

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

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

Under the

Resource Management Act 1991

In the matter of

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

**REPORTING MEMORANDUM OF COUNSEL ON BEHALF OF TOITŪ TE
WHENUA LAND INFORMATION NEW ZEALAND**

17 October 2025

BUDDLE FINDLAY

Barristers and Solicitors
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MAY IT PLEASE THE HEARING PANEL:

Introduction

1. On 29 September 2025 the hearing of resource consents for demolition, removal, and remediation works at the former Tokanui Hospital site (**Site**) and works to an on-site existing closed landfill (**Hearing**) was adjourned pending further discussions between:
 - (a) Toitū Te Whenua Land Information New Zealand (**LINZ** or **Applicant**), submitters and non-submitter mana whenua hapū, with a particular focus on the future use of the Site (including through cultural monitoring conditions); and
 - (b) LINZ's planner and the respective Council officers for Waikato Regional Council (**WRC**) and Waipā District Council (**WDC**) around conditions and (in terms of WDC), recommendations as to the grant or decline of consent.
2. The Panel directed LINZ to provide a memorandum by **Friday 17 October 2025**¹:
 - (a) reporting back on the discussions held with submitters, mana whenua hapū and the Councils; and
 - (b) proposing next steps.
3. Accordingly, this memorandum:
 - (a) provides updates following LINZ's further discussions with:
 - (i) mana whenua, including a hui that was held in Te Awamutu, on 14 October 2025, and any progress on the positions expressed by the mana whenua submitters during the hearing; and
 - (ii) WRC and WDC following meetings held on 15 and 16 October 2025; and
 - (b) proposes a timetable for providing LINZ's closing submissions (and final set of conditions) and seeks directions accordingly.

¹ This was originally proposed to be Monday 13 October 2025 but an extension was granted by the Panel on 30 September 2025 via email, following a memorandum of counsel filed on behalf of LINZ that same day.

Update from discussions with mana whenua

Invitation, agenda and pre-hui correspondence

4. On 7 October 2025, Kim Wepasnick (on behalf of LINZ) invited the submitters and a wider group of individuals (including mana whenua)² to a hui at Te Awamutu Library on Tuesday 14 October 2025. A copy of the invitation is attached as **Appendix 1**.
5. A total of 12 individuals attended the hui. Te Nehenehenui Trust were also invited to the hui but did not attend.
6. In advance of the hui, LINZ received substantive responses from Sam Roa³ and Robert Te Huia providing feedback on the invitation. In summary:
 - (a) Mr Roa raised concerns about inviting non-mana whenua groups and that Ahi Kā should wait until the consent process is concluded; and
 - (b) Mr Te Huia raised concerns about the hui being held away from a marae; in particular, he considered Mangatoatoa Paa would have been the appropriate venue.
7. Ms Wepasnick responded to this feedback on 10 October 2025, stating:
 - (a) in response to Mr Roa, that the invitation was extended widely to be transparent and to ensure all voices with an interest in the kaupapa had the opportunity to be heard; and
 - (b) in response to Mr Te Huia, that the hui was scheduled at a neutral venue and, in any case, the marae was unavailable until the end of the month.
8. As set out in **Appendix 1**, the purpose of the 14 October 2025 hui was to provide an opportunity to try and agree on cultural processes and conditions before reporting to the Panel on 17 October 2025. This hui followed the earlier hui of 16 September which was discussed during the hearing. The agenda set out in the invitation identified the main discussion items as:
 - (a) Cultural Support Work Request:
 - (i) Cultural Monitoring & Management Plan (**CMMP**);

² The invitation was sent to people who had provided email addresses at earlier public hui, submitters and notified parties.

³ Mr Roa is a submitter and presented at the hearing.

- (ii) karakia and cultural induction material; and
- (b) consent conditions:
 - (i) archaeological authority; and
 - (ii) cultural condition wording and representation of hapū/marae.

