debris spillage onto Rotowaro Road caused by trucks exiting or entering the Site;
 - v) spill prevention and response protocols;
 - w) an accidental discovery protocol;
 - x) specific management procedures for the control and management of any landfill fires, including details of the firefighting equipment to be kept onsite to extinguish fire of a general or chemical nature;
 - y) at a minimum, requirements for installation of primary litter fences for each stage of the landfill to a minimum height of 6m on the predominant downwind side as fixed location fences. The LMOP shall also include requirement for the use of secondary litter fences to a minimum height of 2m, being mobile fences and able to be relocated as required to provide a litter barrier as close as practicable downwind of the active working face; and
 - z) other actions necessary to comply with the requirements of this resource consent.



- 106 For the avoidance of doubt, the Waikato Regional Council is only required to approve those matters in the LMOP which are within its jurisdiction, which shall exclude those matters specified in condition 105n), 105q), 105r), 105t), 105u), and 105y).
- 107 Prior to submitting the LMOP to the Peer Review Panel for its review and to the Council for Approval (and upon subsequent review), the Consent Holder must provide a draft to the CLG for comment. The Consent Holder must provide a copy of any comments received from the CLG to the Peer Review Panel for its review and to the Council when submitting the LMOP for Approval, and in each case, must provide a written commentary explaining how the CLG comments have been incorporated, and where comments have not been incorporated, the reasons why. The CLG must be given not less than 15 working days to provide comments. If no comments are received then the Consent Holder is deemed to have complied with this condition.
- 108 The LMOP shall be reviewed and updated at least once every two (2) years by the Consent Holder in accordance with condition 95.

Landfill Works Design and Management Plan

- 109 As part of the LMOP, the Consent Holder must prepare and submit for Approval by the Waikato Regional Council, a Landfill Works Design and Management Plan (LWDMP).
- 110 The objective of the LWDMP is to establish the design and certification processes that will apply in relation to the design and construction of the landfill, to ensure that each stage of the detailed landfill design meets the requisite engineering standards.
- 111 The LWDMP must include, but not be limited to:
- a) the staging of works planned and the description of works in each stage including Site plans;
 - b) an outline of the engineering controls, supervision and certification that will be applied to each stage;
 - c) an outline of the methods of determining Site -specific design parameters and stability analysis design procedures that will be used for each stage;
 - d) details of silt control, methods of controlling surface erosion and stormwater management; and
 - e) details of the certification that will be adopted for design, design review, construction and construction review; and
 - f) details of any consent conditions from the Waikato Regional Council Consents that relate to the overall design, design Approval and management of the landfill.
- 112 The Consent Holder must engage chartered professional engineers with geotechnical and civil engineering experience to direct and supervise any additional investigations required for detailed design, undertake design, construction supervision and to certify the construction of all works in accordance with the procedures set out in the LWDMP.

Peer Review Panel

- 113 During the design phase but prior to commencement of construction, the Consent Holder must engage, at its own cost, an independent Peer Review Panel to review the design (and any significant future amendments to the design), construction, operation and maintenance of the landfill, and to assess whether or not the work is undertaken by appropriately qualified personnel in accordance with good practice. The Consent Holder must advise the CLG when the Peer Review Panel has been appointed and its members' names and expertise.

The independent Peer Review Panel must comprise at least three persons who must be:

- independent of the planning, design, construction, management and monitoring of this site;
 - experienced in landfill design (including design of steep walled liner systems), construction and management;
 - experienced in landfill geotechnical, groundwater and surface water aspects;
 - experienced in landfill gas collection, treatment and odour control (both from landfill gas and other sources);
 - recognised by their peers as having such experience, knowledge and skill;
 - knowledgeable about the actual and potential environmental effects that may arise from the operation of landfills;
- approved in writing by the Waikato Regional Council.

