

SECTION 42A HEARING REPORT



To: The Hearing Panel

From: Hayley Thomas – Project Planner

Subject: Temporary opening of a closed landfill and undertaking enhancement works

Meeting Date: 29-30 September 2025

File Reference: LU/0232/24

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
DISTRICT PLAN ZONING:	Rural
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.

PART A – INTRODUCTION AND THE APPLICATION PROCESS

1 INTRODUCTION

- 1.1 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.
- 1.2 Due to the size of the application and associated appendices, a copy of the application for resource consent is not attached to this report. The documents can be found on Council's webpage at: [Remediation of former Tokanui Hospital site and landfill upgrade - Waipā District Council](#).
- 1.3 The subject site is located south of Te Mawhai 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 subject site is located within part of the Tokanui Hospital site which was closed in 1998. The Wharekōrino Stream runs directly west of the landfill area in a north/south direction, with Farm Road directly east of the landfill area.
- 1.4 The landfill area includes approximately 1.8ha of land and is currently used for grazing purposes. A site location map is included in **Appendix 1** and a detailed description of the site is provided in Section 3 of this report.
- 1.5 Under the Operative Waipā District Plan ('the 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. 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 ('NES-CS').
- 1.6 The reasons for consent are described in Section 2 of the Notification Report, a copy of which is included in **Appendix 2**. In summary the proposal required consent as a 'landfill' is not an activity permitted in the Rural Zone and the associated works fails to comply with the performance standards for earthworks, earthworks within 20m of a cultural site and earthworks and vegetation clearance within 23m of a water body.
- 1.7 Pursuant to Sections 95A & 95B of the Resource Management Act 1991, hereon referred to as 'the Act', Council proceeded with limited notification of the application to tangata whenua on 15 May 2025. A copy of the Council's Notification Report is attached to this report in **Appendix 2**.

- 1.8 During the submission period, a total of six submissions were received, with all being in opposition. A copy of the submissions is included in **Appendix 3**.
- 1.9 The application has been referred to an Independent Hearing Panel due the involvement of both the Waikato Regional Council and the Waipā District Council, the timing of the local body elections, and to provide expertise in regard to cultural effects.
- 1.10 Having considered the application, submissions and relevant statutory documents, and following my own assessment, my recommendation is to refuse resource consent due to the inability to suitably mitigate the cultural effects.

2 PURPOSE OF THE REPORT

- 2.1 This report has been prepared by Hayley Thomas (Project Planner), in accordance with Section 42A of the Act, to provide a planning assessment and recommendation to the Independent Hearing Panel on the above resource consent application. The key purposes of this report are to:
- Describe the application and consent requirements;
 - Identify the issues and concerns raised by parties who have lodged submissions on this resource consent application;
 - Assess the environmental effects of the proposal, including those raised in submissions;
 - Determine the effectiveness and appropriateness of the measures proposed by the Applicant to avoid, remedy or mitigate those environmental effects;
 - Assess the proposal against the requirements of the Act and the provisions of the relevant planning instruments;
 - Make a recommendation for the consideration of the Hearing Panel as to whether the resource consent should be approved or declined; and
 - Recommend conditions be imposed on the resource consent, if granted, to ensure that the adverse effects of the proposal can be appropriately managed.
- 2.2 It should be noted that any of the conclusions reached, or the recommendations formed, are not binding on the Hearing Panel. The Hearing Panel will make their own conclusions and recommendations after having considered all the evidence from the Applicant and Submitters at the hearing.

3 THE SITE

- 3.1 The subject site is located within the Tokanui Hospital site, approx. 170m south of Te

Mawhai Road, between the Wharekōrino Stream which is located along the western boundary of the landfill, and Farm Road which runs along the eastern boundary. Along the northern boundary of the landfill is an access road which historically served the hospital.

- 3.2 The landfill was closed and capped in 2000, includes an area of approximately 1.8ha of land and is currently used for grazing purposes.
- 3.3 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.
- 3.4 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 Diagram 2.
- 3.5 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 Diagram 3.
- 3.6 Refer to Diagrams 1 to 3 below.



DIAGRAM 1: AERIAL PHOTOGRAPH OF SITE (SITE OUTLINED IN RED)



DIAGRAM 2: DISTRICT PLAN ZONE & POLICY OVERLAYS MAP (SITE OUTLINED IN RED)

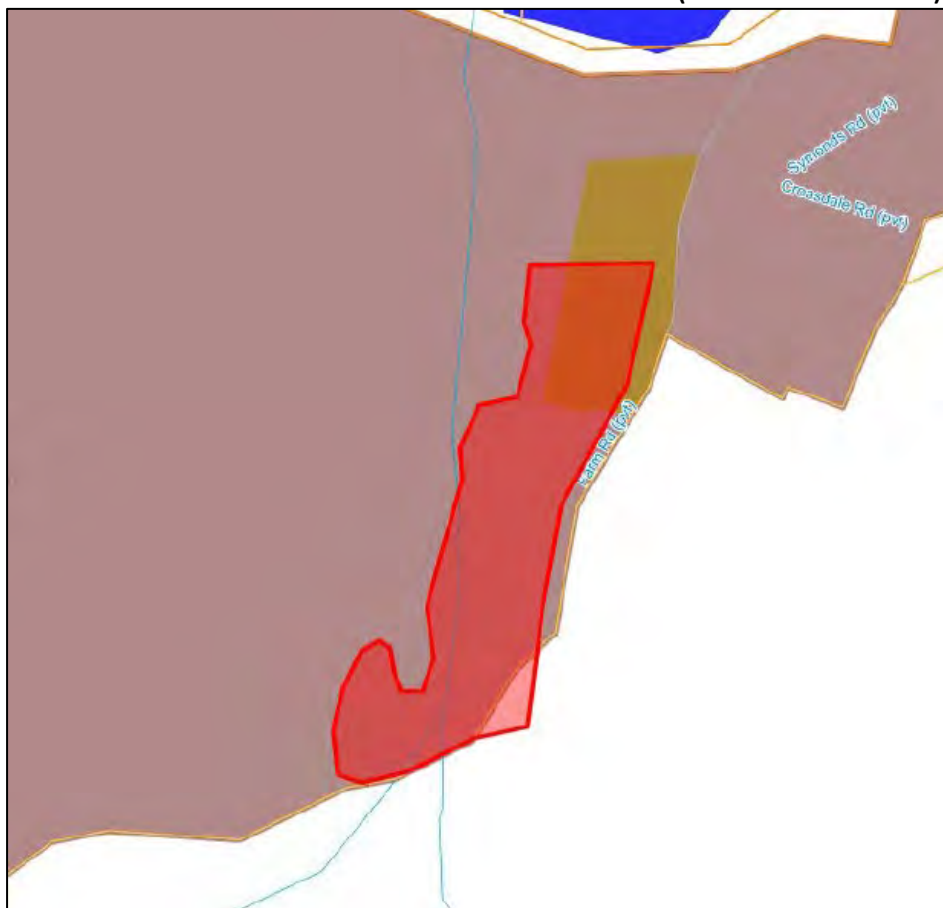


DIAGRAM 3: COUNCIL'S SPECIAL FEATURES (HAIL AREA SHOWN IN BROWN & LANDFILL SHOWN IN YELLOW)

4 BACKGROUND

4.1 The site has been subject to multiple resource consents which are outlined below in Table 1.

TABLE 1: EXISTING RESOURCE CONSENTS

Consent No.	Description	Date Approved	Key Details
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; - 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

