

**BEFORE THE WAIPĀ DISTRICT COUNCIL AND WAIKATO REGIONAL
COUNCIL**

**TOKANUI HOSPITAL DEMOLITION, REMEDIATION AND LANDFILL
UPGRADES**

Under the Resource Management Act 1991

In the matter of resource consent applications by Toitū Te Whenua Land
Information New Zealand under section 88 of the Act for
demolition and remediation works, and landfill upgrades, in
respect of the former Tokanui Hospital site.

**STATEMENT OF EVIDENCE OF EMILY CHEE WIN BUCKINGHAM (PLANNING)
ON BEHALF OF THE APPLICANT**

Dated: 12 September 2025

BUDDLE FINDLAY

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EXECUTIVE SUMMARY

1. My full name is **Emily Chee Win Buckingham**.
2. I am a Principal Consultant – Planning at SLR Consulting.
3. I have prepared this statement of evidence on behalf of the Toitū Te Whenua Land Information New Zealand (**LINZ or Applicant**) in respect of two resource consent applications for remediation and demolition works to return the former Tokanui Hospital site (**Site**) to land suitable for rural and rural residential activities (**Remediation Application**) and a discrete package of works related to the closed landfill on the Site allowing for the disposal of contaminated soil from the Site (**Landfill Application**) (together, the **Applications**). Together, the Applications relate to, and seek consents enabling, the **Project**.
4. The Project has a number of positive effects, including remediating a large Site so that it is appropriate for a range of future land uses; enabling the Site to be offered back to iwi as per a Treaty Settlement as part redress for whenua raupatu; the upgrade of an existing landfill which will improve water quality and ecological outcomes; and improvements to water flow and fish passage through additional stream daylighting.
5. The Project is of significant interest to iwi and mana whenua, with whom LINZ has continued to engage since lodgement of the Applications, and LINZ has made a number of further updates to the Project in response to concerns raised. These updates have focused on protecting the culturally and spiritually significant Wharekōrino Stream (**Stream**), ensuring that no culturally offensive material is disposed of in the landfill, and enabling mana whenua to uphold kaitiaki responsibilities. The Ngāti Maniapoto Post Settlement Governance Entity (**PSGE**), Te Nehenehenui Trust (**TNN**), is now comfortable that its concerns have been addressed and defer to mana whenua to address any cultural concerns.
6. Cultural concerns have been the focus of submissions received from mana whenua, with no specific challenge to the technical assessments expressed. I am confident that LINZ will be able to work with TNN and mana whenua to reach a position whereby cultural effects of the Project will be appropriately managed, enabling the positive outcomes of the Applications to be realised. In my view, it is appropriate for the Panel to grant both Applications for the requested terms, subject to conditions.

INTRODUCTION

7. My full name is **Emily Chee Win Buckingham**.
8. I am a Principal Consultant – Planning at SLR Consulting. I have held this role for over two years, since July 2023.
9. I am authorised to give this evidence on behalf of the Applicant.

Qualifications and experience

10. I have the following qualifications and relevant experience:
 - (a) Bachelor of Planning degree from the University of Auckland (2007).
 - (b) I have been a full member of the New Zealand Planning Institute since 2015.
 - (c) I have over fifteen years of planning experience, including in policy development and the preparation and processing of resource consent applications. Projects I have worked on include overflow resource consent processing on behalf of Waipā District Council (**WDC**); preparation of resource consent applications to Waikato Regional Council (**WRC**) for drainage channel maintenance, a river mooring and culvert upgrade works; and the Certificate of Compliance (**CoC**) application to WDC for the above ground demolition works at the Site.
 - (d) Prior to my current role I was employed by 4Sight (now SLR Consulting) as a Senior Planner for one year.
 - (e) From 2011 to 2022 I was employed by Hill Young Cooper as a Senior Consultant Planner.

Code of conduct

11. While this is a Council hearing, I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and I agree to comply with it. Unless I state otherwise, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

Project involvement

12. My involvement in the Project began in 2022, when I became part of the SLR Consulting team engaged by LINZ to provide planning and engagement services for the Project.
13. Key Project hui and meetings I have attended are as follows:
 - (a) Contamination & Closed Landfill Investigations hui, 13 December 2023 (described in section 6.5 of Iwi Engagement Report, Appendix D to the Remediation Application);
 - (b) Remedial Options Report hui, 30 April and 21 May 2024 (section 6.6 of Iwi Engagement Report);
 - (c) Closed Landfill Options Report on-site hui, 23 July 2024 (section 6.7 of Iwi Engagement Report);
 - (d) Closed Landfill Walkover, 1 July 2025 (described in the addendum to the Iwi Engagement Report attached to Matthew Bradley's evidence as **Appendix MB1**); and
 - (e) Online meetings with TNN on 29 May 2025 and 6 June 2025 (described in **Appendix MB1**).
14. I prepared the Assessment of Environmental Effects for the Remediation Application (**Remediation AEE**) and oversaw the preparation of the Assessment of Environmental Effects for the Landfill Application (**Landfill AEE**). I also either prepared or oversaw the preparation of the following appendices to the AEEs:
 - (a) Rules Assessment (Appendix R to the Remediation AEE).
 - (b) Objectives and Policies Assessment (Appendix S to the Remediation AEE).
 - (c) Proposed Conditions (Appendix T to the Remediation AEE).
 - (d) Rules Assessment (Appendix E to the Landfill AEE).
 - (e) Objectives and Policies Assessment (Appendix F to the Landfill AEE).
 - (f) Proposed Conditions (Appendix P to the Landfill AEE).

15. With input from the Project team, I prepared the further information (section 92) response letters to WRC dated 13 March 2025 and to WDC dated 19 March 2025.
16. In preparing my evidence I have reviewed various materials, including:
- (a) the application documents for the Project including the Remediation AEE, the Landfill AEE, and the accompanying technical reports;
 - (b) the documents circulated between the Applicant and WDC and WRC (together, the **Councils**) as part of the section 92 process;
 - (c) the Councils' section 42A reports prepared by Ms Ceri Hills (for WRC) and Ms Hayley Thomas (for WDC);
 - (d) the eight submissions received on the Applications, including:
 - (i) the two submissions received on behalf of TNN;¹ and
 - (ii) six submissions received from individuals² expressing concerns relating to the engagement/consultation process, adverse cultural effects, and various environmental effects (including in relation to the Stream, the landfill, and contaminated soil, among others); and
 - (e) the statement of evidence received from TNN dated 10 September 2025 and its six attachments.
17. In preparing this evidence I have considered and been informed by the draft evidence of Matthew Bradley (Project overview and engagement), Kim Wepasnick (Project design and delivery) and Sean Finnigan (Engineering, contaminated land and other environmental effects).

Scope of evidence

18. My statement of evidence addresses the planning aspects of the Project, including conditions.
19. Unless specifically raised by a submitter or in one of the section 42A reports, my evidence does not address environmental effects or the relevant statutory

¹ Dated 13 June 2025 (in respect of the submission on the WRC consents) and 23 June 2025 (in respect of the submission on the WDC consents).

² Robert John Muraahi (in relation to regional consents only), Niketi Toataua, Samuel Roa, Gordon Thompson, Nigel Ngahiwi and Yvonne Waho.

and non-statutory documents in detail, and instead refers to and relies on the Remediation AEE, Landfill AEE and technical reports as relevant.

20. Accordingly, my evidence addresses:
- (a) a description of the Project, including site and location, and overview of the Applications;
 - (b) an overview of the changes to the Project since lodgement of the Applications in November 2024;
 - (c) an overview of the statutory framework applicable to the Project;
 - (d) response to submissions, including in the context of effects raised; and
 - (e) conditions.
21. My responses to matters raised in the Councils' section 42A reports are addressed throughout my evidence, rather than in a standalone section.
22. I address each of these points in my evidence below.

PROJECT DESCRIPTION

Introduction

23. LINZ is seeking resource consents to remove underground infrastructure and remediate the former Tokanui Psychiatric Hospital Site (**Site or Project Site**). The former Tokanui Psychiatric Hospital is a deferred selection property in the Ngāti Maniapoto Deed of Settlement (**Deed**) and forms part of the Maniapoto Settlement Claims Act 2022 (**2022 Act**), which gives effect to the Deed. LINZ is the Government agency responsible for delivering the Project as part of the Crown's requirements under the Deed. Once the works are completed, the Site will be offered to the Ngāti Maniapoto Post Settlement Governance Entity, TNN, for purchase.

Project Site and location

24. The Project Site is located at 149 Te Mawhai Rd, Tokanui, approximately 14 kilometres southeast of Te Awamutu, Waikato. It is legally described as Section 1 SO 44852. The Site is approximately 79 hectares in size and contains 84 buildings/structures, a now decommissioned wastewater treatment plant (**WWTP**), a swimming pool, eight substations, substantial

underground services, a closed landfill and substantial roading infrastructure. The Site is shown in **Figure 1**.

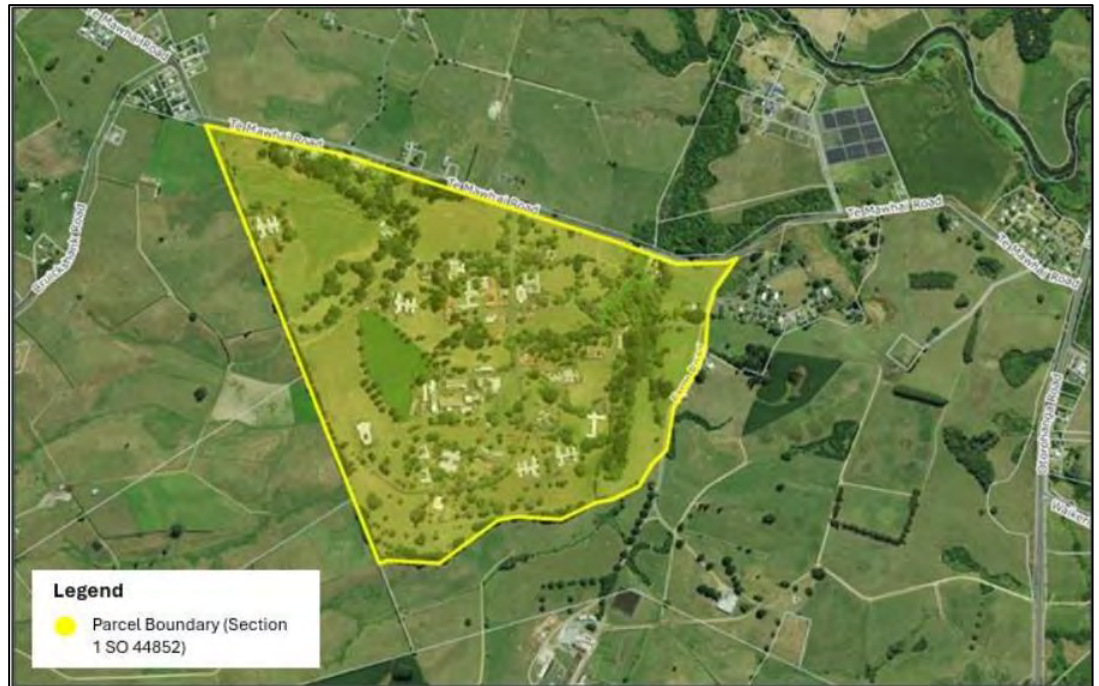


Figure 1: Site location and extent

25. The Stream transects the eastern portion of the Site flowing in a south to north direction. It flows into the Pūniu River which then flows into the Waipā River. The hospital's former landfill (now closed) is located on the eastern side of the Stream. The Stream is culverted where it passes through the southern part of the landfill area, referred to as Culvert 3, and then runs in an open natural stream channel along the western side of the landfill until passing through Culvert 2. The Stream then passes under Te Mawhai Road through Culvert 1. Locations of the Stream, culverts, natural inland wetlands and landfill are shown in **Figures 2 and 3**.



Figure 2: Freshwater and ecological features

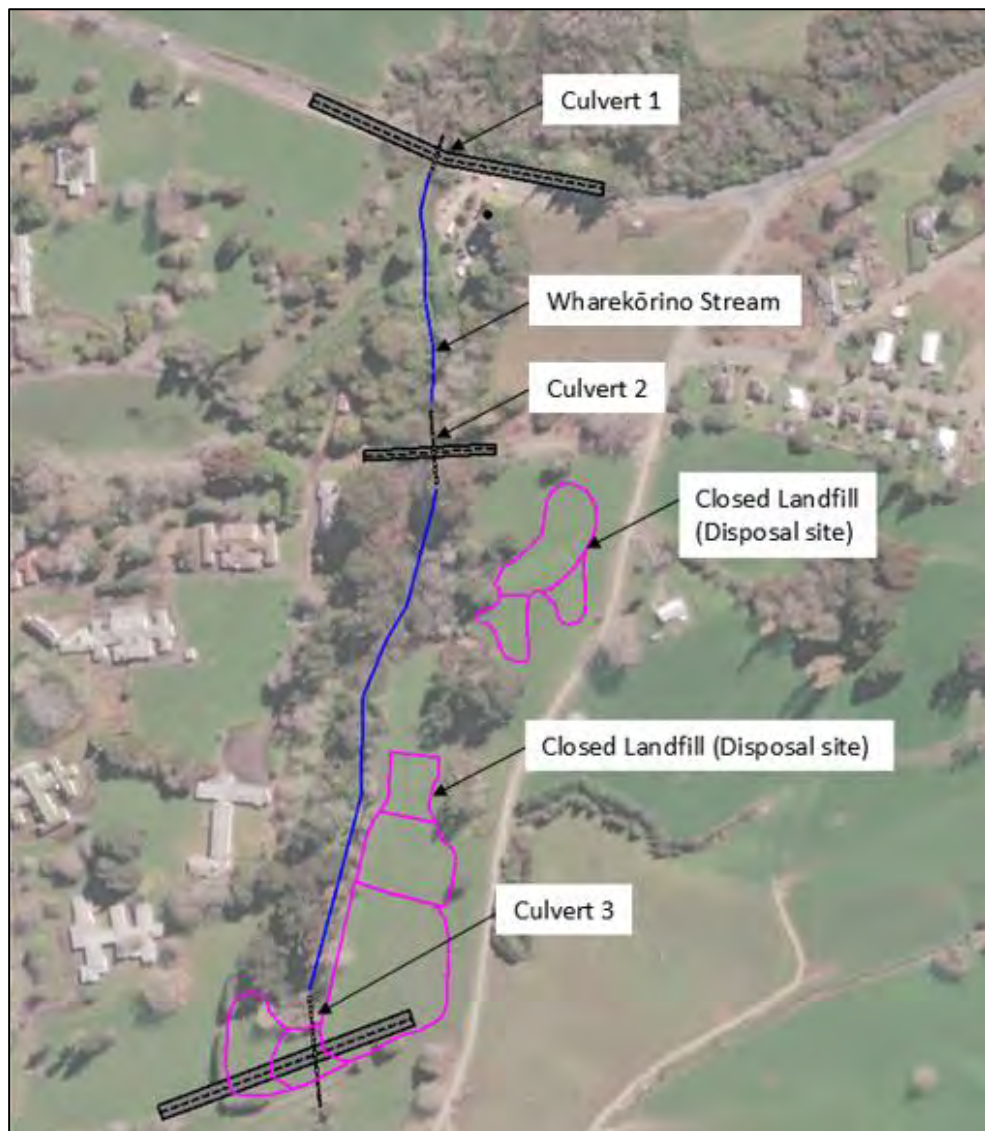


Figure 3: Landfill and culvert locations

Overview of the Applications

26. LINZ is seeking resource consents to remove underground infrastructure and remediate the Site. Two resource consent applications have been made to the Councils, as follows:
 - (a) The first application, referred to as the Remediation Application, is for substantial remediation works across the main hospital area (west of the Stream) to return it to vacant land that is suitable for rural and rural residential activities.
 - (b) The second application, referred to as the Landfill Application, is for a discrete package of management works related to the closed landfill on the eastern portion of the site.

Remediation Application

27. The key elements of the Remediation Application are summarised as follows:

- (a) Partial removal of horizontal infrastructure across the Site, including underground services up to 800mm below ground level and manholes to a depth of 1,000mm below ground level (**bgl**), and roads/paved areas (including coal tar roading materials);
- (b) Remediation of ~3,250m³ of soil contaminated by asbestos containing materials and lead-based paint, predominantly located around buildings, plus removal of a provisional ~3,150m³ of inferred contaminated soil and a contingency of ~1,400m³ to provide for any accidental discovery. Following soil remediation, the majority of the Site will meet the site specific rural residential standards;³
- (c) Removal of the foundations of 84 buildings/structures;
- (d) Works near streams and wetlands, including removal of Culvert 2 underneath a road embankment crossing the Stream, relining of the existing stormwater trunk pipeline, removal of pipes and cables crossing 'Wetland 2', and removal of redundant wastewater treatment plant infrastructure within and near 'Wetland 1' (see **Figure 2** above); and
- (e) Reinstatement of the Site following earthworks so that it is free of any debris and stabilised by grassing.

28. The following consents were sought:

- (a) under the Waipā District Plan (**WDP**), land use consent:
 - (i) to undertake earthworks exceeding 1,000m³ under Rule 4.4.1.4(a);
 - (ii) to exceed construction noise limits by up to 5 decibels at 203 and 207 Te Mawhai Road under Rule 4.4.2.19;
 - (iii) to generate over 250 vehicles per day equivalent to a local road under Rule 16.4.2.22;

³ Soil contaminant parameters derived by the Site-Specific Risk Assessment (Appendix K to the Remediation AEE)

- (iv) to undertake earthworks within 20m of a cultural site under Rule 22.4.1.1(m); and
 - (v) to undertake earthworks and vegetation clearance within 23m of a waterbody under Rule 26.4.1.3(a) and Rule 26.4.2.1;
- (b) under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**), for soil disturbance, remediation and change of use under Regulation 10;
- (c) under the Waikato Regional Plan (**WRP**):
- (i) groundwater diversion into excavations under Rule 3.6.4.13;
 - (ii) water take to dewater excavations under Rule 3.3.4.26;
 - (iii) water discharge from dewatering under Rule 3.5.4.5;
 - (iv) water damming and diversion for the trunk stormwater line maintenance and removal of Culvert 2 under Rule 3.6.4.17 and Rule 3.6.4.14;
 - (v) soil disturbance in a High Risk Erosion Area exceeding 1,000m³ under Rule 5.1.4.15, and outside a High Risk Erosion Area under Rule 5.1.4.13;
 - (vi) to discharge cleanfill from the removal of Culvert 2 and the associated road embankment under Rule 5.2.5.5;
- (d) under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**), for earthworks and vegetation clearance within, and within 10m of, a natural inland wetland under Regulation 54.

29. Overall, the activity status of the WDC Remediation Application is **Discretionary** and the activity status of the WRC Remediation Application is **Non-Complying**.

Landfill Application

30. The intent of the Landfill Application is to allow LINZ to take a holistic and proactive approach to long-term management of the closed landfill, as the Crown will remain responsible for management of this landfill going forward.

31. The key elements of the Landfill Application are summarised as follows:
- (a) relocation of existing fill/refuse material (from 'Area H' and part of 'Area A2', as well as from the landfill area located on Section 3 SO 534156) into the existing landfill;
 - (b) isolated removal of medical waste (in 'Area F') from an existing landfill cell;
 - (c) deposition of contaminated soil from hospital remediation works into the existing landfill;
 - (d) works near streams, including sealing of Culvert 3 that runs through the landfill and underneath a farm track, and replacement with a new shorter culvert and partial stream reinstatement;
 - (e) installation of a groundwater diversion drain to divert groundwater around the landfill area;
 - (f) upgraded capping of the entire landfill;
 - (g) reinstatement of the Site following earthworks so that it is free of any debris and stabilised by grassing; and
 - (h) renewing the existing resource consents for the entire landfill.
32. The following consents were sought:
- (a) under the WDP, land use consent:
 - (i) to undertake earthworks exceeding 1,000m³ under Rule 4.4.1.4(a);
 - (ii) to undertake a landfill activity in the Rural Zone under Rule 4.4.1.5(b);
 - (iii) to undertake earthworks within 20m of a cultural site under Rule 22.4.1.1(m); and
 - (iv) to undertake earthworks within 23m of a waterbody under Rule 26.4.2.1;
 - (b) under the NES-CS, for soil disturbance under Regulation 10;
 - (c) under the WRP, consents for:

- (i) discharges from leachate and dewatering under Rule 3.5.4.5;
 - (ii) stormwater discharge during landfill works under Rule 3.5.11.8;
 - (iii) groundwater diversion around landfill under Rule 3.6.4.9;
 - (iv) water damming and diversion during construction under Rule 3.6.4.14;
 - (v) replacement culvert for a catchment area not exceeding 500 hectares under Rule 4.2.9.3;
 - (vi) bed disturbance of the Stream under Rule 4.3.4.4;
 - (vii) soil disturbance in a High Risk Erosion Area under Rule 5.1.4.15, and outside a High Risk Erosion Area under Rule 5.1.4.13;
 - (viii) cleanfill disposal under Rule 5.2.5.6; and
 - (ix) discharges of contaminants from the reopened and then re-closed landfill under Rules 5.2.7.1 and 5.2.7.3; and
- (d) under the NES-F, for culvert replacement under Regulation 71.
33. Overall, the activity status of the WDC Landfill Application is **Non-Complying** and the activity status of the WRC Landfill Application is **Discretionary**.
34. I note that Ms Hills' combined (Remediation and Landfill) section 42A report has reviewed the grouping of activities for which regional consents are sought and has suggested a revised list at Table 2 of her report. I do not reproduce that table in my evidence but record that I am comfortable with Ms Hills' proposed amendments to the activity groupings. I note this does not affect the activity statuses.
35. Section 6.2 of Ms Hills' report states that consent is also required under NES-F Regulation 45C(5) for the discharge of stormwater within 100m of a natural inland wetland. LINZ did not apply for this consent and I have confirmed with Ms Hills that this is an error in the report, as this regulation of the NES-F relates to urban development activities, which are not being applied for.

UPDATES TO THE PROJECT SINCE LODGEMENT

36. Since the Applications were lodged, work has continued in preparation for the Project, including surveying, weed and vegetation clearance, and detailed

design. Engagement with TNN and mana whenua hapū has also continued, and submissions have been received and reviewed.

37. All of this has resulted in several updates to the Project which I outline below. I note that the Councils were informed of the updates relatively close to the time that the section 42A reports were being finalised, and due to that timing these updates have been acknowledged in the WDC section 42A reports but not the WRC section 42A report. For completeness, all updates are listed in my evidence and all associated documents are attached to either my or Dr Finnigan's evidence. Any further updates (that post-date the filing of LINZ's evidence), including in response to any evidence received from submitters, will be provided at the hearing.

Remediation Application – additional HAIL sites

38. During preparatory work to clear undergrowth and vegetation on the Site undertaken in 2025, two additional Hazardous Activities and Industries List (**HAIL**) sites were identified, being a toilet block and an historic bowling green. Comprehensive testing was undertaken to delineate the extent of soil contamination and additional Remedial Action Plans (**RAPs**) were prepared.
39. Having considered the additional HAIL sites and RAPs, in my view the proposed landfill design does not need to be modified (subject to the new revision to the landfill plans mentioned below) to accommodate the additional contaminated material, as the Landfill Application provided for contingencies in material volume.
40. The additional reporting on this matter and the additional RAPs are attached to the evidence of Dr Finnigan. I have assessed the addition of the HAIL sites against the provisions of the WRP and WDP and concluded that the changes do not breach any additional rules in either Plan, and do not change the activity status of the Applications. My complete, updated rules assessment is attached as **Appendix EB1**.

Landfill Application – Culvert 3 & Stream realignment

41. At the time of lodgement, it was proposed in the draft conditions that the final detailed design drawings of the replacement Culvert 3 and the new daylighted stream section of the Stream would be undertaken post-consent, reviewed by an ecologist and provided to WRC.⁴

⁴ Condition I32 of Appendix P to Landfill Application.

42. However, in order to advance this component of works and provide additional certainty to TNN and mana whenua regarding ecological effects, detailed design has been progressed. A new revision of the landfill plans was issued on 20 August 2025 (**Issue Set 6**) which is attached to the evidence of Dr Finnigan. This was provided to TNN on 21 August 2025.
43. The changes, as included in Issue Set 6, are summarised as follows:
- (a) proposed new Culvert 3 is shifted further to the north-west to reduce disturbance to existing landfilled materials. The new stream channel section is now approximately 105m (increased from 75m);
 - (b) the proposed 1,350mm diameter culvert is to be embedded by 340mm, thereby providing for fish passage. Gabion baskets and riprap rock walls have been added on the base and sides of the culvert outlet and inlet; and
 - (c) details of stream design are added, including a gentle meander, naturalisation using 150-300mm deep pools, rocks and logs; low flow channel; riparian planting; and resting pools at the culvert inlet and outlet.
44. An additional ecological assessment of habitat provision and fish passage was undertaken by my SLR Consulting colleagues in light of Issue Set 6 (**Appendix EB2**). The ecological assessment concludes that:⁵
- (a) Culvert 3 has been designed with careful consideration of the New Zealand Fish Passage Guidelines and allows for the passage of weaker-swimming native fish species; and
 - (b) the new section of channel promotes ecological values and will not result in any barrier to native fish passage.
45. The additional ecological assessment was sent to TNN on 21 August 2025.
46. I have assessed the design changes in Issue Set 6 against the provisions of the WRP and WDP and concluded that the changes do not breach any additional rules in either plan and do not change the activity status of the application. As above, my rules assessment is attached as **Appendix EB1**.

⁵ SLR Consulting NZ *Former Tokanui Hospital culvert remediation Fish passage Evaluation* (20 August 2025) (**Appendix EB2**).