The primary role of the independent Peer Review Panel is to advise the Waikato Regional Council on the matters below, and it shall report to the Waikato Regional Council at least annually and at least two months prior to the development of each Stage or Cell on the following matters:

- a) landfill management, including leachate and nuisance control;
- b) management and monitoring plans including the Contingency Plan required by condition 20 of WRC Consent 125469 and the Surface Water Improvement Programme (SWIP) required by condition 117 of this consent;
- c) results of detailed geotechnical investigation, Site preparation, and hydrological and geotechnical issues;
- c) stability measures in relation to the western and southern highwalls;
- d) liner design (including the risks associated with steep walled liner systems) and use of on-site materials, including any alternative materials proposed for the liner and drainage construction;
- e) construction quality assurance;
- f) water control, including groundwater, stormwater and leachate management;
- g) landfill gas collection system, including the extent to which gas collection will be optimised and the potential for gas migration via mine adits;
- h) waste compaction, including method and degree;
- i) special/hazardous waste disposal;
- j) acceptable and unacceptable wastes;
- k) cover material used;
- l) monitoring, modelling and records;
- m) rehabilitation, including the management of surface water runoff from rehabilitated landfill areas;
- n) odour control of landfill gas and other sources;

If directed by WRC, the independent Peer Review Panel must also review and report on the following matters:

- a) The adequacy of site-wide management practices in relation to the cumulative effects of all consented activities taking place on site;
- b) the implementation and effectiveness of any remedial measures required to be implemented by the conditions of this consent; and
- c) any remedial measures required to rectify any ongoing non-compliance with these consent conditions;
- d) whether a section 128 review of these Consents or any aspects of them is recommended.

Where the independent Peer Review Panel does not have the expertise in any of the areas it is required to report on, as detailed above, it may engage the services of an

appropriate expert to report on the relevant matter to the independent Peer Review Panel. The report shall form part of the review provided by the Peer Review Panel as required by this condition.

Copies of all reports from the Peer Review Panel shall be sent directly to the Consent Holder and the Waikato Regional Council.

A Terms of Reference to guide and direct the Peer Review Panel shall be established by the Consent Holder in consultation with Waikato Regional Council.

114 Following receipt of the Peer Review Panel report(s) required under condition 113, the Consent Holder must forward the following final design documents to Waikato Regional Council for Approval in writing:

- a. the detailed designs of the landfill liner and leachate collection system,
- b. the leachate storage facilities,
- c. the leachate flow balancing calculations and contingency leachate storage structures,
- d. stormwater systems,
- e. groundwater drainage system and hydraulic trap,
- f. landfill gas collection system and gas flare(s),
- g. final landform, and
- h. quality assurance procedures for construction of the landfill liner and landfill cap,

All works must be carried out in accordance with the designs, as approved in writing by the Waikato Regional Council.

Surface Water Improvement Programme

115 The Consent Holder must retain a suitably qualified independent expert to complete an assessment of water chemistry and flow within the Site catchments that generate surface water discharge to the Waitawhara Stream. The assessment must include monthly water quality and flow monitoring (over the period of at least one year) to establish the baseline water quality for each notable surface water discharge from the Site to the Waitawhara Stream and shall include development of a contaminant mass balance sufficient to:

- a) Identify and quantify the influence of key contaminant sources on surface water quality within the Site; and
- b) Inform decisions regarding water quality management/mitigation

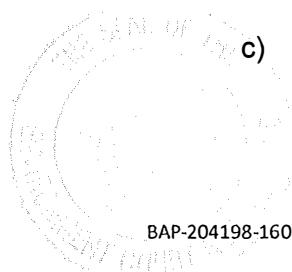
116 The Consent Holder must establish the following water quality Target Concentrations for each notable surface water discharge impacted by Site activities to the Waitawhara Stream (for the primary un-named tributary the monitoring location shall be TT8 as shown on Appendix 5 to these Consents).

| Parameter | Total Recoverable Target Concentration (mg/L) |
|-------------------------------------|--|
| Sulphate | The lower of: 1) 30% lower than the baseline measured as requirement of Condition 115. 2) 210 mg/L |
| Inorganic Nitrogen (Sum of Nitrate, | The lower of: |

