

Date:	9 May 2025	App Number:	LU/0232/24
Reporting Planner:	Hayley Thomas	Site Visit on:	9 December 2024

Applicant:	Toitū Te Whenua Land Information New Zealand
Agent:	SLR Consulting New Zealand – Emily Buckingham
Property Address:	149 Te Mawhai Road, Tokanui
Legal Description:	Block X and XI Puniu SD being Sections 1 and 3 SO44852 and Section 1 SO59771 (RT SA56A/866)
Site Area:	79.0174ha
Activity Status:	Non-Complying
Zoning:	Rural
Policy Area(s):	Tokanui Dairy Research Centre
Designation(s):	Nil
Proposal:	Temporary opening of a closed landfill to dispose of medium to low level contaminated soil and undertaking enhancement works before closing landfill again under the Waipā District Plan; and Soil disturbance as a Restricted Discretionary Activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

1 INTRODUCTION

SLR Consulting NZ have applied, on behalf of their client Toitū Te Whenua Land Information New Zealand, for a landuse consent to upgrade the existing landfill cap, relocate refuse away from Wharekōrino Stream, dispose of low-moderate level contaminated soil from the hospital site, and install a new culvert and realign Wharekōrino Stream. The landfill site is part of the wider Tokanui Hospital Site and located within the Rural Zone under the Waipā District Plan in which the proposed works are a non-complying activity. Additionally, the site is identified as a HAIL site under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health requiring assessment for the soil disturbance as a Restricted Discretionary Activity.

1.1 Description of site

The subject site is located south of Te Mawhai Road to the west of Farm Road (a private road), west of Otorohanga Road (State Highway 3), approximately 3km south of Kihikihi, 10km south of Te

Awamutu, 6km northwest of Waikeria Prison and 6km east of Mt Kakepuku. The existing landfill area is part of the wider site occupied by the Tokanui Hospital which was closed in 1998. The Wharekōrino Stream runs directly west of the landfill area in a north/south direction.

The landfill was closed and capped in 2000, includes an area of approximately 1.8ha of land and is currently used for grazing purposes as shown in Figures 1 and 4 to 8 below.

Under the Operative Waipā District Plan, the site is located in the Rural Zone with a small portion of the southeastern part of the site subject within the Tokanui Dairy Research Centre.

To the east of the site is Significant Natural Area WP333, and north of the site and Te Mawhai Road is WP330 and an area subject to the Flood Hazard Policy Overlay. Further north is an area of Marae Development Zone. Southeast of the site the farm is subject to the Tokanui Dairy Research Centre and Core Campus Areas. Refer Figure 2.

Council's Special Features Map also identify parts of the site as being subject to 'Landfill' (shown in yellow), and a 'Potential HAIL Site Area' (shown in brown). Refer Figure 3.



Figure 1: Aerial photograph of Landfill Area (Highlighted in red)

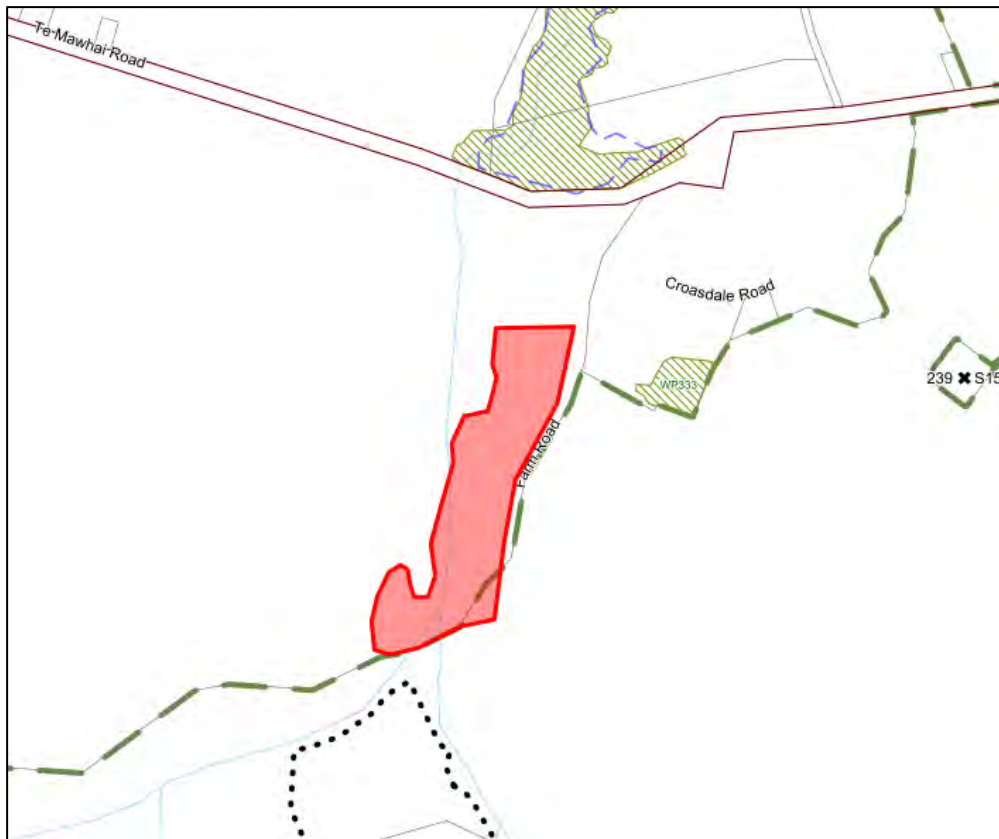


Figure 2: District Plan Zone and Policy Overlays Map (Landfill Area highlighted in red)

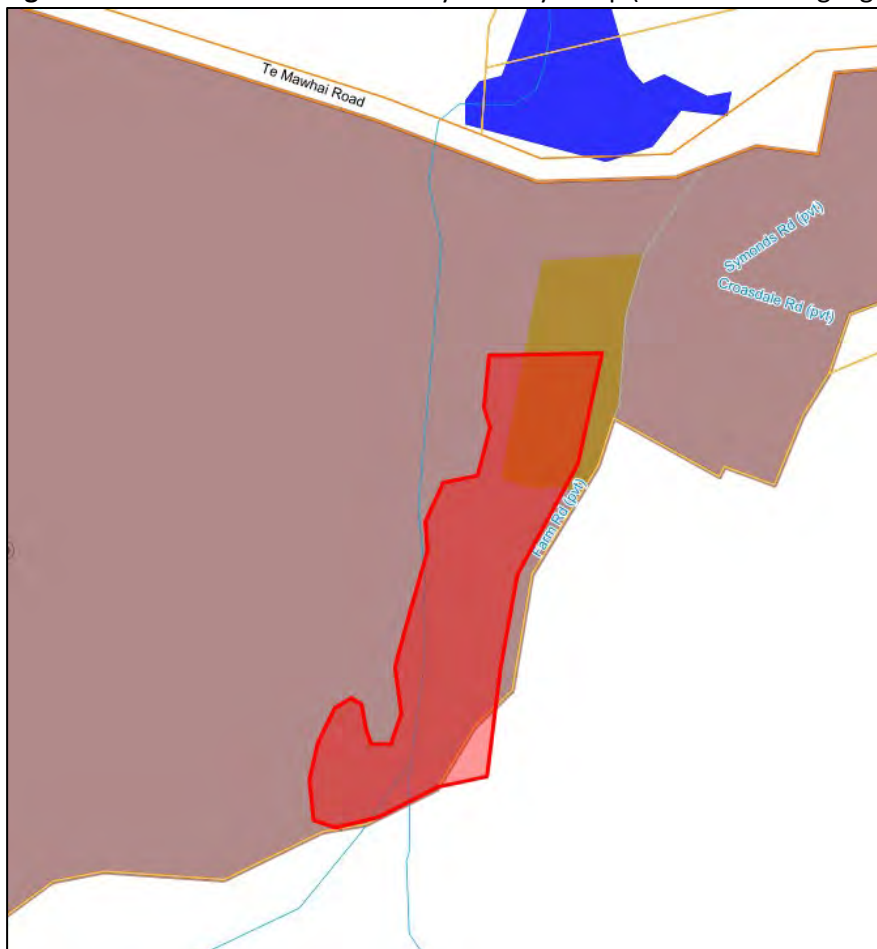


Figure 3: Council's Special Features Map (Landfill Area highlighted in red)

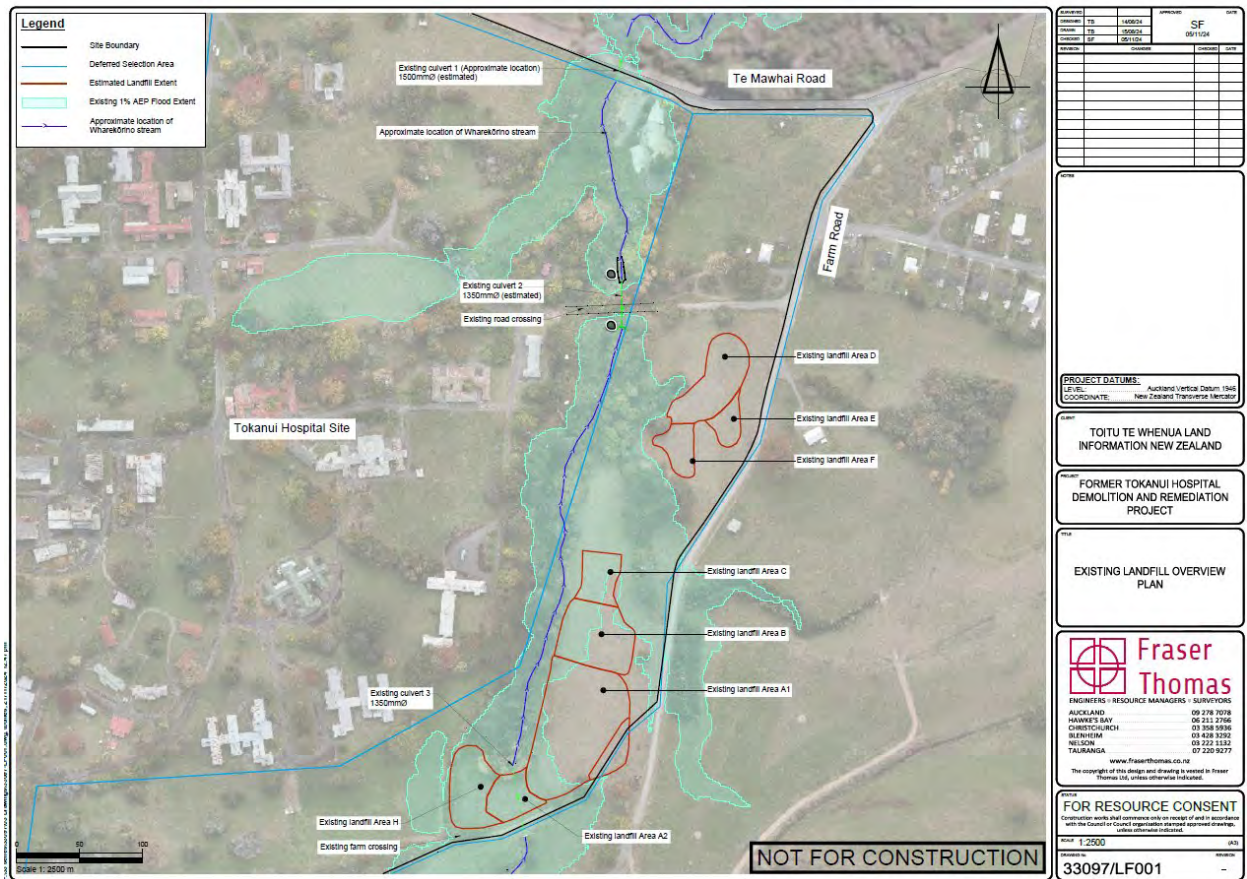


Figure 4: Existing Landfill Overview Plan (from Application)



Figure 5: Site Visit Photo from Farm Road looking southeast across Landfill Areas D, E and F



Figure 6: Site Visit Photo from Farm Road looking west across the site to the main hospital site



Figure 7: Site Visit Photo from Farm Road looking northwest across the site to the Wharekōrino Stream



Figure 8: Site visit photo taken from farm track along southern boundary of landfill looking northeast towards Farm Road

1.2 Legal interests in the property

Table 1 below summarises the relevant interests on the title.