5 THE PROPOSAL

5.1 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, 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."*

5.2 The works will be divided into two stages as outlined below:

- *"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."*

- 5.3 On 26 August 2025, Council received an Addendum from the SLR Consulting NZ which included advanced plans following the ability to be able to investigate the site further following permitted weed clearance around Culvert 3. The Addendum is attached in **Appendix 4**, with the key changes summarised as follows:
- Length of proposed stream channel extended to approximately 105m;
 - The area of earthworks will remain at 4,800m² but the volumes of cut and fill will increase due to the extended stream channel;
 - Batter slope changes along Farm Road, the toe bund, and the stream;
 - Greater area of proposed planting on western side of stream;
 - Additional grassing along Farm Road track and culvert inlet;
 - Increased area of vegetation clearance around Landfill Area H/A2 and Culvert inlet;
 - Confirmation culvert diameter is 1,200mm (rather than 1,350mm);
 - Addition of gabion and reno mattress rock walls to the base and sides of the culvert outlet; and
 - Addition of gabions and riprap to either side of culvert inlet.
- 5.4 Regarding the resource consent, the changes do not trigger consent under any other rules that haven't already been considered in Table 3 of the Notification Report. Refer to **Appendix 2**. Refer to Diagrams 4 to 12 below for a selection of the addendum plans of the proposed activity as an overview of the proposed works.