47. Part of the works will take place on the neighbouring AgResearch site (Section 3 SO 534156). AgResearch have been provided with Issue Set 6 and have re-signed the affected party approval form and the plans (attached as **Appendix EB3** and **Appendix EB4**).

Remediation and Landfill Applications – Stream works

48. TNN and mana whenua expressed particular interest in the water quality and mauri of the Stream in discussions and submissions. Several submissions refer to the Stream as a taonga of spiritual and cultural significance that must be protected. The alteration of natural flows and any discharge of contaminants to the Stream are of concern to these parties.
49. At the time of lodgement, it was proposed in the draft conditions that temporary damming and diversions to facilitate Culvert 2 and Culvert 3 works would be in place for no more than 16 weeks.⁶ This period related to the total length of time required for the entirety of the culvert works. As stated in Dr Finnigan's evidence, the period of actual stream diversion expected for the Culvert 2 and 3 works within this 16-week timeframe is no more than four weeks per culvert.
50. To provide additional certainty that there will be minimal effects on flow rates, it is now proposed to reduce the period when the diversions can be in place from 16 weeks to up to four weeks per culvert. I note this is a slight increase from the three weeks proposed in recent correspondence to TNN, as Dr Finnigan has reconsidered the required time period in light of the added gabion baskets and rock walls at Culvert 3 inlet.
51. LINZ also volunteered conditions that require all normal stream flows to be maintained during the stream diversions. This intent is reflected in WRC's conditions,⁷ which I consider will achieve the same outcome of ensuring natural flows are not impacted by the works.
52. To further enhance the Stream, approximately 8,000m² of additional riparian planting is now proposed between Culverts 2 and 3. An updated planting plan (**Updated Planting Plan**) has been prepared by the SLR Consulting ecology team and is attached (**Appendix EB5**) to replace the planting plans submitted. TNN was informed of the intention for additional riparian planting on 5 August 2025, however the Updated Planting Plan itself has only been

⁶ Condition I20 in Appendix P to Landfill Application; and Condition I23 in Appendix T to Remediation Application.

⁷ WRC Condition 14 of AUTH146952.03.01; and Condition 13 and 14 of AUTH146952.08.01.

finalised at the time of preparing this evidence, so no submitters have viewed it yet.

53. As outlined in the Updated Planting Plan, the large existing trees in the streamside margin providing shade and ecological function to the Stream are proposed to remain. The Updated Planting Plan includes weed removal and planting additional natives in this area, enhancing indigenous biodiversity.

Archaeological Authority

54. The Archaeological Authority for the Project was granted on 25 February 2025 (Authority No. 2025/381) and a copy is attached in **Appendix EB6**.

Cultural Monitoring

55. LINZ has progressed arrangements for cultural support and monitoring to be in place for the Project. A draft work request for cultural support was sent to mana whenua on 1 September 2025 and is to be discussed at a hui on 16 September 2025. This is further discussed in and attached to the evidence of Mr Bradley, and I refer to the draft work request later in my evidence when I discuss the mitigation of cultural effects.

STATUTORY FRAMEWORK

Resource Management Act 1991 (RMA) key provisions

Sections 104D, 104 and 104B RMA (assessment, including for non-complying activities)

Section 104D

56. The Remediation Application to WRC and the Landfill Application to WDC are both being processed on a bundled basis as non-complying activities. The AEEs conclude that the activities' adverse effects on the environment will be less than minor, and that the proposed activities will not be contrary to the objectives and policies of the plans. Both limbs of the section 104D 'gateway test' are satisfied and the Applications can be considered under section 104.
57. I note that both Ms Hills and Ms Thomas agree that the Remediation Application passes the section 104D gateway test under both limbs. Ms Hills also considers that the Landfill Application to WRC meets both limbs of the

gateway test. Ms Thomas takes a different view in respect of the WDC components of the Landfill Application.

58. Ms Thomas considers that although the Application passes through the section 104D gateway by virtue of the objectives and policies limb ((1)(b)), it does not meet the effects limb due to the *"strong message from the submissions [is] that the cultural effects cannot be suitably avoided, remedied or mitigated to be acceptable."*⁸ TNN's submission seeks overall relief aligned with the project and indicates that a negotiated outcome is possible. In its statement of evidence received on 10 September 2025 TNN notes:

(a) *"we are now comfortable that our concerns have been addressed or will be addressed through the imposition of consent conditions"; and*

(b) *"While we are satisfied that our technical concerns have been addressed, we defer to mana whenua as kaitiaki of the area to address any cultural concerns, noting the significant progress that has been made in terms of the cultural support proposed for the project. A hui is planned for 16th September 2025 and TNN have assessed the planned cultural support measures. At this stage, we are satisfied that the measures proposed address our concerns, while acknowledging that this does not predetermine any final outcome."*

59. Mr Bradley's evidence provides additional detail in respect of updates to engagement with TNN and mana whenua, and later in my evidence I describe how I consider that the cultural effects of the Project either have been, or can be, suitably mitigated. Regardless, both Council planners agree that the section 104D gateway test is satisfied, and I continue to also hold that view.

Sections 104 and 104B

60. Section 104 has been assessed in the AEEs. For both Applications the proposed activities were considered to have less than minor and acceptable actual and potential effects on the environment, with any additional cultural effects to be further ascertained via submissions. I address the submissions in detail later in my evidence. I consider that a number of measures have been proposed which will mitigate the Project's effects on cultural values. With these measures in place and noting TNN's statement of evidence (including the excerpts above), I am confident that LINZ will be able to work

⁸ Waipā District Council Section 42A report LU/0232 (WDC section 42A (landfill) report) at [14.3].

with TNN and mana whenua to reach a position whereby cultural effects of the Project will be appropriately managed.

61. Both Applications also provide for positive outcomes, including:
- (a) The Remediation Application will enable the Site to be offered back to TNN as part redress for whenua raupatu. The works associated with that Application will remove the risks and obstructions posed by abandoned buildings and structures. Contaminated soil and underground infrastructure will be removed, and the Site will be rehabilitated. The overall outcome is that the Site will be appropriate for a range of future land uses (including, as signalled by Ms Thomas, rural purposes in the WDC section 42A (landfill) report);⁹
 - (b) The Landfill Application will enable the landfill to be repaired and upgraded which will in turn improve water quality and ecological outcomes for the adjoining Stream;
 - (c) The Landfill Application will allow for contaminated soils from the Site to be disposed of which will reduce the need for vehicle movements offsite and associated vehicle emissions (up to 15 truck and trailers per day across 18-24 months will be diverted from travelling to an offsite landfill);
 - (d) Water flow and fish passage will be improved through removing the road embankment crossing the Stream and Culvert 2, installing a new Culvert 3 and realigning the Stream, and riparian planting will provide ecological enhancement; and
 - (e) The Project provides for local employment opportunities and upskilling.
62. In my view it is appropriate for the Panel to grant both Applications subject to conditions, as permitted under section 104B.

Sections 105 and 107 RMA (discharges)

63. Discharge consents are sought to discharge water and cleanfill during works and to discharge stormwater and leachate from the landfill on an ongoing basis. My view remains as set out in the AEEs, which is that (on the basis of the technical reporting accompanying the Application and evidence of Dr

⁹ WDC s42A (landfill) report at [11.22].

Finnigan) the proposed discharges will be acceptable and less than minor in nature.

64. Furthermore, as set out in the AEEs, supported by Dr Finnigan's evidence and acknowledged in the WRC section 42A report,¹⁰ the discharges will not give rise to the effects listed in section 107. Ongoing monitoring of surface water and groundwater is volunteered to manage any effects on water quality and aquatic ecosystems arising from the landfill discharge. This requirement is upheld in WRC's recommended conditions for AUTH146952.05.01.

Section 108 RMA (conditions)

65. A set of draft conditions was included with each of the Applications (Appendix T to Remediation Application and Appendix P to Landfill Application) which were considered to avoid, remedy or mitigate the potential adverse effects on the environment. Ms Thomas and Ms Hills have each proposed conditions in respect of the WDC and WRC components of each Application. I have provided comments on my key areas of difference later in my evidence. Following the upcoming hui on 16 September and the receipt of submitter evidence, I intend to prepare updated, consolidated sets of conditions using the Council's conditions as a base and showing changes in underline and strikethrough for the hearing.

Sections 123 and 125 RMA (duration and lapse)

66. A 35-year duration is requested for the regional consents relating to ongoing discharge from the landfill (discharge of contaminants, diversion of groundwater, and operation of the landfill). I consider that this is an appropriate duration, given my view that the nature and extent of adverse effects will be less than minor and ongoing monitoring and management conditions are proposed. Ms Hills agrees that this term is appropriate.¹¹
67. For resource consents required for construction works (soil disturbance, damming and diversion of water, discharge of cleanfill) a duration of seven years is requested. This duration will align with the requirements of the Deed, which requires at section 9.15.3 of the Property Redress Schedule, the Crown to complete the demolition and remediation works no later than seven years following the consent commencement date.

¹⁰ Waikato Regional Council *Section 42A report (WRC section 42A report)* at [10.4.8].

¹¹ WRC s42A report at [5].

68. Ms Hills agrees that a seven-year term is appropriate and Ms Thomas is silent on term in both the WDC section 42A (remediation) report and WDC section 42A (landfill) report.
69. It is requested that the standard five-year lapse period be applied.

National and regional planning documents

70. The key planning and policy documents against which the Project has been assessed are as follows:
- (a) NES-CS;
 - (b) NES-F;
 - (c) National Policy Statement on Freshwater Management 2020, updated in October 2024 (**NPS-FM**);
 - (d) National Policy Statement for Highly Productive Land (**NPS-HPL**);
 - (e) National Policy Statement for Indigenous Biodiversity (**NPS-IB**);
 - (f) Waikato Regional Policy Statement (**WRPS**);
 - (g) WRP;
 - (h) WDP;
 - (i) Ko Tā Maniapoto Mahere Taiao, Maniapoto Environmental Management Plan (**Maniapoto EMP**);
 - (j) Raukawa Iwi Management Plan;
 - (k) Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao;
 - (l) Ngā Wai o Maniapoto (Waipā River) Act 2012 (**Waipā River Act**); and
 - (m) Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River (**Te Ture Whaimana**).
71. These documents have been assessed in section 7 of, and Appendix S to, the Remediation AEE and section 7 of, and Appendix F to, the Landfill AEE.
72. I do not repeat that assessment here, however in light of the submissions and Council section 42A reports I would like to provide additional comment on the Project's alignment with:

- (a) the NPS-FM, the Waipā River Act, and Te Ture Whaimana;
 - (b) the Maniapoto EMP; and
 - (c) the WRPS objectives and policies.
73. My position when reviewing these documents is based off their wording and TNN's submission seeking overall relief aligned with the Project (and recognises the proposed enhancements) and indicates that a negotiated outcome is possible. TNN's statement of evidence has now been received and I am confident that LINZ will be able to work with TNN and mana whenua (including through the hui scheduled for 16 September) to reach a position whereby cultural effects of the Project will be appropriately managed.

NPS-FM

74. Te Mana o te Wai is a fundamental concept to the NPS-FM and freshwater management, that refers to *"the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community."*¹²
75. Te Mana o te Wai encompasses the principles of *mana whakahaere* and *kaitiakitanga* for tangata whenua. In my view, the Project recognises those roles and obligations of tangata whenua through taking into account tangata whenua views (expressed in the Cultural Impact Assessment (**CIA**) and submissions) in the Project design and proposed methodology, and providing for cultural monitoring of all stream works.
76. Through the Project design and methodology, it is my assessment that the Project prioritises the health and wellbeing of freshwater bodies and ecosystems through use of best practice erosion and sediment controls, careful storage and use of materials and machinery, careful design of stream works (amended further as above) and the reduction in leachate to the Stream (in particular boron levels) through the landfill improvements.¹³ The range of measures to be applied are set out in the technical reports appended to the Applications and reflected in the volunteered conditions, and have not been challenged by the Councils or submitters on a technical basis.

¹² NPS-FM, clause 1.3(1).

¹³ Noting that section 104(2F) requires that "when considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020)".

The stream works have been assessed as representing a positive effect/net gain for freshwater values in the Ecological Impact Assessment appended to the Applications. There are no reductions in the extent of wetlands or river extent.

77. Therefore, I consider that the Project gives effect to the NPS-FM. For similar reasons, I consider that the Project is aligned with the Waipā River Act and Te Ture Whaimana (which are assessed in the AEEs)¹⁴ – noting that it achieves a degree of betterment for the Waipā River catchment in the long term.

Maniapoto EMP

78. Section E, Part 24.0 of the Maniapoto EMP includes Waste Management objectives and policies. I remain of the view expressed in the Landfill AEE, being that through upgrading and repairing the existing landfill, and ensuring that an Aftercare and Monitoring Plan is in place, the objectives and policies to avoid the adverse effects of solid and hazardous waste disposal will be met.
79. In my view, the Landfill Application is fully consistent with Maniapoto EMP Actions 24.2.2.1(i) and (j) to *"undertake remedial work at closed landfill sites where leaching of contaminants is occurring, or could occur, to prevent contamination of groundwater, waterways, and coastal waters"* and *"ensure disposal facilities are designed and managed to ensure no leaching to or contamination of the environment"*.
80. I remain of the view expressed in the AEEs that the Project is consistent with other sections of the Maniapoto EMP, including Section B Engaging with Maniapoto; Section C Protecting and Enhancing Cultural Capital, Part 14 (Fresh Water), Part 15 (Wetlands), Part 18 (Land), Part 19 (Natural Heritage and Biodiversity) and Part 20 (Natural Hazards).
81. Overall, I consider that the Project is consistent with the Maniapoto EMP.

WRPS Objectives and Policies

82. Both Councils' section 42A reports conclude that the Project is not contrary to the relevant WRPS objectives and policies.¹⁵ I provide some additional comments on WRPS objectives and policies below in response to updates to

¹⁴ Section 7.4.2 and Section 7.4.3 of both the Remediation and Landfill AEEs

¹⁵ WRC s42A report at [10.1] and [10.3]; WDC s42A (remediation) report at [11.30]; and WDC s42A (landfill) report at [11.22].

the Project since lodgement, and rely on the AEEs for the remainder of the objectives and policies assessment.

WRPS Objective / Policy	Additional Comment
IM-O7 – Relationship of tangata whenua with the environment <i>The relationship of tangata whenua with the environment is recognised and provided for, including:</i> 1. <i>the use and enjoyment of natural and physical resources in accordance with tikanga Māori including mātauranga Māori; and</i> 2. <i>the role of tangata whenua as kaitiaki.</i>	The application has now been notified to mana whenua to allow further opportunity for input on tangata whenua values, given their relationship with the environment and role as kaitiaki. This additional input has been considered carefully, and further updates to the Project have been made in response, as set out in my evidence.
IM-P3 – Tangata whenua <i>Tangata whenua are provided appropriate opportunities to express, maintain and enhance the relationship with their rohe through resource management and other local authority processes.</i>	
HCV-O1 – Historic and cultural heritage <i>Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region's and New Zealand's history and culture.</i>	The relationship of tangata whenua to their ancestral lands, water, sites, wāhi tapu and other taonga is recognised and will be provided for through cultural support and monitoring for the Project, which has been substantially progressed since lodgement.
HCV-P2 – Relationship of Māori to taonga <i>Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.</i>	Archaeological authority has now been obtained from HNZPT in relation to disturbance of potential archaeological areas. Such works will follow the conditions of the authority and be monitored by an archaeologist.

83. I also note Ms Thomas' comments in relation to WDP Objective 4.3.12 and Policy 4.3.12.1 – Non-farming activities. As the landfill is existing, and the Project involves an upgrade rather than new landfilling activity, I agree there is a functional and compelling reason for this Project to occur in the Rural Zone. Once the works are complete, the landfill will again appear rural in character and be able to be grazed.

RESPONSE TO SUBMISSIONS

Effects on Cultural Values

84. TNN's submissions seek that the most offensive material be disposed of off-site, rather than in the existing landfill on-site. Since receiving TNN's

submissions, the LINZ team has discussed this matter further with TNN, as discussed in Mr Bradley's and Ms Wepasnick's evidence. From attending these discussions, I understand that TNN considers that the most culturally offensive material is waste derived from te tinana (the body) and new polluted material being disposed which has the potential to leach into the water system.

84. The only additional material proposed to be added to the landfill (beyond what is already in there) is soil from the Site. This soil contains low to moderate levels of contaminants, primarily lead, zinc, and asbestos. As set out in Dr Finnigan's evidence, soil testing has shown a low potential for this soil contamination to affect surface and groundwater.
85. No material derived from the human body has been identified in the closed landfill throughout the landfill investigations, aside from the isolated medical waste which is proposed to be removed and disposed of off-site, as set out in the Landfill AEE.
86. Accordingly, the Landfill Application:
 - (a) does not involve the disposal of any human body-derived material, which it is understood is of most concern to TNN;
 - (b) proposes to add soil to the existing landfill that contains low to moderate levels of contaminants, and other material (including medical waste) is to be disposed of off-site; and
 - (c) includes the removal of the most culturally offensive material in the existing landfill.
87. TNN's tabled statement of evidence indicates that it is comfortable that this aspect of its submission has been addressed.
88. A key part of the Project for LINZ has always been the need to ensure strong cultural monitoring and induction protocols and conditions are in place, which has also been a theme throughout the submissions. Based on the CIA, LINZ had volunteered consent conditions providing for cultural monitoring of works undertaken within waahi tapu areas and for the removal of large native trees.¹⁶

¹⁶ Condition D1 in Appendix T to Remediation Application; and Condition D3 in Appendix P to Landfill Application.

89. Submissions and post-lodgement discussions with TNN and mana whenua have reinforced that the Stream is of particular cultural and spiritual importance. In recognition of the importance that TNN and mana whenua place on maintaining the mauri and water quality of the Stream and protecting taonga species, LINZ has added stream works to the scope of the draft request for cultural support services sent to mana whenua on 1 September 2025. TNN's tabled statement indicates that it is comfortable that this aspect of its submission has been addressed.
90. Yvonne Waho's submission states that the recommendations of the CIA have not been incorporated, and Sam Roa's submission also states that Ahi Kāroa, mana whenua views have not been taken into account.
91. Table 9 on page 61 of the Remediation AEE and Table 8 on page 56-57 of the Landfill AEE set out how the recommendations of the CIA were incorporated into the Project, however in light of those submissions I include an updated, consolidated version below.

Recommendation	Comments ¹⁷
Tangata Whenua rights to protect their taonga are guaranteed as stated under Article 2. of the Treaty of Waitangi.	The proposed work incorporates procedures that are intended to enable Tangata Whenua to protect their taonga.
Expect a consent condition to provide Tangata Whenua with 6 monthly ground and surface water quality reports.	Conditions are proffered for ongoing monitoring of ground and surface water quality on a bi-annual basis for ongoing discharges related to the landfill.
Tangata Whenua must be involved in the development of a Remedial Action Plan for minimizing and mitigating risks arising from leachate due to earthworks and other demolition activities.	The draft Remedial Options Report (ROR) was discussed at three hui. A fact sheet and copy of the presentation was then circulated to the distribution list of attendees. Following engagement, the ROR was finalised and the Remedial Action Plan (RAP) to implement the preferred remediation option was subsequently prepared, and was informed by cultural considerations.
Protect waipuna/freshwater springs that may be discovered during remediation.	No springs have been identified to date. The draft Demolition, Deconstruction and Remediation Management Plan (DDRMP) sets out that contractors are to stop work if any springs are encountered and advise the LINZ Project Engineer and Cultural Monitor.
Continue to monitor excess nitrate levels to mitigate risk of water logging on pastures	Grazing access for farming activities will be temporarily reduced during the works and may then resume on a temporary basis. Nitrate is monitored in the stream and groundwater as part

¹⁷ This table reflects Tables 8 and 9 of the two AEEs, and any amended comment is shown in red text.

Recommendation	Comments ¹⁷
	of landfill monitoring. The works will not change any ground topography that would cause any increase or decrease in water logging. Removal of the stormwater pipe collection network will result in most runoff being overland flow, but conversely, there will be less runoff in peak storm events due to removal of most impervious surfaces.
Tangata Whenua to identify trees that need to remain standing. Protocols to be established for removal of any Tūpuna trees and Rakau mauri	Ecologists have identified large native trees across the site. These are understood to be the trees that would be significant for seed gathering. It is anticipated that their removal can be avoided. In the event that removal cannot be avoided, or additional significant trees are identified by Tangata Whenua, LINZ will establish required protocols with the Cultural Monitor.
Regard be given to the specific provisions in the Heritage New Zealand Pouhere Taonga Act (2014) and the Protected Objects Act (2006) to protect waahi tapu, significant cultural sites and taonga	LINZ has had regard to the NZHPT Act and Protected Objects Act. An archaeological authority has now been obtained under the HNZPT Act and works will be undertaken in accordance with its conditions.
A robust Accidental Discovery Protocol be developed and adopted for the duration of construction work	The Archaeological Authority will ensure that appropriate protocols are followed for any discoveries. An Accidental Discovery Protocol is also included in the DDRMP and the RAP. A condition of consent is also anticipated. These protocols were implemented as part of initial investigations as a pilot trial for the main works.
Site management protocols be developed to ensure a precautionary approach to site works to manage the potential for waahi tapu and taonga tuku iho discovery	Several areas have been identified that require particular caution and archaeological and cultural monitoring of works. As part of site induction and HNZPT requirements, all contractors will be briefed on what to do in the event of a discovery from both a cultural and archaeological perspective.
Avoid areas identified by iwi.	Works within the waahi tapu areas need to follow specific requirements, including observation by cultural monitors.
The adverse effects of resource use and activity operations are managed so as to appropriately protect areas and sites of significance.	The works will remove obsolete structures and contaminated land. The ground will be restored following the works. Measures will be in place for the protection of areas and sites of significance.
That LINZ work in good faith with Tangata Whenua and escalate the relationship to a formal partnership reflecting Te Tiriti o Waitangi principles as part of project preplanning phase, and ensure Tangata Whenua are actively involved in key project planning, contracting	LINZ worked closely with Tangata Whenua in project planning and decision making processes, and intends to engage Tangata Whenua in cultural monitoring roles for the works.

Recommendation	Comments ¹⁷
and cultural monitoring roles and decision processes.	
Include Tangata Whenua in the implementation of the recommendations outlined in the CIA.	Where possible, recommendations from the CIA were implemented during initial investigations. It is intended that Tangata Whenua be involved in the implementation of the CIA recommendations, as outlined in this table.
That Cultural Monitors/Kaitiaki be appointed for the project to manage and monitor cultural safety protocols.	LINZ agrees to appoint cultural monitors to manage and monitor cultural safety protocols. It is common that HNZPT will legally require tikanga protocols to be allowed for.

92. Niketi Toataua's submission states that the work will directly impact known and recorded sites of significance and there has been no process for identifying, protecting or mitigating the effects on these sites.
93. The Waahi Tapu Investigation (Appendix B to Remediation Application) has identified waahi tapu and sites of cultural significance to mana whenua, and the proposed approach to mitigate effects on these waahi tapu areas is for cultural monitoring of earthworks by a cultural expert, and for a discovery protocol to be in place should any waahi tapu or taonga tuku iho be discovered.
94. I understand that LINZ is working with TNN and mana whenua to ensure any impacts on known and recorded sites of significance can be managed in an appropriate and culturally sensitive way in keeping with the tikanga of Ngāti Maniapoto and mana whenua hapū. I understand the intention is to provide an update at the hearing once discussions have progressed further.
95. The submissions from Ms Waho, Mr Toataua, Mr Roa and Nigel Ngahiwi generally consider that not enough environmental assessment has been undertaken, or that best practice remediation measures have not been adopted. No further specifics have been provided by the submitters.
96. In my opinion, the environmental assessments included in the respective Applications are very thorough and the proposed remediation follows best practice.
97. In summary, the submissions received have usefully highlighted some further cultural effects for consideration, in addition to the recommendations in the

CIA. In response, I consider that the following clarifications and changes to the Project provide appropriate mitigation of these effects:

- (a) LINZ has clarified with TNN that the most offensive material is not proposed to be disposed of in the onsite landfill. While this is already part of the Landfill Application as proposed, more explicit consent conditions could provide additional reassurance, and are therefore recommended.
- (b) Cultural monitoring of all stream works is now proposed so that mana whenua can uphold kaitiaki responsibilities for the Stream, in addition to the cultural monitoring of works within waahi tapu areas and any large native tree removal already proposed. The draft Cultural Support work request also provides for the cultural advisor / kaitiaki to undertake cultural inductions and implement cultural safety protocols such as performing karakia.
- (c) The maximum stream diversion period has been reduced from 16 weeks to four weeks, with all normal flows to be diverted around the works areas. Additional analysis has been undertaken to confirm stream base flows will not be adversely affected by the Project (see Dr Finnigan's evidence).
- (d) Approximately 8,000m² of additional native riparian planting for the Stream is proposed in order to further enhance indigenous biodiversity at the Site, which is understood to also be supported from a cultural perspective.
- (e) Detailed design of Culvert 3 and the new stream channel has been undertaken and an ecologist has confirmed the design allows for native fish passage and habitat, and promotes ecological values.
- (f) The measures proposed to be utilised during and following construction to minimise the possibility of sediment and contaminants entering the Stream are robust and best practice, and have not been challenged from a technical/scientific perspective.

98. As noted in the CIA, should the Site be returned to a state that is safe for future generations to live on, mana whenua are excited to think about future opportunities for the land when it is offered back. I consider this to be an important positive cultural effect of the Project.

Engagement and Consultation

99. The submissions from Mr Thompson, Mrs Waho, Mr Toataua, Mr Roa, and Mr Ngahiwi state that insufficient consultation and engagement has been undertaken. Mr Bradley's evidence addresses these submissions. I note that the submission from TNN acknowledges that extensive iwi consultation has been undertaken over a number of years.