Record of Title	Legal Description	Size	Date Issued	Relevant Interests
SA56A/866	Block X and XI Puniu SD being Sections 1 and 3 SO44852 and Section 1 SO59771	91.8707ha	26 January 1995	▪ B253404.2 – Application pursuant to Clause 9(1) of the First schedule of the Health Reforms (Transitional Provisions) Act 1993 whereby Health Waikato Limited is registered proprietor of the within land; ▪ Appurtenant hereto is a right of convey water easement over part Lot 1 marked A on DPS 66439 (part CT 54D/742) created by Transfer B253404.3; ▪ Appurtenant hereto is a right to drain water easement over part Lot 2 marked B on DPS 66439 (part CT 54D/742) created by Transfer B253404.4;

Record of Title	Legal Description	Size	Date Issued	Relevant Interests
				- Subject to Right of Way, electricity and telecommunications easements over part herein marked A DPS 87399 appurtenant to Lot 1 DPS 66439 part CT 54D/742 created by Transfer B610889.1; - Subject to a Right of Way easement over part herein marked A DPS 87399 appurtenant to Section 3A Block X Puniu SD Ct 67D/389 created by Transfer B610889.2.

Table 1: Existing titles and interests

I note that the above title has been cancelled due to the transfer to the Crown as a result of the Land Transfer Act 1948 Transfer B614333.1 on 30 June 2000. Of note for the purposes of this application is the existing easements. None of the above listed interests restrict the proposal from proceeding.

1.3 History

The consent history for the site is outlined below in Table 2.

Consent reference	Description	Date	Summary
LU/0308/19	To establish two new wastewater pump stations, undertake earthworks for installation of wastewater pipeline within 23m of the Wharekōrino Stream and to undertake soil disturbance of contaminated soils	4 February 2020	- WSP Opus applied, on behalf of LINZ for a Non-Complying Activity under the District Plan and Soil disturbance as a Controlled Activity under the NES-CS; - Two stage process involving firstly the construction of the pump station and rising main from the village through to the Waikeria Prison main, and secondly the pump station at the Tokanui site; - Non-Notified; - Conditions included Construction Management Plan, Sediment and Erosion Control, Dust, Hours of Works, Reinstatement, Abandoned Works, NES-CS Site Management Plan, Iwi Contact Person, Accidental Discovery Procedure.
PG/0034/24	Pre-Application Meeting – Remediation of Tokanui Hospital Site	1 May 2024	Pre-Application Meeting to discuss proposed demolition and remediation of hospital site;

Consent reference	Description	Date	Summary
			- Agent outlined the history of the site and involvement of LINZ through iwi settlement process; - Seeking Council comment with regard to each stage of the process and interpretation for Stage 1 with regard to permitted activity and potential Certificate of Compliance.
PG/0067/24	Certificate of Compliance to demolish 84 above ground buildings and structures at the former Tokanui Hospital Site as Stage One of remediating the site	19 June 2024	Above ground works as Stage 1 of Remediation Works

Table 2: Consenting History

1.4 Proposal

Pursuant to Section 88 of the Resource Management Act 1991 ('the Act'), SLR Consulting NZ have applied, on behalf of their client Toitū Te Whenua Land Information New Zealand, for a landuse consent to temporarily open the existing closed landfill to dispose of medium to low level contaminated soil and undertaking enhancement works before closing the landfill. The application summarises the works as follows:

- *"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 these landfills going forward;*
- *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;*
- *Isolated removal of medical waste (in 'Area F') from an existing landfill cell;*
- *Deposition of contaminated soil from hospital remediation works into the existing landfill;*
- *Works near streams, including alteration of a culvert ('Culvert 3') that runs through the landfill and underneath a farm track, and partial stream reinstatement;*
- *Upgraded capping of the entire landfill;*
- *Reinstatement of the site following earthworks, so that it is free of any debris and stabilised by grassing; and*
- *Renewing the existing resource consents for the entire landfill."*

- *“In Stage 1, Areas E and F will first be excavated and then contaminated material from the hospital remediation will be transferred to these areas. Areas E and F will then be capped and topsoiled. The existing cap on Area D will also be removed and replaced with new, compliant capping.*
- *In Stage 2, refuse from Area H and part of Area A2 will be transferred to Area A1. This will include realignment of Wharekōrino Stream, installation of a toe bund and new culvert, and closure of Culvert 3. The portion of Area A1 on land owned by AgResearch Ltd will also be transferred to within the boundaries of the hospital site. Areas A1 and B and the residual portion of Area A2 will then be capped and topsoiled. The existing cap on Area C will also be removed and replaced with new, compliant capping as part of this stage of works.”*

Legend

- Site Boundary
- Deferred Section 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

Existing culvert 1 (Approximate location 1500mm)

Approximate location of Whareōhō stream

Te Mawhai Road

Farm Road

Landfill areas D, E and F remedial works and northern disposal site works. See FTL Drawing series LF100

Existing landfill Area D

Existing landfill Area E

Existing landfill Area F

Proposed northern disposal site cell

Landfill areas A1, B and C remedial works and proposed northern disposal site works. See FTL Drawing series LF200

Existing landfill Area C

Existing landfill Area B

Existing landfill Area A1

Proposed southern disposal site cell

Landfill areas A2 and H removal works and culvert 3 remedial works. See FTL Drawing series LF300

Existing landfill Area H

Existing landfill Area A2

Raised farm crossing

Tokanui Hospital Site

Scale 1: 2500 m

NOT FOR CONSTRUCTION

PROJECT DATUMS

DATE: 09/11/2014

COORDINATE: Auckland Vertical Datum 1984
New Zealand Transverse Mercator

TOITU TE WHENUA LAND INFORMATION NEW ZEALAND

FORMER TOKANUI HOSPITAL DEMOLITION AND REMEDIATION PROJECT

PROPOSED LANDFILL REMEDIAL WORKS SITE OVERVIEW PLAN

Fraser Thomas
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FOR RESOURCE CONSENT
Consentation works shall commence only on receipt of and in accordance with the Council's Consent application design approval drawings. Further information indicated.