| | |
|----------------------------------|---|
| Nitrite and Ammoniacal Nitrogen) | <ol style="list-style-type: none"> 1) 50% lower than the baseline measured as requirement of Condition 115. 2) 1.12 mg/L as inorganic N 3) ANZECC (2000) Trigger values allowing for 95% protection of freshwater species (and allowing for water hardness and pH) 4) National Policy Statement for Freshwater Management 2014 – attribute State B for Rivers |
| Total Recoverable Zinc | <p>The lower of:</p> <ol style="list-style-type: none"> 1) 25% lower than the baseline measured as requirement of Condition 115. 2) 0.021 mg/L 3) ANZECC (2000) Trigger values allowing for 95% protection of freshwater species (and allowing for water hardness and pH) |
| E.Coli | National Policy Statement for Freshwater Management 2014 – attribute State B for Rivers (540 (number E.coli / 100 ml)) |
| Total Suspended Sediment | <p>The lower of:</p> <ol style="list-style-type: none"> 1) 25% lower than the baseline measured as requirement of Condition 115. 2) 70 mg/L |

117 Three months prior to commencement of any works associated with these Consents (including Site preparation), the Consent Holder must prepare and submit to the Waikato Regional Council a surface water improvement programme (SWIP). The SWIP document how the water quality Target Concentrations established under condition 116 for water discharging from Site to the Waitawhara Stream will be achieved through the implementation of management and/or remedial measures. The SWIP must include:

- a) A description of the various surface water contaminant sources from within the Site and quantification of the respective influence of these sources on water flowing to the Waitawhara Stream.
- b) the Target Concentrations for the improvement of water quality of surface water discharging to the Waitawhara Stream set out in condition 116.
- c) the statistical means of determining that water quality improvement has been achieved, with this to include the method for comparison (to a 95% confidence



- level) of water quality of discharges from the Site to the Waitawhara Stream to the target improvement (as outlined in condition 119(a)-(d)).
- d) following achievement of the target improvement, the statistical means of demonstrating that the water quality target concentrations are being maintained (as outlined in Condition 122).
 - e) the methodology for water quality management, including a description of the adaptive implement-measure-adjust procedures to be followed in managing water quality in discharges from the Site.
 - f) If riparian or other planting is to take place for the purposes of water quality management, it will be undertaken in a manner to strengthen the genetic pool of indigenous species.
 - g) timeframes for implementing remedial work or procedures required to achieve the programme's water quality improvement targets. This is to include milestone targets for implementation or remedial and management measures and water quality improvement at 5 yearly intervals,
 - h) monitoring procedures which at a minimum must include:
 - a. quarterly monitoring at the point of discharge of the un-named tributary to the Waitawhara Stream (monitoring location TT8) and at the discharge point from the Anita Block to culverts connected to the Waitawhara Stream.
 - b. methodology for collection of water samples, handling of samples and quality assurance/quality control procedures to be implemented and details of the independent laboratory that will undertake sample analysis.
 - c. timing of sampling with respect to rainfall events, which shall be a minimum of 1 Dry Day following a rainfall event that generates runoff and a maximum of 4 Dry Days following a rainfall event that generates runoff.
 - d. Annual Waikato Regional Council monitoring, which may be undertaken at Council's discretion.
 - i) annual reporting requirements which at a minimum must include:
 - a. a description of water quality management activities undertaken at the Site.
 - b. the results of the monitoring outlined above and associated quality control findings.
 - c. updated daily rainfall measurements for the Site.
 - d. an evaluation of progress towards achieving milestone targets.
 - e. a description of proposed activities to ensure milestone targets are achieved.
 - f. a requirement that the Consent Holder instruct the testing laboratory to send copies of all laboratory analysis results directly to both the Consent Holder and the Waikato Regional Council at the same time.

118 The Target Concentrations established by condition 116 must be met to a 95% confidence level (over the period of 1 year) within 15 years of giving effect to these Consents.

119 Achievement of the Target concentrations within 15 years of the Consent Holder giving effect to these Consents will be measured by:

- a) Statistical demonstration that the 95% upper confidence level of the mean water quality leaving the Site, at discharge point TT8 and from the Anita block, is lower than the improvement targets outlined in condition 116 for each of the indicator parameters outlined in condition 116.
- b) The statistical method adopted to calculate the 95% upper confidence level of the mean shall be consistent with guidance provided in United States Environmental Protection Agency (2009), Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities – Unified Guidance.
- c) The 95% upper confidence level of the mean water quality shall be calculated from a minimum of 12 samples collected routinely across a minimum of two years, with samples representing water quality evenly distributed across seasons and flow conditions.
- d) No water quality data collected over the period of sample collection shall be excluded from the data set unless confirmed with the Waikato Regional Council as an outlier. Reasons for outlier removal shall be documented and supported by discussion of the validity and statistical analysis consistent with guidance provided in United States Environmental Protection Agency (2009), Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities – Unified Guidance.