Assessment of Statutory/Non-Statutory Documents

100. Mrs Waho, Mr Muraahi and Mr Ngahiwi's submissions state that the Applications lack assessment against, or are inconsistent with, various statutory and non-statutory documents. As outlined above in my evidence, an assessment against these documents has been included in the Remediation and Landfill AEEs. The specific locations of these assessments are referenced below:
- a) **Te Mana o te Wai:** reflected by NPS-FM and Te Ture Whaimana below.
 - b) **NPS-FM:** Section 7.3.3 Remediation AEE and Section 7.3.3 Landfill AEE.
 - c) **Te Tiriti o Waitangi:** Section 2.2 (the Maniapoto Settlement Claims Act 2022), Section 7.4.1 (Iwi Management Plans), and Section 10.0 (Part 2 of the Act) of both the Remediation AEE and Landfill AEE.
 - d) **the Act** – assumed to be the RMA: throughout the Remediation and Landfill AEEs in particular sections 7.0 and 8.0.
 - e) **Ko Tā Maniapoto Mahere Taiao (Maniapoto Environmental Management Plan):** Section 7.4.1.1 Remediation AEE and Section 7.4.1 Landfill AEE.
 - f) **Ngā Wai o Maniapoto (Waipā River) Act:** Section 7.4.2 Remediation AEE and Section 7.4.2 Landfill AEE.
 - g) **Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River:** Section 7.4.3 Remediation AEE and Section 7.4.3 Landfill AEE.
101. Both the Remediation AEE and Landfill AEE conclude that the Project is consistent with the relevant objectives, policies, and outcomes sought by these documents.

102. In response to Mr Muraahi's submission, I have provided additional assessment above of the Project's alignment with the Maniapoto EMP and the Waipā River Act.
103. In response to Mr Ngahiwi's and Ms Waho's submissions, I have provided additional assessment above with respect to te Mana o te Wai.
104. I have also provided an update above in my evidence as to the Project's alignment with the WRPS objectives and policies.

Traffic, Noise and Dust Effects

105. Mr Thompson's submission raised concerns about traffic movement from the proposed works impacting on farm operations and people. These potential effects have been addressed in the Integrated Traffic Assessment (ITA) attached as Appendix N to the Remediation AEE and Appendix N to the Landfill AEE. The ITA concludes that traffic generated by the proposal will not adversely affect the operation of the road network, even if soil is disposed of offsite. However, I note that the Landfill Application (to enable disposal of soil onsite without trucks needing to exit the Site) does provide for a significant reduction in the traffic movements that would be generated to the road network.
106. Similarly, Mr Thompson also raised concerns around noise generated from traffic movements and demolition activities. The Acoustic Assessment attached as Appendix O to the Remediation AEE and Appendix M to the Landfill AEE concludes that noise generated by the proposed activities will be within rural standards at the nearest sensitive receptors, including the farm.
107. Mr Thompson's submission also raised concerns around airborne contaminants and dust as a result of the proposed works. Dr Finnigan has addressed this in his evidence. There will be no offsite airborne contaminants as a result of the proposed works, and any adverse effects will be addressed in detail by environmental management measures.

Water Quality and Flows

108. TNN, Mr Ngahiwi, Mr Thompson and Mrs Waho's submissions raise concerns around the stream diversion, adverse hydrological effects on the Stream, flooding risk, contaminated soils and leachate generation. I refer to and rely on Dr Finnigan's evidence where he has addressed these concerns. In summary:

- (a) the landfill upgrade works will reduce leachate volumes and boron discharges significantly, and there will be ongoing monitoring of those aspects;
- (b) net flows in the Stream are not expected to be either temporarily or permanently reduced, including during periods of stream diversion; and
- (c) increased peak flood flows below Te Mawhai Road will be contained within the bush area and will not affect the Marae or any farmland.

Effects on Ecological Values

109. TNN's submission refers to minimising the removal of indigenous vegetation and exotic vegetation that provides habitat for indigenous species as far as possible. Concerns are also raised about compromises to fish passage and stream habitat.
110. Above in my evidence I outline changes made to the Project since lodgement in response to these concerns. Based on expert ecological advice in the attached memo (**Appendix EB2**), the latest design will improve fish passage and stream habitat. Vegetation removal was already proposed to be minimised, with bat management protocols in place for removal, and riparian vegetation is to be replaced if it is necessary for it to be removed. The additional riparian planting now proposed will further improve indigenous habitat. TNN's tabled statement indicates that it is now comfortable that these aspects of its submission have been addressed.

Conclusion – Response to Submissions

111. In my analysis, I recognise the cultural concerns raised but there is no specific challenge to the technical assessments expressed in the submissions received. The focus is therefore on cultural effects which, with the further changes that have now occurred, the statement of evidence on behalf of TNN, the proposed conditions and the upcoming hui and further discussions with submitters (in respect of which an update will be provided at the hearing), I am confident that an appropriate solution is proposed and can be developed further to address the concerns raised.

PROPOSED CONDITIONS

112. A set of draft conditions was included with each of the Applications (Appendix T to Remediation Application and Appendix P to Landfill Application) which

were considered to avoid, remedy or mitigate the potential adverse effects on the environment. With the exception of changes discussed in my evidence above, and any further changes that may be required after submitter evidence is received, I still consider these conditions to be appropriate and fit for purpose. However, to be of most assistance to the Panel and in acknowledgement that the Councils have their own standard condition wording they are following, I will provide mark ups on the WDC and WRC versions of conditions by the time of the hearing.

113. I have provided comments on the key differences between the Councils' conditions and my position below. Dr Finnigan has done the same in relation to his areas of expertise in his evidence.

Cultural monitoring

114. LINZ's conditions proposed to invite TNN to appoint a cultural monitor, with TNN able to choose to defer this role to iwi / hapū. LINZ proposed to provide a minimum of five working days' notice to the cultural monitor of works occurring in the waahi tapu areas and any removal of native trees over 4 metres in height; and allow for cultural protocols and monitoring to be undertaken.¹⁸
115. WDC has recommended an alternative condition requiring a Cultural Management and Monitoring Plan (**CMMP**) to be submitted to WDC for certification, prepared in consultation with appropriate representatives from Ngāti Maniapoto.¹⁹ The CMMP is to include procedures in respect of cultural induction; tikanga; taonga species; and accidental discovery.
116. The draft Cultural support request attached to Mr Bradley's evidence includes all the above matters, including an update of the Cultural Management Plan developed for earlier 'Phase 1' investigations to be appropriate for this Project. If this scope of work is finalised and agreed to, I do not consider a condition requiring a CMMP to be necessary. I also do not see a need for this management plan to be 'certified' by WDC.
117. The specifics of the cultural monitoring is an important mitigation, so I consider that the condition should refer to stream monitoring, waahi tapu areas and large native trees.

¹⁸ Conditions C3, D1 and D2 in Appendix T to Remediation Application.

¹⁹ WDC condition 6 LU/0231/24 and condition 6 LU/0232/24.

Soil disposal in the landfill

118. As referred to earlier in my evidence, I recommend more explicit consent conditions to provide reassurance that the most offensive material will not be disposed of in the landfill. LINZ's conditions stated that only low to moderate level contaminated soil would be moved to the landfill,²⁰ whereas WRC's equivalent condition does not specify the level of contamination acceptable.²¹ I propose adding the low, moderate and high level soil classification definitions to this condition, along with the corresponding remedial standards, to define what is the maximum acceptable contamination for moving to the landfill – e.g.:

No soil which exceeds any of the below standards is to be disposed of in the onsite landfill:

Arsenic	Cadmium	Chromium	Copper	Lead	Mercury	Zinc	DDT
70	10	150	280	460	3	450	2

ACM	AF/FA	Fuels and oils	Benzene	BaP _{eq}
0.02	0.001	No LNAPL	0.11	35

All concentrations milligrams per kilogram dry weight, except asbestos % weight for weight

119. Additionally, I recommend that another condition is added to the landfill consents stating that:

All previously identified medical waste and any additional medical waste identified during works is to be removed and disposed of at an offsite facility authorised to accept it.

Ecological Impact Assessments

120. WRC AUTH146952.01.01 conditions 37 to 41 require an additional Ecological Impact Assessment including planting plans to be provided relating to ecological enhancement and planting within the natural inland wetlands. The purpose is to ensure that areas of wetland habitat are subject to appropriate re-vegetation and ensure no net loss of wetland habitat.
121. LINZ's conditions²² proposed that any damaged vegetation as a result of works within wetland be reinstated and revegetated like-for-like. The ecological effects of works within wetlands have already been assessed in the lodged Ecological Impact Assessment, and concluded to be low or very

²⁰ Condition I10 in Appendix P to Landfill Application.

²¹ Condition 3 of WRC AUTH146952.05.01.

²² Condition I36 in Appendix T to Remediation Application.

low (given the impacted vegetation is exotic and a range of measures are being implemented to minimise damage).²³ The Planting and Management Plan lodged with the Applications (and recently updated to version 3 as attached in **Appendix EB5**) covers planting requirements for the wetlands. On this basis, I consider that there is no need for a further Ecological Impact Assessment or planting plan to be prepared or certified.

122. WRC has also recommended a ‘finalised Ecological Impact Assessment’ relating to the Culvert 3 streambed disturbance to be certified by WRC.²⁴ The purpose of this is unclear to me, given that the impact of the works has been assessed in the Ecological Impact Assessment already provided by LINZ. I also consider that the ecologist review of the culvert detailed design (undertaken post lodgement and attached in **Appendix EB2**) provides sufficient further detail on ecological impacts, such that no further assessment of Culvert 3 is required.

Stream Works

123. As described earlier, LINZ has prepared final design plans for the stream bed and these have been reviewed by a suitably qualified ecologist. Therefore, WRC conditions requiring this to take place can be removed.²⁵
124. As also discussed above, I recommend reducing the maximum period of each stream diversion from 16 to four weeks, requiring changes to two WRC conditions.²⁶
125. Additionally, WRC conditions restrict the Culvert 3 installation to a window of 20 working days.²⁷ In this case, the new culvert will be installed offline (not in the existing stream bed) and will only be connected into the Stream near the end of the construction period. Therefore, I recommend that only the works in the stream bed be restricted to 20 working days in duration.
126. LINZ has provided a Fish Management Plan with the Applications, and I consider that if it is acceptable to WRC, it does not need to undergo additional certification later and fish management can be undertaken in accordance with that Fish Management Plan.²⁸

²³ SLR Ecological Impact Assessment at section 8.2 (Appendix L to Remediation Application).

²⁴ WRC AUTH146952.07.01 conditions 12-14.

²⁵ WRC AUTH146952.03.01 condition 3; and AUTH146952.07.01 condition 6.

²⁶ WRC AUTH146952.03.01 condition 4; and WRC AUTH146952.08.01 condition 4.

²⁷ WRC AUTH146952.07.01 condition 7.

²⁸ WRC AUTH146952.02.01 condition 17-20; and AUTH146952.08.01 condition 17-20.

Planting

127. WRC has recommended conditions relating to maintaining existing riparian planting alongside the Stream.²⁹ While I agree that all existing riparian planting along the banks of the Stream that was planted in association with the existing landfill consents should be maintained (with the exception of where consent is sought to remove and replace it for the culvert works), I believe these conditions have now been superseded by the Updated Planting Plan. The Updated Planting Plan covers the entire riparian margin, requiring planting to be maintained and stock to be excluded. I therefore consider that these conditions can be deleted.

Accidental discovery

128. WDC's accidental discovery condition³⁰ contains different wording to LINZ's proposed condition. The WDC condition requires a full range of parties to be notified when something is discovered, rather than the relevant parties. It is my understanding that the NZ Police do not need to be notified of a discovery unless human remains are found. NZHPT's expectations for what should be done in event of an accidental discovery are now set out in the Archaeological Authority attached in **Appendix EB6** which I understand should supersede any discovery protocol in a resource consent condition. Therefore I recommend deleting this condition in full, as well as the WRC accidental discovery conditions.

Winter Works

129. WRC has recommended winter works restrictions on all earthworks.³¹ The Project is expected to take 18-24 months and the majority of earthworks proposed are not within the High Risk Erosion Area, therefore LINZ sought that only earthworks in the High Risk Erosion Area be restricted during winter. It seeks authorisation by way of these consent applications to undertake earthworks on the remainder of the Site during winter, subject to the strict controls being proposed. I recommend amendments to enable this.

Discharges associated with earthworks for the landfill upgrade

130. Dr Finnigan will comment on conditions 26-32 of WRC AUTH146952.06.01 from a technical perspective. From a planning perspective, I note that LINZ

²⁹ WRC Schedule 1, General Conditions, condition 7 & 8.

³⁰ WDC condition 7 LU/0231/24 and condition 7 LU/0232/24.

³¹ WRC AUTH146952.01.01 conditions 59-61, WRC AUTH146952.06.01 conditions 63-65

applied for consent on a precautionary basis to potentially exceed the suspended solids discharge standards within Standard 5.1.5 of the WRP, following pre-lodgement discussions with WRC. While LINZ did expect to comply with the applicable suspended solids standards, applying for consent was considered sensible due to the scale of earthworks and the requirement under the Deed to apply for all potentially applicable consents. If not for this approach, any earthworks outside of the High Risk Erosion Area would not have been assessed as requiring consent.

131. Within that context, I consider these conditions inappropriate as they impose the strictest standard from WRP Standard 5.1.5(o) – which I do not understand to be applicable (as the Stream is not classified as a trout fishery) – and LINZ has explicitly applied to potentially exceed the applicable suspended solids standard for surface class waters.

Pre-start meeting

132. Three versions of pre-start meeting conditions have been supplied by WRC, WDC and LINZ.³² I consider that consistent pre-start condition wording is desirable, and my preferred wording is the LINZ version. Out of the two Councils, the WRC version matches LINZ's more closely, in that an iwi representative be invited but not required to attend. I will propose amendments to the pre-start meeting conditions to make them more consistent.

12 September 2025

Emily Chee Win Buckingham

³² LINZ: Conditions C1, C2 in Appendix T to Remediation Application and conditions C1 & C2 in Appendix P to Landfill Application; WDC: condition 11 LU/0231/24, condition 10 LU/0232/24; WRC condition 3 of AUTH146952.01.01 and other similar conditions on the other consents.

APPENDIX EB1: UPDATED RULES ASSESSMENT

[Attached separately]

REMEDIATION APPLICATION

Rules assessment – Waikato Regional Council

The following rules assessment has determined that resource consent is required for a **non-complying activity**. Note that only those rules and standards which are relevant to this application have been addressed.

Waikato Regional Plan	
Provision	Comments
Chapter 3 Water Module	
3.3.4.26 Water Takes <i>Except as provided in Rules 3.3.4.17, 3.3.4.18, 3.3.4.19, 3.3.4.20, 3.3.4.23, 3.3.4.24 and 3.3.4.25 and the takes described by Policy 6 the taking of groundwater or surface water (surface water calculated on a net take basis) that:</i> <i>1. Is for a surface water take which when assessed in combination with all other authorised water takes exceeds the combined primary and secondary allocable flows in Table 3-5; or</i> <i>2. Is for a surface water harvesting take which when assessed in combination with all other authorised surface water harvesting water takes exceeds the limits set in Policy 20 b); or</i> ... <i>is a non-complying activity (requiring resource consent)</i>	Non-Complying Activity – From previous correspondence with WRC on other projects, dewatering of water that ponds within excavations (as described below) is understood to be considered as a surface water take. As 100% of the water is removed it is treated as defaulting from Rule 3.3.4.23 to Rule 3.3.4.26.

APPENDIX EB1 – UPDATED CONSOLIDATED RULES ASSESSMENT – changes in red

Waikato Regional Plan	
3.5.4.5 Discretionary Activity Rule – Discharges – General Rule <i>Any discharge of a contaminant into water, or onto or into land, in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, that is not specifically provided for by any rule, or does not meet the conditions of a permitted or a controlled activity rule in this Plan, is a discretionary activity (requiring resource consent).</i>	Discretionary Activity – Consent may be required under this rule for the discharge of water pumped from the excavations during dewatering onto a nearby grassed area. Any wheel wash facility will have an interceptor system in place and will be located away from waterbodies. Any contaminants generated from wheel washing would not be expected to enter water.
3.5.11.5 Discharge of Stormwater Onto or Into Land <i>The discharge of stormwater (including geothermal water) onto or into land is a permitted activity subject to the following conditions:</i> <i>a. The discharge shall not originate from a catchment that includes any high risk facility or contaminated land unless there is an interceptor system in place.</i> <i>b. The discharge shall be below a rate that would cause flooding outside the design discharge soakage area, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater. Any exceedence shall go into designated overland flow paths.</i> <i>c. There shall not be any overland flow resulting in a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater; then there shall be no adverse surface water effects as a result of the discharge.</i> <i>d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable.</i> <i>e. The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment.</i>	Permitted activity – If a wheel wash facility is utilised it will have an interceptor system in place and will only discharge onto land.

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Waikato Regional Plan	
3.6.4.13 Stopbanks, Diversions and any Associated Discharges of Water <i>Where the diversion and subsequent discharge of water does not comply with Rules 3.6.4.6, 3.6.4.7, 3.6.4.8, 4.2.9.1, 4.2.9.2 or 4.2.9.3 any:</i> 3. <i>Damming or diversion of water by way of a stopbank, and</i> 4. <i>Diversion of water, and</i> 5. <i>The use, erection, reconstruction, placement, alteration or extension of any structure on or in the bed of a river or stream associated with the above activities that:</i> i. <i>is undertaken after the date of notification of this Plan, or</i> ii. <i>affects a Significant Geothermal Feature</i> iii. <i>does not occur in a cave system;</i> <i>is a discretionary activity (requiring resource consent).</i>	Discretionary Activity – Winter groundwater levels are inferred to be 1.3-2.4m bgl and the proposed trenching / earthworks will generally be shallower than this. However, there may be some inflow of groundwater and dewatering of excavations required in some situations. It is understood that WRC considers the water flow into the excavations to be a groundwater diversion.
3.6.4.17 Cofferdams <i>The following activities:</i> 1. <i>The temporary diversion of water, and</i> 2. <i>The use, erection, reconstruction, placement, alteration or extension of a temporary diversion structure; and</i> 3. <i>Any associated deposition of construction materials, and</i> 4. <i>Any associated bed disturbance, and</i> 5. <i>Any discharge of sediment associated with construction activities;</i> <i>in, on, under or over the bed of a river or lake for the purpose of maintaining an existing lawfully established structure are controlled activities (requiring resource consents) subject to the following standards and terms;</i>	The project involves the damming and diversion of water during construction for the removal of Culvert 2 and the lining of the trunk stormwater line. To be considered under Rule 3.6.4.17, a coffer dam has to be for the purpose of maintaining an existing lawfully established structure. This is the case for the lining of the trunk stormwater line and this damming is therefore a Controlled Activity. As Culvert 2 is to be removed entirely, this may not technically be considered maintenance of those structures. As such, this damming and diversion falls to be considered under Rule 3.6.4.14 as a Discretionary Activity. The controlled activity standards and terms in Rule 3.6.4.17 will be complied with for all proposed damming and diversion as follows: a. Structures will be maintained in a structurally sound condition at all times. b. Construction materials and equipment will be removed from river bed upon completion.

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Waikato Regional Plan	
<i>a. The diversion structure shall be maintained in a structurally sound condition at all times.</i> <i>b. All construction materials and equipment shall be removed from the river or lake bed on the completion of the activity.</i> <i>c. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents but excluding sediment) shall be released to water from the activity.</i> <i>d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.</i> <i>e. Any erosion occurring as a result of the structure shall be remedied as soon as practicable.</i> <i>f. Any structure built with materials not naturally present in the bed of the river shall be fixed in place to prevent it being washed away in the event of a flood.</i> <i>g. The entire structure shall be removed immediately after completion of the works that it was built to assist and the bed of the river or lake shall be reinstated to its original state.</i> <i>h. The Waikato Regional Council shall be notified of the commencement date of the works and of the removal date of the structure.</i> <i>i. The activity shall not affect Significant Geothermal Features.</i> 3.6.4.14 New Dams/Damming of Water	c. No contaminants will be released to water from the damming and temporary diversion. d. No identified archaeological or waahi tapu sites will be disturbed. e. Erosion occurring as a result of the dams will be remedied as soon as practicable. f. Temporary dams will be fixed in place to prevent them from being washed away in a flood. g. Temporary dams will be removed immediately after completion of works and river beds will be reinstated. h. Applicant agrees to notify WRC of works commencement date and removal dates. i. No Significant Geothermal Features affected.

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Waikato Regional Plan	
<i>Except as provided for by Rules 3.6.4.4, 3.6.4.9, 3.6.4.10 and 3.6.4.12 the following activities, if undertaken after the date of notification of this Plan:</i> <i>1. Damming of water and associated diversion, taking and discharging of water related to the passage of water through, or past or over the dam</i> <i>2. The use, erection, reconstruction, placement, alteration or extension of any structure in or on the bed of a river or stream associated with the above activities;</i> <i>provided they do not:</i> <i>a. occur in any perennial river or stream that is classified as Natural State in the Water Management Class Maps</i> <i>b. affect Significant Geothermal Features</i> <i>is a discretionary activity (requiring resource consent).</i>	
Chapter 4 River and Lake Bed Module	
4.2.20.2 Removal or Demolition of Structures <i>1. The removal or demolition of any structure or part of any structure, and associated bed disturbance, in, on, under or over the bed of a river or lake, and</i> <i>2. Any discharge of sediment associated with removal or demolition;</i> <i>are permitted activities subject to the following conditions:</i> <i>a. There shall be no use of explosives in the water...</i>	Removal of the footbridge across the Wharekōrino Stream (also in Wetland 1) and associated bed disturbance is permitted subject to conditions, which it will comply with. The structure will be fully removed, likely by using a large excavator and the timber support posts pulled out. Any sediment generated from the bed disturbance would be minor, localised and temporary (completed within 24 hours), therefore compliant with suspended solids discharge standards. Note: Culvert 2 removal is not considered to fall under this rule as it is not located within a defined river bed.

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Waikato Regional Plan	
<i>b. The structure, or part thereof, being removed or demolished shall be removed from the river or lake bed, and/or any material or temporary structures required to undertake the activity shall be removed.</i> <i>c. The activity shall not result in the removal of, or damage to, any lawfully established flood protection or erosion control structures, or linear bank protection structures or plantings undertaken for flood or erosion control.</i> <i>d. The activity shall not reduce the ability of the channel to convey flood flows or floating debris.</i> <i>e. The removal or demolition works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.</i> <i>f. This Rule shall not apply to any structure records on the Historic Places register (in accordance with s22 of the Historic Places Act 1993).</i> <i>g. No submerged piles or parts of structures shall be left in the river or lake bed which might catch debris or obstruct navigation.</i> <i>h. The Waikato Regional Council shall be notified in writing of the removal or demolition at least 10 working days prior to commencement of the activity.</i> <i>i. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.</i> <i>j. In the event of any waahi tapu that is not subject to condition i) being identified by the Waikato Regional Council to the person undertaking the removal or demolition, the activity shall cease insofar as it may</i>	

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Waikato Regional Plan	
<i>affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.</i> <i>k. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.</i>	
4.3.8.1 Introduction and Planting of Plants <i>1. Except as controlled by Rule 4.2.18.1 and prohibited in Rule 4.3.8.2, the introduction, planting or layering of any plant or any part of any plant, with the exclusion of plants pests as identified in the Waikato Regional Pest Management Strategy, in, on or under the beds or banks of any lake or river, for the purposes of soil conservation or streamside enhancement, and</i> <i>2. The associated deposition of construction material, and</i> <i>3. The associated discharge of sediment, and</i> <i>4. The associated bed disturbance</i> <i>is a permitted activity subject to the following conditions:</i> <i>a. The activity shall not result in any increase in the adverse effects of flooding, or obstruct the river or lake bed.</i> <i>b. All materials from the planting, and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity.</i> <i>c. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.</i> <i>d. In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the</i>	Streambank revegetation is permitted subject to conditions. A Planting Plan to reinstate riparian vegetation on the banks around Culvert 2 is included with the application (Appendix L). All conditions can be complied with.