Scale 1:2500

33097/LF010

A



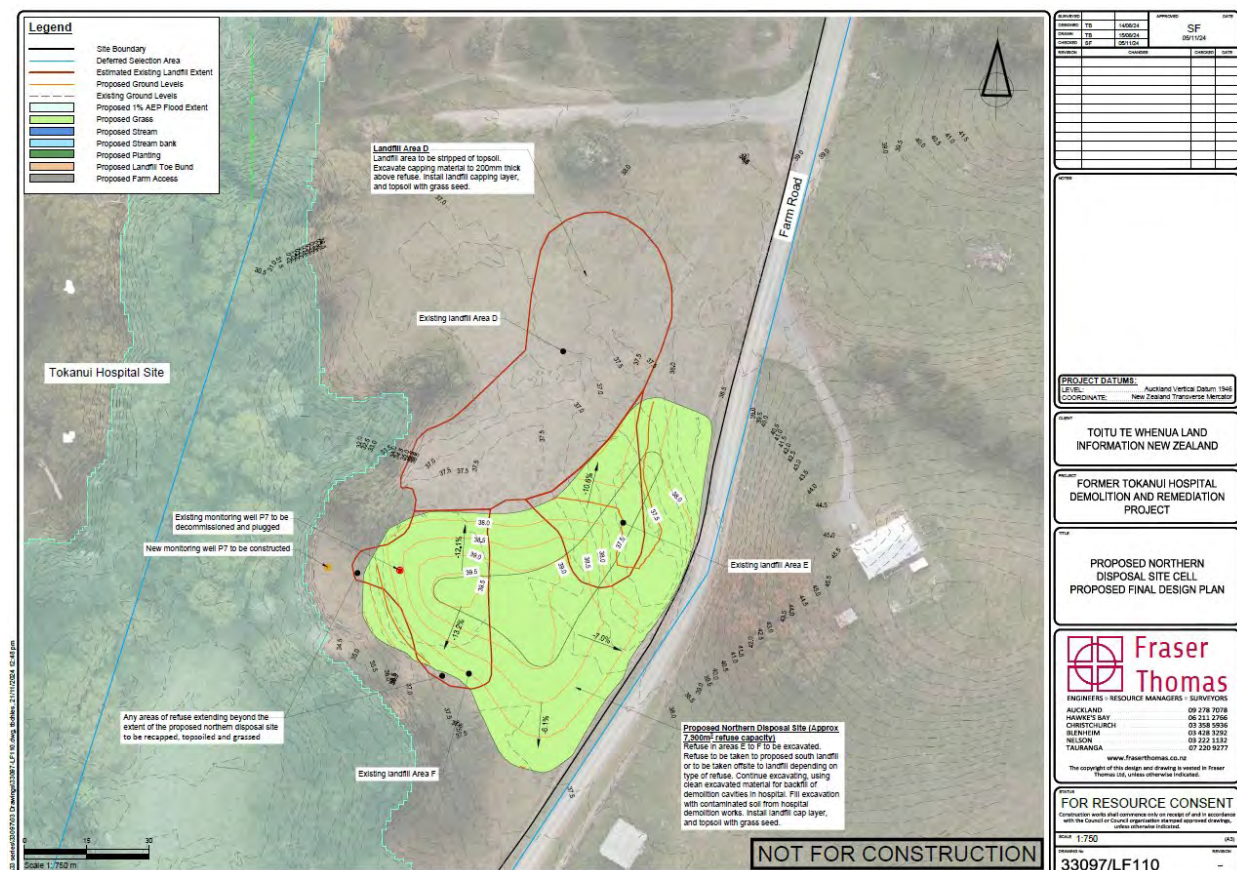


Figure 10: Proposed Northern Disposal Site Cell – Proposed Final Design Plan

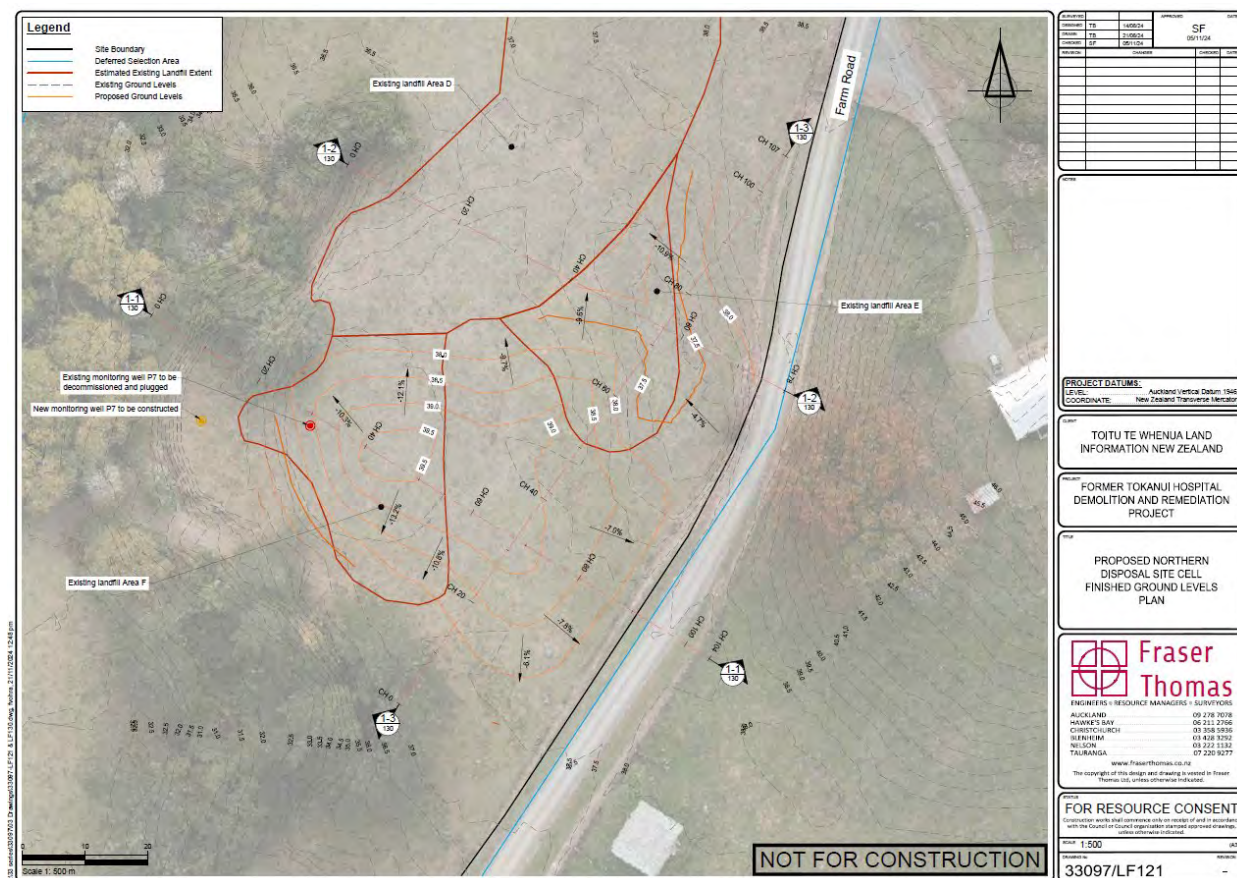


Figure 11: Proposed Northern Disposal Site Cell – Finished Ground Levels Plan

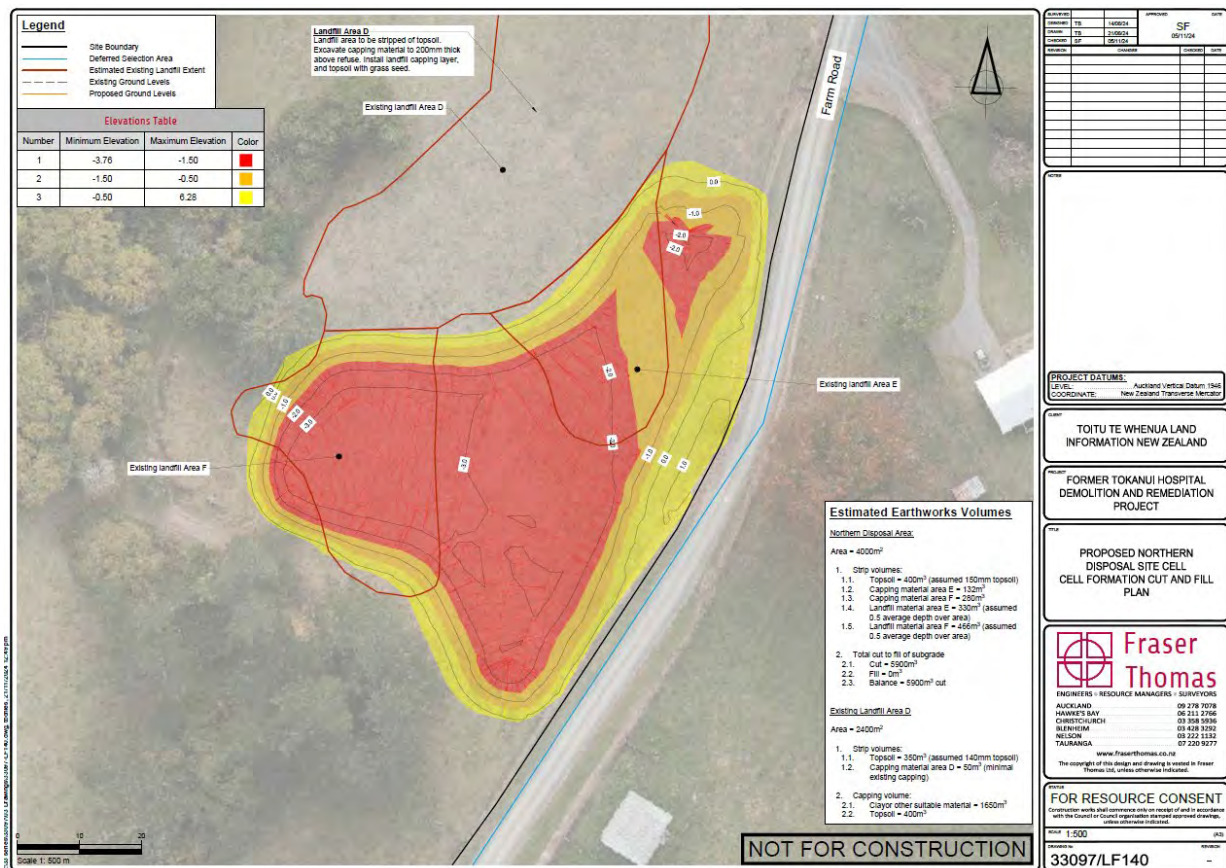


Figure 12: Proposed Northern Disposal Site Cell – Cell Formation Cut and Fill Plan