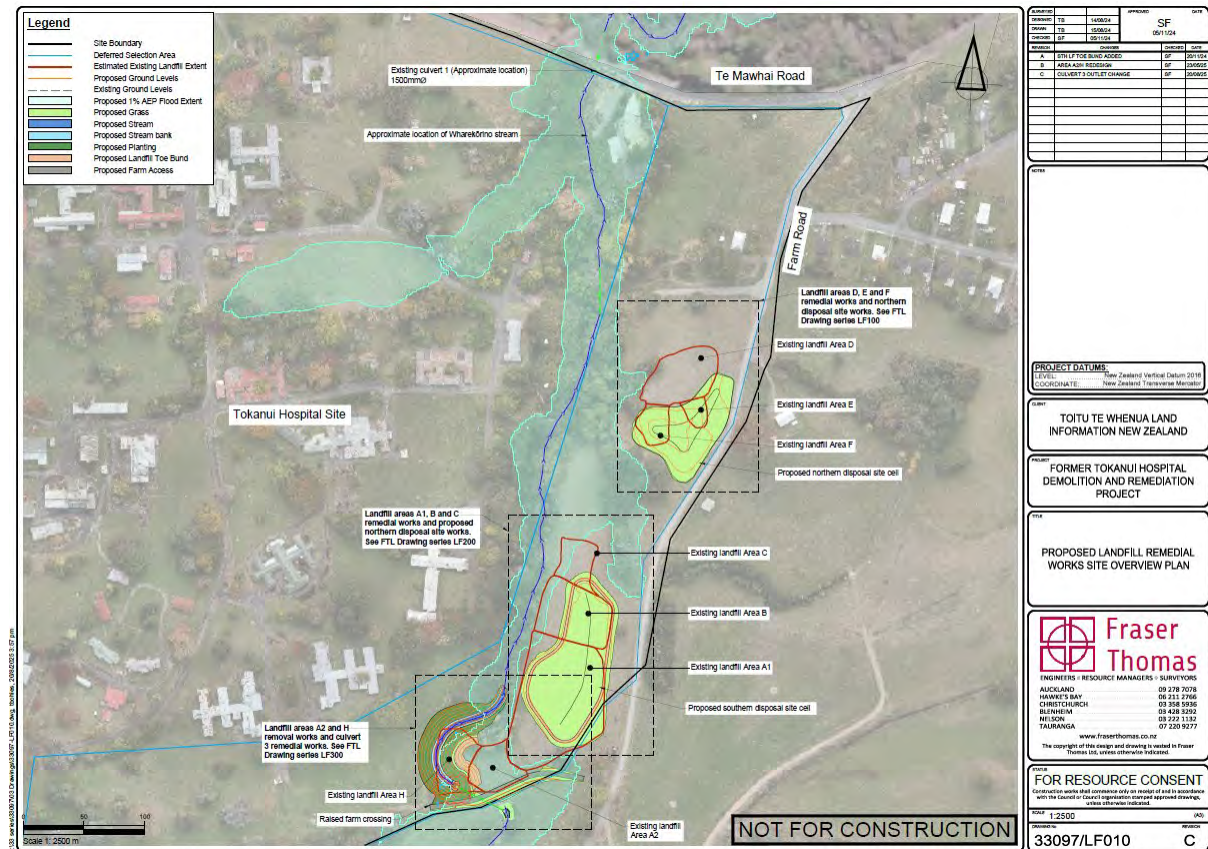


DIAGRAM 4: PROPOSED LANDFILL REMEDIAL WORKS SITE OVERVIEW PLAN

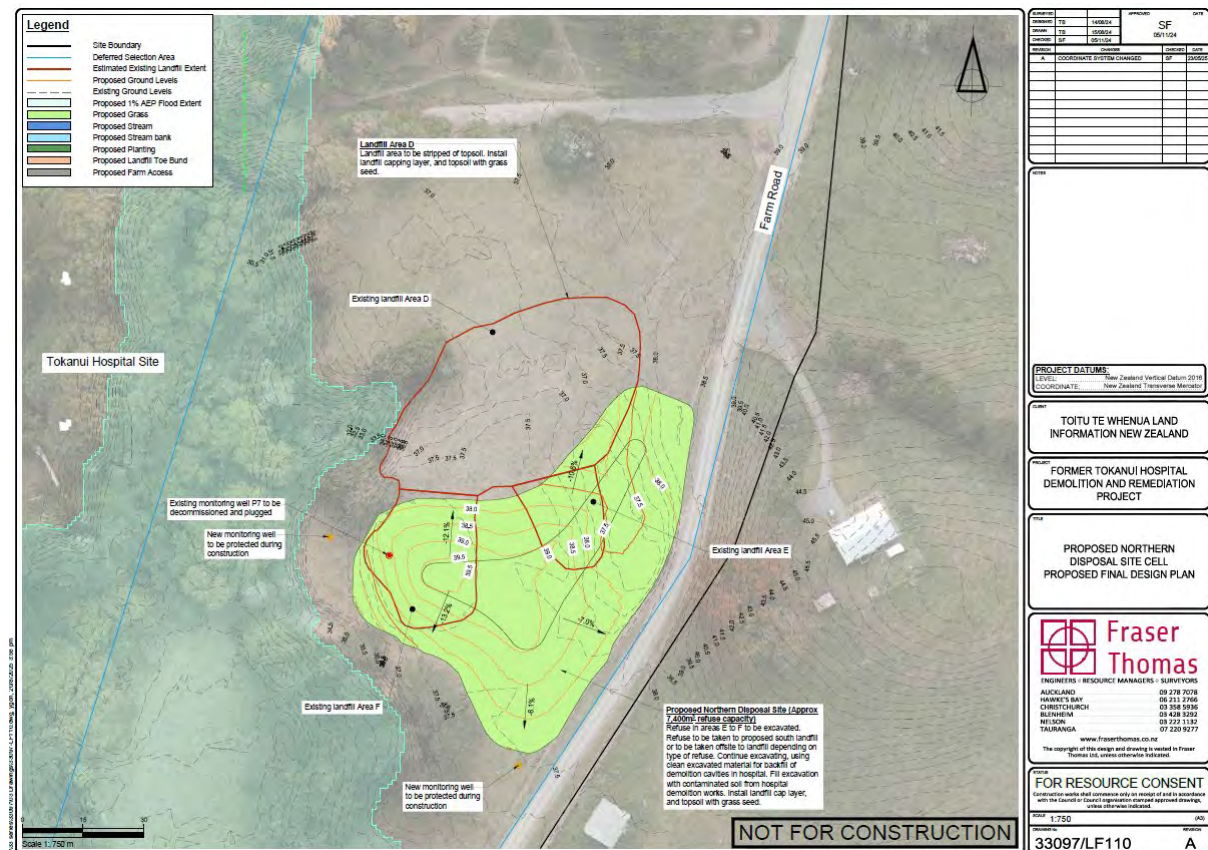


DIAGRAM 5: PROPOSED NORTHERN DISPOSAL SITE CELL – PROPOSED FINAL DESIGN PLAN

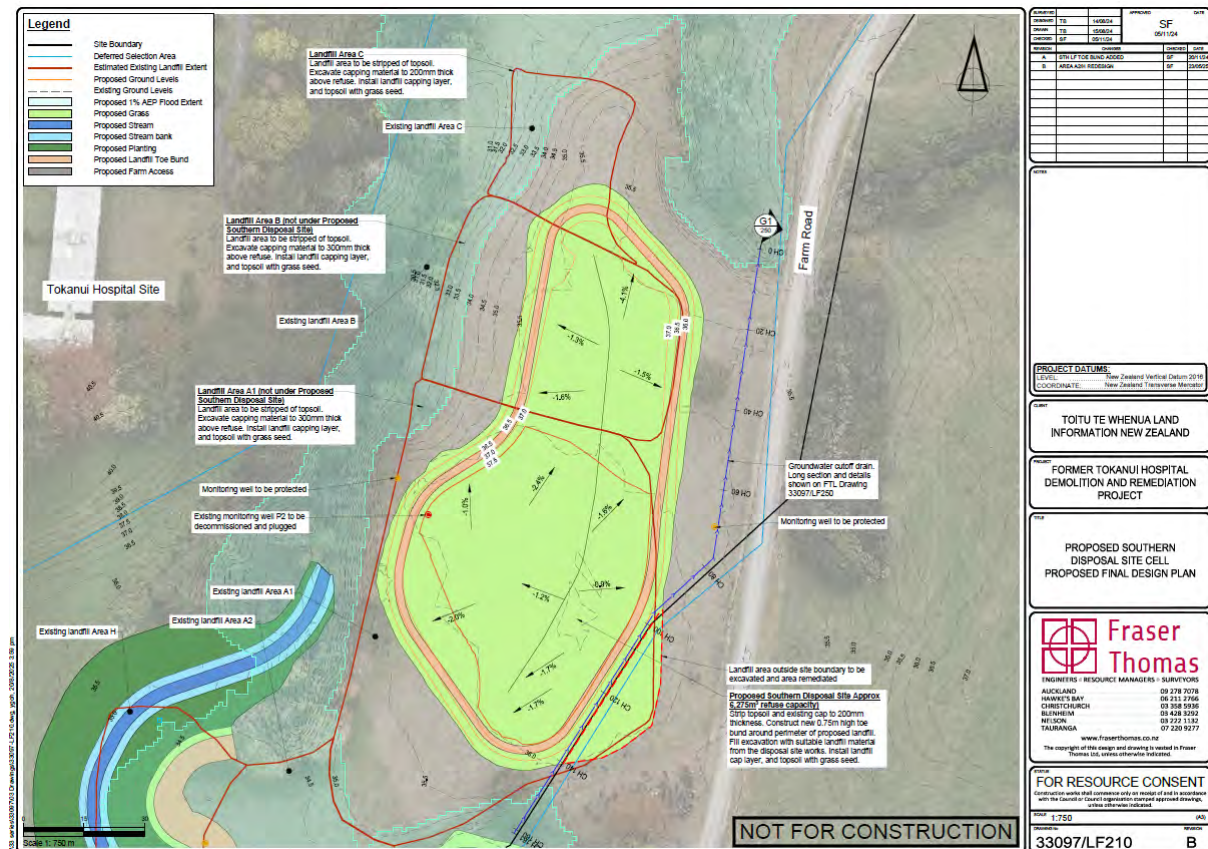


DIAGRAM 6: PROPOSED SOUTHERN DISPOSAL SITE CELL – PROPOSED FINAL DESIGN PLAN

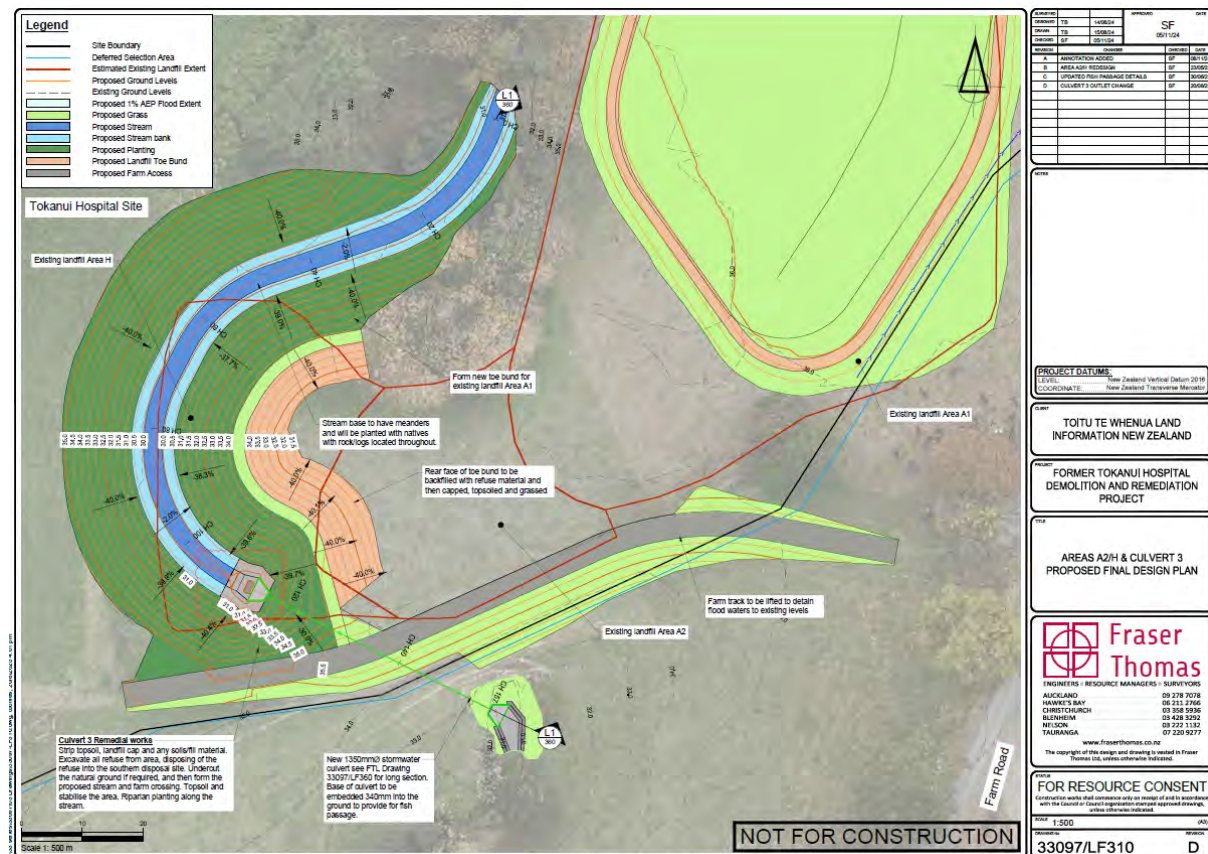


DIAGRAM 7: AREAS A2H & CULVERT 3 – PROPOSED FINAL DESIGN PLAN

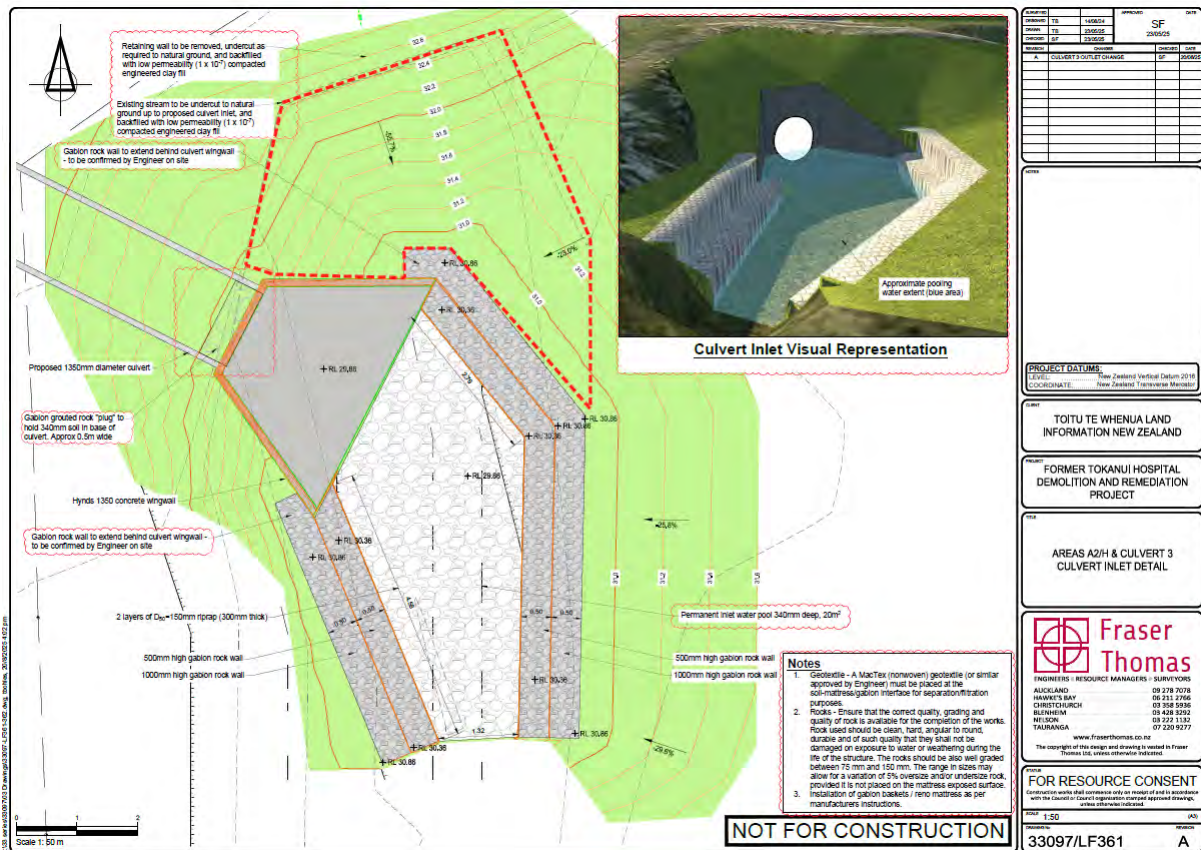


DIAGRAM 10: AREAS A2/H & CULVERT 3 – CULVERT INLET DETAIL

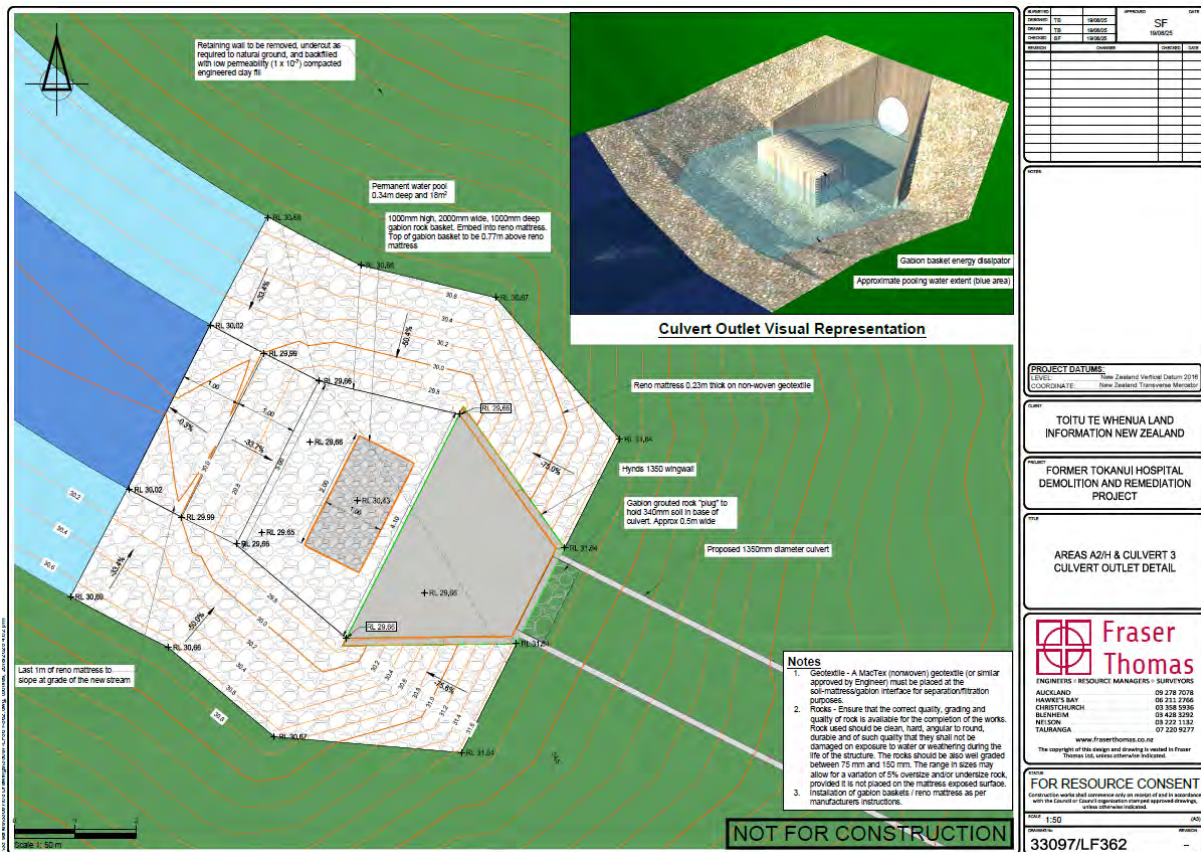


DIAGRAM 11: AREAS A2/H & CULVERT 3 – CULVERT OUTLET DETAIL

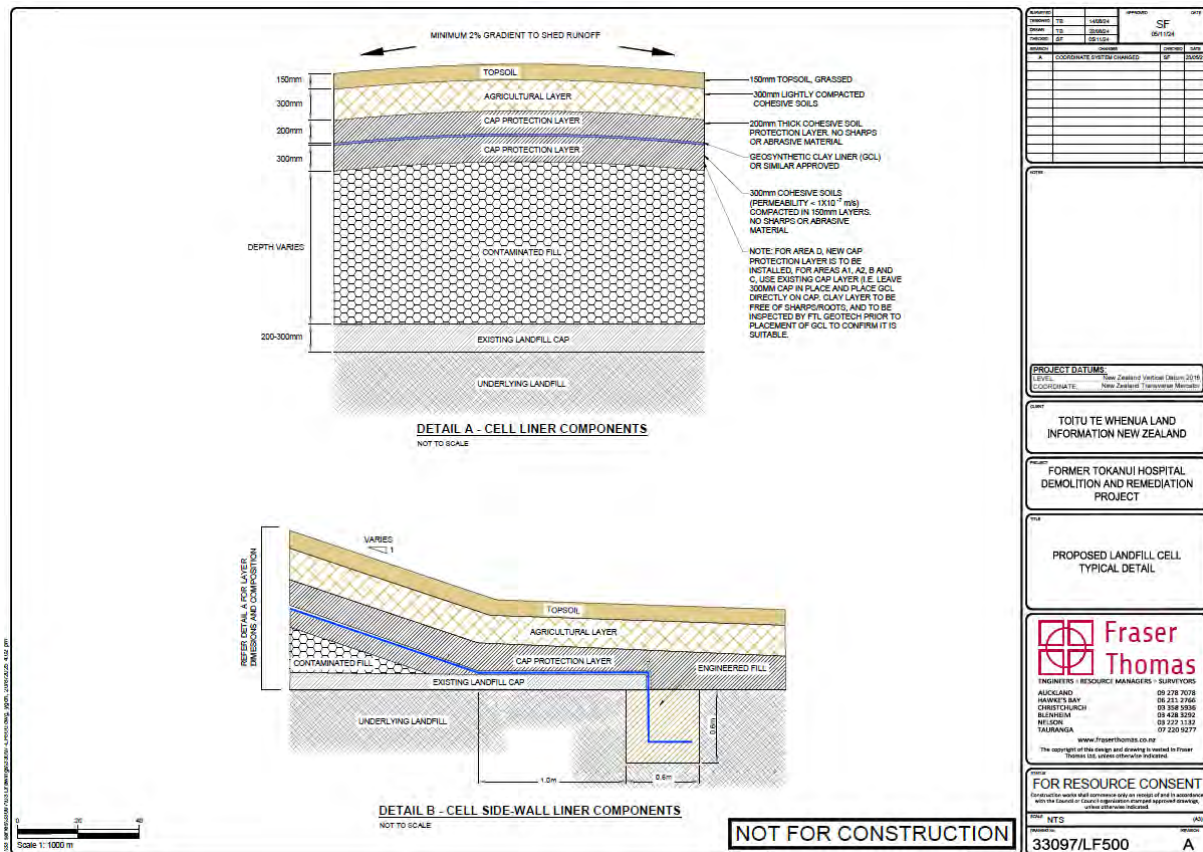


DIAGRAM 12: PROPOSED LANDFILL CELL – TYPICAL DETAIL

6 ACTIVITY STATUS

Operative Waipā District Plan

- 6.1 Section 5 of the Assessment of Environmental Effects report prepared by SLR Consulting New Zealand, on behalf of the Applicant, dated 22 November 2024, provides an assessment of the proposal against the relevant provisions of the District Plan. Section 2 of the Notification Report (included as **Appendix 2**) provides my assessment. In summary, both parties conclude that the proposal requires resource consent as the proposed activities are not provided for in the Rural Zone.
- 6.2 Overall, the application is deemed to be a **Non-Complying Activity**.

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

- 6.3 In accordance with Regulation 5(7) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, the site is a 'piece of land' and consent is required for soil disturbance of the HAIL site.

- 6.4 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**.*” I concur with this assessment.

7 SUMMARY OF NOTIFICATION ASSESSMENT