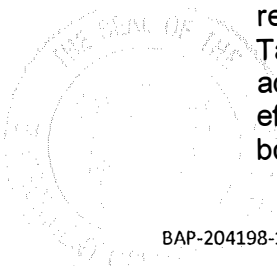
120 If the water quality Target Concentrations set out in condition 116 are not achieved to a 95% confidence level as measured in accordance with condition 119 within 15 years of the Consent Holder giving effect to these Consents, the Consent Holder must make an offset payment to the Waikato River Authority of \$840,000 to be used for enhancement projects around Lake Waahi or on the Waitawhara Stream upstream of Lake Waahi. This payment must be secured by a performance bond in favour of Waikato Regional Council prior to the placement of MSW at the Site pursuant to conditions 128 - 138. If the water quality Target Concentrations set out in condition 116 are achieved to a 95% confidence level within 15 years, 50% of the performance bond of \$840,000 shall be released to the Consent Holder. The offset payment sum of \$840,000 is to be indexed annually against the Consumer Price Index published by Statistics New Zealand for the duration of these Consents.

121 If the payment to the Waikato River Authority specified in condition 120 above has been made, the Consent Holder will be deemed to have discharged conditions 115 – 120.

122 If the water quality Target Concentrations set out in condition 116 are achieved to a 95% confidence level within 15 years, the Consent Holder must maintain those water quality Target Concentrations for the duration of these Consents. Achievement of this maintenance requirement will be measured by

- a) The methods outlined in condition 119 (a)-(d).
- b) Using a water quality data set collected from year 15 to year 35 of these consents.

123 If the Target Concentrations set out in condition 116 are maintained for the remaining term of this consent (ie from year 15 until the expiry of this consent) as measured in accordance with condition 119 above, the remaining 50% of the bonded sum shall be released to the Consent Holder upon expiry of these Consents. If the water quality Target Concentrations are not achieved to a 95% confidence level as measured in accordance with condition 119 above within 35 years of the Consent Holder giving effect to these Consents, the Consent Holder must pay the remaining 50% of the bonded sum to the Waikato River Authority.



Culvert works

- 124 The Consent Holder, in consultation with Waikato Regional Council, must undertake works necessary to lower the perched culvert, which passes under Rotowaro Road, at the discharge point of the unnamed tributary to the Waitawhara Stream and provide a grouted rock surface to allow fish passage. The works must be designed and constructed with guidance from an experienced freshwater biologist. If reasonable access arrangements to the culvert to undertake the works cannot be agreed with the Waikato Regional Council within one year of the commencement of placement of MSW, this condition shall be deemed to have been discharged.

Review

- 125 Pursuant to section 128 to 131 of the Resource Management Act, the Waikato Regional Council may annually or upon cessation of MSW placement at the Site serve notice on the Consent Holder of its intention to review the conditions of these Consents for the following purposes:
- (i) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; and/or
 - (ii) if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the exercise of these Consents; and/or
 - (iii) to review the adequacy of and the necessity for monitoring undertaken by the Consent Holder; and/or
 - (iv) to review the effectiveness of the conditions of resource consents relating to odour control, in the event of Validated Offensive Or Objectionable Odour Effects ; and/or
 - (v) in response to development of or changes in the national definition of hazardous wastes, or the release of new national hazardous waste treatment and/or disposal guidelines, or changes to the standards relating to healthcare wastes; and/or
 - (vi) in the case of repeated non-compliances or breaches of consent limits, to review the conditions, with the aim of introducing new or revised conditions that will effectively and efficiently seek to manage environmental effects

The Consent Holder shall pay the actual and reasonable costs of the review pursuant to section 36 of the Resource Management Act 1991.