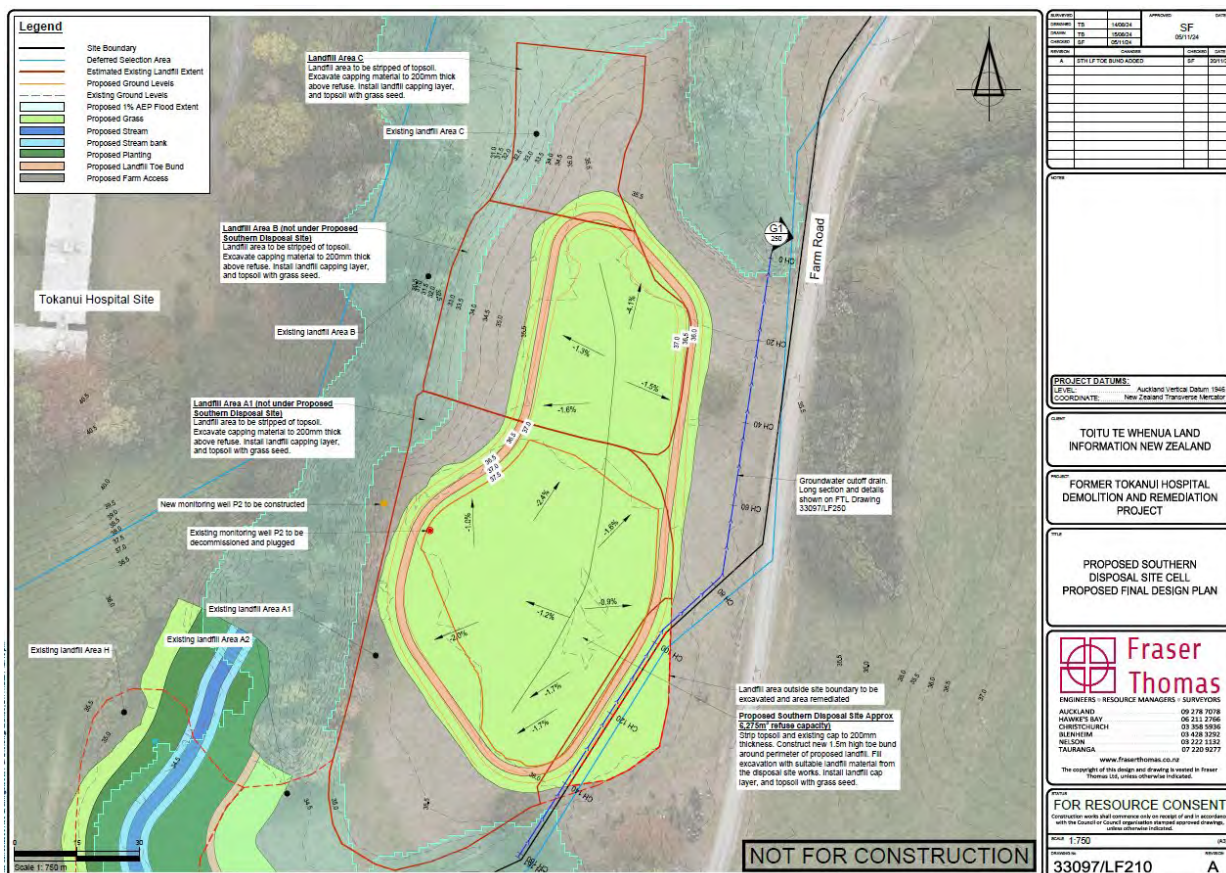


Figure 13: Proposed Southern Disposal Site Cell – Proposed Final Design Plan

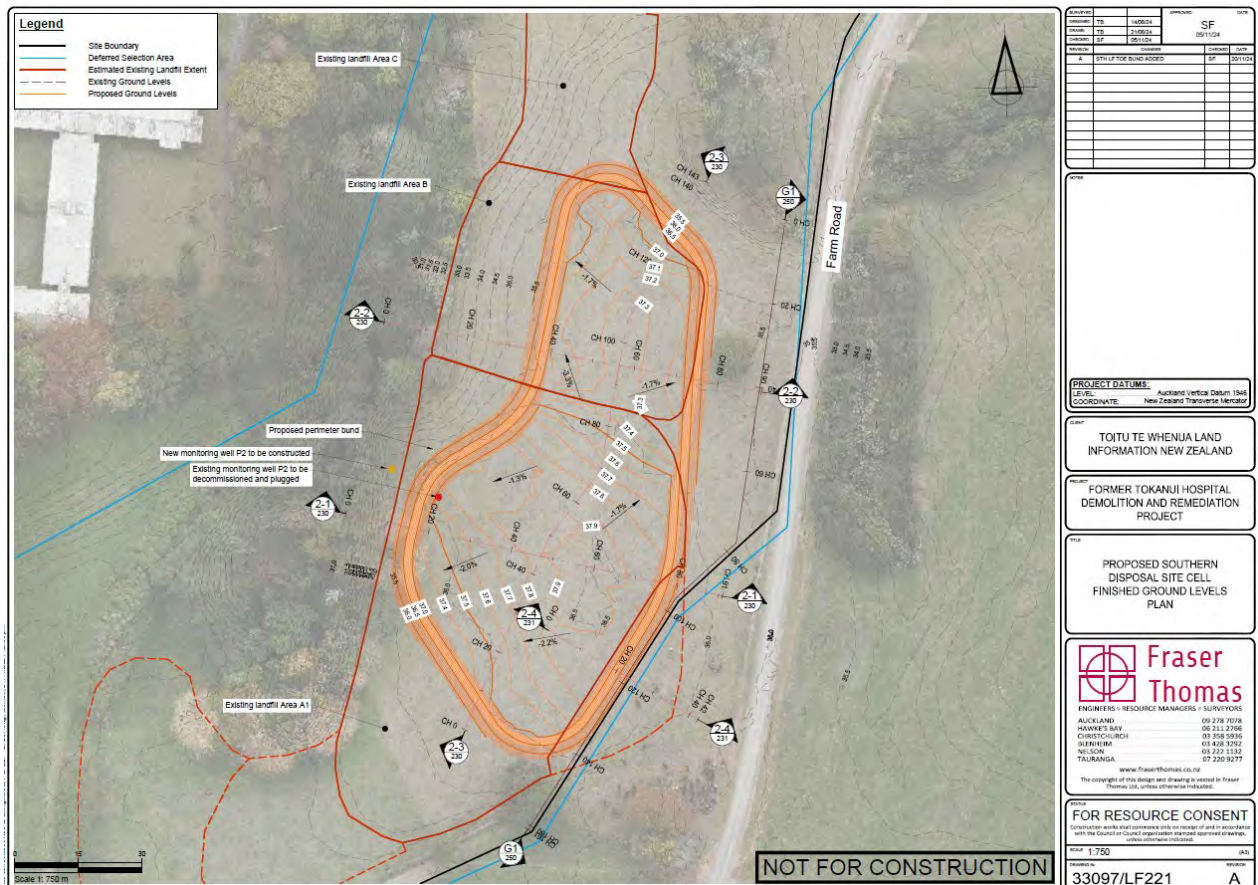


Figure 12: Proposed Southern Disposal Site Cell – Finished Ground Levels Plan

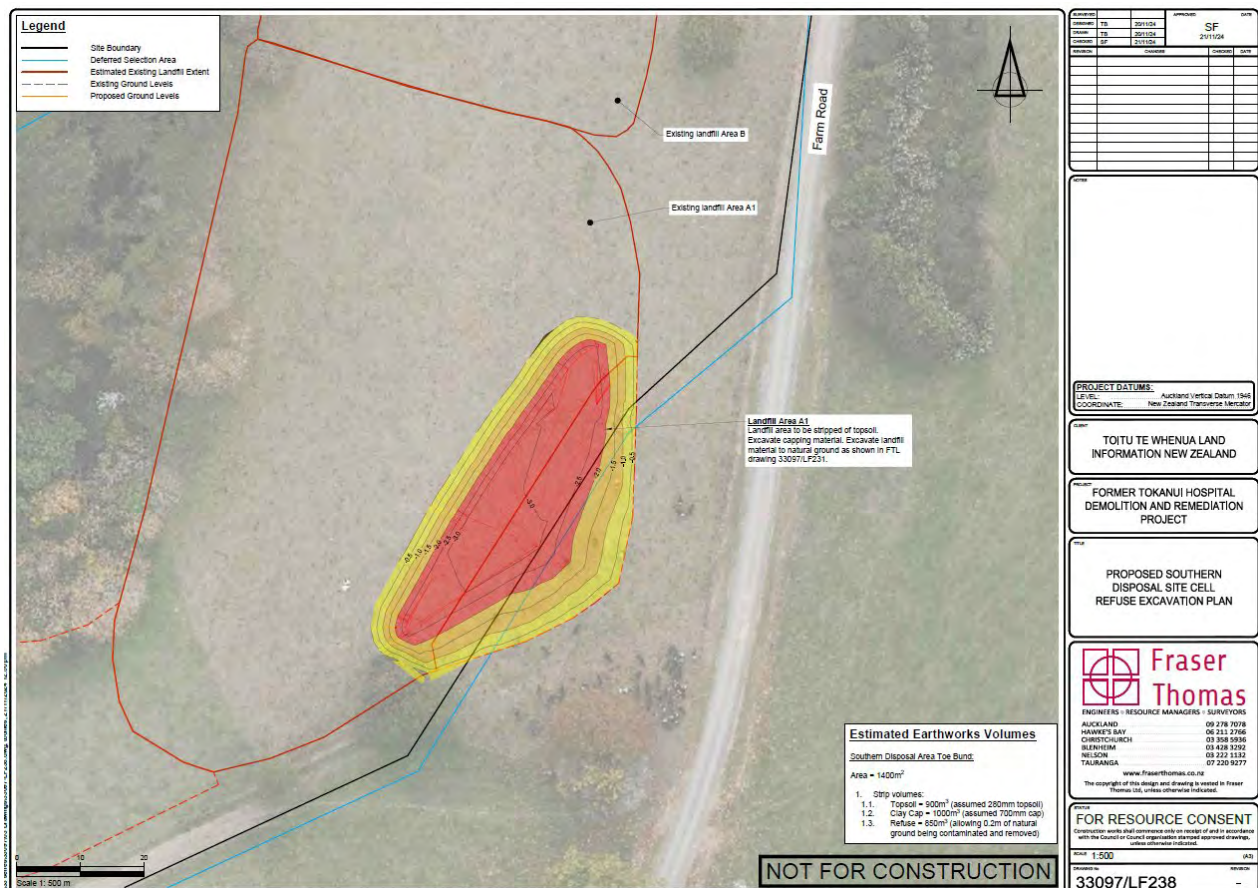


Figure 13: Proposed Southern Disposal Site Cell – Refuse Excavation Plan

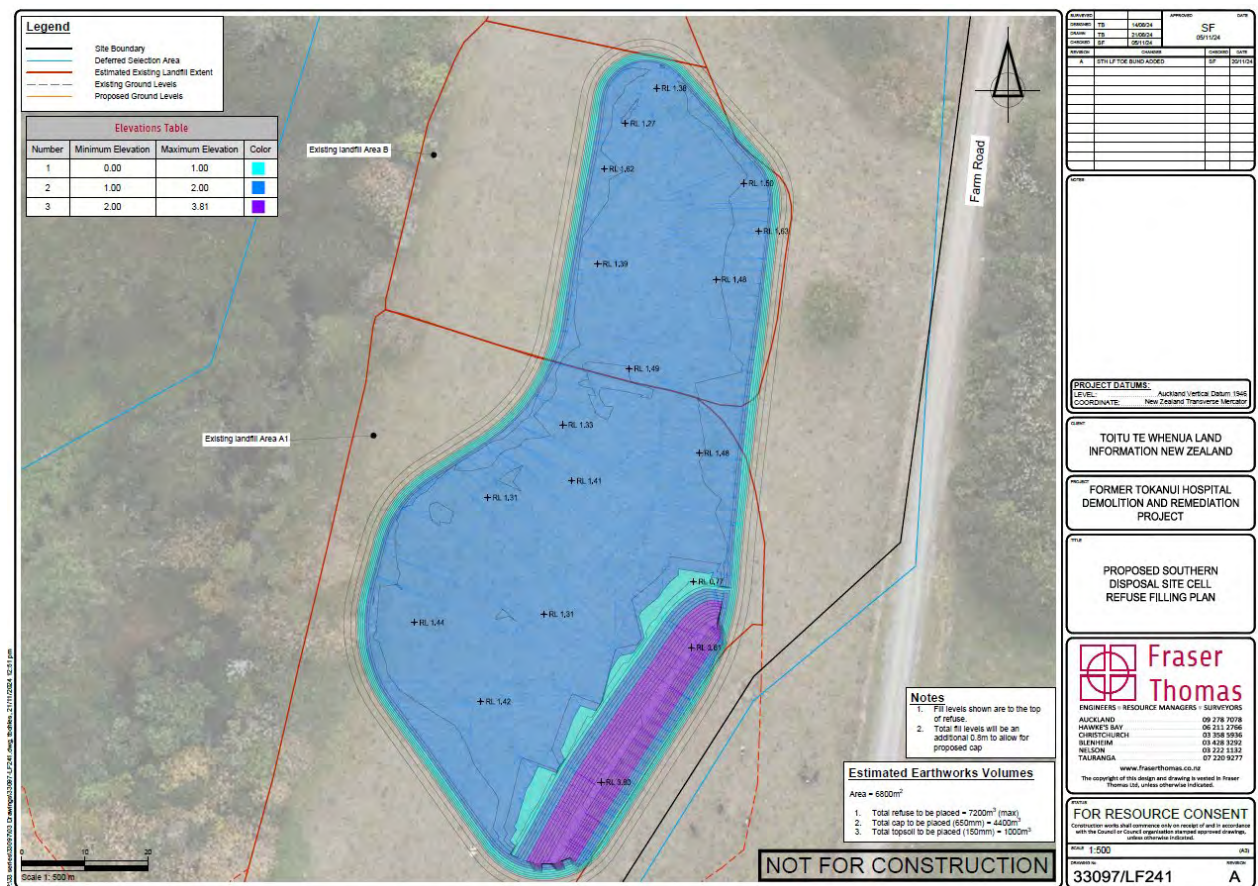


Figure 14: Proposed Southern Disposal Site Cell – Refuse Filling Plan

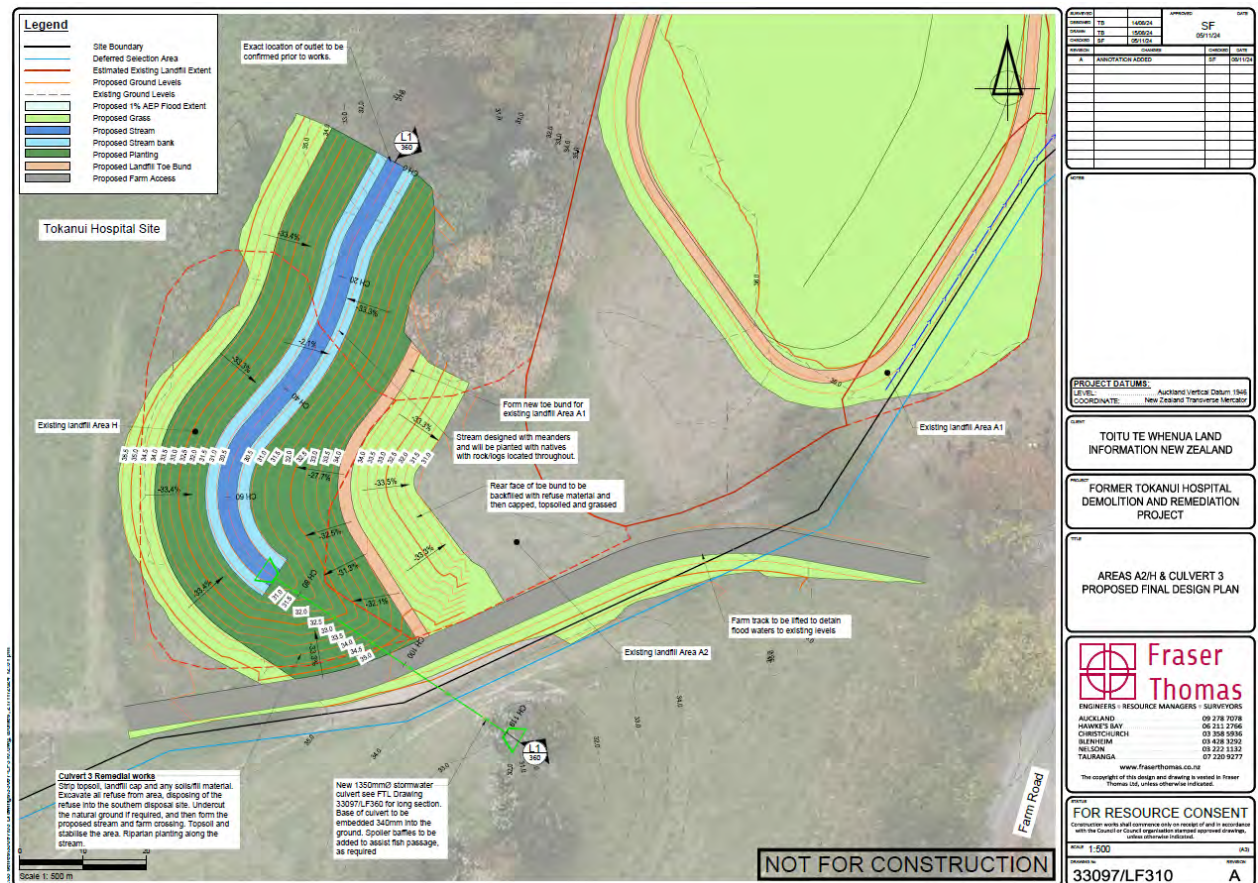


Figure 15: Areas A2H & Culvert 3 – Proposed Final Design Plan

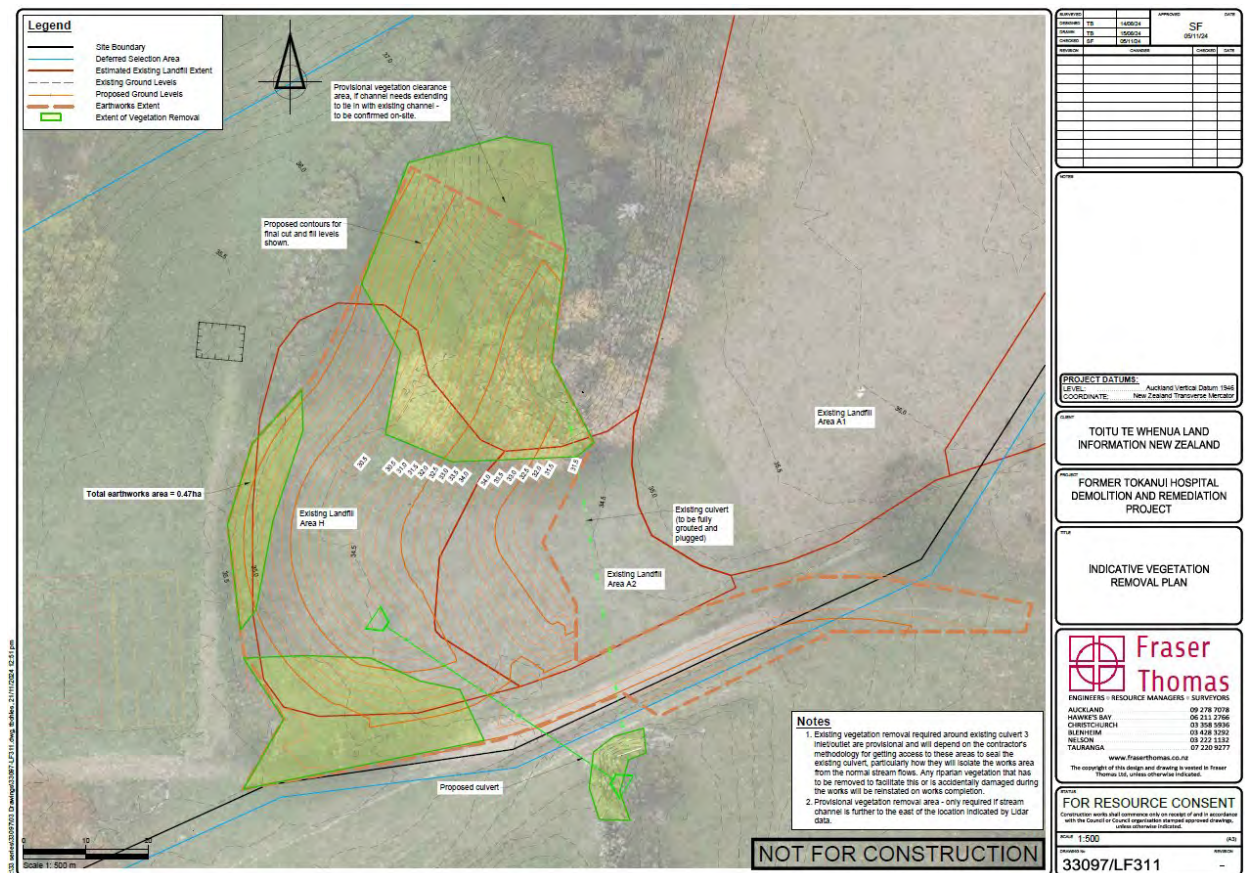


Figure 16: Indicative Vegetation Removal Plan

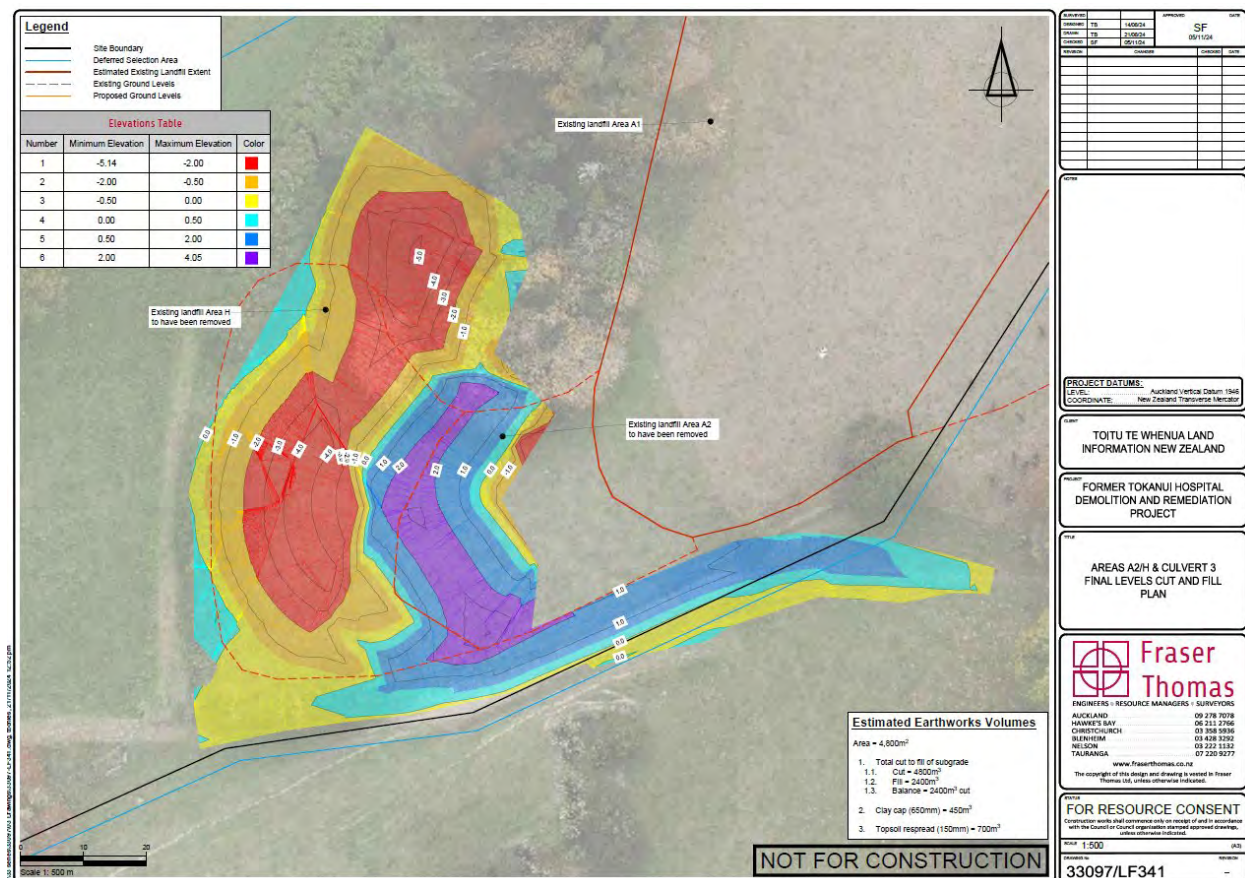


Figure 17: Areas A2H & Culvert 3 – Final Levels Cut and Fill Plan

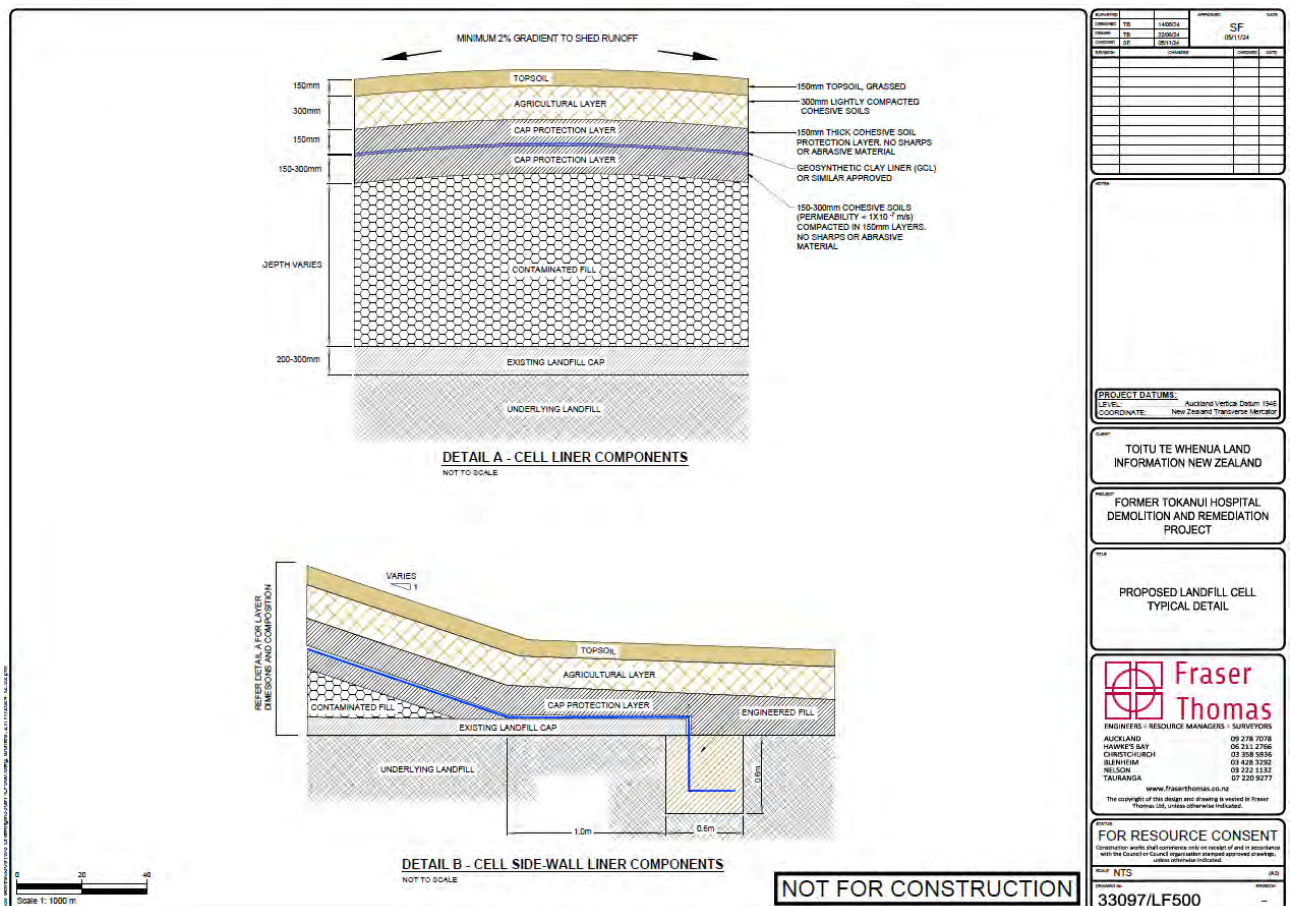


Figure 18: Proposed Landfill Cell – Typical Detail

1.4.1 Section 92 Request

On 12 February 2025, Council requested the following further information from the applicant pursuant to Section 92 of the Act:

1) Acoustic Assessment:

- Clarification is requested to identify the location of the anticipated works and what will take place at the distances given from each of the occupied residences in Table 1. Confirmation that cumulative effects of multiple noise sources operating at the same time has been considered.
- Further information is requested to confirm if other noisy operations of the type listed above need to be assessed along with noise associated with movements of soil around the site, including lorry entry and exit routes.
- Further information and clarification is sought to confirm locations of the works that have been assessed and what will be happening there. Additionally, further information is sought to confirm if other noisy construction plant, equipment and truck movement activities need to be assessed as well.