- 7.1 Under the Act, the notification provisions are contained in Sections 95A to 95F. Specifically, Sections 95A to 95F set out the process for determining whether or not public notification or limited notification of the application is required. Having regard to the notification provisions, a notification assessment has been completed and is contained in **Appendix 2**.

- 7.2 This report concludes:

- The information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification;
- The applicant did not request that the application be publicly notified and there are no rules in the District Plan relevant to this proposal that require that the application must be notified;
- There are no rules in the District Plan relevant to this proposal that preclude public or limited notification;
- In terms of the permitted baseline, 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, an application of the permitted baseline was deemed to be unnecessary in this instance.
- The assessment of effects considered the proposal with regard to:
 - Cultural Values;
 - Construction and Earthworks;
 - Contaminated Soils;
 - Archaeological; and
 - Rural Character and Amenity.
- The adverse effects were assessed to be below the ‘more than minor’ threshold and the proposal could be considered without the need for public notification.
- There are no special circumstances that warranted public notification.
- The property subject to this consent is within the Maniapoto Statutory Acknowledgement Area and the proposal may have potential adverse effects

that are minor or more than minor on Maniapoto.

- Pursuant to Section 95B, it was considered that the proposal warranted limited notification to tangata whenua. In reaching this conclusion it was 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 were not already recorded in the Cultural Impact Assessment, and/or not accounted for by the proffered consent conditions in response to the Cultural Impact Assessment recommendations.
- Written approval has been included in the application from AgResearch Limited.