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Waikato Regional Plan	
<i>person undertaking the introduction and planting of plants, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.</i> <i>e. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.</i> <i>f. The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority.</i> <i>g. The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21.</i> <i>h. Any erosion occurring as a result of the activity shall be remedied as soon as practicable.</i> <i>i. Plants shall not replace indigenous flora or have the potential to smother indigenous flora.</i>	
4.3.9.2 Vegetation Clearance	N/A – no clearance of vegetation proposed within the stream bed.
4.3.9.3 Culverts for Catchment Areas Not Exceeding 500 Hectares	N/A – The stormwater trunk line to be relined has a catchment of 166ha and the works could be considered an alteration to a culvert. However this rule appears to only provide for the diversion and discharge of water through the culvert subsequent to construction, not to provide for construction. The damming and diversion to provide for the pipe lining has instead been considered under Rule 3.6.4.17.
Chapter 5 Land and Soil Module	

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Waikato Regional Plan	
5.1.4.11 Soil Disturbance, Roding and Tracking and Vegetation Clearance 1. <i>Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, roding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;</i> 2. <i>Any roding and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;</i> 3. <i>Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative;</i> <i>are permitted activities subject to the conditions in Section 5.1.5.</i>	This rule covers soil disturbance and vegetation clearance not provided for by Rules 5.1.4.14-17, i.e. outside of a High Risk Erosion Area. All other soil disturbance is permitted subject to the conditions in Section 5.1.5, assessed below. On the advice of WRC, application is made under Rule 5.1.4.13 in case the TSS standards cannot be complied with.
5.1.4.13 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance 1. <i>Any soil disturbance, roding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air that does not comply with the conditions of Permitted Activity Rule 5.1.4.11;</i> ... <i>are discretionary activities (requiring resource consent).</i>	On the advice of WRC, application is made as a Discretionary Activity under this rule in case the proposed soil disturbance outside of the High Risk Erosion Areas does not comply with the conditions of Permitted Activity Rule 5.1.4.11 (specifically, the condition relating to suspended solids in Section 5.1.5(h)).
5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas	The project includes some soil disturbance in High Risk Erosion Areas (within 10m from wetlands and riverbeds/on slope greater than 15 degrees). The specific works include:

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<i>Except as restricted by Rule 5.1.4.16, the following activities, occurring in any continuous 12 month period and located in a high risk erosion area:</i> 1.0 <i>Roading and tracking activities between 100 and 2,000 metres in length, or</i> 2.0 <i>Soil disturbance activities between 250 and 1,000 cubic metres in volume (solid measure), or</i> 3.0 <i>Soil disturbance activities between 0.2 and 2.0 hectares in area, or</i> ... <i>and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are controlled activities (requiring resource consent) subject to the standards and terms as specified in Section 5.1.5.</i> 5.1.4.15 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas <i>Except as restricted by Rule 5.1.4.16 the following activities, occurring in any continuous 12 month period and located in a high risk erosion area: ...</i> 2. <i>Soil disturbance activities exceeding 1,000 cubic metres in volume (solid measure)</i> ... <i>and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are discretionary activities (requiring resource consent).</i>	• Removal of Culvert 2 (roughly 50-60m long x 6m wide, and 6,800m³ total volume which is not all within the High Risk Erosion Area) • Removal of water line over redundant road crossing at Culvert 2 (part of the above culvert removal works) • Removal of wastewater lines/manholes in or within 10m of Wetland 2 (roughly 460m in length) • Removal of underground power line in or within 10m of Wetland 2 (roughly 220m in length) • Removal of underground power line likely within 10m of stream tributary (up to 20m in length) • Contamination remediation earthworks for Building 75 and 76 within 10m of Wetland 2 • Removal of redundant WWTP structures (trickling filter, humus tank, grit chamber, footbridge, pipes and manholes) in or within 10m of Wharekōrino Stream and Wetland 1. The estimated works outlined above indicates that soil disturbance occurring in a high risk erosion area will be around 1,000m in length, and will not exceed two hectares in area, but will exceed 1,000m³ in volume. The proposed soil disturbance therefore has a Discretionary Activity status under Rule 5.1.4.15.

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5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for Controlled Activity Rules	Likely to comply – it is expected that these conditions will be met for soil disturbance both in and out of the High Risk Erosion Area, as follows: - Appropriate erosion and sediment controls will be installed and maintained. Suspended solids standards are not anticipated to be exceeded by any non point source discharges, and exposed areas will be stabilised as soon as practical. However, in case the suspended solids standards cannot be met, application is made to infringe standard 5.1.5(h). Any temporary stockpiles of removed earth will be placed away from streams and floodplains. - No identified archaeological or waahi tapu sites will be disturbed – NZHPT approval is to be obtained for potential disturbance of unidentified sites. - No fuel storage or refuelling will occur in areas where it could enter water, as per section 7 of the draft DDRMP. - Vegetation around Culvert 2 will be felled away from water body where safe to do so, and deposited where it will not enter the stream. - Flooding effects have been assessed and the soil disturbance does not result in neighbouring land becoming subject to flooding.
5.2.5.5 Large Scale Cleanfill Disposal outside High Risk Locations <i>The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air that does not comply with Rule 5.2.5.4 when occurring outside of:</i> • A high risk erosion area • A floodplain of a river • The catchment of, or within 10 metres of, whichever is the lesser, a sink hole or cave entrance	Up to 6,800m³ of excavated material from the removal of Culvert 2 is likely to be re-used as backfill elsewhere on the site, but not within any high risk erosion area or floodplain. This material will meet the definition of cleanfill and the disposal has a Controlled Activity status as it will meet the standards and terms: a. Discharges to air (dust) will be managed through suppression measures as per draft DDRMP. b. Records of earthworks, including source and composition of this backfill material, will form part of the Site Validation Report. c. Material will not have acid producing potential.

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Waikato Regional Plan	
- Any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna - A significant geothermal feature is a controlled activity (requiring resource consent) subject to the following standards and terms: - Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site. - Records of the source and composition of all material disposed of at the site shall be maintained and made available to the Waikato Regional Council upon request to demonstrate that only cleanfill as defined in the Glossary to this Plan has been received. - The cleanfill has no acid producing potential. - The placement of the material shall be undertaken and maintained in manner so as to ensure its long-term stability. - The activity shall not cause any increase in flooding on neighbouring properties.	d. Material will be stabilised for the long term. e. Material is to be used for reinstatement of ground levels only and will not affect flooding.
5.2.9.1 Use of Dust Suppressants The discharge of contaminants (excluding waste oil*) onto or into land for the purpose of dust suppression is a permitted activity subject to the following conditions:	Permitted Activity – refer Section 20.1 of draft DDRMP (Appendix P). Waste oil and hazardous substances that are not licensed under HSNO are excluded from use as dust suppressants.

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Waikato Regional Plan	
1. <i>If the dust suppressant is a hazardous substance or if the water or dust suppressant contains hazardous substances it shall be licensed for use as a dust suppressant under the provisions of the Hazardous Substances and New Organisms Act (1996).</i> 2. <i>The contaminants shall not be applied at a rate or in weather conditions that result in ponding or surface run-off of contaminants into surface water.</i> 3. <i>Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.</i>	
5.3.4.6 Discharges from Remediation of Contaminated Land <i>Any discharge arising from remediation of contaminated land is a permitted activity, subject to the following conditions:</i> • <i>any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.</i> • <i>No contaminants from the remediation of the contaminated land shall be discharged into water or onto land unless discharged to a landfill authorised in Section 5.2.7.</i> • <i>The Waikato Regional Council shall be provided with the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ,</i>	There is ~3,250m³ of soil on the site that exceeds the site-specific standards (therefore also the applicable NES-CS standards) and a provisional amount of ~3,130m³ inferred contaminated soil. This soil meets the WRP definition of contaminated land and is to be remediated as part of this proposal. Discharges arising from the remediation of contaminated land are a Permitted Activity, subject to conditions which will be met as follows: a. Any discharges to air will comply with Section 6.1.8 (assessed below). b. Contaminated land is proposed to be discharged to onsite landfill, and this is sought to be authorised under the Landfill Upgrade application. Alternatively, it can be discharged to an authorised offsite landfill. c. DSI and RAP are provided as part of this application (Appendix K). d. Site Validation Report and ongoing monitoring and maintenance plan (if necessary) will be provided to WRC after remediation is completed. LINZ accepts conditions to this effect on the earthworks consent.

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Waikato Regional Plan	
<i>updated October 2003) prior to commencement of land remediation:</i> ○ <i>detailed site investigation report</i> ○ <i>site remedial action plan</i> • <i>After remediation is completed, copies of the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) must be provided to the Waikato Regional Council:</i> ○ <i>site validation report</i> ○ <i>ongoing monitoring and management plan.</i> • <i>Any updates of these reports shall be provided to the Waikato Regional Council if a change in investigation, remediation and monitoring strategy occurs.</i>	e. LINZ agrees to provide WRC any updates of these reports if a change in investigation, remediation and monitoring strategy occurs.
Chapter 6 Air Module	
6.1.8 Standard Conditions for Permitted Activity Rules and Standards and Terms for Controlled and Restricted Discretionary Activity Rules <i>The following are the standard conditions for permitted activity rules and the standards and terms for controlled and restricted discretionary activity rules for discharges to air:</i> 1. <i>There shall be no discharge of contaminants beyond the boundary of the subject property that has adverse effects on human health, or the health of flora and fauna.</i>	Air discharges from crushing of road material and earthworks and contaminated soil disturbance are permitted if they comply with conditions, which they will: a. No discharge of contaminants beyond the boundary b. No objectionable odour c. No discharge of particulate matter beyond the boundary d. and e. N/A as there will be no discharges to air beyond the boundary.

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2. <i>The discharge shall not result in odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.</i> 3. <i>There shall be no discharge of particulate matter that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.</i> 4. <i>The discharge shall not significantly impair visibility beyond the boundary of the subject property.</i> 5. <i>The discharge shall not cause accelerated corrosion or accelerated deterioration to structures beyond the boundary of the subject property.</i>	
6.1.9.1 Miscellaneous <i>Unless restricted by any other rule in this Plan, the discharge of contaminants into air from the following industrial or trade premises or processes:</i> <i>23. Building and construction activities, including road construction and maintenance.</i> <i>...is a permitted activity subject to the conditions specified in Section 6.1.8 of this Plan.</i>	The proposed activity may be considered as “23. <i>Building and construction activities, including road construction and maintenance</i>”. Discharge of contaminants into air from these processes are a Permitted Activity, as the conditions in Section 6.1.8 will be complied with.

REMEDIATION APPLICATION

National Environmental Standards for Freshwater	
Provision	Comments

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National Environmental Standards for Freshwater	
Part 3 Standards for other activities that relate to freshwater	
Regulation 46 Maintenance and operation of specific infrastructure and other infrastructure – Permitted activities (1) <i>Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—</i> (a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>complies with the conditions.</i> (2) <i>Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—</i> (a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>complies with the conditions.</i> (3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural inland wetland is a permitted activity if—</i> (a) <i>the activity is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i> (b) <i>there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and</i> (c) <i>the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and</i> (d) <i>the activity complies with the conditions.</i> Conditions (4) <i>The conditions are that—</i>	The trunk stormwater pipe lining constitutes maintenance of ‘other infrastructure’ and is upstream of (hydrologically connected to) Wetland 1. The existing trunk stormwater network also drains the catchment within which Wetland 2 is located. The temporary damming and diversion during the pipe lining works will be within 100m of Wetlands 1 and 2 and is assessed as Permitted, as the diversion will not change the water level range/hydrological function of the wetlands. It will comply with the conditions of Reg 46(4) as follows: a. See assessment of Regulation 55 below. b. The size of the infrastructure will not be increased and the pipes will not be replaced. c. No pathways will be formed. d. Earthworks will not occur over any of the wetland. e. No trenches to be dug. No drains to be deepened. f. No discharge of water.

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(a) <i>the activity must comply with the general conditions on natural inland wetland activities in regulation 55, ...</i> (b) <i>the activity must not be for the purpose of increasing the size, or replacing part, of the specified infrastructure or other infrastructure unless the increase or replacement is to provide for the passage of fish in accordance with these regulations; and</i> (c) <i>the activity must not result in the formation of new pathways, boardwalks, or other accessways; and</i> (d) <i>if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500 m² or 10% of the area of the natural inland wetland, whichever is smaller; and</i> (e) <i>if the activity is earthworks or land disturbance,—</i> (i) <i>trenches dug (for example, to maintain pipes) must be backfilled and compacted no later than 48 hours after being dug; and</i> (ii) <i>the activity must not result in drains being deeper, relative to the natural inland wetland's water level, than they were before the activity; and</i> (f) <i>if the activity is a discharge of water, it must not be a restricted discretionary activity as described in regulation 47(3A).</i>	
Regulation 52 Drainage of natural inland wetlands – Non-complying activities (1) <i>Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—</i> (a) <i>results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</i> (b) <i>does not have another status under any of regulations 38 to 51.</i> (2) <i>The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—</i>	N/A – The removal of Culvert 2 and the redundant road crossing embankment, and the associated temporary damming and diversion during the works, is outside but within 100m of Wetland 1. It does not strictly constitute maintenance of infrastructure under Reg 46 as the infrastructure is to be entirely removed. However, the works will not result in the drainage of Wetland 1, as all flows will be diverted around the works to reach the wetland downstream. Other earthworks for underground infrastructure and foundation removal are proposed within 100m of a wetland. As the works

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(a) <i>results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</i> (b) <i>does not have another status under any of regulations 38 to 51.</i>	are shallow and temporary, and natural ground level will be reinstated following the removal of building foundations and infrastructure, these earthworks will not alter drainage patterns therefore will not result in the complete or partial drainage of the wetlands.
Regulation 53 – Prohibited activities (1) <i>Earthworks within a natural inland wetland is a prohibited activity if it—</i> (a) <i>results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</i> (b) <i>does not have another status under any of regulations 38 to 51.</i> (2) <i>The taking, use, damming, or diversion of water within a natural inland wetland is a prohibited activity if it—</i> (a) <i>results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</i> (b) <i>does not have another status under any of regulations 38 to 51.</i>	N/A – Identified earthworks within a natural inland wetland include: • Removal of supports for above ground wastewater lines/manholes within Wetland 2 (roughly 460m in length) • Removal of underground power line within Wetland 2 (roughly 210m in length) • Removal of WWTP grit chamber, wastewater inlet pipe, ancillary cabling and footbridge within Wetland 1. However, the trenching for the removal of this infrastructure is only temporary to depths of less than 1m and will be undertaken in dry conditions. The trenches will be backfilled, and natural ground level and compaction levels will be reinstated following the removal of this infrastructure, so these earthworks will not result in the complete or partial drainage of the wetlands. Refer to Hydrology Memo attached to the EclA in Appendix L. No damming or diversion is proposed within a wetland.
Regulation 54 Other activities – Non-complying activities <i>The following activities are non-complying activities if they do not have another status under this subpart:</i>	The proposed removal of roading and other horizontal infrastructure does not readily fit under the ‘maintenance and operation’ of infrastructure covered by Regulations 46 and 47, so the earthworks required for this activity within and within 10m of wetlands is deemed to fall under Regulation 54 and have a

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(a) <i>vegetation clearance within, or within a 10 m setback from, a natural inland wetland:</i> (b) <i>earthworks within, or within a 10 m setback from, a natural inland wetland:</i> (c) <i>the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—</i> (i) <i>there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and</i> (ii) <i>the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:</i> (d) <i>the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—</i> (i) <i>there is a hydrological connection between the discharge and the wetland; and</i> (ii) <i>the discharge will enter the wetland; and</i> (iii) <i>the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.</i>	Non-Complying Activity status. This also applies to earthworks for contaminated land remediation within 10m of wetlands. The relevant earthworks includes: • Removal of wastewater lines/manholes within and within 10m of Wetland 2 (roughly 460m in length) • Removal of underground power line within and within 10m of Wetland 2 (roughly 220m in length) • Contamination remediation earthworks and foundation removal for Building 75 and 76 within 10m of Wetland 2 • Removal of WWTP grit chamber, wastewater inlet pipe, ancillary cabling, footbridge, former humus tank edging, trickling filter, outfall pipe, wastewater and stormwater pipes and manholes within and within 10m of Wetland 1. There is also a small amount of potential vegetation removal within 10m of Wetland 2 (near Building 55). Damming and diversion of water will occur within 100m of Wetland 1 for the removal of Culvert 2, which has a hydrological connection to Wetland 1 as it is upstream. The temporary damming and diversion will not change the water level range or hydrological function of Wetland 1, so Regulation 54 is not applicable to this activity.
Regulation 55 General matters – General conditions on natural inland wetland activities (1) This regulation applies if a regulation in this subpart refers to the compliance of an activity with the general conditions in this regulation.	This regulation sets out conditions that need to be complied with for permitted activities, which are applicable to the diversion for stormwater trunk lining in this case, and assessed as compliant below:

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<i>General condition for permitted activities: prior notice of activity</i> (2) If this regulation applies in relation to a permitted activity, the 1 or more persons responsible for undertaking the activity must, at least 10 working days before starting the activity, provide the relevant regional council with the following information in writing: (a) a description of the activity to be undertaken; and (b) a description of, and map showing, where the activity will be undertaken; and (c) a statement of when the activity will start and when it is expected to end; and (d) a description of the extent of the activity; and (e) their contact details. <i>General conditions: water quality and movement</i> (3) The general conditions relating to water quality and movement are as follows: (a) the activity must not result in the discharge of a contaminant if the receiving environment includes any natural inland wetland in which the contaminant, after reasonable mixing, causes, or may cause, 1 or more of the following effects: (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials: (ii) a conspicuous change in colour or visual clarity: (iii) an emission of objectionable odour: (iv) the contamination of freshwater to the extent that it is not suitable for farm animals to drink: (v) adverse effects on aquatic life that are more than minor; and (b) the activity must not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain (but see subclause (4)); and	(2) Prior notice of activity is able to be provided to WRC. (3-6) Subclause (5) is most relevant and the works will comply with this, as per the methodology and draft conditions included in the AEE. No contaminants are anticipated to be discharged to the receiving environment. The pipe lining will be cured before flows are reinstated through the pipes. Pumping flows around the diversion will not alter natural movements or flood waters into Wetland 1. (7-8) No soil or vegetation is anticipated to be disturbed, works to be undertaken in dry period (likely Jan-Mar). Erosion control measures to be installed at discharge points of temporary diversions as required. (9) Will comply / N/A. (10-11) N/A. (12) Machinery and equipment will be cleaned before and after entering waterbodies. Entering Wetlands 1 and 2 to install the temporary dams will be avoided unless necessary. No mixing of materials or refuelling is required within the wetlands. (13) The activity is necessary to maintain the integrity of the piped network. The materials and equipment will be removed from the site no later than 5 days after the works are finished.

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(c) the activity must not alter the natural movement of water into, within, or from any natural inland wetland (but see subclause (5)); and (d) the activity must not involve taking or discharging water to or from any natural inland wetland (but see subclause (5)); and (e) debris and sediment must not be placed— (i) within a setback of 10 m from any natural inland wetland; or (ii) in a position where it may enter any natural inland wetland. (4) Subclause (3)(b) does not apply if the person undertaking the activity— (a) owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain; or (b) has— (i) obtained written consent to undertaking the activity from each person who owns or controls the land or structures that would be affected by a flood in all or part of the 1% AEP floodplain, after informing them of the expected increase in the level of flood waters; and (ii) satisfied the relevant regional council that they have complied with subparagraph (i). (5) Despite subclause (3)(c) and (d), the temporary taking, use, damming, or diversion of water around a work site, or discharges of water into the water around a work site, may be undertaken if the following conditions are complied with: (a) the activity must be undertaken during a period when there is a low risk of flooding; and (b) the activity must be undertaken only for as long as necessary to achieve its purpose; and (c) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of any affected natural inland wetland's bed	

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profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (d) to be verified; and (d) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 14 days after the start of the activity; and (e) if the activity is damming, the dam must be no higher than 600 mm; and (f) if the activity is a diversion that uses a pump, a fish screen with mesh spacing no greater than 3 mm must be used on the intake. (6) In subclauses (3) and (4), 1% AEP floodplain means the area that would be inundated in a flood event of a size that has a 1% or greater probability of occurring in any one year. <i>General condition: earth stability and drainage</i> (7) The general condition relating to earth stability and drainage is that the activity must not create or contribute to— (a) the instability or subsidence of a slope or another land surface; or (b) the erosion of the bed or bank of any natural inland wetland; or (c) a change in the points at which water flows into or out of any natural inland wetland; or (d) a constriction on the flow of water within, into, or out of any natural inland wetland; or (e) the flooding or overland flow of water within, or flowing into or out of, any natural inland wetland. <i>General conditions: earthworks, land disturbance, and vegetation clearance</i> (8) The general conditions on earthworks, land disturbance, and vegetation clearance are as follows:	

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(a) during and after the activity, erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on natural inland wetlands; and (b) the measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and (c) the measures referred to in paragraph (b) must remain in place until vegetation covers more than 80% of the site; and (d) if the activity is vegetation clearance, it must not result in earth remaining bare for longer than 3 months. <i>General conditions: vegetation and bird and fish habitats</i> (9) The general conditions relating to vegetation and bird and fish habitats are as follows: (a) only indigenous species that are appropriate to a natural inland wetland (given the location and type of the natural inland wetland) may be planted in it; and (b) the activity must not result in the smothering of indigenous vegetation by debris and sediment; and (c) the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and (d) the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish; and (e) the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area. <i>General condition: historic heritage</i> (10) The general condition relating to historic heritage is that the activity must not destroy, damage, or modify a site that is protected by an enactment because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori), except in accordance with that enactment.	

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(11) In subclause (10), enactment includes any kind of instrument made under an enactment. <i>General conditions: machinery, vehicles, equipment, and construction materials</i> (12) The general conditions on the use of vehicles, machinery, equipment, and materials are as follows: (a) machinery, vehicles, and equipment used for the activity must be cleaned before entering any natural inland wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and (b) machinery that is used for the activity must sit outside a natural inland wetland, unless it is necessary for the machinery to enter the natural inland wetland to achieve the purpose of the activity; and (c) if machinery or vehicles enter any natural inland wetland, they must be modified or supported to prevent them from damaging the natural inland wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and (d) the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, must be done outside a 10 m setback from any natural inland wetland. <i>General conditions: miscellaneous</i> (13) The other general conditions are as follows: (a) the activity must be undertaken only to the extent necessary to achieve its purpose; and (b) the activity must not involve the use of fire or explosives; and (c) if there is existing public access to a natural inland wetland, the activity must not prevent the public from continuing to access the natural inland wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and	

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(d) no later than 5 days after the activity ends,— (i) debris, materials, and equipment relating to the activity must be removed from the site; and (ii) the site must be free from litter.	

REMEDIATION APPLICATION

Rules assessment – Waipā District Council

The following rules assessment has determined that resource consent is required for a **discretionary activity**. Note that only those rules and standards which are relevant to this application have been addressed.

Waipā District Plan	
Provision	Comments
Part D – Zone Provisions	
Section 4 – Rural Zone	
Rule 4.4.1.1(j) Demolition, removal of buildings and structures, except those listed in Appendix N1 - Heritage Items – Permitted activity	The removal of the infrastructure and culverts is permitted subject to compliance with relevant performance standards in 4.4.2.
Rule 4.4.1.1(m) Earthworks – Permitted activity	Earthworks are permitted subject to compliance with relevant performance standards in 4.4.2. Earthworks involved in this proposal include: • Removal of horizontal infrastructure (underground services, roads) • Contaminated soil remediation • Backfilling cavities from building and soil removal • Removal of Culvert 2 and redundant road crossing embankment. The earthworks do not comply, as assessed further in this table.
Rule 4.4.1.4(a) Any permitted, controlled or restricted discretionary activity that fails to comply with: ... vii. Rules 4.4.2.15, 4.4.2.16, 4.4.2.20 to 4.4.2.22 – Noise	Discretionary Activity – The removal of the infrastructure and culvert and the earthworks to remediate and dispose of contaminated land will not comply with the earthworks standards, as assessed below. The listed noise standards are N/A to this proposal.

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xvii. Rule 4.4.2.75 – Earthworks	
Performance standard 4.4.2.19 – Construction noise <i>Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.</i> <i>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</i> • <i>Time and duration of effect; and</i> • <i>Effects on surrounding properties.</i>	Restricted Discretionary Activity – As assessed in the Acoustic Assessment (Appendix O to the AEE), most of the construction noise will comply with the limits in NZS6803:1999 Acoustics – Construction Noise, but if tree removal is required near 203 and 207 Te Mawhai Road then the noise levels from chainsaws could exceed the permitted limit by up to 5 dB (intermittently).
Temporary construction buildings 4.4.2.49 <i>Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project.</i> 4.4.2.50 <i>Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum building setback requirements of the Rural Zone.</i>	Complies – Temporary construction buildings will only be used in conjunction with the project and for the duration of the project. They will not be in place for longer than a year. It is likely that existing buildings 75 and 76 will be used for the site office and facilities, so no particular temporary buildings are anticipated at this stage.
Performance standard 4.4.2.75 – Earthworks <i>Earthworks (excluding mineral extraction activities), shall not exceed a total volume of 1000m³ in a single activity or in cumulative activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent, tillage of land associated with the growing of crops, construction, maintenance and upgrading of farm tracks, farm silage pits or existing drains.</i>	Does not comply – Earthworks will exceed 1,000m³.

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Part E – District Wide Provisions	
Section 16 – Transportation	
Activity Status Table 16.4.1.1	N/A – None of the listed activities appear to apply to this activity, which generates 100 equivalent vehicles or more per day but not directly onto a State Highway or major arterial road. However it is understood that the performance standards in this chapter apply to activities listed in other chapters, not just the activities in this table.
Performance standards 16.4.2.4-16.4.2.12 – Access	Complies – No new or amended access proposed. Regardless, the ITA (Appendix N to the AEE) confirms that the main access complies with design, separation and sight distance requirements and can accommodate the demands of construction-related vehicles.
Performance standards 16.4.2.13-16.4.2.14 – Parking, loading and manoeuvring area 16.4.2.13 <i>All activities that involve the erection, construction or substantial reconstruction, alteration or addition to a building on any site, or changes the use of any land or building, shall provide loading/unloading spaces for vehicles on the site as set out in Appendix T1. ...</i> 16.4.2.14 <i>Vehicle parking (if provided), loading/unloading, and manoeuvring areas shall:</i> <i>a. Not encroach on any setback, outdoor living area, or bicycle parking spaces; and loading/unloading areas and manoeuvring areas shall not encroach over vehicle parking spaces; and</i>	Complies – No formal parking areas are proposed and none are considered to be required for this activity. Due to the size of the Site, there is sufficient space to accommodate loading and manoeuvring of construction-related vehicles.