- d) Further confirmation is sought that vibratory compaction will not be deployed on site.
- 2) Demolition, Deconstruction and Remediation Management Plan (DDRMP): An updated DDRMP to cover the recommendations outlined in Mr Jones review and comments provided in Attachment 1 regarding noise, dust and burning on site.

This information request was provided and confirmed as sufficient on 26 March 2025. A revised DDRMP was included and replaces Appendix K6 of the original application.

In addition to the above, Councils Consultant for Contaminated Soils, Mr Paul Gibbins at HD Geo, had requested some amendments to the DSI, RAP and RAP to correct some minor technical details. This information was provided on 7 April 2025 and replaces Appendix K3, K6 and H2.

2 REASON FOR THE APPLICATION

A land use consent as described under Section 87(a) of the Act is required for the reasons set out below.

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

These regulations came into force on 1 January 2012 and apply when a person wants to do an activity described in Regulation 5(2) to 5(6) on a piece of land described in Regulation 5(7) or 5(8). In accordance with Regulation 5(7), the site is a 'piece of land', and consent is required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 for soil disturbance.

The application explains the *"proposed disturbance of soil is not a permitted or controlled activity. Therefore, resource consent is required under Regulation 10(2) of the NES-CS as a Restricted Discretionary activity."*

2.2 Waipā District Plan Rule Assessment

An assessment of the proposal's compliance with the relevant rules of the District Plan has been completed. In summary, Table 3 below outlines the relevant rules relating to the proposed subdivision.