Note:

The purpose of condition 125(iv) is to review conditions where there have been offensive or objectionable odour incidents, possibly but not necessarily persistent in nature, and where the odour may be better addressed through a change of consent conditions, rather than recourse to the normal compliance enforcement options available to the Waikato Regional Council. Nothing in condition 125(iv) shall prevent the Council from taking enforcement action under the RMA.

Rehabilitation and Aftercare Plan

- 126 Prior to the placement of MSW in any Stage or Cell, the Consent Holder must prepare and submit for Approval by the Waikato Regional Council, a Concept Rehabilitation and Aftercare Plan (Concept RAP).

The objective of the Concept RAP is to describe the key aspects of closure and rehabilitation that will be implemented should the Site close permanently at the completion of the proposed Stage or Cell, to ensure that any ongoing adverse environmental effects from that Stage or Cell development can be managed and monitored.

- 127 At least twelve months prior to landfill operations ceasing on this site, the Consent Holder must prepare and submit for Approval by the Waikato Regional Council, a Detailed Rehabilitation and Aftercare Plan (Detailed RAP).

The objective of the Detailed RAP is to provide a management framework for post closure rehabilitation and after care responsibilities to minimise the potential for nuisances and adverse effect from the landfill once operations have ceased. This plan must be prepared after consultation with the owners of the Site, the owners of adjacent properties and the Waikato District Council.

To achieve the objective of the Detailed RAP specified above the plan must include but not be limited to:

- land ownership and liability for contamination
- responsibilities for aftercare
- final contours
- capping and re-vegetation
- maintenance of the landfill cap to prevent cracking and ponding of stormwater
- management of land uses to prevent contamination of surface water runoff by sediment or nutrients
- operation and maintenance of leachate management systems
- operation and maintenance of landfill gas management systems
- ongoing monitoring, including groundwater, surface water, landfill gas and Site capping; and
- funding of aftercare.

Bond

- 128 Prior to the commencement of the placement of MSW at the Site the Consent Holder must provide and maintain in favour of the Waikato Regional Council a bond of \$5.92 million to:

- Secure compliance with all the conditions of this consent and to enable any adverse effects on the environment resulting from the Consent Holder's landfilling activities, including any C&D wastes placed in the MSW landfill, and not authorised by a resource consent to be avoided, remedied or mitigated;
- Secure compliance with conditions 115 - 123 in relation to the surface water improvement programme
- Secure the completion of rehabilitation and closure in accordance with the Rehabilitation and Aftercare Plan;
- Ensure the performance of any monitoring obligations of the Consent Holder under this consent; and
- Enable the Waikato Regional Council to undertake monitoring and management of the Site until completion of closure of the Site.

Note:

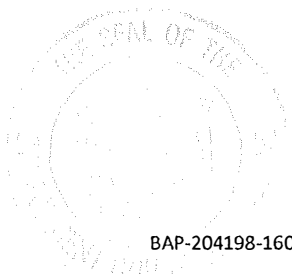


“Completion of closure” means when the Waikato Regional Council deems that resource consents for the Site are no longer required, and that there is no reasonable risk of the Site causing further adverse impacts on the environment.

- 129 The quantum of the bond must be sufficient to cover the general items listed in condition 128, and in particular:
- (i) the estimated costs (including any contingency necessary) of rehabilitation and closure of the landfill in accordance with the conditions of the Waikato Regional Council Consents;
 - (ii) the estimated costs (including any contingency necessary) of monitoring and management of the Site and its effects following closure or abandonment, for as long as may be required to comply with conditions of Waikato Regional Council Consents. This shall include the ongoing operation and maintenance of stormwater, leachate and landfill gas management systems;
 - (iii) the estimated costs of prevention and/or remediation of any adverse effect on the environment that may arise from the landfill including planting and landscaping provisions; and
 - (iv) any further sum which the Waikato Regional Council considers necessary for monitoring any adverse effect on the environment that may arise from the landfill including monitoring anything which is done to avoid, remedy, or mitigate an adverse effect.
 - (v) Must be estimated on the basis of a closure aftercare period of 30 years, except where the Consent Holder or Waikato Regional Council presents reasonable evidence that supports a shorter or longer period.
- 130 The bond must be in a form approved by the Waikato Regional Council and must, subject to these conditions, be on the terms and conditions required by the Waikato Regional Council.
- 131 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 Waikato Regional Council. The guarantor must bind itself to pay for the carrying out and completion of any condition of the bond in the event of any default of the Consent Holder, or any occurrence of any adverse environmental effect requiring remedy resulting from such default by the Consent Holder.
- 132 The amount of the bond may be varied and shall be fixed by the Waikato Regional Council prior to the anniversary of the first MSW placement, and every anniversary thereafter. The amount of the rehabilitation bond shall be advised in writing to the Consent Holder at least one month prior to the review date.
- 133 Should the Consent Holder not agree with the amount of the bond fixed by the Waikato Regional Council 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 Waikato Regional Council advising that the amount of the rehabilitation bond is disputed, such notice to be given by the Consent Holder within two weeks of notification of the amount of the rehabilitation 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 President 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 Waikato Regional Council 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, and subject to condition 134,