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b. <i>Be designed, formed, and constructed to ensure that the surface of the required area provides a dust free environment; and</i> c. <i>Provide for the safe and efficient disposal of surface stormwater clear of any adjoining access or road surface in a way that does not result in ponding or scouring; and</i> d. <i>Be constructed to accommodate the anticipated use of the area by all traffic likely to access the site in the zone in which it is located, including construction traffic taking into account pavement, surfacing, demarcation of spaces, aisles and circulation roads; and</i> e. <i>Be provided on the site on which the building, activity or proposal is located, except where the provisions of Rules 16.4.2.15 and 16.4.2.16 apply.</i> ...	
Performance standard 16.4.2.22 – Provision of an integrated transport assessment <i>A Simple or Broad Integrated Transport Assessment shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds ...</i>	Does not comply – activities which generate over 250 vehicles per day to a local road require an Integrated Transportation Assessment and are a Restricted Discretionary Activity. For the purpose of this threshold, Standard 16.4.2.22 specifies that heavy vehicles over 3.5 tonnes are to be taken as 10 car equivalents. The trip generation of the proposal is therefore assessed to be 80 vehicles per day equating to 312 equivalent vehicles per day (refer to ITA in <u>Appendix N</u>).
Section 17 – Works and Utilities	
Rule 17.4.1.1(c) – Removal of overhead and underground electrical lines	Permitted in the Rural zone. There are no relevant performance standards.
Rule 17.4.1.2(f) – Removal of overhead and underground telecommunication lines	Permitted in the Rural zone. There are no relevant performance standards.

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Table 17.4.1.3 – Water, wastewater and stormwater	N/A – Removal of this infrastructure is not covered by the table. Activity addressed as part of earthworks.
Section 19 – Hazardous Substances and Contaminated Land	
Activity Table 19.4.1.1	N/A – no hazardous facilities are proposed as part of the activities.
Performance standard 19.4.2.5 <i>Any part of a site where hazardous substances are used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled shall be designed, constructed and managed to prevent any adverse effects of the intended use from occurring outside the area where the particular activity is to be carried out.</i>	Complies – the proposal involves the use and handling of hazardous substances. In Phases 2 and 3, this primarily entails the removal of asbestos cement water main pipes, any asbestos containing material in the building foundations, and coal tar from the roads. Construction machinery may also benefit from having onsite refuelling made available. The draft DDRMP (Appendix P) contains requirements for the handling and use of hazardous substances to follow applicable standards, codes, regulations and guidelines and be undertaken by appropriately certified personnel. It also contains requirements for washdowns, refuelling areas and fuel storage areas to prevent any accidental discharge to the environment. Materials that are contaminated with hazardous substances will be transported offsite in lined and covered trucks to an authorised disposal facility.
Performance standard 19.4.2.7 <i>Any part of the site, including vehicle accessways, where hazardous substances are used, stored, manufactured, mixed, packaged, loaded, unloaded, or otherwise handled shall be served by a spill containment system: ...</i>	
Performance standard 19.4.2.8 <i>The collection of hazardous substances for disposal or subsequent use shall be in suitable containers that seal and contain the substances in a safe location as defined in Rule 19.4.2.7.</i>	
Performance standard 19.4.2.10 <i>Any part of a site where washing of vehicles, equipment or containers which have or may have been contaminated shall be designed, constructed and managed to prevent the effluent from the washdown area from:</i>	

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b. <i>Entering or discharging into the stormwater or wastewater network, unless pursuant to a trade waste consent; and</i> c. <i>Discharging onto land and/or into water (including groundwater and potable water supplies) unless the discharge is permitted by a rule in a Regional Plan or Proposed Regional Plan, or by resource consent.</i>	
Performance standard 19.4.2.14 <i>The storage or processing of any contaminated waste containing a hazardous substance shall comply with any relevant requirement in the Hazardous Substances and New Organisms Act 1996 (HSNO) and Regulations, and New Zealand Standard NZS 8409:2004 Management of agrichemicals.</i>	
Performance standard 19.4.2.15 <i>Any process waste or waste containing hazardous substances shall be managed to prevent the waste:</i> a. <i>Entering or discharging into a stormwater or sewerage network, unless pursuant to a trade wastes consent; and</i> b. <i>Discharging on to land and/or into water (including groundwater and potable water supplies), unless the discharge is permitted by a rule in a Regional Plan or Proposed Regional Plan or by a resource consent, or complies with Appendix S of New Zealand Standard NZS 8409:2004 Management of agrichemicals.</i>	
Performance standard 19.4.2.16 <i>The storage of any contaminated waste containing a hazardous substance(s) shall prevent:</i> a. <i>Exposure to ignition sources; and</i>	

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b. <i>Corrosion or other alteration of the containers used for the storage of the waste; and</i> c. <i>Unintentional release of the waste into the surrounding natural environment.</i>	
Performance standard 19.4.2.17 <i>Any facility generating waste containing hazardous substances shall dispose of these wastes to an authorised disposal facility or a facility permitted by a resource consent.</i>	
Section 20 – Health and General Amenity	
Performance standard 20.4.2.1 – Odour, smoke, fumes or dust <i>No activity shall produce any objectionable odour, smoke, fumes or dust at or beyond the boundaries of the site from which the nuisance emanates.</i>	Complies – Measures are included in section 20 of the DDRMP (Appendix P) to ensure there is no objectionable odour, smoke, fumes or dust beyond the boundary of the Site.
Performance standard 20.4.2.2 – Lighting and glare <i>The maximum level of light spill from artificial lighting from any activity shall be no greater than 10 lux measured horizontally or vertically at or within the boundary of any other site or road; and the artificial lighting shall be conducted so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites, provided that the following activities are exempt:</i> a. <i>Street lights, navigation lights and traffic signals; and</i> b. <i>Headlights of moving vehicles or vehicles which are stationary for less than five minutes; and</i>	Complies – Works are proposed primarily during daylight hours and no artificial lighting is expected to spill across the boundary.

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c. <i>In the Rural Zone, lighting or glare from vehicles being used for farming activities and agricultural equipment.</i>	
Performance standards 20.4.2.4-20.4.2.8 – Maintenance of buildings, sites and infrastructure 20.4.2.4 <i>All sites shall be maintained so as to preserve the amenity values of the zone and land shall be kept clear of rubbish and noxious plants. Unregistered motor vehicles not being used shall not be stored in public view for more than six months.</i> 20.4.2.5 <i>The material from demolished buildings shall be removed and sites shall be landscaped to the satisfaction of Council within one month of demolition, provided that this time limit shall be extended to six months where consent has been granted for the construction of a new building.</i> 20.4.2.6 <i>All earthworks or areas of bare earth not being worked for three months or more excluding mineral extraction activities, shall be sown with appropriate ground cover as soon as possible.</i> 20.4.2.7 <i>No building shall be so constructed or finished or left unfinished or not maintained so that its function and external appearance would detract from the amenity values of the zone. In the Commercial Zone, this includes the maintenance of verandahs to provide weather protection for pedestrians.</i> 20.4.2.8 <i>All sites with an impervious area of greater than 1000m² (other than roof areas that drain directly to the stormwater system or to soakage) must install an</i>	Complies – although the majority of the site has little visibility from public places, the DDRMP (Appendix P) contains multiple measures to maintain site tidiness and control sediment which will be incorporated into contractor methodology. Areas of bare earth will be re-sown as soon as possible. Demolition waste will be regularly removed from the Site. The proposal reduces impervious areas on the site, and the metalled farm tracks to replace the existing roads will be semi pervious and discharge to land soakage.

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<i>appropriate stormwater treatment system that adequately treats any actual or potential contaminants and either disposes stormwater to land soakage and/or restricts the discharge rate to the maximum greenfield run off rate for the site unless in accordance with a discharge permit granted by the Waikato Regional Council.</i>	
Part F – District Wide Natural and Cultural Heritage	
Section 22 – Heritage and Archaeology	
Activity Status Table 22.4.1.1	No archaeological sites or cultural sites are identified on the Site on the Waipā District Plan maps. However, the Plan definitions of archaeological and cultural sites are not limited to what is shown on the planning maps, and there is known potential for archaeological and cultural sites to be present on this Site. Therefore these rules are conservatively considered to be applicable. On the basis that archaeological authority will be obtained from Heritage New Zealand Pouhere Taonga, the removal of any potential archaeological or cultural site would be permitted under Rule 22.4.1.1(j). Earthworks within 20m of a cultural site are a Restricted Discretionary Activity under Rule 22.4.1.1(m), therefore consent is sought for this activity.
Section 23 – Protected Trees	N/A – No protected trees are located on Site.
Section 24 – Indigenous Biodiversity	
Activity Status Table 24.4.1.1	Permitted – there are no Significant Natural Areas, Bush Stands or Biodiversity Corridors located on the Site. All trimming and removal of other indigenous vegetation is permitted. Planting of indigenous vegetation associated with culvert 2 removal and reinstatement is permitted.

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Section 26 – Lakes and Water bodies	
Rule 26.4.1.3(a) – Activities which fail to comply with Rule 26.4.2.1	Restricted Discretionary Activity – Activity does not comply with Rule 26.4.2.1 as assessed below.
Performance standard 26.4.2.1 – 23m setback from lakes and water bodies	Does not comply – earthworks and vegetation clearance are proposed within 23m of the edge of the Wharekōrino Stream and wetlands as follows: • In or within 23m of Wetland 1 (eastern): earthworks for culvert 1 upgrade, removal of underground water pipes, underground telecommunications lines, underground power lines, road / parking area, redundant components of WWTP, footbridge, grit chamber; vegetation removal for removal of wastewater manhole and underground water pipes • In or within 23m of Wetland 2 (north-western): earthworks for removal of above ground wastewater lines/manholes, underground telecommunications lines, underground power lines, concrete steam duct, road / parking area, remediation of contaminated soil at Buildings 75 and 76; vegetation removal for removal of underground water pipes. • In or within 23m of Wharekōrino Stream and tributaries: earthworks for removal of underground water pipes, underground telecommunications lines, road / parking area, redundant components of WWTP, footbridge, grit chamber; vegetation removal associated with removal of culvert 2 and redundant road crossing embankment, wastewater manholes, underground water pipes and remediation of contaminated soil at Building 24.

REMEDIATION APPLICATION

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	
Provision	Comments
Regulation 5 Application <i>(1) These regulations—</i> <i>(a) apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8) ...</i> Activities <i>(4) An activity is disturbing the soil of the piece of land, which—</i> <i>(a) means disturbing the soil of the piece of land for a particular purpose:</i> <i>(6) An activity is changing the use of the piece of land, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health.</i> Land covered <i>(7) The piece of land is a piece of land that is described by 1 of the following:</i> <i>(a) an activity or industry described in the HAIL is being undertaken on it:</i> <i>(b) an activity or industry described in the HAIL has been undertaken on it:</i> <i>(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.</i>	Applies The regulations apply to this proposal, which is to undertake an activity described in subclause (4) (disturbing soil) and subclause (6) (changing use) on a piece of land described in subclause (7). Under subclause (7) the site is a piece of land as several HAIL activities have been undertaken on it. While some of the site is currently production land, not all of it is, therefore subclause (7) is applied rather than (8). The piece of land is not excluded from the regulations under subclause (9), as the detailed site investigations have found contaminants above background concentrations.
Regulation 8 Permitted Activities – Disturbing Soil <i>(3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:</i> <i>(a) controls to minimise the exposure of humans to mobilised contaminants must—</i>	(3)(a) Will comply (b) Will comply (on a rolling basis) (c) Complies – on the basis that the PSI identified less than half the total 79ha site area as HAIL areas forming the piece

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National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	
(i) <i>be in place when the activity begins:</i> (ii) <i>be effective while the activity is done:</i> (iii) <i>be effective until the soil is reinstated to an erosion-resistant state:</i> (b) <i>the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:</i> (c) <i>the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:</i> (d) <i>soil must not be taken away in the course of the activity, except that,—</i> (i) <i>for the purpose of laboratory analysis, any amount of soil may be taken away as samples:</i> (ii) <i>for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:</i> (e) <i>soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:</i> (f) <i>the duration of the activity must be no longer than 2 months:</i> (g) <i>the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</i>	of land, around 20,000m³ disturbance would be permitted, and 7,800m³ is proposed. (d) May not comply – if the Landfill Upgrade Application is granted, contaminated soil will not leave the site. However, if contaminated soil is to be disposed of offsite, around 4,000m³ would be permitted to be taken away and 7,800m³ is proposed. (e) Will comply – any contaminated soil taken offsite will be disposed of at an authorised facility. (f) Does not comply – activity will take longer than 2 months (g) Will comply. In summary, the soil disturbance does not meet the permitted activity requirements.
Regulation 8 Permitted Activities – Subdividing or changing use (4) <i>Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:</i> (a) <i>a preliminary site investigation of the land or piece of land must exist:</i> (b) <i>the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:</i>	The proposal seeks to change the use of the entire site from its former use as a psychiatric hospital and associated grounds. (4)(a), (c) and (d): Complies. A preliminary site investigation exists accompanied by a site plan and is provided to the consent authority with this application. (b) Does not comply. Not all of the land is currently meeting rural residential contamination standards (which is the outcome standard agreed between the Crown and Ngāti

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<i>(c) the report must be accompanied by a relevant site plan to which the report is referenced:</i> <i>(d) the consent authority must have the report and the plan.</i>	Maniapoto) and therefore requires remediation to achieve that standard. The change of use does not meet the permitted activity requirements.
Regulation 9 Controlled Activities – Disturbing Soil <i>(1) If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:</i> <i>(a) a detailed site investigation of the piece of land must exist:</i> <i>(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:</i> <i>(c) the consent authority must have the report:</i> <i>(d) conditions arising from the application of subclause (2), if there are any, must be complied with.</i>	Does not comply – A detailed site investigation exists and is provided with this application, but the soil contamination found in some areas exceeds the standards in Regulation 7.
Regulation 9 Controlled Activities – Subdividing or changing use <i>(3) If a requirement described in regulation 8(4) is not met, the activity is a controlled activity while the following requirements are met:</i> <i>(a) a detailed site investigation of the piece of land must exist:</i> <i>(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:</i> <i>(c) the consent authority must have the report:</i> <i>(d) conditions arising from the application of subclause (4), if there are any, must be complied with.</i>	Does not comply – A detailed site investigation exists and is provided with this application, but the soil contamination found in some areas exceeds the standards in Regulation 7.

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National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	
Regulation 10 Restricted Discretionary Activities <i>(1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.</i> <i>(2) The activity is a restricted discretionary activity while the following requirements are met:</i> <i>(a) a detailed site investigation of the piece of land must exist:</i> <i>(b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7:</i> <i>(c) the consent authority must have the report:</i> <i>(d) conditions arising from the application of subclause (3), if there are any, must be complied with.</i>	(10)(1) As assessed above the disturbance of soil and the change of use are not permitted nor controlled activities. (2) Detailed site investigations exist and have found that soil contamination in some areas exceeds the standards in Regulation 7. The reports are provided with this application. The disturbance of soil and change of use are therefore a Restricted Discretionary Activity.

LANDFILL APPLICATION

Rules assessment

The following rules assessment has determined that resource consent is required for a:

- Restricted Discretionary activity under the NES-CS;
- Non-complying activity under the Waipā District Plan;
- Discretionary activity under the NES-F; and
- Discretionary activity under the Waikato Regional Plan.

Note that only those rules and standards which are relevant to this application have been addressed.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	
Provision	Comments
Regulation 5 Application <i>(1) These regulations—</i> <i>(a) apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8) ...</i> Activities <i>(4) An activity is disturbing the soil of the piece of land, which—</i> <i>(a) means disturbing the soil of the piece of land for a particular purpose:</i>	Applies The regulations apply to this proposal, which is to undertake an activity described in subclause (4) (disturbing soil) on a piece of land described in subclause (7). Under subclause (7) the site is a piece of land as several HAIL activities have been undertaken on it, including G3: Landfill Sites. While some of the site is currently production land, not all of it is, therefore subclause (7) is applied rather than (8).

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National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	
<i>(6) An activity is changing the use of the piece of land, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health.</i> <i>Land covered</i> <i>(7) The piece of land is a piece of land that is described by 1 of the following:</i> <i>(a) an activity or industry described in the HAIL is being undertaken on it:</i> <i>(b) an activity or industry described in the HAIL has been undertaken on it:</i> <i>(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.</i>	The piece of land is not excluded from the regulations under subclause (9), as the detailed site investigations have found contaminants above background concentrations.
Regulation 8 Permitted Activities – Disturbing Soil <i>(3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:</i> <i>(a) controls to minimise the exposure of humans to mobilised contaminants must—</i> <i>(i) be in place when the activity begins:</i> <i>(ii) be effective while the activity is done:</i> <i>(iii) be effective until the soil is reinstated to an erosion-resistant state:</i> <i>(b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:</i> <i>(c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:</i> <i>(d) soil must not be taken away in the course of the activity, except that,—</i> <i>(i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:</i>	Does not comply (a) Will comply. (b) Will comply (on a rolling basis). (c) Does not comply - Total earthworks area is 21,500m², total disturbance (including cut/fill) is 58,550m². Only 1,075m³ may be disturbed as permitted activity. (d) Complies – contaminated soil not proposed to leave site. (e) Will comply. (f) Does not comply – activity will take longer than 2 months. (g) Will comply. In summary, the soil disturbance does not meet the permitted activity requirements.

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National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	
<i>(ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:</i> <i>(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:</i> <i>(f) the duration of the activity must be no longer than 2 months:</i> <i>(g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</i>	
Regulation 8 Permitted Activities – Subdividing or changing use <i>(4) Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:</i> <i>(a) a preliminary site investigation of the land or piece of land must exist:</i> <i>(b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:</i> <i>(c) the report must be accompanied by a relevant site plan to which the report is referenced:</i> <i>(d) the consent authority must have the report and the plan.</i>	Not applicable The landfill area is currently used for grazing (rural land use) and will be used for grazing following the landfill upgrade works. No change of use is proposed.
Regulation 9 Controlled Activities – Disturbing Soil <i>(1) If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:</i> <i>(a) a detailed site investigation of the piece of land must exist:</i> <i>(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:</i> <i>(c) the consent authority must have the report:</i>	Does not comply A detailed site investigation exists and is provided with this application, but the soil contamination found in some areas exceeds the standards in Regulation 7.

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National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	
<i>(d) conditions arising from the application of subclause (2), if there are any, must be complied with.</i>	
Regulation 10 Restricted Discretionary Activities <i>(1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.</i> <i>(2) The activity is a restricted discretionary activity while the following requirements are met:</i> <i>(a) a detailed site investigation of the piece of land must exist:</i> <i>(b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7:</i> <i>(c) the consent authority must have the report:</i> <i>(d) conditions arising from the application of subclause (3), if there are any, must be complied with.</i>	Resource consent required (1) As assessed above the disturbance of soil is not a permitted nor controlled activity. (2) Detailed site investigations exist and have found that soil contamination in some areas exceeds the standards in Regulation 7. The reports are provided with this application. The disturbance of soil is therefore a Restricted Discretionary Activity.

LANDFILL APPLICATION

National Environmental Standards for Freshwater 2020 (NES-F)

National Environmental Standards for Freshwater 2020	
Definitions	
Natural Inland Wetland (NPS-FM definition): means a wetland (as defined in the Act) that is not: (a) in the coastal marine area; or (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or (d) a geothermal wetland; or (e) a wetland that: (i) is within an area of pasture used for grazing; and (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply	Wetland 1 is a riverine wetland encompassing the southern extent of the Wharekōrino Stream in the site and its floodplains. It is located north of Culvert 2. Wetland 1 meets the definition of a Natural Inland Wetland. Wetland 1 is located greater than 100m from the nearest part of the landfill (Disposal Area D).
Provision	Comments
Subpart 1 – Natural Inland Wetlands	

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National Environmental Standards for Freshwater 2020	
Regulation 45B – Landfills and cleanfill areas (1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing or operating a landfill or a cleanfill area. (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing or operating a landfill or a cleanfill area. (3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it— (a) is for the purpose of constructing or operating a landfill or a cleanfill area; and (b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland. (4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the activity is for the purpose of constructing or operating a landfill or a cleanfill area; and (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland. (5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—	Not applicable Wetland 1 is located over 100m from nearest point of the landfill (Disposal Area D). None of the activities listed under Regulation 45B will occur. Works associated with removal of Culvert 2 are not part of this application.

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National Environmental Standards for Freshwater 2020	
(a) the discharge is for the purpose of constructing or operating a landfill or a cleanfill area; and (b) there is a hydrological connection between the discharge and the wetland; and (c) the discharge will enter the wetland; and (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.	
Regulation 54 Other activities – Non-complying activities	Not applicable Wetland 1 is located over 100m from nearest point of the landfill (Disposal Area D). None of the activities listed under Regulation 54 will occur. Damming and diversion of water will occur within 100m of Wetland 1 for the removal of Culvert 2, which has a hydrological connection to Wetland 1 as it is upstream. Removal of Culvert 2 is part of the Remediation Application and is not part of this application.
Subpart 3 – Passage of fish affected by structures	
Regulation 58 – Purpose of this subpart The purpose of this subpart is to deal with the effects on the passage of fish of the placement, use, alteration, extension, or reconstruction of any of the following structures in, on, over, or under the bed of any river or connected area:	This subpart applies as the proposal involves closing off the existing culvert (Culvert 3) and installing a new culvert. The proposal also involves temporary dams around works areas.

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National Environmental Standards for Freshwater 2020	
(a) a culvert: (b) a weir: (c) a flap gate (whether passive or non-passive): (d) a dam: (e) a ford.	
Regulation 60 – When this subpart does not apply This subpart does not apply to any of the following structures in, on, over, or under the bed of any river or connected area: (a) an existing structure, meaning a structure that was in the river or connected area at the close of 2 September 2020, and including any later alterations or extensions of that structure: (b) a customary weir, meaning a weir that is used for the purpose of practising tikanga Māori, including customary fishing practices.	Subpart 3 does not apply to works to close off Culvert 3 as this culvert has been in place prior to 2 September 2020. However, Subpart 3 <i>does</i> apply to the new culvert. Subpart 3 does apply to the temporary dams. The NES-F does not set an activity status for installing dams, fords and non-passive flap gates but it does require details about their location, design, dimensions and materials to be provided to the regional council. If a proposed dam, ford or non-passive flap gate requires a resource consent from the council, the monitoring and maintenance requirements in the NES-F must also be met.

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National Environmental Standards for Freshwater 2020	
Regulation 70 – Permitted activities The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of any river or connected area is a permitted activity if it complies with the conditions. Conditions (2) The conditions are that— (a) the culvert must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert; and (b) the culvert must be laid parallel to the slope of the bed of the river or connected area; and (c) the mean cross-sectional water velocity in the culvert must be no greater than that in all immediately adjoining river reaches; and (d) the culvert's width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured in metres, must compare as follows: (i) where $w \leq 3$, $s \geq 1.3 \times w$; (ii) where $w > 3$, $s \geq (1.2 \times w) + 0.6$; and (e) the culvert must be open-bottomed or its invert must be placed so that at least 25% of the culvert's diameter is below the level of the bed; and (f) the bed substrate must be present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time; and (g) the culvert provides for continuity of geomorphic processes (such as the movement of sediment and debris).	Does not comply Culvert 3 will be closed off and remain in place and a new culvert will be installed. This regulation applies to the new culvert. The new culvert will not comply with Condition 2(d) of this regulation as the new culvert will have a width of 1.35m, which is the same as existing Culvert 3. Based on average stream width at culvert inlet of 2.2m, this would mean a 2.9m wide culvert is required by (2)(d), which is not feasible in this case. If a larger culvert is used this could cause greater adverse flooding effects at Te Mawhai Road.

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National Environmental Standards for Freshwater 2020	
Regulation 71 – Discretionary activities (1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the conditions in regulation 70(2). <i>Conditions required in resource consent</i> (2) A resource consent granted for the discretionary activity must impose the conditions required by— (a) regulations 62 and 63 (information about structures and passage of fish and about culverts), unless the activity is use; and (b) regulation 69 (monitoring and maintenance).	Resource consent required As it does not comply with Regulation 70, resource consent is required under Regulation 71 for installation of the new culvert as a Discretionary Activity.

LANDFILL APPLICATION

National Environmental Standard for Air Quality 2004

National Environmental Standard for Air Quality 2004	
Provision	Comments
Regulation 6 Lighting of fires and burning of waste at landfill (1) The lighting of fires and the burning of waste at a landfill are prohibited. (2) Subclause (1) does not apply if— (a) the lighting of a fire is to control gas formed at the landfill; and (b) the landfill complies with the requirements of regulations 25 to 27.	Not applicable No lighting of fires or burning of waste is proposed.
Regulation 13 Ambient Air Quality Standards (1) The ambient air quality standard for a contaminant specified in the first column of the table in Schedule 1 is that the contaminant must not exceed its threshold concentration in an airshed unless the exceedance is a permissible exceedance. (2) The ambient air quality standard for a contaminant is breached if the contaminant exceeds its threshold concentration in an airshed and the exceedance is not a permissible exceedance.	Not applicable The site is in the 'rest of the region' airshed, and the ambient air quality standards do apply. However, no discharge to air is proposed. Therefore, Regulation 13 is not relevant to this application.
Regulation 26 Control of Gas No person may allow the discharge of gas to air from a landfill. (2) Subclause (1) does not apply if the landfill has a system for the collection of gas from the landfill— (a) that is designed and operated to ensure that any discharge of gas from the surface of the landfill does not exceed 5 000 parts of methane per million parts of air; and	Not applicable The total landfill capacity is less than 1 million tonnes, and contains less than 200,000 tonnes of waste. Therefore, the proposal is exempted under Regulation 25.