Rule #	Rule Name	Status of Activity	Comment
4.4.1.1(m)	Earthworks	N/A	This provision provides for earthworks in accordance with the performance standards within Section 4.4.2 as a permitted activity. In this instance, and as demonstrated in this table, the proposal fails to comply with the provisions within Section 4.4.2

Rule #	Rule Name	Status of Activity	Comment
			therefore the earthworks are not permitted under this provision.
4.4.1.1(t)	Earthworks within the National Grid Yard	N/A	This provision is associated to works within the National Grid Yard. The subject site does not have any national grid infrastructure located on or across it.
4.4.1.4(a)	Discretionary Activity Status Table - Earthworks	Discretionary	This provision notes that any permitted, controlled or restricted discretionary activity that fails to comply with the performance standards in Section 4 (including in particular noise and earthworks) is to be assessed as a Discretionary Activity. This table demonstrates the proposed activity fails a number of provisions in Section 4 and therefore is a Discretionary Activity under this provision.
4.4.1.5(b)	Non-Complying Activity Status Table – All other activities	Non-Complying	This provision sets out that any other activities not otherwise listed in the activity status tables is to be considered as a Non-Complying Activity. In this instance, landfill works is not otherwise listed or provided for in the Rural Zone and is a Non-Complying Activity.
4.4.2.1 to 4.4.2.17	Various	N/A	These provisions are not relevant to the proposed activity.
4.4.2.18	Vibration	Noted	This provision sets out the requirements for vibration from a site shall not exceed the NZS for Storage, Handling and Use of Explosives. In this instant the proposed works do not include the use of explosives.
4.4.2.19	Construction Noise	Will Comply	This provision sets out the expected noise requirements for construction noise. The application has included an Acoustic Assessment (Appendix M of the AEE) which has noted the nearest dwelling is located approx. 50m east of the landfill works. The Acoustic Assessment concludes that <i>“the noise levels during the landfilling works would achieve compliance with the relevant noise limits stipulated by NZS 6803, and the noise effects would be reasonable and acceptable.”</i>
4.4.2.20 to 4.4.2.48	Various	N/A	These provisions are not relevant to the proposed activity.
4.4.2.49 & 4.4.2.50	Temporary Construction Buildings	Complies	These provisions provide for the use of temporary buildings on a construction site. While the application does not mention any temporary construction buildings it is noted the wider remediation project anticipates using two of the

Rule #	Rule Name	Status of Activity	Comment
			existing buildings on the hospital site for this purpose. The proposed activity will therefore comply with these provisions.
4.4.2.51 to 4.4.2.72	Various	N/A	These provisions are not relevant to the proposed activity.
4.4.2.73 & 4.4.2.74	Tokanui Dairy Research Centre Core Campus Area	N/A	These provisions provide for agricultural research activities at the Tokanui Dairy Research Centre Core Campus Area. This is located directly to the east of the subject site and not included in the site boundaries.
4.4.2.75	Earthworks	Discretionary	This provision provides for up to 1,000m ³ of earthworks in the rural zone. In this instance, the landfill estimated earthwork volumes are 5,900m ³ for the northern disposal area and 950m ³ for the southern disposal area. The proposal therefore fails to meet this provision and requires assessment as a Discretionary Activity .
4.4.2.76 to 4.4.2.78	Earthworks and Buildings within the National Grid Yard	N/A	This provision applies to earthworks associated within the National Grid Yard and associated structures, neither of which are located on the subject site. This provision is therefore not applicable to this activity.
4.4.2.79 to 4.4.2.87	Various	N/A	These provisions are not relevant to the proposed activity.
17.4.1.3(a)	Water and irrigation races, open drains, channels, culverts and necessary incidental equipment and water quality monitoring devices	Permitted	This provision provides for open drains, channels and culverts as a permitted activity in the Rural Zone. The proposed works provide for the continued flow of the Wharekōrino Stream to the west of the works. Works are proposed to upgrade the culvert which is permitted by this provision.
19.4.1.1(e)	Permitted Activity Status Table – Co-disposal of hazardous substances to a landfill operation	Will Comply	This provision provides for the co-disposal of hazardous substances to a landfill operation 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

Rule #	Rule Name	Status of Activity	Comment
			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. In this instance, the existing landfill is assumed to be classified as 'hazardous substances. The landfill will be operating under a resource consent, and any disposal of material will be in accordance with the consent. The activity will therefore comply with this provision.
20.4.2.1	Odour, smoke, fumes or dust	Complies	This provision requires any objectionable odour, smoke, fumes or dust to be appropriately managed on site to minimise nuisance beyond the boundaries of the site. The application outlines the measures included in the DDRMP are proposed to suitably mitigate these potential effects beyond the boundary of the site. The activity will therefore comply with this provision.
20.4.2.2	Lighting and Glare	Complies	This provision sets out the requirements for light spill from artificial lighting on a site. In this instance the proposal is to undertake day works only, and any artificial lighting is likely to be installed for security purposes only. Any security lighting should be able to comply with this provision, therefore the activity is considered to comply with this provision.
20.4.2.4 to 20.4.2.11	Maintenance of buildings, sites and infrastructure	Complies	These provisions set out a number of requirements to ensure buildings, sites and infrastructure are maintained and not causing amenity effects for the wider community and neighbourhood. In this instance the reopening, use and capping of the landfill will involve earthworks for a temporary period. Measures are proposed through the site management to ensure the amenity of the area is upheld and these provisions are complied with throughout the process. The activity is considered to comply with these provisions.
22.4.1.1(m)	Earthworks within 20m of a cultural site	Restricted Discretionary	This provision restricts earthworks within 20m of a cultural site. The application notes that while there are no cultural sites identified on the District Plan maps, waahi tapu areas have been identified on the site by mana whenua, and this provision is therefore

Rule #	Rule Name	Status of Activity	Comment
			applicable. An assessment is required for a Restricted Discretionary Activity with matters limited to: ▪ Location; and ▪ Integrity and values of the site.
26.4.1.3(a) & 26.4.2.1	Earthworks and vegetation clearance within 23m of a water body	Restricted Discretionary	These provisions set out that any earthworks within 23m of a water body shall be a Restricted Discretionary Activity with matters limited to: ▪ Natural character and amenity of the water body or lake; and ▪ Public access; and ▪ Recreational opportunities; and ▪ Cultural values; and ▪ Riparian values; and ▪ Ecological values; and ▪ Impact on natural hazards; and ▪ Natural and cultural features; and ▪ Impact on other land uses. In this instance, the proposal involves earthworks and vegetation clearance within 23m of the Wharekōrino Stream.

Table 3: District Plan rule assessment

As outlined in the table above, the application is deemed to be a **Non-Complying Activity** being the highest status indicated by the above rules.

3 STAFF COMMENTS

3.1 Environmental Health – Acoustic, Dust, Smoke and Hazardous Material

Council’s Environmental Health Officer, Mr Glynn Jones, reviewed the wider site remediation application and requested further clarification with regards to the Acoustic Assessment and the Demolition, Deconstruction and Remediation Management Plan (‘DDRMP’). This information was provided and confirmed to be acceptable on 26 March 2025. With the information provided, Mr Jones is satisfied that the environmental effects in regard to Acoustic, Dust, Smoke and Hazardous Material in relation to the landfill works can be mitigated by conditions of consent.

3.2 Environmental Health – Contaminated Soils

Council’s Consultant Mr Paul Gibbins from HD Geo reviewed the application and the information in regard to Contaminated Soils. In his review Mr Gibbins noted:

- **“NESCS Application Review and Assessment:** *Our assessment is based on the information submitted as part of the application. Our scope was limited to the documents described in the*

scope of this memo, as agreed with LINZ, SLR, FTL, and WDC. Based on the information reviewed, we consider the application is sufficiently comprehensive for it to be considered, because:

- *the level of information provides a reasonable understanding of the nature and scope of the proposed activity as it relates to the NESCS*
- *the extent and scale of any adverse effects to human health and/or the environment can be assessed*
- *human and/or environmental receptors that may be adversely affected have been identified*
- *a detailed and comprehensive plan has been provided summarising the remediation rationale, objectives, and methodology*
- **Existing disposal site repair and upgrade works report review: Section 5.4.1**
 - *Within this section under G.4, the plans that are noted should be required by condition of consent, prior to works commencing for each stage. These include:*
 - *an erosion and sediment control plan, including stream temporary diversion methodology*
 - *an asbestos removal control plan (for asbestos within the landfill)*
 - *a construction management plan, which the above items may be incorporated into. The CMP must include a site management plan as required by the NESCS to address potential soil contamination issue encountered during the works*
- **Recommendations:** *With regard to adverse effects on human health and the environment, our assessment does not identify any reason relating to contaminated land matters under the NESCS to withhold consent.*

Notwithstanding, any granted consent should be subject to a set of consent conditions, to bind the consent holder to managing and mitigating any potential risk to human health or the environment.”

Should consent be granted, Mr Gibbins has recommended a suite of conditions regarding the management of any contaminated soil, and I concur with his recommendations.

3.3 Development Engineering

Council’s Development Engineer, Ms Jane Zhang, has reviewed the application and notes the opening and use of the landfill, and recapping, will involve earthworks above that provided for by the District Plan permitted activity provisions. Should consent be granted, Ms Zhang recommends conditions are included with regards to earthwork management, erosion and soil control and an earthwork completion report. I concur with Ms Zhang’s comments.

4 ASSESSMENT FOR THE PURPOSE OF PUBLIC NOTIFICATION

4.1 Adequacy of information

It is my opinion that the information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification. The information within the application is sufficient to understand the characteristics of the proposed activity as it relates to provisions of the District Plan, for identifying the scope and extent of any adverse effects on the environment, and to identify persons who may be affected by the activity's adverse effects.

4.2 Mandatory Public Notification - Section 95A(2) & (3) – Step 1

Council must publicly notify the resource consent where:

- a) it has been requested by the Applicant; or
- b) a further information request has not been complied with or the Applicant refuses to provide the information pursuant to Section 95C; or
- c) the application has been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In this instance, none of the above situations apply, therefore public notification is not required under Section 95A(2) and 95A(3).

4.3 Public notification precluded – Section 95A(5) – Step 2

The consent is for a resource consent for one or more activities and there are no rules in a National Environmental Standard or the District Plan relevant to this proposal that preclude public notification.

The application is not for a resource consent for one or more of the following:

- a) Controlled activity;
- b) A restricted discretionary activity or discretionary activity, but only if the activity is a subdivision of land or a residential activity;
- c) A restricted discretionary, discretionary, on non-complying activity, but only if the activity is a boundary activity;
- d) A prescribed activity (see Section 360H(1)(a)(i)).

4.4 Public notification required in certain circumstances – Section 95A(8) – Step 3

Council must publicly notify the resource consent where:

- a) The application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification; or
- b) The consent authority decides, pursuant to Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

In this instance, public notification is not required by a rule or a national environmental standard. Refer to Section 4.5 and 4.6 of this report for Council's assessment of the effects.

4.5 Effects that may or must be disregarded – Section 95D(a), (b), (d) and (e)

Pursuant to Section 95D, if a rule or national environmental standard permits an activity with that effect the adverse effect of that activity may be disregarded.

4.5.1 Permitted Baseline

Pursuant to Section 95D, a Council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect (i.e. the Council may consider the 'permitted baseline'). The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan or have been consented to with regard to who is affected and the scale of the effects.

The District Plan provides for up to 250m³ of earthworks in a single activity. Therefore, the permitted baseline could be applied to a small portion of the activity, however given the scale of the works, I consider an application of the permitted baseline to be unnecessary in this instance.

4.5.2 Land excluded from the assessment

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons whom have given written approval **must** be disregarded. The adjacent properties to be excluded from the public notification assessment are listed in Table 4 and shown in Figure 19 below. It is noted AgResearch Limited (Property ID#6) have provided their written approval (Refer Appendix J.1).