Hui

9. While the hui provided another opportunity for kōrero it did not result in any confirmed proposal for the cultural monitors or the CMMP. It was, however, agreed by all attending that within a month there would be a proposal by mana whenua to support the planned works. The attendees agreed for LINZ to proceed with the cultural consent condition wording that enables a staged approach. This allows mana whenua the requested time to nominate the entity and LINZ to proceed with finalising the consent application. Final hui minutes will be provided with closing submissions.
10. Matters that were canvassed during the hui included:
 - (a) the use of the term 'mana whenua' versus other terms (which also came up during the hearing) and who were the correct people to be 'in the room' and within the conditions, including landowners;
 - (b) lack of knowledge and understanding as to what is proposed; and
 - (c) the need for 'mana whenua' to decide themselves as to the cultural components and how cultural monitoring etc is to occur, which resulted in a proposal for attendees to respond to LINZ by 14 November 2025 as to who will undertake the cultural monitoring;
 - (d) that there has been extensive time invested into the engagement by all parties (in particular mana whenua representatives), and the need to shift from talk to action; and
 - (e) the proposed wording of the consent conditions, which was shared on the screen with the hapū names listed. These conditions were circulated with the email sent on 16 October 2025 for comment. There has been no feedback received (either in support or opposition) in respect of the hapū listed in the condition wording and LINZ made it clear that this would be finalised for the report to the Panel. The entity representing these hapū with whom LINZ will enter into a contract will

be confirmed following the 14 November 2025 deadline and does not need to delay the consent process.

Next steps

11. While attendees spoke about getting on with the project, and reiterated previous support for the work, it is understood that those who submitted remained opposed to the project for the same reasons expressed at the hearing. LINZ acknowledges the concerns about the return of land under the settlement, and historical Crown-iwi relationship issues, but is encouraged that attendees were looking to engage on monitoring and processes should consents be granted.

Update on discussions with Councils

12. On 6 October 2025, LINZ provided an updated set of conditions to WRC and WDC for feedback. Both Councils responded with initial comments, largely focused on the archaeological authority and cultural conditions. In particular:
 - (a) various areas of disagreement remain between LINZ and WRC as to conditions, including the archaeological authority condition and the overall structure of the conditions, however WRC did not take any issue with LINZ's proposed cultural monitoring condition; and
 - (b) WDC were comfortable with the archaeological authority and CMMP conditions.
13. LINZ met with WRC on Wednesday 15 October 2025 and WDC on Thursday 16 October 2025 to seek closer alignment on the conditions and the Project more generally. As a high-level summary of the discussion:
 - (a) LINZ understands WDC's overall position remains as it was at the hearing (that the landfill upgrade consents should be declined). However, LINZ is confident that agreement as to conditions, if consents are to be granted, will be reached with WDC.
 - (b) LINZ had good constructive discussions with WRC and while some differences in conditions structuring and content may remain, they will be matters that the panel can readily make decisions on.

Next steps and directions sought

14. Following further discussions with submitters, mana whenua and the Councils, LINZ will prepare its closing legal submissions (which will address the matters raised during the hearing – including further information sought and matters raised by the Panel – and subsequent discussions and updates) and finalise its proposed conditions.
15. The Panel will recognise that given the significance of these consents in relation to the Treaty settlement process (and that this is the third attempt to try and resolve the matter), and with the opposition to grant of consents by mana whenua submitters and WDC (for the landfill upgrades), robust closing submissions will be required.
16. LINZ remains strongly of the position that the consents can be granted and the reasons for that will be fulsomely set out. LINZ proposes to file closing submissions by **Friday 31 October 2025**.
17. Counsel respectfully requests that the Panel issue directions accordingly.

DATED this 17th day of October 2025

A handwritten signature in blue ink, appearing to be 'D. Allen' or similar, written in a cursive style.

