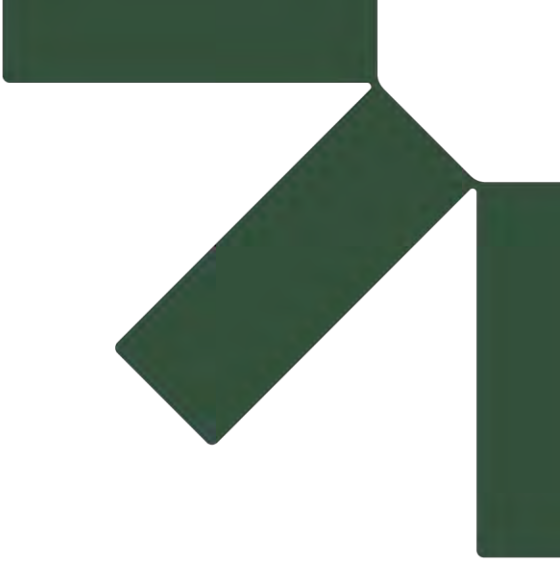




Appendix E: Rules Assessment

Resource Consent Application

Tokanui Landfill Upgrades

Toitū Te Whenua Land Information New Zealand

SLR Project No.: 880.V11547.00002

21 November 2024

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> <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>	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). The piece of land is not excluded from the regulations under subclause (9), as the detailed site investigations have found contaminants above background concentrations.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

Land covered

(7) The piece of land is a piece of land that is described by 1 of the following:

(a) an activity or industry described in the HAIL is being undertaken on it:

(b) an activity or industry described in the HAIL has been undertaken on it:

(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

Regulation 8 Permitted Activities – Disturbing Soil

(3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:

(a) controls to minimise the exposure of humans to mobilised contaminants must—

(i) be in place when the activity begins:

(ii) be effective while the activity is done:

(iii) be effective until the soil is reinstated to an erosion-resistant state:

(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:

(c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:

(d) soil must not be taken away in the course of the activity, except that,—

(i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:

(ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:

(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:

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.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	
(f) the duration of the activity must be no longer than 2 months: (g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.	
Regulation 8 Permitted Activities – Subdividing or changing use (4) Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met: (a) a preliminary site investigation of the land or piece of land must exist: (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: (c) the report must be accompanied by a relevant site plan to which the report is referenced: (d) the consent authority must have the report and the plan.	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 (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: (a) a detailed site investigation of the piece of land must exist: (b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7: (c) the consent authority must have the report: (d) conditions arising from the application of subclause (2), if there are any, must be complied with.	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 10 Restricted Discretionary Activities	Resource consent required (1) As assessed above the disturbance of soil is not a permitted nor controlled activity.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

(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.

(2) The activity is a restricted discretionary activity while the following requirements are met:

(a) a detailed site investigation of the piece of land must exist:

(b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7:

(c) the consent authority must have the report:

(d) conditions arising from the application of subclause (3), if there are any, must be complied with.

(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**.

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	

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.

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: (a) a culvert: (b) a weir: (c) a flap gate (whether passive or non-passive): (d) a dam: (e) a ford.	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.

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 *does* 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.

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.

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).

Conditions required in resource consent

(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**.

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 (b) in which the gas is— (i) flared in accordance with regulation 27; or (ii) used as a fuel or for generating electricity.	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.

National Environmental Standard for Air Quality 2004

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.

Waipa 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—

Waipā District Plan

- (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.

The earthworks do not comply, as assessed further in this table.

Waipā District Plan	
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 <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</i>	Does not comply The proposed earthworks will exceed 1,000m³ and therefore do not comply with this standard.

Waipā District Plan	
<i>the growing of crops, construction, maintenance and upgrading of farm tracks, farm silage pits or existing drains.</i>	
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 <i>a. 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>b. Vehicle parking (if provided), loading/unloading, and manoeuvring areas shall:</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.

Waipā District Plan	
c. <i>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> 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>	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 [...] e. The co-disposal of hazardous substances to a landfill operation, but only where:	Complies 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

Waipā District Plan	
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.	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.
Performance standards 20.4.2.4-20.4.2.10 – Maintenance of buildings, sites and infrastructure	Complies

Waipā District Plan

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

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.