7.3 The application proceeded to limited notification on 15 May 2025.

7.4 At the request of potential submitters, and in agreement with the applicant, the submission period was extended twice by a total of 27 working days. The submission period closed on 30 July 2025.

8 SUBMISSIONS

8.1 A total of six submissions in total were received during the statutory submission period, with all six being in opposition. The submissions are attached at **Appendix 3**.

8.2 The opposing submissions raise the following matters:

- Cultural Effects
 - Concerns with the Cultural Impact Assessment and incorporation of recommendations into application;
 - Recognition and suitable provision for kaitiaki monitoring;
 - Engagement, consultation and involvement through process of mana whenua;
 - Significance of Wharekōrino Stream; and
 - Impact on known and recorded sites of significance.
- Environmental Effects
 - Downstream flooding;
 - Impact on Wharekōrino Stream and the taiao surrounding (Landfill leaching; contaminants entering groundwater and surface water; erosion, sedimentation and habitat loss; hydrological system; biodiversity loss);

- Construction works (Traffic, Noise, Amenity, Dust);
 - Transfer of contaminated materials from Pokuru to Tokanui;
 - Use of landfill; and
 - Monitoring of the landfill (including un-remediated legacy landfill).
- Conflict between cultural integrity and environmental risk of the proposal.
- 8.3 Some of the submissions raise concerns with the assessment of environmental effects and consistency with a number of planning instruments and strategic documents. Section 11 to 13 of this report provides further discussion regarding the District Plan Objectives and Policies, Other Statutory Planning Documents and Other Matters pursuant to Section 104(1)(c).
- 8.4 Cultural and Environmental Effects are discussed further in Section 10 of this report.