David Allen / Esther Bennett

Counsel for LINZ

Kim Wepasnick

Subject: Tokanui Cultural Support Hui
Location: Te Awamutu Library

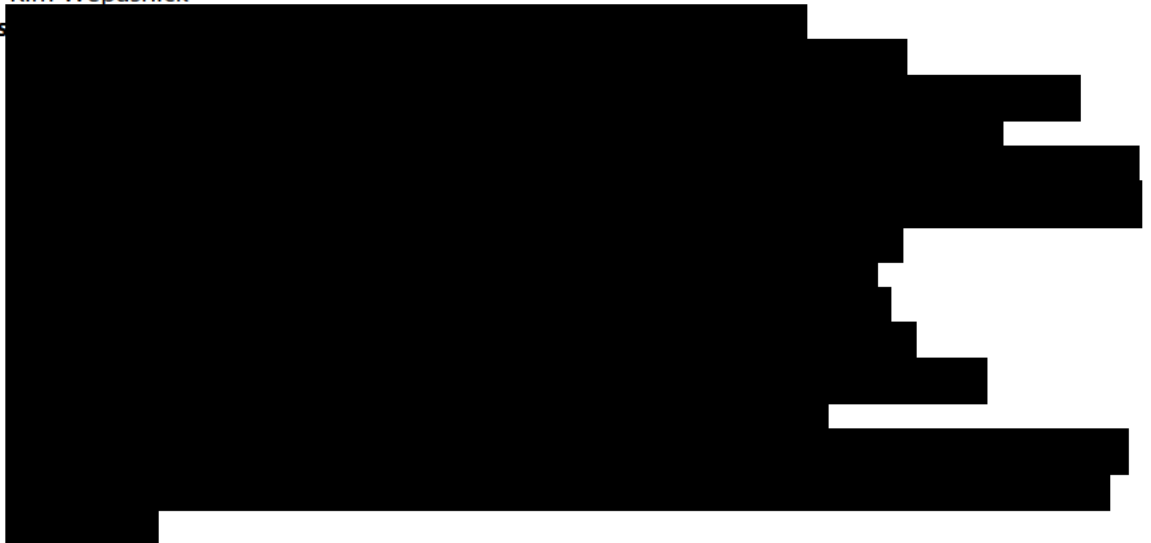
Start: Tue 14/10/2025 3:30 pm
End: Tue 14/10/2025 8:00 pm
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Kim Wepasnick

Required Attendees:



Optional Attendees: Bryan Daly

Kia ora koutou,

Hope you all are keeping well. We wanted to share an update on the consent process and invite you to a hui to discuss consent conditions and the Cultural Support Work Request.

This hui on **Tuesday, 14 October** is intended as both a follow up to the consent hearing and the hui we held on 16 September to discuss the Cultural Support Work Request.

Please see below for more details including a draft agenda. Let us know if there are any items you would like to have included in this.

Consent Hearing Update

The consent hearing was held on Monday, 29 September, with five submitters in attendance. LINZ is required to report back to the hearing panel by Thursday, 17 October with a final set of proposed consent conditions. We will then provide our closing submission, and the panel will look to provide its final decision following that.

The upcoming hui on 14 October provides an opportunity to confirm cultural matters relating to those consent conditions in advance of this deadline. We are hoping to work on these consent conditions collaboratively at the hui to ensure the cultural condition wording is agreed in advance. Your input will be vital to ensure mana whenua are appropriately represented and engaged in the implementation of the CMMP and monitoring roles

Cultural Conditions and Support Hui

We discussed the Cultural Support Work Request at a previous hui on 16 September. We understand mana whenua have been having some discussions regarding that work request following the hui, and we are looking forward to hearing how those have been going.

Please see attached minutes from that earlier hui. I've also attached the Cultural Management Plan that was used during Phase 1 investigations for your awareness. Please note that this document needs to be updated to reflect recent changes, including the expanded scope of cultural monitoring, such as when works are taking place within the Wharekōrino Stream. LINZ is currently working on updating the maps to show these areas and will have them available at the hui.

Hui Details

- **Date:** Tuesday, 14 October
- **Time:** 3:30 pm – 8:00 pm
- **Location:** TA Library
- **Catering:** Light refreshments provided

Draft Agenda Items

Time	Item	Description
3:30	1.0	Opening Karakia
3:35	2.0	Hui Objectives / Agenda Overview
3:40	3.0	Cultural Support Work Request
	3.1	Cultural Monitoring & Management Plan (CMMP) Discussion • Review and update wording of the Phase 1 CMP (attached)
	3.2	Karakia & Cultural Induction • Discuss who will lead and timing/location/attendees • Discuss induction material and alignment with archaeological protocols • Discuss scope and potential contracting arrangements
5:30	-	Kai Break
6:00	4.0	Consent Conditions
	4.1	Archaeological Authority: • Overview of resource consent connection to Arch Authority
	4.2	Resource Consent: • Confirm cultural condition wording and representation of hapū/marae. <i>The draft conditions are available in advance of the hui – please let me know if you would like a copy emailed to you.</i>
7:50	5.0	Next Steps
7:55	6.0	Closing Karakia

We acknowledge the importance of ensuring mana whenua are actively involved and represented in the project. This hui is a key step in progressing that commitment and ensuring cultural values are reflected in the final consent documentation.

Please RSVP by **Friday, 11 October** to confirm attendance and advise which hapū/marae you will be representing.

Ngā mihi nui,

Kim

Kim Wepasnick

BSc(Geology) MEnvSci

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