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National Environmental Standard for Air Quality 2004	
(b) in which the gas is— (i) flared in accordance with regulation 27; or (ii) used as a fuel or for generating electricity.	
Regulation 27 Flaring of gas (1) If gas collected at a landfill is destroyed by flaring,— (a) the system for the principal flare or flares must— (i) comply with the requirements in subclause (2); or (ii) achieve at least the same effect as the system in subclause (2); and (b) the system for the backup flare must— (i) comply with the requirements in subclause (3); or (ii) achieve at least the same effect as the system in subclause (3).	Not applicable No flaring of landfill gas is proposed. Landfill gas is not collected at this site. Further, the total landfill capacity is less than 1 million tonnes, and contains less than 200,000 tonnes of waste. Therefore the proposal is exempted under Regulation 25.

LANDFILL APPLICATION

Waipā District Plan

Waipā District Plan
PART B - Definitions
Cleanfill: means material that when buried will have no adverse effect on people or the ENVIRONMENT. CLEANFILL material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of: • Combustible, decaying, degradable or leachable components; and/or • HAZARDOUS SUBSTANCES; and/or • Products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practice; and/or • Materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances; and/or LIQUID WASTE.
Co-disposal of hazardous substances: means the conscious, controlled disposal of hazardous waste with domestic and other similar waste within a municipal landfill.
Earthworks: means the disturbance of the land surface by moving, removing, placing or replacing soil, spoil or earth, by EXCAVATION, cutting or filling operations (but does not include MINERAL EXTRACTION ACTIVITIES or tillage of land associated with the growing of crops where there is no significant change to landform).
Hazardous Substance: means, unless expressly provided otherwise by regulations or an EPA notice, any substance—

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(a) with 1 or more of the following intrinsic properties: (i) explosiveness: (ii) flammability: (iii) a capacity to oxidise: (iv) corrosiveness: (v) toxicity (including chronic toxicity): (vi) ecotoxicity, with or without bioaccumulation; or (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)	
Provision	Comments
Part D – Zone Provisions	
Section 4 – Rural Zone	
Rule 4.4.1.1(j) Demolition, removal of buildings and structures, except those listed in Appendix N1 - Heritage Items – Permitted activity	Not applicable Culvert 3 will be closed off and remain in place. No structures will be demolished or removed as part of the proposal. Therefore, this rule does not apply.
Rule 4.4.1.1(m) Earthworks – Permitted activity	Does not comply Earthworks are permitted subject to compliance with relevant performance standards in Rule 4.4.2. Earthworks involved in this proposal include: The works to dispose of low-level contaminated soil and recap the existing landfill are considered to be earthworks. Culvert 3 realignment and daylighting will also require earthworks.

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	The earthworks do not comply, as assessed further in this table.
Rule 4.4.1.4(a) – Discretionary Activities Any permitted, controlled or restricted discretionary activity that fails to comply with: ... vii. Rules 4.4.2.15, 4.4.2.16, 4.4.2.20 to 4.4.2.22 – Noise xvii. Rule 4.4.2.75 – Earthworks	Resource consent required The new culvert and the earthworks to remediate and dispose of contaminated material will comply with the noise standards, but not the earthworks standards, as assessed below. Therefore resource consent is required under Rule 4.4.1.4(a) as a Discretionary Activity.
Rule 4.4.1.5(b) All other activities not listed in activity status table Rules 4.4.1.1 to 4.4.1.4 and not listed as a prohibited activity – Non-complying activity	Resource consent required Landfill works are not provided for under any other rule in the Plan and are not listed as a prohibited activity under Rule 4.4.1.6. Therefore, this rule applies, and the landfill works are a Non-Complying Activity.
Performance standard 4.4.2.19 – Construction noise <i>Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.</i>	Complies As assessed in the Acoustic Assessment (Appendix M), the construction noise will comply with the limits in NZS6803:1999 Acoustics – Construction Noise.
Rule 4.4.2.48 – Solid and liquid waste storage and spreading setbacks <i>Unless otherwise authorised under Rules 4.4.2.46 or 4.4.2.47 above, the disposal of solid waste shall be in landfill sites or at transfer stations approved by Council, provided that this rule shall not apply to the disposal of carcasses in offal pits, the composting of vegetation and the burying of non-toxic solid wastes on holdings where they are produced.</i>	Complies The proposal includes the disposal of solid waste to a landfill site which has existing resource consents approved by WRC. The proposed disposal of additional waste to the landfill will also be subject to Council approval through this resource consent application.
Performance standard 4.4.2.75 – Earthworks	Does not comply

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<i>Earthworks (excluding mineral extraction activities), shall not exceed a total volume of 1000m³ in a single activity or in cumulative activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent, tillage of land associated with the growing of crops, construction, maintenance and upgrading of farm tracks, farm silage pits or existing drains.</i>	The proposed earthworks will exceed 1,000m³ and therefore do not comply with this standard.
Part E – District Wide Provisions	
Section 16 – Transportation	
Activity Status Table 16.4.1.1	Permitted The activity will generate less than 100 vehicles per day and does not require a new vehicle entrance onto a State Highway or major arterial road. It is permitted under 16.4.1.1(e).
Performance standards 16.4.2.4-16.4.2.12 – Access	Complies No new or amended access proposed. Regardless, the ITA (Appendix N) confirms that the main access complies with design, separation and sight distance requirements and can accommodate the demands of construction-related vehicles.
Performance standards 16.4.2.13-16.4.2.14 – Parking, loading and manoeuvring area 16.4.2.13 a. <i>All activities that involve the erection, construction or substantial reconstruction, alteration or addition to a building on any site, or changes the use of any land or building, shall provide loading/unloading spaces for vehicles on the site as set out in Appendix T1. ...</i>	Complies No formal parking areas are proposed, and none are considered to be required for this activity. Due to the size of the Site, there is sufficient space to accommodate loading and manoeuvring of construction-related vehicles.

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16.4.2.14 <i>b. Vehicle parking (if provided), loading/unloading, and manoeuvring areas shall:</i> <i>c. Not encroach on any setback, outdoor living area, or bicycle parking spaces; and loading/unloading areas and manoeuvring areas shall not encroach over vehicle parking spaces; and</i> <i>b. Be designed, formed, and constructed to ensure that the surface of the required area provides a dust free environment; and</i> <i>c. Provide for the safe and efficient disposal of surface stormwater clear of any adjoining access or road surface in a way that does not result in ponding or scouring; and</i> <i>d. Be constructed to accommodate the anticipated use of the area by all traffic likely to access the site in the zone in which it is located, including construction traffic taking into account pavement, surfacing, demarcation of spaces, aisles and circulation roads; and</i> <i>e. Be provided on the site on which the building, activity or proposal is located, except where the provisions of Rules 16.4.2.15 and 16.4.2.16 apply.</i>	
Performance standard 16.4.2.22 – Provision of an integrated transport assessment <i>A Simple or Broad Integrated Transport Assessment shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds ...</i>	Complies Less than 250 equivalent vehicles per day will be generated to the local road. An Integrated Transport Assessment is not required.
Section 19 – Hazardous Substances and Contaminated Land	
Activity Table 19.4.1.1	Complies

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[...] e. The co-disposal of hazardous substances to a landfill operation, but only where: i. The landfill is operating under a resource consent or a requirement that provides for the disposal of hazardous substances; and ii. The hazardous substance is listed as being permitted to be disposed of in the landfill; and/or iii. The hazardous substance is within the quantities and concentrations permitted in the landfill; and/or iv. The disposal is undertaken and completed in accordance with the conditions controlling the landfill operation.	Existing material within the landfill can likely be classified as hazardous substances. As a precaution, it is assumed this rule applies. The landfill currently operates under a resource consent and will continue to do as part of the current consent application. The landfill disposal will be undertaken and completed in accordance with conditions controlling the operation of the landfill once consent is granted. The proposal is considered to comply with this rule and is therefore a permitted activity.
Section 20 – Health and General Amenity	
Performance standard 20.4.2.1 – Odour, smoke, fumes or dust No activity shall produce any objectionable odour, smoke, fumes or dust at or beyond the boundaries of the site from which the nuisance emanates.	Complies Measures are included in the ESCP to ensure there is no objectionable odour, smoke, fumes, or dust beyond the boundary of the Site.
Performance standard 20.4.2.2 – Lighting and glare The maximum level of light spill from artificial lighting from any activity shall be no greater than 10 lux measured horizontally or vertically at or within the boundary of any other site or road; and the artificial lighting shall be conducted so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites, provided that the following activities are exempt: Street lights, navigation lights and traffic signals; and Headlights of moving vehicles or vehicles which are stationary for less than five minutes; and In the Rural Zone, lighting or glare from vehicles being used for farming activities and agricultural equipment.	Complies Works are proposed primarily during daylight hours and no artificial lighting is expected to spill across the boundary.

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Performance standards 20.4.2.4-20.4.2.10 – Maintenance of buildings, sites and infrastructure 20.4.2.4 All sites shall be maintained so as to preserve the amenity values of the zone and land shall be kept clear of rubbish and noxious plants. Unregistered motor vehicles not being used shall not be stored in public view for more than six months. 20.4.2.5 The material from demolished buildings shall be removed and sites shall be landscaped to the satisfaction of Council within one month of demolition, provided that this time limit shall be extended to six months where consent has been granted for the construction of a new building. 20.4.2.6 All earthworks or areas of bare earth not being worked for three months or more excluding mineral extraction activities, shall be sown with appropriate ground cover as soon as possible. 20.4.2.7 [...] 20.4.2.8 [...] 20.4.2.9 [...] 20.4.2.10	Complies Although the majority of the site has little visibility from public places, the ESCP contains measures to maintain site tidiness and control sediment which will be incorporated into contractor methodology. No buildings are being demolished as part of the proposal. Material transferred from the hospital site will comprise low-moderate level contaminated soil and does not include demolished building material. Areas of bare earth will be re-sown as soon as possible. If works cease for longer than three months, the exposed areas will be sown with appropriate ground cover.

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No silt or sediment, or water containing silt or sediment, may be discharged into stormwater pipes, drains, channels or soakage systems from non-farming related earthworks or bare land within the urban limits as shown on the Planning Maps.	Sediment laden water will not be discharged into any stormwater pipes drains, channels or soakage systems within urban limits.
Part F – District Wide Natural and Cultural Heritage	
Section 22 – Heritage and Archaeology	
Activity Status Table 22.4.1.1 ... (m) – Development including buildings, earthworks, driveways or wastewater treatment systems within 20m of the boundary of a cultural site - Restricted Discretionary	Resource consent required No archaeological sites or cultural sites are identified on the Site on the Waipā District Plan maps. However, the Plan definitions of archaeological and cultural sites are not limited to what is shown on the planning maps, and there is known potential for archaeological and cultural sites to be present on this Site. Therefore, these rules are conservatively considered to be applicable. On the basis that archaeological authority will be obtained from Heritage New Zealand Pouhere Taonga, the removal of any potential archaeological or cultural site would be permitted under Rule 22.4.1.1(j). Earthworks within 20m of a cultural site are a Restricted Discretionary Activity under Rule 22.4.1.1(m), therefore consent is sought as a Restricted Discretionary Activity.
Section 23 – Protected Trees	Not applicable
	No protected trees are located on site.
Section 24 – Indigenous Biodiversity	
Activity Status Table 24.4.1.1	Permitted

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	There are no Significant Natural Areas, Bush Stands or Biodiversity Corridors located on the Site. All trimming and removal of other indigenous vegetation is permitted. Planting of indigenous vegetation associated with realignment of the stream around the new culvert is permitted.
Section 26 – Lakes and Water bodies	
Rule 26.4.1.3(a) – Restricted Discretionary Activities Activities which fail to comply with Rule 26.4.2.1	Resource consent required Activity does not comply with Rule 26.4.2.1 as assessed below. Therefore, consent is required as a Restricted Discretionary Activity .
Performance standard 26.4.2.1 – 23m setback from lakes and water bodies	Does not comply Earthworks and vegetation clearance are proposed within 23m of the edge of the Wharekōrino Stream in relation to alteration of Culvert 3 and installation of new culvert, including realignment of the stream.

LANDFILL APPLICATION

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Definitions	
High Risk erosion area: Means any part of any activity (where the activity is not otherwise permitted): 1. where the pre-existing slope of the land exceeds 25 degrees; or 2. on coastal frontal dunes on the East Coast; or 3. on coastal sand country on the West Coast (Mokau to Karioitahi) where loose sands are at the ground surface or within 10 centimetres of the surface; or 4. within 50 metres landward of the coastal marine area of an estuary, except in the landward margin of an authorised stopbank; or 5. adjacent to water bodies (including ephemeral watercourses draining catchments greater than 100 hectares, but excluding any other ephemeral rivers or streams), where: 1. the land slope is between 0 degrees to 15 degrees – within 10 metres from any lake, wetland or the bed of a river or lake, or 2. the land slope is greater than 15 degrees – within that distance from the wetland, the bed of a river or lake, or from mean high water springs to the first point at which the slope reduces to 15 degrees or less, or 100 metres (whichever is the lesser, outside the minimum distance described in i)).	
Structure: Any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.	
Provision	Comments
Chapter 3 – Water Module	
3.3 Water Takes 3.4 Efficient Use of Water	Not applicable

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	Not applicable to damming or diversion. No takes proposed. No water use proposed.
High risk facilities (3.5.12): Waste Management Sites (transfer stations, compost sites, landfills etc.)	Applies The landfill is classified as a high-risk facility under this rule.
3.5.4.4 Permitted Activity Rule – Discharges of Water to Water – General Rule Except as expressly provided for by other rules in this Plan any discharge of water (excluding geothermal water), into water is a permitted activity subject to the following conditions: - There shall be no adverse effect on water quality of the receiving water body. - Any adverse erosion effects occurring as a result of the discharge to be remedied as soon as practicable. - There shall be no adverse effects from increased water levels downstream of the discharge point. - The Waikato Regional Council shall be notified in writing of the discharge, its volume, contaminant concentrations and the water quality of the receiving water body 10 working days prior to the discharge commencing.	Does not comply The discharge of leachate from the landfill is currently authorised by AUTH102269.01.01 which is being replaced by the proposed application. The existing and ongoing discharge of leachate includes the discharge of contaminants which may adversely affect water quality in Wharekōrino Stream. Therefore, the proposal does not comply with this rule.
3.5.4.5 Discretionary Activity Rule - Discharges – General Rule Any discharge of a contaminant into water, or onto or into land, in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, that is not specifically provided for by any rule,	Resource consent required AUTH102269.01.01 currently authorises the discharge of leachate into land from the closed landfill. The above consent will be surrendered as part of the application. There is an ongoing discharge of leachate from the landfills into Wharekōrino

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or does not meet the conditions of a permitted or a controlled activity rule in this Plan, is a discretionary activity (requiring resource consent).	Stream that may affect water quality. Therefore, resource consent is required under this rule as a Discretionary Activity. Consent may also be required under this rule for the discharge of water pumped from the excavations of Area A2 during dewatering. Any wheel wash facility will have an interceptor system in place and will be located away from waterbodies. Any contaminants generated from wheel washing would not be expected to enter water.
3.5.4.6 Non-Complying Activity Rule – Discharges into other Water Bodies The discharge of contaminants (not including stormwater or contaminants associated with the take and use of geothermal water), into Natural State Water Bodies or wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna or cave entrances or lakes (excluding artificial lakes and Lake Rotoaira) is a non-complying activity (requiring resource consent).	Not applicable The discharge of contaminants from the landfill area will not be into a Natural State Water Body or wetland.
3.5.11.4 Permitted Activity Rule - Discharge of Stormwater to Water The discharge of stormwater to surface water (including geothermal water) is a permitted activity subject to the following conditions: - The discharge shall not originate from a catchment that includes any high risk facility, contaminated land*, operating quarry or mineral extraction site unless there is an interceptor system* in place. - Any erosion occurring as a result of the discharge shall be remedied as soon as practicable. - The catchment shall not exceed one hectare for discharges that originate from urban areas.	Not applicable AUTH102270.01.01 currently authorises the diversion and discharge of stormwater into the Wharekōrino Stream from the closed landfill. Following upgrading of the landfill cap, any surface stormwater will discharge to land. There is no point stormwater discharge to the stream. Therefore, this rule does not apply.

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d. There shall be no adverse increase in water levels downstream of the discharge point which causes flooding on neighbouring properties, as a result of the discharge. e. The discharge shall comply with the suspended solids standards in Section 3.2.4.6. f. The discharge shall not contain any material which will cause the production of conspicuous oil or grease films, scums or foams, or floatable suspended materials at any point downstream that is a distance greater than three times the width of the stream at the point of discharge. g. The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment. h. There shall be no discharge to any Significant Geothermal Feature.	
3.5.11.5 Permitted Activity Rule - Discharge of Stormwater onto or into Land The discharge of stormwater (including geothermal water) onto or into land is a permitted activity subject to the following conditions: a. The discharge shall not originate from a catchment that includes any high risk facility, or contaminated land* unless there is and interceptor system* in place. b. The discharge shall be below a rate that would cause flooding outside the design discharge soakage area, except in rain events equivalent to the 10% Annual Exceedance Probability design storm or greater. Any exceedance shall go into designated overland flow paths. c. There shall not be any overland flow resulting in a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedance	Does not comply AUTH102270.01.01 currently authorises the diversion and discharge of stormwater into the Wharekōrino Stream from the closed landfill. The above consent will be surrendered as part of the application. In this instance, the discharge of stormwater originates from a high-risk facility (landfill) and therefore does not comply with this rule.

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Probability design storm or greater; then there shall be no adverse surface water effects as a result of the discharge. d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable. The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment.	
3.5.11.6 Controlled Activity - Discharge of stormwater onto or into land The discharge of stormwater (including geothermal water) onto or into land that does not comply with Rule 3.5.11.5 is a controlled activity (requiring resource consent) subject to the following standards and terms: a. The discharge shall be below a rate that would cause overland flow leading to a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedance Probability design storm or greater. Any exceedance shall go into designated overland flow paths.	Does not comply AUTH102270.01.01 currently authorises the diversion and discharge of stormwater into the Wharekōrino Stream from the closed landfill. There is the ongoing potential for overland stormwater flows from the landfill area to enter surface water of Wharekōrino Stream. Therefore, the proposal does not comply with this rule.
3.5.11.8 – Discretionary Activity Rule – Discharge of Stormwater The discharge of stormwater into water, and/or into or onto land which does not comply with Rules 3.5.11.4, 3.5.11.5, 3.5.11.6 and 3.5.11.7 is a discretionary activity (requiring resource consent).	Resource consent required As the proposed discharge of stormwater to land does not comply with Rules 3.5.11.5 and 3.5.11.6, resource consent is required under this rule as a Discretionary activity.
3.6.4.4 Permitted Activity Rule – Small Dams and Damming Water 1. The damming of water and its diversion, taking, and discharging related to its passage through, past or over the dam, in any off-stream area or ephemeral river or stream or artificial watercourse, and 2. The use, erection, reconstruction, placement, alteration or extension of any associated structure in or on the bed of an ephemeral river or stream, where:	Does not comply The proposal will include temporary dams and diversion of clean and dirty water around the works area. There will also be a groundwater diversion drain installed around Area A1. The catchment area is greater than 100 hectares and therefore does not comply with this rule.

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the catchment area is less than one square kilometre (100 hectares), and the maximum retained water depth in the pond is less than three metres, and the dam retains not more than 20,000 cubic metres of water except that: - the damming shall not affect Significant Geothermal Features - the dam shall not occur in a cave system; is a permitted activity subject to the following conditions: [...]	
3.6.4.9 Offstream Damming and associated diversion Unless authorised by Rule 3.6.4.4, the damming of water in any off-stream area, ephemeral river or stream or artificial watercourse, and any associated: 1. Diversion, taking, and discharging of water related to the passage of water through, past, or over the dam, or 2. Use, erection, reconstruction, placement, alteration or extension of any associated structure in or on the bed of an ephemeral river or stream; is a controlled activity (requiring resource consent) subject to the following standards and terms: [...]	Resource consent required The groundwater diversion drain proposed around Area A1 is in an off-stream area and does not comply with Rule 3.6.4.4. Therefore, resource consent is required under this rule as a Controlled Activity.
3.6.4.14 New Dams/Damming of Water Except as provided for by Rules 3.6.4.4, 3.6.4.9, 3.6.4.10 and 3.6.4.12 the following activities, if undertaken after the date of notification of this Plan: 1. Damming of water and associated diversion, taking and discharging of water related to the passage of water through, or past or over the dam 2. The use, erection, reconstruction, placement, alteration or extension of any structure in or on the bed of a river or stream associated with the above activities; provided they do not:	Discretionary Activity – resource consent required As Culvert 3 is to be closed off and a replacement culvert installed, this is not technically considered maintenance of the structures. The temporary damming and diversion during construction is not provided for by another rule. Additionally, Culvert 3 daylighting is considered to involve a permanent diversion. As such, this damming and diversion falls to be considered under Rule 3.6.4.14 as a Discretionary Activity.

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a. occur in any perennial river or stream that is classified as Natural State in the Water Management Class Maps b. affect Significant Geothermal Features is a discretionary activity (requiring resource consent).	
Chapter 4 River and Lake Bed Module	
4.2.9.1 Culverts – Permitted Activity Rule – Catchments Not Exceeding Five Hectares Unless controlled by Rule 4.2.5.1 the following activities: 1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbances, in or on the bed of a river for catchments not exceeding five hectares upstream of the culvert, and 2. The subsequent diversion and discharge of water through the culvert, and 3. Any discharge of sediment associated with construction activities, and 4. The associated deposition of construction materials are permitted activities subject to the following conditions: [...]	Does not comply The catchment area of the Wharekorinō Stream is greater than 5 hectares upstream of Culvert 3.
4.2.9.3 Controlled Activity Rule – Culverts for Catchment Areas Not Exceeding 500 hectares Any activity unable to comply with Rules 4.2.9.1 or 4.2.9.2 or unless controlled by Rule 4.2.5.1, the following activities: 1. The use, erection, reconstruction, placement, alteration or extension of a culvert, and associated bed disturbance, in or on the bed of	Resource consent required The catchment area exceeds 100 ha but is less than 500 ha. The closure of Culvert 3 and installation of a new culvert, including partial daylighting of the stream, requires consent under this rule as a Controlled Activity.

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a river or lake for a catchment area exceeding 100 hectares but not exceeding 500 hectares upstream of the culvert, and 2. The subsequent diversion and discharge of water through the culvert, and 3. Any discharge of sediment associated with construction activities; and 4. The associated deposition of construction materials are controlled activities (requiring resource consent) subject to the following standards and terms: a) Any such culvert shall be designed so that a two percent annual exceedance probability (1 in 50 year) flood event shall not cause any increase in upstream water levels which causes flooding on neighbouring properties. b) The structure shall provide for the safe passage of fish both upstream and downstream in water bodies classified as Significant Indigenous Fisheries and Fish Habitats c) There shall be no obstruction of debris that causes flooding on neighbouring properties. d) This Rule does not apply within a Natural State water body as identified in the Water Management Class Maps of this Plan. e) All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity. f) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. g) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in	

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the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. h) Any erosion occurring as a result of the structure and diversion and discharge shall be remedied as soon as practicable. i) No discharge shall be made outside of the natural catchment. j) This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.	
4.2.15.1 Permitted Activity Rule - Erosion Control Structures Unless controlled by Rule 4.2.5.1 the use, erection, reconstruction, placement, alteration or extension of a: 1. revetment or erosion control structure, and 2. associated bed disturbance, and 3. necessary deposition of construction material, and 4. any discharge of sediment associated with construction activities in, on or over the bed of a lake or river, for the purposes of erosion control are permitted activities subject to the following conditions: a. The structure and the floodway in the immediate vicinity of the structure shall be maintained clear of debris. b. The structure shall not decrease the cross sectional area of the river. c. For any stretch of river or lake bank measuring up to one bank kilometre in length, the combined length or erosion control structures shall not exceed 50 metres in length.	Complies The gabion baskets are a revetment/ erosion control structure. a. Will comply. b. Will comply – it is a new channel and is not reducing width of existing channel. c. Will comply – length of gabion baskets not greater than 50m. d. Will comply. e. Will comply. f. Will comply. g. Will comply – contaminant discharges related to other activity already provided for by other rules. h. Will comply. i. Will comply. j. Will comply. k. Will comply – stream is not a Natural State Waterbody.

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d. The structure shall not be constructed of, or contain, vehicle bodies or demolition rubble other than clean concrete, placed such that there is no visible steel in the finished work. e. The construction works shall comply with the suspended solids discharge standards as set out in Section 4.2.21. f. All construction materials and equipment shall be removed from the river or lake bed and the floodplain on the completion of that activity. g. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. h. Where the weight of the structure is insufficient to keep it in place it shall be anchored to the bed and bank of the river. i. The structure shall be maintained in a structurally sound condition at all times. j. The owner of the structure shall inform the Waikato Regional Council in writing of the location of the structure at least 10 works days prior to work commencing. k. The structure shall not be located in a water body identified as a Natural State water body in the Water Management Class Maps. l. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. m. In the event of any waahi tapu that is not subject to condition l) being identified by the Waikato Regional Council to the person undertaking the use, erection, reconstruction, placement, extension or alteration, the activity shall cease insofar as it may affect the waahi tapu. The	l. Will comply – HNZPT approval obtained. m. Will comply. n. Will comply. o. Will comply – stream is not a Significant Geothermal Feature. p. Will comply. q. Will comply. Not applicable The erosion and sediment control measures/structures will not be located in, on, or over the bed of Wharekōrino Stream, therefore this rule does not apply.