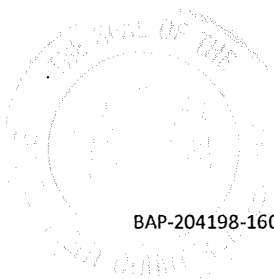
the existing bond shall continue in force. That sum shall be adjusted in accordance with the arbitration determination.

- 134 If the decision of the arbitrator is not made available by the 30th day referred to above, then the amount of the bond shall be the sum fixed by the Waikato Regional Council, until such time as the arbitrator does make his/her decision. At that stage the new amount shall apply. The Consent Holder must not place further MSW at the Site if the variation of the existing bond or new bond is not provided in accordance with this condition.
- 135 If, on annual review, 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 must execute and lodge with the Waikato Regional Council a variation of the existing bond or a new bond for the amount fixed on review by the Waikato Regional Council. No further MSW shall be placed at the Site if the variation of the existing bond or new bond is not provided in accordance with this condition.
- 136 The bond may be varied, cancelled, or renewed at any time by agreement between the Consent Holder and the Waikato Regional Council.
- 137 Subject to conditions 120 and 123, the bond shall be released on completion of closure of the Site, as defined in condition 128.
- 138 All reasonable and actual costs relating to the bond must be paid by the Consent Holder.



Advice Notes

1. *In accordance with section 125 RMA, these Consents shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.*
2. *Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.*
3. *These Consents do not give any right of access over private or public property. Arrangements for access must be made between the Consent Holder and the property owner.*
4. *These Consents are transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).*
5. *The Consent Holder may apply to change the conditions of the Consents under s.127 RMA.*
6. *The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of 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.*
7. *Note that pursuant to s333 of the RMA 1991, enforcement officers may at all reasonable times go onto the Site that is the subject of these Consents, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.*
8. *If you intend to replace these Consents upon their expiry, please note that an application for a new consent made at least 6 months prior to these Consents' expiry gives you the right to continue exercising that consent after it expires in the event that your application is not processed prior to these Consents' expiry.*
9. *In the event of non-compliance with these Consents the Waikato Regional Council may take one or more of the following steps under the enforcement provisions of the RMA:*
 - a. *Informal warning*
 - b. *Formal warning*
 - c. *Letter of direction*
 - d. *Infringement notice*
 - e. *Abatement notice*
 - f. *Enforcement order (decided by the Environment Court)*
 - g. *Prosecution (decided by the Environment Court)*





Click on the following links to open the attachments for decision [2016] NZEnvC 083:

Waikato District Council Consent Conditions:

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| Appendix 1 | <u>Concept Drawings</u> |
| Appendix 2 | <u>Landfill Envelope</u> |
| Appendix 3 | <u>Landfill Footprint</u> |
| Appendix 4 | <u>Leachability limits and screening conditions</u> |
| Appendix 5 | <u>Site Boundary</u> |
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| i. | <u>Site Management Plan</u> |
| ii. | <u>Landfill Management and Operations Plan</u> |
| iii. | <u>Landfill Works Design and Management Plan</u> |
| iv. | <u>Landfill Gas and Odour Management Plan</u> |
| v. | <u>Stormwater, Erosion and Sediment Control Plan</u> |
| vi. | <u>Air Quality Management Plan</u> |
| vii. | <u>Rehabilitation and Aftercare Plan</u> |

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