Engagement, consultation and involvement through process of mana whenua

- 8.5 Various submitters have raised concern regarding the engagement, consultation and involvement of mana whenua with the applicant prior to the lodgement of the application. It is noted that there is no requirement under the Resource Management Act 1991 ('the Act') for an applicant to undertake consultation, nor does it specify the extent of such consultation. Any consultation undertaken is therefore done so as best practice and to help identify potential concerns. The Act does however require the applicant to report on any consultation undertaken.
- 8.6 In this instance, the application includes an outline of the consultation undertaken in Section 2.4 of the Application, a copy of written approvals in Appendix J.1, and an Iwi Engagement Report included in Appendix J.2. Consultation with mana whenua has been ongoing as outlined in these documents, and the applicant has made substantial effort to incorporate feedback provided through the engagement process.
- 8.7 Additionally, and as noted above, the applicant has recognised and acknowledged the significance of the site for tangata whenua and requested limited notification, which was supported by Council. This process provided the opportunity for affected parties to lodge a submission on the application and from that point onwards be involved in the process. Overall, the requirements for consultation pursuant to the Act have been followed.

PART B – RESOURCE MANAGEMENT ACT 1991 ASSESSMENT

9 SECTION 104 ASSESSMENT

- 9.1 A consent authority must have regard to a number of matters under Section 104 of the Act when making a decision on an application for resource consent. Those matters include:
- The actual and potential effects of an activity on the environment (Section 104(1)(a)) and relevant provisions of an operative and / or proposed District Plan;
 - Any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse environmental effects that may or will result from the activity (Section 104(1)(ab));
 - The provisions of National Directions, the Regional Plan or the Regional Policy Statement, or any other relevant statutory documents (Section 104(1)(b)); and
 - Any other matter the consent authority determines relevant and reasonably necessary to determine the application (Section 104(1)(c)).
- 9.2 The application is for a Non-Complying Activity under the District Plan. The Council may therefore grant or refuse consent under Section 104B and 104D and, if granted, may impose conditions under Section 108 of the Act.
- 9.3 The following provides my assessment of all relevant matters under Section 104.

10 ASSESSMENT OF ENVIRONMENTAL EFFECTS (SECTION 104(1)(A))

- 10.1 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.*

10.2 With the above definition in mind, and the assessment of adverse effects in the approved Notification Report, which is also relevant for the purposes of the assessment required under Section 104(1)(a), the actual and potential effects of the proposed activity requiring further examination relate to those matters raised in submissions. These matters are:

- Cultural Effects
- Environmental Effects

Cultural Effects

10.3 As noted in the Notification Report, 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 undertaken consultation as outlined above in Section 8 of this report, and sought and included with their application, a Cultural Impact Assessment ('CIA') from the Tokanui Action Rōpū.

10.4 The opposing submissions have raised concern with regard to the effects of the proposal and their impact on cultural values. Concern has been expressed with the Cultural Impact Assessment and incorporation of recommendations from the assessment, the recognition and provision of kaitiaki monitoring, the significance of the Wharekōrino Stream, and the impact on known and recorded sites of significance.

Cultural Impact Assessment and incorporation of recommendations

10.5 The application notes in Section 6.8 that the Cultural Impact Assessment was prepared primarily for the remediation application (LU/0231/24), however it provides useful information for consideration of the landfill application. Table 8 of the application sets out the CIA recommendations and the applicant team's response.

10.6 In terms of the landfill works, the applicant has proffered a set of consent conditions in Appendix P of the application which includes a Construction Management Plan that is to have specific requirements for the works in regard to cultural and archaeological monitoring. Cultural monitoring conditions are also proposed at pre-construction and construction stages.

10.7 Should consent be granted, and the abovementioned recommended conditions be put in place, I consider that the applicant has captured some of the recommendations from the CIA. As the CIA focuses on the remediation of the wider site, it is difficult to understand if there should be more specific recommendations to the landfill works. All of the submitters have expressed concern with the cultural effects of the proposed

landfill works, and their opposition to the application. This strongly suggests that there may be cultural effects beyond those stated in the CIA and more specific to the landfill activity. It would be helpful to hear further from submitters about this.

Recognition and suitable provision for kaitiaki monitoring

- 10.8 Appropriate monitoring of the works, including reference to the monitoring of any legacy contamination issues, has been raised by submitters. As noted above, the applicant has recommended the inclusion of conditions regarding a Construction Management Plan and Cultural Monitoring (Refer Appendix P of the application).
- 10.9 With regard to kaitiaki monitoring of the landfill works as raised by submitters, should consent be granted, I have considered if a Cultural Management and Monitoring Plan ('CMMP') as a condition of consent would be able to provide for kaitiaki monitoring. I am of the opinion that, if the CMMP can be prepared in consultation with tangata whenua and clearly set out the procedures in respect of appropriate and sufficient monitoring through the landfill works this could address submitters concerns. It would be helpful to hear from submitters at the time of hearing if they consider the inclusion of a CMMP would provide suitable provision for kaitiaki monitoring.

Significance of Wharekōrino Stream

- 10.10 Submissions have raised concern in respect to the significance of the Wharekōrino Stream as a taonga with spiritual and cultural importance, also noting a failure to prioritise the well-being of freshwater bodies under Te Mana o te Wai. Section 6.0 of the application outlines the environmental effects of the works. With Section 6.8 considering the cultural values and includes "*effects on mauri and water quality of Wharekōrino and Pūniu awa and taonga species*."
- 10.11 I understand the concern raised by submitters in that the works proposed will impact the mauri of the Wharekōrino Stream. In terms of acknowledging the significance of the stream for tangata whenua, should consent be granted, this information could also be captured within a CMMP. As the CCMP would be prepared in consultation with tangata whenua there will be the ability acknowledge the spiritual and cultural importance of this taonga. It would be helpful to hear from submitters at the time of hearing if they consider that highlighting the significance of the stream in a CMMP addresses their concerns adequately.

Impact on known and recorded sites of significance

- 10.12 A submission has raised concern regarding the impact on both known and recorded sites of significance. It is not clear from the submissions if the landfill area is one of these sites, or if this matter applies to the wider remediation application

(LU/0231/24).

- 10.13 It is noted that the applicant is also seeking to obtain an Archaeological Authority from Heritage New Zealand Pouhere Taonga to ensure all works are given appropriate regard under the provisions of both the Heritage New Zealand Pouhere Taonga Act (2014) and the Protected Objects Act (2006) in respect to protection of waahi tapu, significant cultural sites and taonga.
- 10.14 Should consent be granted, conditions of consent are recommended to include accidental discovery protocols which should be adopted for the duration of the site works. This information could also be captured in a CMMP. Should consent be granted, and conditions include accidental discovery protocols and a CMMP, then I consider that the impact on known and recorded sites of significance is suitably addressed.

Summary of Cultural Effects

- 10.15 In summary, the proposed use of the landfill and close proximity to Wharekōrino Stream, is significant to tangata whenua. All of the submitters have expressed concern with the cultural effects of the proposed landfill works, and their opposition to the application. In the preceding paragraphs I have considered management and monitoring conditions and how these may suitably avoid, remedy or mitigate the cultural effects of the landfill works. While these may assist, I remain concerned that overall, the cultural effects of the works cannot be appropriately avoided, remedied or mitigated to be acceptable to tangata whenua.