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activity shall not be recommenced without the approval of the Waikato Regional Council. n. Any erosion occurring as a result of the structure shall be remedied as soon as practicable. o. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature. p. The structure shall provide for the safe passage of fish both upstream and downstream. q. The structure shall be constructed against the eroding stream or lake bank and be physically attached to it.	
4.2.15.2 Controlled Activity rule – Erosion Control Structures Unless controlled by Rule 4.2.5.1 and Rule 4.2.15.1 the use, erection, reconstruction, placement, alteration or extension of a: 1. revetment or erosion control structure not exceeding 200 metres combined length per kilometre, and 2. associated bed disturbance, and 3. necessary deposition of construction material, and 4. any discharge of sediment associated with construction activities in, on or over the bed of a lake or river, for the purposes of erosion control are controlled activities (requiring resource consents) subject to the following standards and terms: [...]	Not applicable Complies with permitted activity rule.
4.2.20.2 Permitted Activity Rule - Removal or Demolition of Structures	Not applicable No structures will be removed or demolished as part of the proposal.

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1. The removal or demolition of any structure or part of any structure, and associated bed disturbance, in, on, under or over the bed of a river or lake, and 2. Any discharge of sediment associated with removal or demolition; are permitted activities subject to the following conditions: [...]	
4.3.4.4 Discretionary Activity Rule - Bed Disturbance Activities Any river or lake bed disturbance activity, including: 1. Excavation, drilling, tunneling, or 2. The introduction of any plant or part of any plant in, on or under the bed, or 3. Deposition of any substance in, on or under the bed, or 4. Reclamation or drainage of the bed, or 5. The clearance of vegetation in, on or under the bed: that is not otherwise provided for by, or does not comply with, a permitted or controlled activity rule within this Regional Plan is a discretionary activity (requiring resource consent).	Resource consent required Excavation works are proposed in Wharekorinō Stream associated with closing off Culvert 3, construction of new culvert, and stream realignment and reinstatement works. Therefore, resource consent is required as a Discretionary Activity.
4.3.8.1 Permitted Activity Rule - Introduction and Planting of Plants 1. Except as controlled by Rule 4.2.18.1 and prohibited in Rule 4.3.8.2, the introduction, planting or layering of any plant or any part of any plant, with the exclusion of plants pests as identified in the Waikato Regional Pest Management Strategy, in, on or under the beds or banks of any lake or river, for the purposes of soil conservation or streamside enhancement, and 2. The associated deposition of construction material, and 3. The associated discharge of sediment, and	Permitted Any planting undertaken around the stream banks following completion of works to stabilise and remediate the works area will comply with this rule.

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Waikato Regional Plan	
4. The associated bed disturbance is a permitted activity subject to the following conditions: a. The activity shall not result in any increase in the adverse effects of flooding, or obstruct the river or lake bed. b. All materials from the planting, and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity. c. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. d. In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council. e. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. f. The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority. g. The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21. h. Any erosion occurring as a result of the activity shall be remedied as soon as practicable.	

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Waikato Regional Plan	
i. Plants shall not replace indigenous flora or have the potential to smother indigenous flora.	
4.3.9.2 Permitted Activity Rule - Vegetation Clearance Except as provided for in Rule 4.3.9.3 the clearance of vegetation in, on or under the beds of rivers and lakes is a permitted activity subject to the following conditions: a) Floating debris and plant material shall be prevented from drifting away causing obstructions to the river or lake bed, spreading plant pests (as listed in Rule 4.3.8.2) or creating a navigation hazard. b) The activity shall not cause any increase in flooding on neighbouring properties. c) The activity shall not take place in Significant Indigenous Fisheries and Fish Habitat Class waters during August to December inclusive and Trout Fisheries and Trout Spawning Habitat class waters during May to September inclusive. d) All materials from the vegetation clearance activity and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity. e) The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained. f) In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.	Complies There is existing vegetation around Wharekōrino Stream which will likely be cleared during removal/partial reinstatement of Culvert 3. Vegetation clearance is anticipated to comply with the conditions of this rule.

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Waikato Regional Plan	
g) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity. h) The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority. i) The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21. j) Any erosion occurring as a result of the activity shall be remedied as soon as practicable. k) The activity shall not be located in, on, or under the bed of a river or lake that is identified as a Significant Geothermal Feature.	
Chapter 5 Land and Soil Module	
5.1.4.11 Permitted Activity Rule - Soil Disturbance, Roding and Tracking and Vegetation Clearance 4. Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, roding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air; 5. Any roding and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;	May not comply This rule covers soil disturbance and vegetation clearance not provided for by Rules 5.1.4.14-17, i.e. outside of a High Risk Erosion Area. All other soil disturbance is permitted subject to the conditions in Section 5.1.5, assessed below. On the advice of WRC, application is made under Rule 5.1.4.13 in case the TSS standards cannot be complied with.

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Waikato Regional Plan	
6. Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative; are permitted activities subject to the conditions in Section 5.1.5. 5.1.5 Conditions for Permitted activity rule 5.1.4.11: [...]	
5.1.4.13 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance - Any soil disturbance, roding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air that does not comply with the conditions of Permitted Activity Rule 5.1.4.11; - Soil cultivation within two metres of the bed of a river or lake that does not comply with Rule 5.1.4.12; Are discretionary activities (requiring resource consent)	Resource consent required Works will be undertaken within Wharekōrino Stream, including soil disturbance during removal of material from Disposal Areas A2 and H, and relocation of Culvert 3. Therefore, resource consent is required under this rule as a Discretionary activity. Application is also made under this rule in case the proposed soil disturbance outside of the High Risk Erosion Areas does not comply with the conditions of Permitted Activity Rule 5.1.4.11 (specifically, the condition relating to suspended solids in Section 5.1.5(h)).
5.1.4.14 Controlled Activity Rule - Soil Disturbance, Roding and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas Except as restricted by Rule 5.1.4.16, the following activities, occurring in any continuous 12 month period and located in a high risk erosion area: - Roding and tracking activities between 100 and 2,000 metres in length, or - Soil disturbance activities between 250 and 1,000 cubic metres in volume (solid measure), or - Soil disturbance activities between 0.2 and 2.0 hectares in area, or	Does not comply The site is partially classified as a High-Risk Erosion Area as works will be undertaken adjacent to water bodies (Wharekōrino Stream). Proposed soil disturbance in a high-risk erosion area as part of this application includes: - Replacement of Culvert 3 with new culvert - Removal of material from Disposal Areas A2 and H The estimate of these works indicates that soil disturbance occurring in a high risk erosion area will exceed the volume and area thresholds of this rule.

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Waikato Regional Plan	
Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance between 30 and 120 metres in length, or Vegetation Clearance of between one and five hectares with the exclusion of planted production forests, plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy and vegetation clearance adjacent to a Natural State water body as shown on the Water Management Class Maps Vegetation clearance which is within five metres on either side, of the banks of a water body excluding an ephemeral stream, and which is between 50 to 100 metres in length per kilometre of that water body, with the exclusion of planted production forests and vegetation in riparian margins adjacent to planted production forest, riparian enhancement and replanting programmes and plant pests as specified in the Waikato Regional Council's Pest Management Strategy. Vegetation clearance within five metres on either side of the banks of a water body excluding an ephemeral stream of greater than 50 metres in length per kilometre of that water body of: 10.1 Planted production forest (except as provided for in Rule 5.1.4.11(3) and/or vegetation in riparian margins adjacent to planted production forest; or 10.2 Vegetation associated with riparian enhancement programmes. Any roading and tracking activities associated with the installation of a bridge or culvert controlled by Rules 4.2.8.2 and 4.2.9.3, within 20 metres of that bridge or culvert; and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are controlled activities (requiring resource consent) subject to the standards and terms as specified in Section 5.1.5.	

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Waikato Regional Council reserves control over the matters that are specified in Section 5.1.6. Notification: 1.0 Subject to 2. below applications for resource consents under this Rule will be considered without notification. 2.0 Notice of applications for vegetation clearance under this Rule other than: 1.0 clearance of planted production forest, 2.0 vegetation clearance in riparian margins adjacent to planted production forest, or 3.0 riparian enhancement and replanting programmes will be served on all adversely affected persons.	
5.1.4.15 Discretionary Activity Rule – Soil Disturbance, Roding, tracking, vegetation clearance in high risk erosion areas Except as restricted by Rule 5.1.4.16 the following activities, occurring in any continuous 12 month period and located in a high risk erosion area: 1. Roding and tracking activities exceeding 2,000 metres in length 2. Soil disturbance activities exceeding 1,000 cubic metres in volume (solid measure) 3. Soil disturbance activities exceeding two hectares in area 4. Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance exceeding 120 metres in length 5. Vegetation clearance exceeding five hectares with the exclusion of planted production forests (except those restricted by Rule 5.1.4.16),	Resource consent required The proposed soil disturbance does not comply with Rule 5.1.4.14, therefore it has a Discretionary Activity status under Rule 5.1.4.15.

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and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 6. Riparian vegetation clearance which is within five metres on either side of the banks of a perennial water body which exceeds 100 metres in length per kilometre, with the exclusion of planted production forests, riparian enhancement programmes and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 7. Any riparian vegetation clearance within five metres of a Natural State water body as shown on the Water Management Class Maps except: - that which is required as part of the construction of a walking track no greater than two metres width, and - the control of plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy 8. Any activity specified in Rules 5.1.4.14 and 5.1.4.16, that does not comply with the conditions and standards and terms in Section 5.1.5; and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are discretionary activities (requiring resource consent).	
5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for Controlled Activity Rules	Likely to comply – it is expected that these conditions will be met for soil disturbance both in and out of the High Risk Erosion Area, as follows: Appropriate erosion and sediment controls will be installed and maintained. Suspended solids standards are not anticipated to be exceeded by any non point source discharges, and exposed areas will be stabilised as soon as practical. However, in case the suspended solids standards cannot be met, application is made to infringe standard 5.1.5(h). Any temporary stockpiles of

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	removed earth will be placed away from streams and floodplains. • No identified archaeological or waahi tapu sites will be disturbed – NZHPT approval is to be obtained for potential disturbance of unidentified sites. • No fuel storage or refuelling will occur in areas where it could enter water. • Vegetation around Culvert 3 will be felled away from water body where safe to do so, and deposited where it will not enter the stream. • Flooding effects have been assessed and the soil disturbance does not result in neighbouring land becoming subject to flooding.
5.2.5.4 Permitted Activity Rule – Small Scale Cleanfill Disposal Outside of High Risk Locations The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air when occurring outside of: 1. A high risk erosion area 2. A floodplain of a river 3. The catchment of, or within 10 metres of, whichever is the lesser, a sink hole or cave entrance 4. Any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna 5. A significant geothermal feature and where the total volume of cleanfill does not exceed 2,500 cubic metres per annum, is a permitted activity subject to the following conditions:	Does not comply Cleanfill will be imported to site for capping material/topsoil. The site is classified as a High-Risk Erosion Area as works will be undertaken adjacent to water bodies (Wharekōrino Stream).

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5.2.5.5 Controlled Activity Rule - Large Scale Cleanfill Disposal outside High Risk Locations The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air that does not comply with Rule 5.2.5.4 when occurring outside of: • A high risk erosion area • A floodplain of a river • The catchment of, or within 10 metres of, whichever is the lesser, a sink hole or cave entrance • Any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna • A significant geothermal feature is a controlled activity (requiring resource consent) subject to the following standards and terms: [...]	Does not comply Cleanfill will be imported to site for capping material/topsoil. The site is classified as a High-Risk Erosion Area as works will be undertaken adjacent to water bodies (Wharekōrino Stream).
5.2.5.6 Discretionary Activity Rule – Cleanfill Disposal in High Risk Locations The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air in a manner that does not comply with Rules 5.2.5.4 and 5.2.5.5 is a discretionary activity (requiring resource consent).	Resource consent required As cleanfill will be imported to the site and the site is within a High Risk Erosion Area, it does not comply with Rules 5.2.5.4 and 5.2.5.5. Therefore, consent is required under this rule as a Discretionary Activity.
5.2.7.1 Discretionary Activity Rule - New and Currently Operating Landfills The discharge of contaminants into or onto land, and any subsequent discharge of contaminants into water or air (excluding discharges to air permitted by Rule 6.1.13.1) as part of the operation of a landfill is a discretionary activity (requiring resource consent).	Resource consent required The existing closed landfill (not a municipal landfill) that has a current resource consent is proposed to be opened up and temporarily operate again for the disposal of low level contaminated soil and some repair and remediation works to occur. It will then be recapped and closed. Application is made under Rule 5.2.7.1 for the temporary operation of

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	the landfill to receive additional material and associated discharges of contaminants as a Discretionary Activity .
5.2.7.3 Discretionary Activity Rule - Closed Landfills Except as provided for by Rule 5.2.7.2, the discharge of contaminants from any closed landfill: 1 Into or onto land in circumstances which may result in contaminants entering water; or 2 Into water; or 3 Into air (excluding discharges to air permitted by Section 6.1.14.1) from a closed landfill that does not have a current resource consent with conditions relating to the management of those discharges that continue to occur after closure, is a discretionary activity (requiring resource consent).	Resource consent required Application is made under Rule 5.2.7.3 for the continued discharge of contaminants from the landfill once closed again (replaces existing AUTH 102269.01.01).
5.2.9.1 Use of Dust Suppressants The discharge of contaminants (excluding waste oil) onto or into land for the purpose of dust suppression is a permitted activity subject to the following conditions: 4. If the dust suppressant is a hazardous substance or if the water or dust suppressant contains hazardous substances it shall be licensed for use as a dust suppressant under the provisions of the Hazardous Substances and New Organisms Act (1996). 5. The contaminants shall not be applied at a rate or in weather conditions that result in ponding or surface run-off of contaminants into surface water. Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed	Not applicable Contaminants will not be discharged onto or into land for the purpose of dust suppression.

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in Section 6.1.8 are already addressed by conditions on resource consents for the site.	
5.3.4.6 Discharges from Remediation of Contaminated Land Any discharge arising from remediation of contaminated land is a permitted activity, subject to the following conditions: - any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site. - No contaminants from the remediation of the contaminated land shall be discharged into water or onto land unless discharged to a landfill authorised in Section 5.2.7. - The Waikato Regional Council shall be provided with the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) prior to commencement of land remediation: - detailed site investigation report - site remedial action plan - After remediation is completed, copies of the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) must be provided to the Waikato Regional Council: - site validation report - ongoing monitoring and management plan.	Permitted Disposal Area H will be remediated (existing waste material extracted and the area rehabilitated) as part of the proposal. Discharges arising from the remediation of contaminated land are a Permitted Activity, subject to conditions which will be met as follows: - Any discharges to air will comply with Section 6.1.8 (assessed below). - Contaminated land is proposed to be discharged to onsite landfill (Area A1), and this is sought to be authorised under Section 5.2.7 as part of this application. - A DSI is provided as part of this application and a RAP will be prepared for certification prior to commencement. - Site Validation Report and ongoing monitoring and maintenance plan will be provided to WRC after remediation is completed. LINZ accepts conditions to this effect on the earthworks consent. - LINZ agrees to provide WRC any updates of these reports if a change in investigation, remediation and monitoring strategy occurs.

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Any updates of these reports shall be provided to the Waikato Regional Council if a change in investigation, remediation and monitoring strategy occurs.	
Chapter 6 Air Module	
6.1.8 Standard Conditions for Permitted Activity Rules and Standards and Terms for Controlled and Restricted Discretionary Activity Rules The following are the standard conditions for permitted activity rules and the standards and terms for controlled and restricted discretionary activity rules for discharges to air: - There shall be no discharge of contaminants beyond the boundary of the subject property that has adverse effects on human health, or the health of flora and fauna. - The discharge shall not result in odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property. - There shall be no discharge of particulate matter that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property. - The discharge shall not significantly impair visibility beyond the boundary of the subject property. The discharge shall not cause accelerated corrosion or accelerated deterioration to structures beyond the boundary of the subject property.	Permitted Air discharges from earthworks and contaminated soil disturbance permitted if they comply with conditions, which they will: - No discharge of contaminants beyond the boundary - No objectionable odour - No discharge of particulate matter beyond the boundary - and e. N/A as there will be no discharges to air beyond the boundary.
6.1.9.1 Permitted Activity Rule - Miscellaneous Unless restricted by any other rule in this Plan, the discharge of contaminants into air from the following industrial or trade premises or processes: 27. Any refuse storage or transfer activity	Permitted The proposed activity may be considered as “27. Any refuse storage or transfer activity”. Discharge of contaminants into air from these

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...is a permitted activity subject to the conditions specified in Section 6.1.8 of this Plan.	processes are a Permitted Activity , as the conditions in Section 6.1.8 will be complied with.
6.1.14.2 Controlled Activity Rule - Combustion of Landfill Gas The discharge of contaminants into air from the combustion of hydrocarbons and biogas at a combined rate of combustion exceeding two megawatts where: 1. the combustion is for the purpose of generating useful heat, steam, power or electricity; or 2. the discharge is ancillary to the flaring of hydrocarbons is a controlled activity (requiring resource consent) subject to the following standards and terms: a. The source of the hydrocarbons or biogas must be a landfill authorised under Rule 5.2.7.1 of this Plan b. As specified in Section 6.1.8 Conditions a) to e) of this Plan	Not applicable The existing closed landfill has no gas vents and no combustion of gas is proposed for the re-capped landfill.
6.1.18.1 Permitted Activity Rule – Waste Management Process The discharge of contaminants into the air arising from the storage, transfer (excluding refuse transfer stations), treatment or disposal of liquid and solid waste is a permitted activity subject to the following conditions: a. The activity was lawfully established, except by way of a resource consent, before the date of notification of this Plan. b. Any change in the activity shall not increase the scale, frequency, intensity, nature or duration of any discharge to air compared to when the activity was established or authorised.	Permitted The existing landfills were lawfully established by way of resource consent. The discharge to air will not change when compared to the discharge when the activity was established. The process does not involve the treatment of hazardous substances.

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c. The activity is not already restricted in Sections 3.5.5, 3.5.6, 3.5.7, 5.2.5, 5.2.6, 5.2.7, 5.2.8 or 6.1.12 of this Plan. d. The process does not involve the treatment of hazardous substances. e. As specified in Section 6.1.8 conditions a) to e) of this Plan.	

APPENDIX EB2: SLR FISH PASSAGE ECOLOGICAL MEMO

[Attached separately]

To: Bryan Daly

From: Nicola Pyper, Principal Ecologist

Company: Toitū te Whenua, Land Information New Zealand

SLR Consulting New Zealand

cc: Emily Buckingham, Principal Planner, SLR Consulting New Zealand

Date: 20 August 2025

Sean Finnigan, Director, Environmental Engineering, Fraser Thomas Limited

Project No. 880.V11547.00001

**RE: Former Tokanui Hospital culvert remediation
Fish passage evaluation**

Confidentiality

This document is confidential and may contain legally privileged information. If you are not a named or authorised recipient, you must not read, copy, distribute or act in reliance on it. If you have received this document in error, please notify us immediately and return the document by mail.

1.0 Introduction

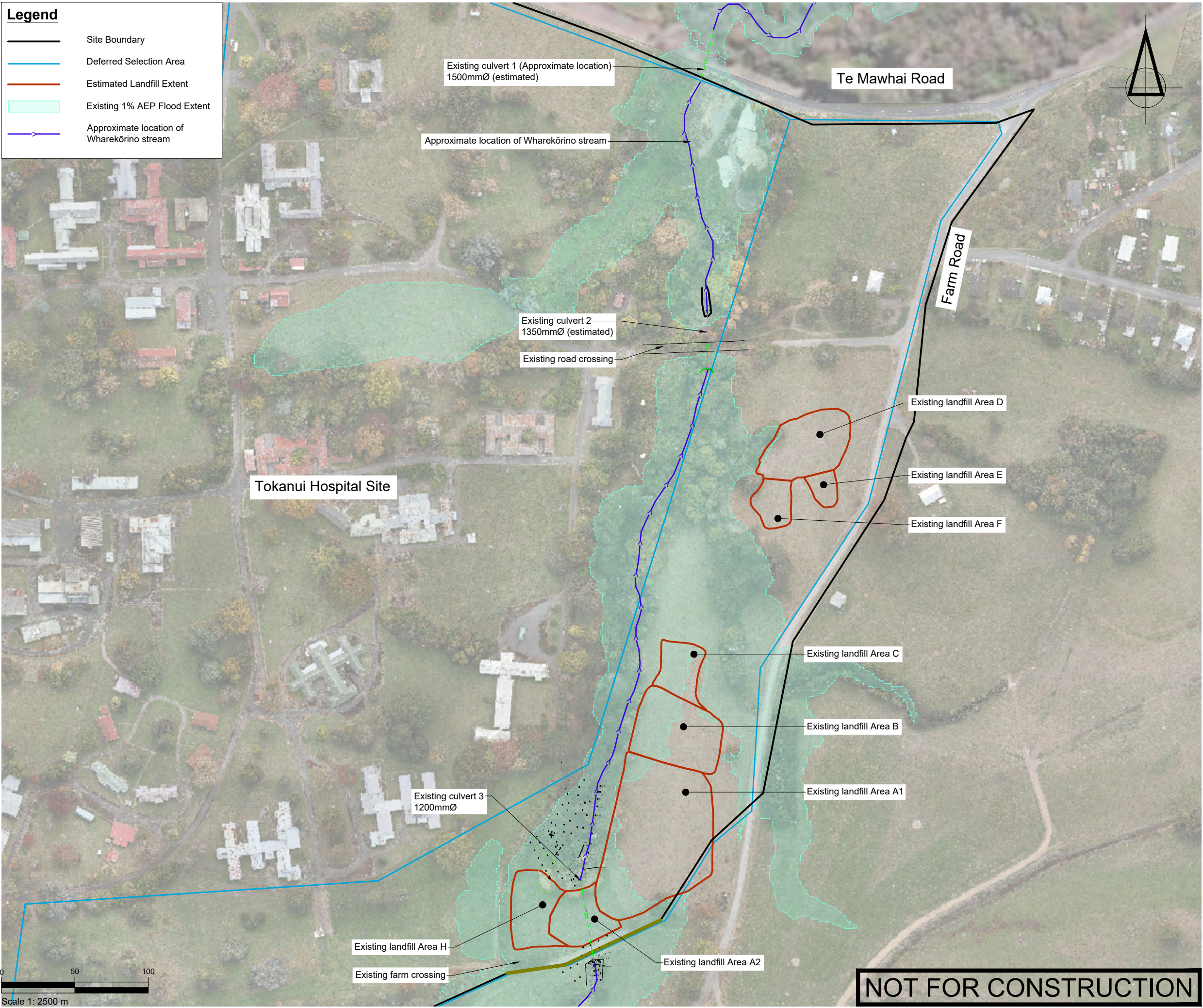
The Tokanui Hospital site is located approximately 14 km south of Te Awamutu in the Waikato Region. The hospital was decommissioned in 1998 and Toitū Te Whenua – Land Information New Zealand (LINZ) are now seeking to remediate the former hospital site. The Wharekōrino Stream, a tributary of the Pūniu River, flows along the eastern boundary of the site in an approximately northerly direction. Several landfill areas are sited to the east of the channel and three culverts intersect the stream within, or just outside of, the site's boundaries. "Culvert 1" is located just beyond the northern site boundary and runs beneath Te Mawhai Road. This asset is managed by Waipā District Council (WDC). "Culvert 2" and "Culvert 3" are located within the site. Culvert 2 runs beneath an embankment that provides access to the former hospital, and Culvert 3 runs beneath a farm crossing (Figure 1). As part of the site's remediation, Culvert 2 is to be removed and Culvert 3 is to be replaced.

This memorandum assesses the proposed remediation design with regard to the provision of fish passage in the length of Wharekōrino Stream that flows through the former Tokanui Hospital site. Culvert design has been assessed against the New Zealand Fish Passage Guidelines version 2.0¹ (the Guidelines).

¹ Franklin, P., Baker, C.F., Gee, E., Bowie, S., Melchior, M., Egan, E., Aghazadegan, L., Vodjansky, E. (2024) New Zealand Fish Passage Guidelines 2.0, 2024157HN: 427. https://niwa.co.nz/sites/default/files/2025-07/NZ%20Fish%20Passage%20Guidelines%20v4.5_July2025.pdf

Legend

Site Boundary

Deferred Selection Area

SURVEYED			APPROVED SF 05/11/24	DATE	
DESIGNED	TB	14/08/24			
DRAWN	TB	15/08/24			
CHECKED	SF	05/11/24			
REVISION	CHANGES			CHECKED	DATE
A	COORDINATE SYSTEM CHANGED			SF	23/05/25

NOTES

PROJECT DATUMS:
LEVEL: New Zealand Vertical Datum 2016
COORDINATE: New Zealand Transverse Mercator

CLIENT
TOITU TE WHENUA LAND
INFORMATION NEW ZEALAND

PROJECT
FORMER TOKANUI HOSPITAL
DEMOLITION AND REMEDIATION
PROJECT

TITLE
EXISTING LANDFILL OVERVIEW
PLAN

Fraser
Thomas

ENGINEERS • RESOURCE MANAGERS • SURVEYORS

AUCKLAND 09 278 7078
HAWKE'S BAY 06 211 2766
CHRISTCHURCH 03 358 5936
BLENHEIM 03 428 3292
NELSON 03 222 1132
TAURANGA 07 220 9277

www.fraserthomas.co.nz

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STATUS
FOR RESOURCE CONSENT
Construction works shall commence only on receipt of and in accordance with the Council or Council organisation stamped approved drawings, unless otherwise indicated.