ID#	Street Address	Legal Description	Owner/s
1	194 Te Mawhai Road	Wipaea Manu Block, Blocks VI-X Puniu SD	John Farrar, Pepi Farrar, Wayne Fitzell, Jacqueline Newton, Rapaere R Rolleston, Gordon Thomson,
2	399 Te Mawhai Road	Pokuru 1A 1A Block X Puniu SD	Albert G Thomson & Margaret J Thomson
3	168 Te Mawhai Road	Pokuru 1A1B1 BLK X Puniu SD	Tony R Thomson, Haidee M I Thomson, Garth W O'Brien

ID#	Street Address	Legal Description	Owner/s
4	54 Te Mawhai Road	Tokanui 1B2B2C3B Block X Puniu SD	Barbara Morgan, Mariana P Barton Mariana Parekawa, Erana Muraahi, Thomas D Loughlan, Wirepeni Ford,
5	Te Mawhai Road	Section 1 SO 47764 - GAZ 2002/p4053	Office Of Treaty Settlements
6	25 Te Mawhai Road	Lot 2 DPS 66439, Lot 3 DPS 66439 Section 1 SO 44854, Section 2 SO 534156 and 2 more	AgResearch Limited
7	137 Cruickshank Road	Lot 3 DP 609195	Mangahana Farm Limited Partnership
8	117 Cruickshank Road	M Block 3B2 Pokuru Lot 2 DP 451755	Peter R Guise & Maryjane C Guise

Table 5: Properties excluded for purposes of public notification assessment

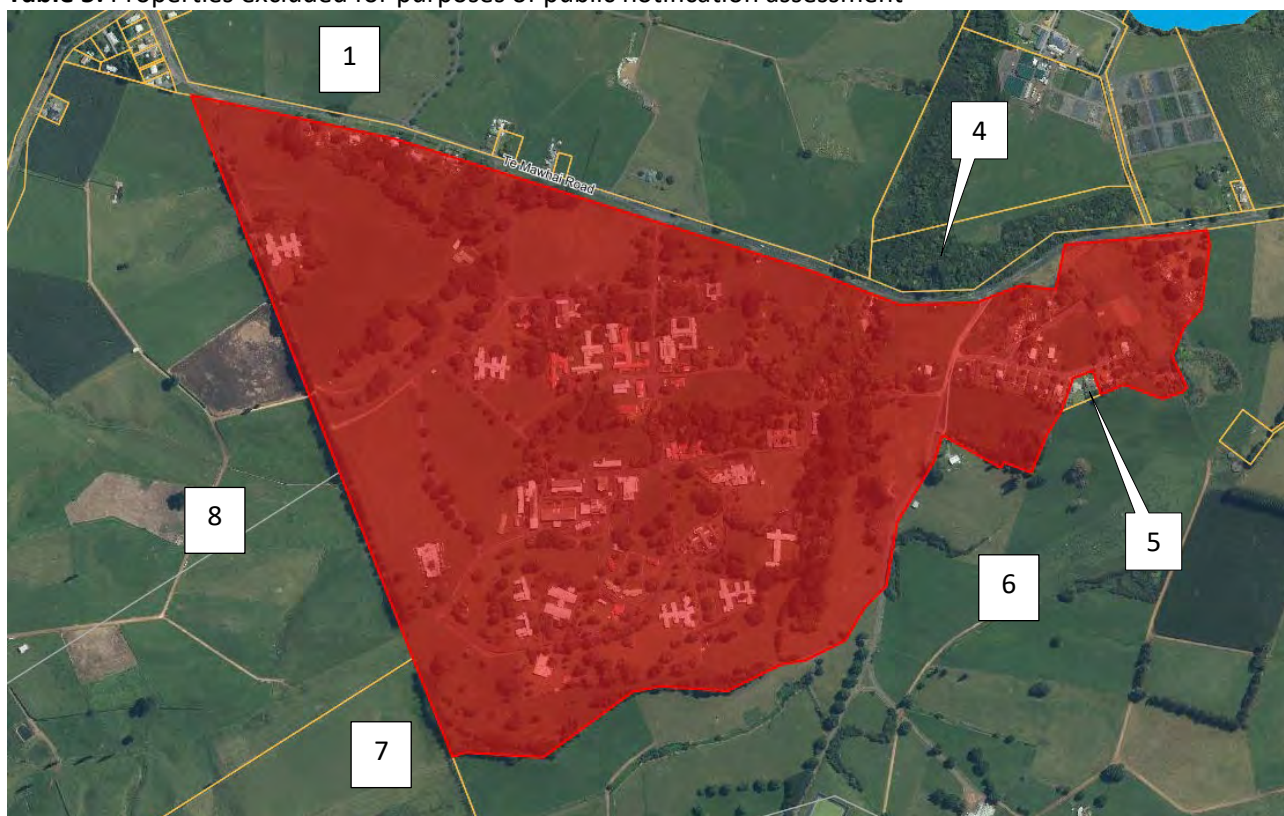


Figure 19: Adjacent properties map (Subject site highlighted in red)

4.6 Assessment of Adverse Environmental Effects – Section 95D

Part 2 of the Act explains the purpose is to “*promote the sustainable management of natural and physical resources*”. In addition, it is noted the meaning of ‘effect’ is defined under the Act as:

*In this Act, unless the context otherwise requires, the term **effect** includes—*

- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*

- (d) *any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
- (e) *any potential effect of high probability; and*
- (f) *any potential effect of low probability which has a high potential impact.*

With the definition of ‘effect’ in mind, it is considered appropriate to further examine the effects of the proposed activity relating to cultural values, construction, contaminated soils, transport, archaeological, and rural character and amenity. It is acknowledged some of these effects are temporary and directly related to the construction of the development.

A comprehensive assessment of effects is included in Section 6 of the application. In accordance with Section 42A(1A) and (1B) of the Act I wish to generally adopt the Applicant’s assessment and provide the additional commentary below.

4.6.1 Cultural Values

The Māori perception of the environment encompasses the physical and metaphysical elements of the environment and is demonstrated through the status of the environment as taonga for Māori. In this instance the applicant has sought, and included with their application, a Cultural Impact Assessment from the Tokanui Action Rōpū (‘TAR’) which was formed in August 2019 to act as the advisory body for the claimants and landowners of WAI440. The Cultural Impact Assessment includes cultural information for Ngāti Paia, Ngāti Ngutu and Ngāti Paretekawa whānui and the Tokanui Action Roopu. The report includes a cultural impact assessment, site background, literature review, tangata whenua history, cultural and historical narratives, recommendations and tangata whenua aspirations.

Appendix B of the CIA also includes a ‘Waahi Tapu Investigation and Cultural Induction Summary’ which identifies wahi tapu and sites of cultural significance to tangata whenua. While these were identified for the purpose of managing soil investigations and does not include all significant places for tangata whenua, this further highlights the cultural significance of the site.

Table 5 of the CIA summarises the key cultural impacts and risks to tangata whenua, and Table 9 of the AEE provides a summary of the CIA recommendations. It is considered that subject to the recommendations outlined in Table 9 of the AEE being implemented, many of the potential cultural effects can be appropriately managed. It is also noted that the applicant recognises the importance of the site for tangata whenua and have requested the application is limited notified to iwi and hapū to ensure that they have the opportunity to *“identify any additional cultural effects that are not already recorded in the CIA, and/or are not accounted for by the proffered consent conditions in response to the CIA recommendations.”*

Noting the above, it is difficult to determine if the cultural value effects are above the ‘more than minor’ public notification threshold. That being said, they are specific to the tangata whenua of this area and not effects on the wider general public, therefore I have considered the cultural value effects further below under the Limited Notification Assessment.

4.6.2 Construction and Earthworks

Construction and Earthworks are an instrumental component of the remediation of the site. Typically, the scale and impact of construction and earthworks reflect the size of the works, with potential effects often arising from noise, vibration, dust, erosion and sediment control, traffic and site management. The potential adverse effects from the proposal to reopen the existing landfill are of particular concern due to the close proximity to the Wharekōrino Stream. It is acknowledged that all of these effects are limited in duration and temporary in nature.

In terms of dust, it is noted that the effects of dust from earthworks is typically noticeable for nearby residential dwellings and largely dependent on weather conditions during construction. This can be a particular nuisance for nearby properties if inappropriately managed. The application has included a Draft Demolition, Deconstruction and Remediation Management Plan (DDRMP) which sets out the management measures to be used on site to mitigate effects. Section 20 of the DDRMP sets out measures such as minimising the extent of exposed areas, limiting traffic access and speeds, limiting stockpiling height, and the use of water carts to dampen exposed areas, as some of the measures to be used.

Noise and vibration effects from construction sites of this nature are typically associated with the use of diggers and other machinery which will inevitably generate noise and vibration. The application notes the construction effects will meet the residential zone noise standards and the New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise. An Acoustic Assessment has been provided with the application (Refer Appendix M) which has recommended a number of management and mitigation measures to assist with minimising the effects including restricting the size of vehicles to be used, restricting the location of any vibratory compaction, and consultation with nearby residents. While these effects cannot be avoided, in order to minimise the effects for surrounding properties the DDRMP also includes the restriction of works to daylight hours.

With regard to sediment and erosion, there is potential for sediment from the earthworks to flow offsite on to adjacent farmland and make its way to the Wharekōrino Stream network surrounding the site. In order to minimise this risk, the application has included a Draft Erosion and Sediment Control Plan (refer Appendix D). This plan includes erosion and sediment control methodology, discharge controls, stabilization works, and maintenance and monitoring procedures. In summary it is proposed to utilise sediment retention structures to capture all sediment laden runoff including silt fences, diversion drains, ponds and temporary stream diversions. Consent from the Regional Council is also being sought with regards to the stormwater discharge.

In terms of construction traffic, a Transportation Assessment Report has been provided with the application (refer to Appendix N) which notes the anticipated traffic volume is 44vpd (11vph at peak hour) for the site remediation works. All construction traffic is expected to use the existing site entrance at the centre of the property (Access 3) and move through the State Highway 3 and Te Mawhai Road intersection, although there is the potential for traffic to use the internal roading connections for accessing the landfill. In summary the Transportation Assessment Report has

concluded that the number of vehicles generated for the wider remediation works, including those utilising the landfill, will not result in adverse effects for the surrounding roading network.

In summary, the construction effects associated with the remediation activities are likely to include noise, vibration, dust, erosion and sediment control, traffic and site management. While these effects cannot be avoided, they are temporary and can be managed in a manner that reduces the impact on the wider area. For these reasons, and subject to the implementation of suitable consent conditions, as outlined above, it is my opinion that the adverse construction and earthwork effects will be less than minor.

4.6.3 Contaminated Soils

As noted above in Section 2.1 of this report, the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 is relevant to this application due to the activities which have been occurring on the site, and the likely disturbance of contaminated soils which will occur during development. In addition to the National Environmental Standard the District Plan identifies the risk posed by development of contaminated land with regard to the wider environment and human health.

In this instance, the application includes an Existing Disposal Site Repair and Upgrade Works Report, and an Intrusive Investigation Report and PSI prepared by Fraser Thomas Ltd (refer Appendices C and D). The application also includes a Draft Aftercare & Monitoring Plan which sets out a summary of the mitigation and contingency measures to follow in the event of non-compliance with consent conditions (refer Appendix Q).

The contamination remediation of the wider hospital site has been agreed to under the Deed of Settlement, with the Crown seeking to remediate 85% of the Site area to “the rural residential remediation standard” and a contiguous area not exceeding 15% of the total site area to “the managed remediation standard” as outlined in the Remedial Action Plan (refer Appendix K6 of the application under LU/0231/24). The approach to remediate the site involves the excavation and disposal of all contaminated soils to the existing disposal site on-site.

During the proposed works, those staff on site may be exposed to the contaminated soils that are being remediated. The proposed measures and controls set out in the Remediation Action Plan (refer Appendix K6 of the application under LU/0231/24) include processes that will protect the health and safety of works and ensure that any contaminated material is disposed of appropriately. The site will therefore be remediated to a standard suitable for future rural residential development.