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.

Sediment laden water will not be discharged into any stormwater pipes drains, channels or soakage systems within urban limits.

Waipā District Plan	
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 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.

Waikato Regional Plan

Waikato Regional Plan	
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 Not applicable to damming or diversion. No takes proposed. No water use proposed.
High risk facilities (3.5.12):	Applies

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Waste Management Sites (transfer stations, compost sites, landfills etc.)	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, or does not meet the conditions of a permitted or a controlled activity rule in this Plan, is a discretionary activity (requiring resource consent).	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 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.

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	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. - 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. - The discharge shall comply with the suspended solids standards in Section 3.2.4.6. - The discharge shall not contain any material which will cause the production of conspicuous oil or grease films, scums or foams, or	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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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: - 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. - 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. - There shall not be any overland flow resulting in a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedance Probability design storm or greater; then there shall be no adverse surface water effects as a result of the discharge. - 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.	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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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: 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 - 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 - The use, erection, reconstruction, placement, alteration or extension of any associated structure in or on the bed of an ephemeral river or stream, where: 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: [...]	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.
3.6.4.9 Offstream Damming and associated diversion	Resource consent required

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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: [...]	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: 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).	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.
Chapter 4 River and Lake Bed Module	
4.2.9.1 Culverts – Permitted Activity Rule – Catchments Not Exceeding Five Hectares	Does not comply

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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: [...]	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 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	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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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 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	Not applicable

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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: [...]	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.
4.2.20.2 Permitted Activity Rule - Removal or Demolition of Structures 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: [...]	Not applicable No structures will be removed or demolished as part of the proposal.
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:	Resource consent required Excavation works are proposed in Wharekorinō Stream associated with closing off Culvert 3, construction of new culvert, and stream reinstatement works. Therefore, resource consent is required as a Discretionary Activity.

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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).	
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 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.	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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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. 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.	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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- 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.
- 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

1. 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;
2. 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;
3. 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: [...]

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.

5.1.4.13 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance

1. 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;
2. 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:

1. Roding and tracking activities between 100 and 2,000 metres in length, or
2. Soil disturbance activities between 250 and 1,000 cubic metres in volume (solid measure), or
3. Soil disturbance activities between 0.2 and 2.0 hectares in area, or
4. 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
5. 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
6. 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.
7. 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:

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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a. 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 b. Vegetation associated with riparian enhancement programmes. 8. 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. Waikato Regional Council reserves control over the matters that are specified in Section 5.1.6. Notification: 1. Subject to 2. below applications for resource consents under this Rule will be considered without notification. 2. Notice of applications for vegetation clearance under this Rule other than: • clearance of planted production forest, • vegetation clearance in riparian margins adjacent to planted production forest, or • riparian enhancement and replanting programmes will be served on all adversely affected persons.	
5.1.4.15 Discretionary Activity Rule – Soil Disturbance, Roading, tracking, vegetation clearance in high risk erosion areas	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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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. Roading 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), 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:
 - i. that which is required as part of the construction of a walking track no greater than two metres width, and
 - ii. 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;

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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 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:	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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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:	
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: 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 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	Resource consent required

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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).	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 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:	Not applicable Contaminants will not be discharged onto or into land for the purpose of dust suppression.

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a. 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). b. 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 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: a. 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. b. 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. c. 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	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: 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 (Area A1), and this is sought to be authorised under Section 5.2.7 as part of this application. c. A DSI is provided as part of this application and a RAP will be prepared for certification prior to commencement. d. 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. e. LINZ agrees to provide WRC any updates of these reports if a change in investigation, remediation and monitoring strategy occurs.

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d. 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. site validation report ii. ongoing monitoring and management plan. 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: a. 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. b. 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. c. 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. d. The discharge shall not significantly impair visibility 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: 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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The discharge shall not cause accelerated corrosion or accelerated deterioration to structures beyond the boundary of the subject property.	
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 ...is a permitted activity subject to the conditions specified in Section 6.1.8 of this Plan.	Permitted The proposed activity may be considered as “27. Any refuse storage or transfer activity”. Discharge of contaminants into air from these 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:	Permitted The existing landfills were lawfully established by way of resource consent.

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- 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.
- 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.

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.