SCALE 1:2500 (A3)

DRAWING No 33097/LF001 REVISION A

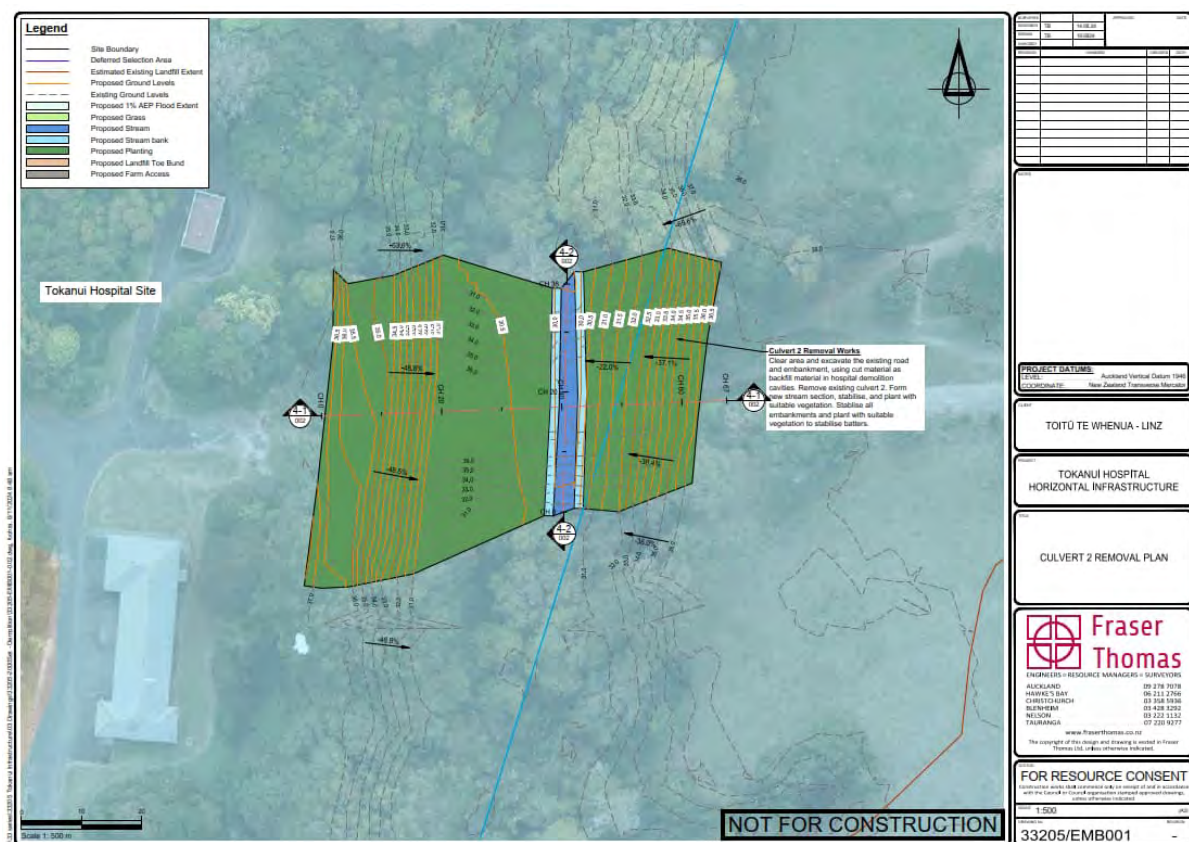
NOT FOR CONSTRUCTION

2.0 Remediation design

2.1 Culvert 2

LINZ is proposing to daylight the stream reach at the Culvert 2 location, removing all artificial structures from the stream and returning the channel to a more natural morphology (Figure 2). This is considered the optimal remediation option for fish passage and stream function. Therefore, fish passage at the Culvert 2 location has not been considered further in this memorandum.

Figure 2: Proposed removal of road embankment and Culvert 2 on the Wharekōrino Stream at the former Tokanui Hospital site³.



2.2 Culvert 3

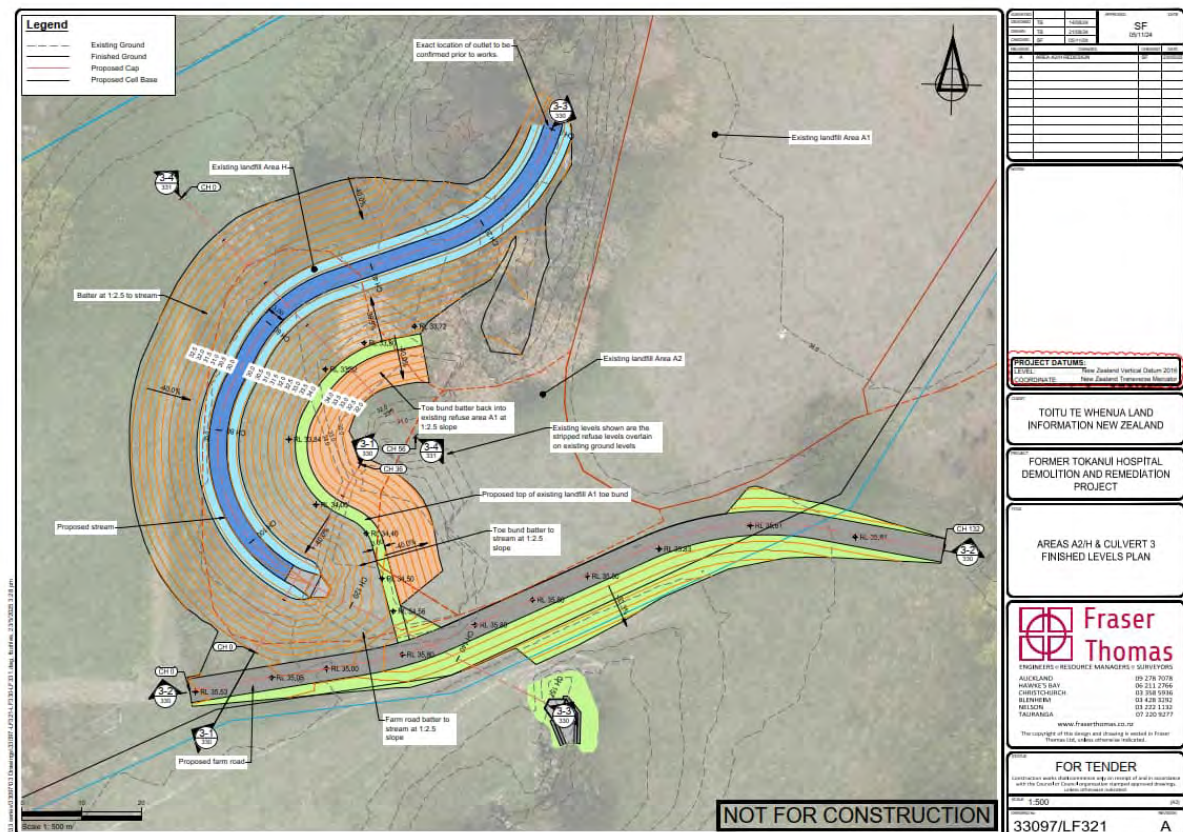
The existing structure at the Culvert 3 site is 60 m long, with a diameter of 1200 mm and a cross-sectional area of 1.13 m². LINZ is proposing to replace this culvert with a shorter pipe of 41 m. The replacement culvert has been sized to replicate the existing situation as close as possible. This is for the purpose of holding back floodwaters to provide flood relief benefits for the landfill and to prevent the mobilisation of contaminants during high flow events. However, it is proposed to embed the replacement culvert by 340 mm, meaning the diameter of the new culvert will be wider than the current pipe in order to match the capacity of the existing culvert. The new pipe diameter will be 1350 mm.

The replacement culvert will be aligned at a gradient of 0.49%. This is slightly steeper than the estimated natural streambed gradient of 0.3%. The new culvert will also be installed at a

³ Snip from Fraser Thomas drawing, Drawing No. 33205/EMB001, 19 August 2024.

slightly different alignment to the existing structure, with the new pipe being oriented from southeast to northwest. Additionally, a new section of channel is to be constructed downstream of the culvert. This section of channel will divert the stream around the landfill area (Figure 3).

Figure 3: Proposed Culvert 3 replacement location and channel realignment, former Tokanui Hospital site.⁴



3.0 Evaluation of fish passage requirements

3.1 Culvert 3

The New Zealand Fish Passage Guidelines outline the process to be followed and features to be considered when designing a culvert that will provide for fish passage. As a first step, the culvert size and grade are to be determined according to the standards of the local authority and, in this case, site-specific requirements have also been considered (cf. Section 2.2 above). Proposed Culvert 3 has been sized to mitigate risks associated with potential flooding of landfill areas and associated risks of water contamination.

3.1.1 Fish passage criteria

The Fish Passage Guidelines provide direction for the design of stream crossings and culverts to provide for fish passage. The different aspects of culvert design that pertain to fish passage have been addressed under the pertinent headings below.

⁴ Snip from Fraser Thomas drawing, Drawing No. 33097/LF321, 23 May 2025.



3.1.1.1 Fish passage design flows

The design flows for fish passage are determined based on the bank-full flow of the stream. Bank-full flow is defined as the upper flow threshold (Q_H), and $\frac{1}{3}$ of the bank-full flow is defined as the lower flow threshold (Q_L) at which fish passage should be provided. Fraser Thomas Limited (FTL)⁵ has undertaken the necessary calculations and hydrological modelling and determined that at the Culvert 3 site, Q_H for the stream is 1.35 m³/s and Q_L for the stream is 0.45 m³/s.

In addition to the fish passage design flows, water depth and water velocity thresholds should be defined as hydraulic performance standards to determine whether a proposed culvert will be passable by native fish. At Q_H , the estimated average velocity in the proposed Culvert 3 replacement is 1.39 m/s⁵, and at Q_L , the estimated average velocity is 0.56 m/s. Mean cross-sectional velocities often exceed fish swimming speeds and endurance. Therefore, variation in water velocity across the culvert cross section must be taken into consideration when determining whether suitable conditions are available for fish to successfully pass. The depth-averaged vertical slices approach is a practical method to do this and referenced in the Guidelines. FTL have applied this methodology and shown that in a 200 mm 'slice' adjacent to the culvert wall, the average velocity is 0.09 m/s at Q_H and 0.04 m/s at Q_L ⁵.

The Guidelines also outline that a minimum depth of 150 mm is required at Q_L for native species¹. Calculations completed by FTL have shown that at Q_L , the slice depth (200 mm from the culvert wall) exceeds this significantly at 0.76 m⁵.

3.1.1.2 Target fish species

Fish surveys were carried out at the former Tokanui Hospital site in 2022. These surveys resulted in the capture of two species of native eel, the shortfin eel (*Anguilla australis*) and longfin eel (*Anguilla dieffenbachii*)⁶. A review of the National Institute of Water and Atmospheric Research's (NIWA) New Zealand Freshwater Fish Database (NZFFD) resulted in three records, which documented either no fish captured or the presence of shortfin eels. A review of Wilderlab New Zealand's environmental DNA (eDNA) database revealed no relevant records. However, other native species, such as banded kōkopu (*Galaxias fasciatus*) and giant kōkopu (*Galaxias argenteus*) have been recorded in the wider Pūniu River catchment⁶. It is possible that barriers to fish passage downstream of the former Tokanui hospital site are preventing the passage of kōkopu upstream, and this may be the reason none have been recorded. Alternatively, they may be present in low numbers and sampling efforts may not have been sufficient to detect their presence. Remediating fish passage in Culvert 3 will create access to suitable habitat upstream for eel species as well as kōkopu species, if they are present in the stream and/or if downstream barriers are remediated in the future.

The guidance provided in the New Zealand Fish Passage Guidelines directs that fish passage velocity thresholds use the migratory galaxiid, īnanga (*Galaxias maculatus*) as a benchmark¹. Īnanga have not been recorded in the vicinity of Culvert 3; however, a conservative approach has been adopted and Culvert 3 design has been assessed using īnanga as the target species.

To pass upstream through a culvert, a fish must swim at a speed that exceeds the water velocity within the culvert. The effective velocity of the fish passing through the culvert is

⁵ Goh, Y., Finnigan, S. (2025) Former Tokanui Hospital – Evaluation of Fish Passage for Proposed Culvert 3 (Rev 4). 7.

⁶ Leitch, K. (2024) Ecological Impact Assessment Tokanui Hospital Remediation. Prepared by SLR Consulting New Zealand for Land Information New Zealand. 113.



determined by subtracting the culvert water velocity from the prolonged speed of the fish. The distance that a fish can swim at the effective velocity must exceed the length of the culvert.

Fish swimming speed can be categorised into three distinct classes:

- Sustained Swimming Speed – Velocities that a fish can sustain for longer than 200 minutes, without muscle fatigue⁷.
- Prolonged Swimming Speed – Velocities that a fish can maintain for 20 seconds to 200 minutes and that end in fatigue⁷.
- Burst Swimming Speeds – Highest velocities that a fish can achieve and that can be maintained for less than 20 seconds⁷.

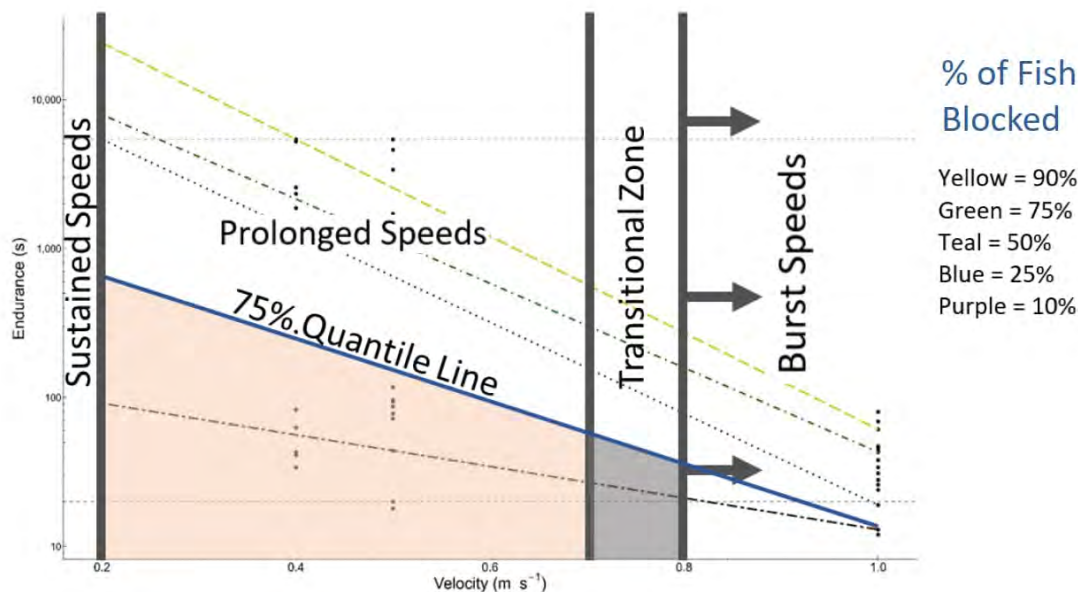
As sustained swimming speeds are lower than typical culvert velocities, and burst speeds have a duration that is generally too short to enable a fish to successfully traverse a culvert, prolonged swimming speed is generally applied for culvert design¹.

Laboratory tests have been carried out to determine the prolonged swimming speed for īnanga¹. While most guidance recommends that fish passage efficiency targets should be >90% to sustain wider population processes, given the relatively low sample sizes used in studies of New Zealand fish (and hence the high uncertainty in the 90th percentile), the Guidelines recommend that the 75th percentile endurance time (i.e., that which is equalled or exceeded by 75% of fish) be used as the basis for determining the fish passage velocity threshold. Based on this we have used a value of 0.44 m/s as an approximate swimming speed for īnanga (Figure 4). For proposed Culvert 3, this yields an effective swimming speed of 0.35 m/s at Q_H if the fish were to use the first 'slice' of the culvert (200 mm width adjacent to the culvert wall). The proposed culvert is 41 m long. īnanga would be able to traverse the pipe in 117 seconds at an effective swimming speed of 0.35 m/s. Therefore, īnanga will be able to successfully traverse Culvert 3 at Q_H at the species' sustained swimming speed.

⁷ Beamish, F.W.H. (1978) 2 – Swimming Capacity. In: W.S. Hoar & D.J. Randall (Eds.) *Fish Physiology*. Academic Press: 101-187.



Figure 4: Prolonged swimming speeds and endurance for īnanga (target fish species). Reproduced from the New Zealand Fish Passage Guidelines (2024).



FTL also assessed whether fish passage would be provided in situations where the culvert was fully submerged due to high water levels at the culvert outlet. When the culvert is submerged, the hydrological conditions in the culvert will differ from the flow conditions discussed above, which are relevant to situations when the pipe is not fully submerged⁵. Calculations showed that when the culvert pipe is fully submerged, flow velocities would be within the velocity range of the design flows of the stream as discussed above ($Q_L = 0.56$ m/s to $Q_H = 1.39$ m/s⁵), with an average velocity of 0.39 m/s at Q_L and 1.17 m/s at Q_H when the culvert is fully submerged. While the depth-averaged velocity modelling method (i.e., using HY-8 software) does not apply under these conditions, it would be expected that fish would be able to traverse the culvert by swimming through the slower flowing areas along the culvert wall, as velocities should be less than the bankfull modelled flow discussed above.

3.1.1.3 Embedment

The Guidelines state that round culverts should have a minimum embedment of $\frac{1}{3}$ to $\frac{1}{2}$ of the culvert diameter. The proposed culvert will have an embedment of $\frac{1}{4}$, slightly less than what is recommended. However, given the low gradient of the culvert and the slow velocities predicted, 25% is considered to be a sufficient level of embedment. It will be important to ensure that the bed material is stable, and regular visual monitoring of the culvert should be carried out to confirm that the culvert functions as anticipated. Any deterioration in or damage to the culvert structure or scour of the culvert or streambed should be remedied as soon as practicable.

3.1.1.4 Ancillary Structures

Contraction of flow at the upstream end of a culvert can result in higher water velocities, which can in turn prevent fish exiting culverts. Similarly, rapid expansion of the flow and a drop in water surface level at the downstream end of a culvert can cause locally increased water velocities that can prevent native fish from entering the culvert¹. To avoid this issue at



Culvert 3, resting pools (stilling basins) have been designed at both the culvert inlet and outlet. Stilling basins function as resting places for fish as they increase the depth of water that is at a lower velocity. The outlet pool will also function as an energy dissipating basin during storm events.

The Guidelines provide some direction for the use of rip-rap in culvert designs¹. Under some conditions, stream flows may move through rip-rap, rather than over it, which creates a barrier to fish passage. This is considered unlikely to be a concern at Culvert 3, due to the depth of the water observed in the stream year round. The FTL memorandum states that observations from multiple site visits confirm that the culvert is typically either ‘fully drowned or almost drowned’⁵. It is our understanding that this applies during summer as well, when flows are likely to be at their lowest. Therefore, the use of rip rap for the purposes of scour protection at Culvert 3 is considered unlikely to create a barrier to fish passage. However, ongoing visual monitoring should be undertaken to confirm that the culvert functions as anticipated. If stream flows are observed moving through the rip-rap, rather than over it, remediation of the scour protection may need to be undertaken.

3.2 Diversion Channel

In order to mitigate risks of contamination from the landfill, the Wharekōrino Stream will be diverted around the landfill area. This will require the reclamation of a small section of stream, but a longer section of channel will be created to divert the stream around the landfill. The diversion channel will flow from the outlet of Culvert 3 and reconnect to the existing channel approximately 105 m downstream. This diversion channel has been designed with input from both environmental engineers and freshwater ecologists. The stream gradient throughout the diversion channel will be low (in accordance with existing conditions), stream banks will be contoured to have a shallow slope (1:3), and the stream alignment will follow a gentle meander. Therefore no, hydraulic or physical barrier to fish passage will be created by this diversion channel. The channel will also include features that will enhance instream habitat, such as deep pools, rocks, logs, and native riparian planting (Figure 5).



Legend

Site Boundary

Deferred Selection Area

Estimated Existing Landfill Extent

Proposed Ground Levels

Existing Ground Levels

Proposed 1% AEP Flood Extent

Proposed Grass

Proposed Stream

Proposed Stream bank

Proposed Planting

Proposed Landfill Toe Bund

Proposed Farm Access

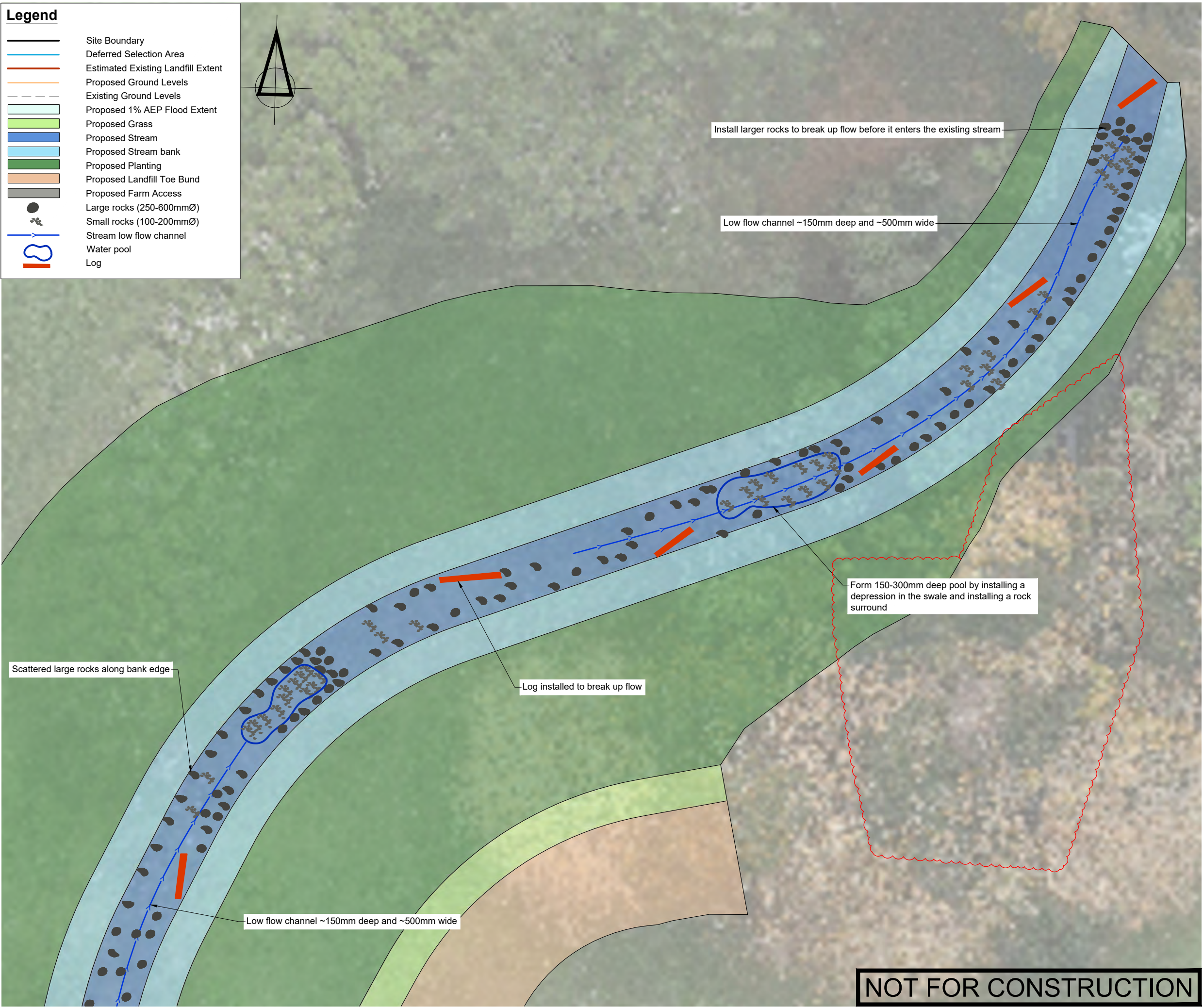
Large rocks (250-600mmØ)

Small rocks (100-200mmØ)

Stream low flow channel

Water pool

Log



SURVEYED			APPROVED SF 19/06/25	DATE	
DESIGNED	TB	19/06/25			
DRAWN	TB	19/06/25			
CHECKED	SF	19/06/25			
REVISION	CHANGES			CHECKED	DATE
A	CULVERT 3 OUTLET CHANGE			SF	20/08/25

NOTES

PROJECT DATUMS:
LEVEL: New Zealand Vertical Datum 2016
COORDINATE: New Zealand Transverse Mercator

CLIENT
TOITU TE WHENUA LAND
INFORMATION NEW ZEALAND

PROJECT
FORMER TOKANUI HOSPITAL
DEMOLITION AND REMEDIATION
PROJECT

TITLE
INDICATIVE STREAM
CONSTRUCTION PLAN 2

Fraser
Thomas

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STATUS

FOR RESOURCE CONSENT

Construction works shall commence only on receipt of and in accordance with the Council or Council organisation stamped approved drawings, unless otherwise indicated.

SCALE 1:200 (A3)

DRAWING No 33097/LF313

REVISION A

NOT FOR CONSTRUCTION

4.0 Closure

In conclusion, the daylighting of Culvert 2 and the re-design of Culvert 3 at the Tokanui Hospital site will result in an improvement in fish passage in the Wharekōrino Stream. The replacement structure for Culvert 3 has been designed to mitigate risks associated with landfill contamination, as well with careful consideration of the recommendations of the latest iteration of the New Zealand Fish Passage Guidelines (2024)¹. A conservative approach has been used, and the design has allowed for the passage of the weaker swimming native fish species, īnanga, which is not currently known in this part of the catchment.

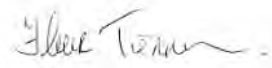
The new section of channel that will divert Wharekōrino Stream around the landfill area has also been designed to promote ecological values, and will not result in any barrier to native fish passage.

Regards,

SLR Consulting New Zealand

A handwritten signature in blue ink, appearing to read 'N. Pyper'.

Nicola Pyper, MSc
Principal Ecologist

A handwritten signature in blue ink, appearing to read 'Fleur Tiernan'.

Fleur Tiernan, MSc
Principal Consultant