Council’s Environmental Health Consultant, Mr Paul Gibbins, has reviewed the application and subsequent updated information provided through the Section 92 Further Information process. Mr Gibbins has concluded *“with regard to adverse effects on human health and the environment, our assessment does not identify any reason relating to contaminated land matters under the NESCS to withhold consent. Notwithstanding, any granted consent should be subject to a set of consent*

conditions, to bind the consent holder to managing and mitigating any potential risk to human health or the environment.”

Overall, based on the suite of technical reports provided with the application and Council’s Consultant advice, it is my opinion that, should consent be granted, and subject to conditions of consent, any adverse effects as a result of the remediation of the contaminated soils will be less than minor.

4.6.4 Archaeological

The history of the Waipā District reflects the areas’ good location for early settlement with excellent growing conditions, river access and abundant sources of food. The application notes the sites closeness to the “Pūniu River, which was central to the pre-European Māori settlement of the area, adjacent to major battles during the Waikato War, and would become the southern boundary of Te Rohe Pōtae, all of which suggests previously unrecorded archaeological material may be present.” Although not identified on the District Plan Planning Maps, the application includes an Archaeological Assessment (Refer Appendix H) which has identified the landfill site as a site “where archaeological monitoring is recommended during the works” as shown in Figure 20 below. This area is described as “A low lying area incorporating the current and former alignments of the Tarutahi and Wharekōrino waterways along the eastern edge of the Site. This includes a north-facing highpoint where the former morgue stands at the confluence of the Wharekōrino and Tarutahi waterways.”



Figure 20: Identified points on the site requiring archaeological authority to disturb

Based on the information and recommendations within the Archaeological Assessment an Archaeological Authority from Heritage New Zealand Pouhere Taonga (HNZPT) was granted to undertake geotechnical and soil investigations in two areas of the site. No unrecorded sites were discovered during this work. The application notes a second archaeological authority will be sought from HNZPT to ensure appropriate archaeological management for the main works.

I note the other recommendations within the Archaeological Assessment have been followed by the applicant or recommended as conditions of consent by the applicant. Based on the information provided in the application, including the Archaeological Assessment and the authority from HNZPT, it is my opinion that the adverse archaeological effects will be less than minor.

4.6.5 Rural Character and Amenity

The Act defines amenity values as *“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”*. The rural zone accommodates the districts pastoral rural working environment which is reliant on the rural land and soil resource and typified by an open rural landscape. In this case, with regard to the existing environment, the character and amenity of the immediate area surrounding the site is best described as a mix of farming and rural-residential activities.

In terms of character and amenity, retaining rural character and amenity when making provision for various activities is an important aspect of the District Plan. In terms of the existing landfill site, it has a rural character and is used for grazing purposes. While the former hospital site is located to the west of the landfill site, the remaining surrounding area has a rural character, in that it contains farming activities with limited buildings (i.e. only located near road frontages and being a mix of dwellings and farm buildings).

With regard to the proposal and the existing character, while the landfill is open and in use it will result in a noticeable change from the existing use of the site for those closest to the site however less noticeable for the wider public given the landfills location. While noticeable the scale of the effects is considered to be less than minor in regard to the public notification assessment.

Overall, having considered the rural character intended by the zoning of the site, taking into account the existing character, and having regard to the potential adverse effects on the wider environment, it is my opinion that the developments character and amenity effects will be less than minor.

4.6.6 Summary of Effects

Overall, it is concluded that any adverse effects of the proposal will be less than minor. On this basis the potential effects are below the more than minor threshold and the proposal does not require public notification.

4.6.7 Summary of Effects

Overall, it is concluded that any adverse effects of the proposal will be less than minor. On this basis the potential effects are below the more than minor threshold and the proposal does not require public notification.

4.7 Special Circumstances – Section 95A(9) – Step 4

Council must determine as to whether special circumstances exist in relation to the application that warrant public notification of the application and publicly notify an application if it considers that special circumstances exist. In effect, special circumstances ‘trumps’ other notification provisions. Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. Special circumstances provide a mechanism for public notification of an application which may otherwise appear to be routine or uncontentious or minor in its effects.

The purpose of considering special circumstances requires looking at matters that are beyond the plan itself. The fact that a proposal might be contrary to the objectives and policies of a plan is not sufficient to constitute special circumstances. Special circumstances must be more than:

- where a Council has had an indication that people want to make submissions;
- the fact that a large development is proposed; and
- the fact that some persons have concerns about a proposal.

In this instance, the proposal is not considered to have unusual or exceptional circumstances warranting public notification.

4.8 Summary of Public Notification Assessment

Pursuant to Section 95A, the application has been assessed to determine if public notification is required. In this instance, and for the reasons outlined in Sections 4.1 to 4.7 above, it is not considered that the proposal warrants public notification. For this reason, the application is required to be assessed pursuant to Section 95B for limited notification.

5 ASSESSMENT FOR THE PURPOSES OF LIMITED NOTIFICATION

Pursuant to Section 95B(1), where a consent authority decides that public notification is not required under Section 95A of the Act, an assessment is required to determine whether limited notification of an application is required.

5.1 Affected Customary Rights or Marine Title Groups – Section 95B(2)- Step 1

The property subject to this application is not within a protected customary rights group area or a customary marine title area as defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

5.2 Statutory Acknowledgment Area – Section 95B(3) – Step 1

Pursuant to Section 95B(3)(a), the Council is required to determine whether the proposed activity is on, or adjacent to, or may affect, land that is the subject of a statutory acknowledgment made in accordance with an Act specified in Schedule 11. The property subject to this consent is within the Maniapoto Statutory Acknowledgement Area.

As part of the Section 92 information, a letter from Te Nehenehenui Trust (Ngati Maniapoto Post Settlement Governance Entity) was received noting their position as follows:

“We are aware that LINZ are seeking resource consents regarding the remediation works for the Tokanui Hospital as set out in Part 9 of the Property Redress Schedule of the Maniapoto Deed of Settlement.

Waipā District Council applications LU/0231/24: Removal of horizontal infrastructure, building foundations and culvert 2, repair trunk stormwater pipe, and remediate contaminated land at the former Tokanui Psychiatric Hospital

LU/0232/24: Utilise the closed landfill at the former Tokanui Psychiatric Hospital to dispose of contaminated soil from remediation works on-site and repair and upgrade the landfill Waikato Regional Council application APP146952.

On behalf of Te Nehenehenui, we would like to offer this letter of support to the project and resource consents however this is not formal written approval and TNN wants to reserve the ability to make a formal submission and appear at any hearing.

LINZ have actively engaged with Te Nehenehenui throughout this process which involved a visit onsite, and the development of a cultural impact assessment developed by Tangata Whenua roopu TAR.

We look forward to the continued engagement and working relationship with LINZ on this project.”

Based on the information above from Te Nehenehenui Trust it is my assessment that the proposal may have potential adverse effects that are minor or more than minor on Maniapoto, and in addition to the request from the applicant to notify iwi and hapu, I consider the proposal warrants limited notification to Maniapoto.

5.3 Limited Notification Precluded in Certain Circumstances – Section 95B(6) – Step 2

There are no rules in a National Environmental Standard or in the District Plan relevant to this proposal that preclude limited notification (Section 95B(6)(a)).

The application is not a controlled activity requiring consent under the District Plan (Section 95B(6)(b)(i)) or a prescribed activity as defined by Section 360H(1)(a)(ii) of the Act (Section

95B(6)(b)(ii)).

There are no circumstances relevant to this proposal that preclude limited notification under Section 96B(6) (Step 2).

5.4 Certain other affected persons must be notified – Section 95B(7) – Step 3

Step 3 required Council to determine whether, in accordance with Section 95E whether in the case of any other boundary activity, an owner of an allotment with an infringed boundary, is affected. The proposal is not a boundary activity (Section 87AAB), so there are no owners of with an infringed boundary that are affected, so there are no parties to notify in this report.

5.5 Assessment of adversely affected persons - Section 95B(8) – Step 3

Assessment is now required under Section 95B(8) to determine whether a person is an affected person in accordance with Section 95E. Under Section 95E, a person is an affected person if the consent authority decides that the activity's adverse effects on a person are minor or more than minor (but not less than minor).

The following provides an assessment of the adverse effects on the potentially affected persons.

5.5.1 Tangata Whenua

The Cultural Impact Assessment included with the application provides an insight to the significance the site has for tangata whenua, their experiences and relationship with the site, and the effect this has had on an intergenerational scale. While the site is captured under the Maniapoto Statutory Acknowledgement Area as outlined above, there may be iwi and hapu whose concerns are not captured under the CIA and/or proffered conditions from the applicant.

As noted above, and in terms of the legislative notification assessment, the cultural value effects are specific to the tangata whenua of this area and not effects on the wider general public. Based on the information provided with the application and in recognition of the significance for tangata whenua of the site, the potential adverse effects of the remediation of the site are considered to meet the threshold for limited notification. For this reason, my recommendation is that tangata whenua are limited notified.

5.5.2 AgResearch (Property 6)

Located along the south and eastern boundaries of the landfill site is a large rural property owned by AgResearch Limited. This property has an existing dwelling approx. 50m from the landfill site (located at 23 Farm Road). Written approval has been provided from AgResearch Limited and is included in Appendix J.1 of the Application.

5.5.3 Summary of Assessment

In considering persons on the adjacent surrounding properties and tangata whenua, it is my assessment that the potential adverse effects of the remediation of the site may have adverse effects that are minor or more than minor.

5.6 Special Circumstances – Section 95B(10) – Step 4

Pursuant to Section 95B(10), the Council must limit notify an application, to any other persons not already determined to be eligible for limited notification, if it considers that special circumstances exist in relation to the application. The reasons set out in Section 4.7 above are also relevant here and are not repeated. It is my opinion that there are no special circumstances applicable that would warrant the application being notified to any persons.

5.7 Summary of Limited Notification Assessment

Pursuant to Section 95B, the application has been assessed to determine if limited notification is required. In this instance, and for the reasons outlined in Sections 5.1 to 5.6 above, it is considered that the proposal warrants limited notification to tangata whenua. In reaching this conclusion it is noted that the applicant has recognised and acknowledged the significance of the site for tangata whenua and requested limited notification to ensure that the opportunity to identify any additional cultural effects that are not already recorded in the Cultural Impact Assessment, and/or are not accounted for by the proffered consent conditions in response to the Cultural Impact Assessment recommendations.

In consultation with the applicant and the Waikato Regional Council, the following persons have been identified for notification:

- Te Nehenehenui Trust (Ngati Maniapoto Post Settlement Governance Entity)
- Tramaine Murray - Te Nehenehenui Trust (Ngati Maniapoto Post Settlement Governance Entity)
- Sam Mikaere - Te Nehenehenui Trust (Ngati Maniapoto Post Settlement Governance Entity)
- June Elliot - Ngāti Paia
- John Thomson - Ngāti Paia
- Gordon Thomson - Ngāti Paia
- June Elliot - Ngāti Ngutu
- Kaawhia Te Muraahi - Ngāti Ngutu, Ngāti Huiao
- Robert Te Huia - Ngāti Paretekawa
- Maria Maniapoto - Ngāti Paretekawa
- Kelly Johnson - Ngāti Paretekawa
- Tuhiao Halling - Ngāti Paretekawa
- Barney Manaia - Ngāti Paretekawa
- Niketi Toataua - Ngāti Rahurahu
- Samuel Roa - Ngāti Rahurahu

- Derek Roberts -Mangatoatoa Marae
- Ngā Iwi Tōpū O Waipā

6 SECTION 95 NOTIFICATION RECOMMENDATION AND DECISION UNDER DELEGATED AUTHORITY

Pursuant to section 95 A & B application LU/0232/24 for the temporary opening of the closed landfill to dispose of medium to low level contaminated soil and undertaking enhancement works before closing landfill again as a Non-Complying Activity under the Waipā District Plan; and soil disturbance under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as a restricted discretionary activity, shall proceed on a Limited Notified basis for the reasons discussed above in Section 1 to 5.

Reporting Officer:



Hayley Thomas
Project Planner
Dated: 9 May 2025

Approved By:



Victoria Gorter
Consents Team Leader
Dated: 13 May 2025