Environmental Effects

- 10.16 Section 4.6 of the Notification Report explored the effects of the proposed works with regard to the Cultural Values, Construction and Earthworks, Contaminated Soils, Traffic and Roading, Archaeological and Rural Character and Amenity. Section 6 of the application also assessed the effects on the environment of the proposal.
- 10.17 A number of submitters have raised concern regarding the proposed works to re-open and use the existing landfill. In particular, concerns have been raised with the impact these works will have on the site, the Wharekōrino Stream and its surrounds, the transfer of contaminated materials from Pokuru to Tokanui, the use of the landfill and the conflict between cultural integrity and environmental risk of the proposal.

Impact these works will have on the site, the Wharekōrino Stream and its surrounds

- 10.18 As noted above, submissions have outlined the significance of the Wharekōrino Stream and the taiao surrounding the stream, and the proposed landfill works. Section 6 of the application has outlined the potential adverse environmental effects

of the proposal, and Appendix P has provided recommended consent conditions to ensure these effects are suitably mitigated.

- 10.19 In considering the proposed work and the recommended mitigation measures, there will be effects on the site, stream and surrounds due to the nature of the existing landfill and the proposed works. The management of the site works therefore becomes significant to ensure the environmental effects are minimised as much as possible. I have reviewed the proposed consent conditions from the applicant and consider these to be appropriate for the works and will minimise the effects to as much as possible.

Transfer of contaminated materials from Pokuru to Tokanui and Use of Landfill

- 10.20 A submitter has raised concern regarding both the transfer of the contaminated materials across the site and the use of the landfill. The application notes the intent is to use the landfill for *“low- and moderate-level contaminated soil in the existing landfill, as it was not feasible to do in situ remediation and the alternative remedial options included haulage of soils to landfill in Auckland.”*
- 10.21 In terms of the environmental effects of the transfer of materials across the site, the supporting reports and information supplied with the application have detailed the alternative disposal options available to the applicant. While the transfer of any level of contaminated soil is not ideal, the proposed works have been deemed the most appropriate.
- 10.22 Regarding the use of the landfill itself, the application notes that this is the preferred option for the disposal of contaminated soils from the hospital site and provides the opportunity to undertake enhancement works to the landfill at the same time. In terms of environmental effects, while the disposal of contaminated soils on any site is not optimal, the use of only low-moderate levels of contaminated soil and the landfill enhancement works will be positive for the site. The proposed conditions of consent, including those under the Regional Council consents, will ensure appropriate construction methodologies are used, monitoring is undertaken and overall, the landfill is left in an improved state.

Conflict between cultural integrity and environmental risk of the proposal

- 10.23 In their submission, Te Nehenehenui Trust have outlined their concerns regarding the existing state of the landfill, and the use and remediation of the landfill, noting that *“This is a zero-sum game. If the material is transported offsite, the environment could be adversely affected over the longer term by the effects of the legacy landfill. If the material remains on site, this is reasonably offensive to mana whenua’s values but there are net gains for the environment. This is not an easy decision as the application*

appears to force a conflict between cultural integrity and environmental risk. No option is without harm, but the harms differ in kind.”

- 10.24 In their relief sought, the Trust do note a compromise can be achieved and they are willing to work with the applicant in advance of the hearing and/or to provide input on draft conditions. At the time of writing this report, Council have not been advised by the applicant or Te Nehenehenui Trust if any compromise has been reached, and it would be helpful if the applicant can provide this update at the Hearing. If the applicant and Te Nehenehenui Trust are able to reach a compromise, appropriate consent conditions as outlined above may assist in minimising the conflict expressed by the Trust.

Positive Effects

- 10.25 Having had regard to the adverse effects of an activity, the Act provides for the consideration of the benefits and positive effects of an activity. In this instance, the proposal will give rise to positive effects including the enhancement/improvement of the existing landfill. While this is regarded as a positive effect, I note this cannot be realised without causing adverse effects as outlined in the preceding sections of this report and as highlighted by submitters. In order for the consent to be granted, the Act requires these effects to be suitably avoided, remedied or mitigated.

Summary of Effects Assessment

- 10.26 In summary, the above assessment has considered the effects of the proposed activity raised in the submissions received. Having due regard to the information provided, I consider the cultural values of the site, and its surrounds have been demonstrated to be significant for tangata whenua. While conditions of consent could be used to assist in the management of the works required as part of the landfill activity, as have been suggested in the preceding paragraphs, on balance I remain concerned that these do not go far enough for tangata whenua to ensure the adverse cultural effects are appropriately avoided, remedied or mitigated.
- 10.27 Regarding the physical environmental effects of the use of the landfill and associated transfer of contaminated soils, tangata whenua have described the conflicted position they feel about this. While I consider the effects of enhancing the state of the existing landfill will be positive, the works themselves are not without environmental effects. However, with the appropriate management and monitoring in place, suitable mitigation will be provided to ensure the physical environmental effects are avoided, remedied or mitigated.

11 DISTRICT PLAN OBJECTIVES AND POLICIES ASSESSMENT (SECTION 104(1)(B))

11.1 The District Plan contains a number of objectives and policies that directly relate to this land use consent application. Those objectives and policies are contained in:

- Section 1 – Strategic Policy Framework
- Section 4 – Rural Zone
- Section 19 – Hazardous Substances and Contaminated Land
- Section 20 – Health and General Amenity
- Section 22 – Heritage and Archaeology
- Section 24 – Indigenous Biodiversity
- Section 26 – Lakes and Water bodies

11.2 The applicant's agent has provided an assessment of the relevant objectives and policies in Appendix F of the application. In addition to their assessment the relevant objectives and policies from each of these sections is discussed further in the following paragraphs.

Section 1 – Strategic

11.3 Section 1 contains the strategic direction of the District Plan and provides the basis upon which growth within the district will be managed and protected. These objectives and policies demonstrate the strategic focus to carefully manage the district's growing population, infrastructure demands, and protection of environmental, heritage and recreation values. The objectives and policies that are specifically relevant to this proposal are as follows:

Objective - Implementation of Te Ture Whaimana

1.3.1 *The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana is realised.*

Policy - Health and well-being of the Waikato and Waipā Rivers

1.3.1.1 *To achieve the Objectives and Strategies of Te Ture Whaimana within the catchment area identified on the Planning Maps by District Plan provisions relating to:*

- a) *Building setbacks and earthworks; and*
- b) *Activities on the surface of water; and*
- c) *Peat lake catchments; and*

- d) *Esplanade reserves; and*
- e) *Landscapes; and*
- f) *Environmental Benefit Lot provisions for significant natural areas and in some circumstances riparian areas; and*
- g) *Significant natural areas and indigenous biodiversity generally; and*
- h) *Intensive farming activities; and*
- i) *Public access; and*
- j) *Customary activities; and*
- k) *Marae and papakāinga; and*
- l) *Cultural sites and cultural landscapes.*

Objective - Tāngata whenua

- 1.3.4 *To uphold, and assist tāngata whenua to uphold, the partnership principles inherent within Te Tiriti o Waitangi, by assisting tāngata whenua to maintain and enhance their culture, traditions, economy and society, in order that their well-being (mauri) and health (hauora) is maintained.*

Policy - Cultural and historic relationship

- 1.3.4.1 *To recognise and promote the cultural and historic relationships tāngata whenua have with the District.*

Objective - Environmental and heritage protection and recreation values

- 1.3.5 *To ensure that development and subdivision activities maintain and where possible enhance the environmental, heritage and recreational values of the District.*

Policy - Management of adverse effects

- 1.3.5.1 *To ensure that development and subdivision is undertaken in a manner that:*
- a) *Does not result in a net loss of indigenous biodiversity; and*
 - b) *Protects areas of outstanding landscape; and*
 - c) *Maintains cultural landscapes and other identified landscape areas and features of high amenity; and*
 - d) *Protects listed heritage items; and*
 - e) *Retains and where possible enhances recreation values.*

- 11.4 The abovementioned objectives and policies seek to ensure development occurs in a manner that upholds the partnerships principles inherent in Te Tiriti o Waitangi, recognises the cultural relationship with the whenua and manages adverse effects appropriately. This application is about the use of an existing landfill on the site which the applicant has acknowledged has significant importance for mana whenua. The extent of information provided with the application demonstrates the proposals outcome of enhancing the landfill site which is considered to align with the abovementioned objectives and policies of the District Plan.

Section 4 – Rural Zone

- 11.5 The objectives and policies within Section 4 – Rural Zone, provide a framework to enable continued use of the Rural Zone for a wide range of rural productive activities while continuing to emphasise the need to internalise adverse effects, and avoid cumulative adverse effects of land use activities on the environment. The objectives and policies further seek to find a balance between economically driven farming practice and amenity, landscape, biological, cultural and social values.
- 11.6 The objectives and policies specifically relevant to this proposal are as follows:

Objective - Rural resources

- 4.3.1 *To maintain or enhance the inherent life supporting capacity, health and well-being of rural land, ecosystems, soil and water resources.*

Policy - Health and well-being of the Waikato and Waipā Rivers

- 4.3.1.1 *To give effect to the directions and outcomes in Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River and the Waipā Accord through District Plan provisions relating to building setbacks, earthworks, farming activities, non-farming activities, intensive farming, rural based industries and solid and liquid waste.*

Policy - Avoid adverse effects on aquatic and riparian ecosystems (including lakes)

- 4.3.1.3 *To avoid, remedy or mitigate adverse effects of development, subdivision and activities on the quality of the District's ground and surface water resource, and promote the enhancement of their ecological and cultural values by:*
- a) *Maintaining or enhancing the life supporting capacity of water bodies; and*
 - b) *Maintaining or enhancing the ability to use aquatic ecosystems as mahinga kai (a food source); and*
 - c) *Where appropriate, maintaining or enhancing the availability*

of water bodies for recreation; and

d) Enhancing ecological corridors and riparian margins.

Policy - Protect the rural soil resource

4.3.1.4 The versatility and life supporting capacity of the District's rural land and soil resource, particularly high class soils and peat soils, are protected from development, subdivision or activities that would prevent its future use for primary production, or its ability to maintain the District's ecological/biodiversity values.

Policy - Solid and liquid waste management

4.3.1.5 The storage and disposal of solid and liquid waste is undertaken in a manner that remedies or mitigates effects on the environment and adjacent properties that cannot be avoided.

Policy - Earthworks

4.3.1.6 To ensure that earthworks are carried out in a manner that avoids adverse effects on infrastructure, between properties and on water bodies.

11.7 Objective 4.3.1 and its associated policies highlight the significance of the rural resource for its life supporting capacity. Policy 4.3.1.5 in particular is relevant to this proposal in that it seeks waste disposal to occur in a manner that remedies or mitigate effects on the environment. In this instance, the proposed landfill works will provide an opportunity to enhance the site, improving the situation for the stream and surrounding area.

Objective - Non-farming activities

4.3.12 Only non-farming activities that have a functional and compelling requirement to locate in the Rural Zone should be enabled to locate in the Rural Zone.

Policies - Non-farming activities

4.3.12.1 To limit non-farming activities in rural areas except for activities that:

- a) Have a functional and compelling reason to establish in a rural area; and*
- b) Do not result in any further loss of land from primary production purposes; and*
- c) Maintain rural character.*

11.8 Objective 4.3.12 and Policy 4.3.12.1 seek to ensure the provision of non-farming activities where there is a functional and compelling requirement for their location in

the rural zone. In this instance the use of an existing landfill is not a typical 'farming activity', however it is noted that many farms do have their own smaller scale disposal areas. Given the landfill is existing it has a functional reason for its location. In terms of re-using the landfill, the applicant has considered alternatives and provided an assessment of effects that demonstrate the functional reasons for the proposed activity. On this basis I consider the proposal it to meet the functional requirements of the objective and policy.

- 11.9 In summary, with regard to the objectives and policies within Section 4, the subject site is unique given its historic landfill activity. The proposed re-use of the landfill is not a typical 'farming activity' however will enable the enhancement of the site. It is my opinion that the activities are not directly aligned with all the objectives and policies of the Rural Zone, however the outcome of the works is not contrary to the District Plan.

Section 19 – Hazardous Substances and Contaminated Land

- 11.10 Section 19 of the District Plan outlines the significance of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, and the resulting effects and management of potentially contaminated or contaminated land, and how it can lead to adverse effects on the environment and human health. The following objective and associated policies are relevant to this proposal.

Objective - Hazardous substances and facilities: prevention or mitigation of adverse environmental and human health effects and minimisation of risk

- 19.3.1 *To avoid or mitigate the risks of adverse effects created by the transport, use, storage and disposal of hazardous substances and/or the management of hazardous facilities on the environment.*

Policy - Transport and disposal of hazardous substances and waste

- 19.3.1.3 *To ensure that hazardous substances and hazardous waste are transported and disposed of using methods and facilities which:*
- a) Are specifically designed to handle the disposal of hazardous substances; and*
 - b) Use techniques that avoid adverse effects on human health and the environment.*

Objective - Managing risks of potentially contaminated land

- 19.3.2 *To ensure that significant risks to human health and the environment posed by potentially contaminated land are identified*

and addressed as part of development, or change of use.

Policy - Investigation of potentially contaminated land

- 19.3.2.1 *To ensure that development sites that have a history of land use that may have resulted in contamination of the soil shall be subject to a preliminary site investigation to confirm whether further investigation, remediation or management is required. This will ensure that the land is suitable for the intended exposure to humans and the environment.*

Objective - Managing risks of contaminated land

- 19.3.3 *To ensure that unacceptable risk to human health and the environment posed by remediation, development, use and redevelopment of contaminated land is prevented or mitigated.*

Policy - Avoid or mitigate of adverse effects of contaminated land

- 19.3.3.1 *By ensuring that all development, use, and redevelopment of land affected by soil contamination avoids, remedies or mitigates adverse effects and risk on human health.*

Policy - Management measures for contaminated land

- 19.3.3.2 *By ensuring that management measures for contaminated land, that provide for remediation, management, or disposal of contaminated soil, ensure that the level of contamination is appropriate for any proposed future use of the land.*

Policy - Risk management for use of contaminated land

- 19.3.3.3 *By ensuring that exposure from the on-going use of land affected by soil contaminants is managed in a way that prevents or mitigates any adverse effects on human health.*

- 11.11 The abovementioned objectives and policies seek to ensure that the harm from contaminated materials and land is managed to ensure the safety of both people and the environment. The subject site is an identified HAIL site due to its historic landfill use. The application has included the relevant assessments from suitably qualified professionals who examined the site and understand the contaminants within the landfill and across the remediation site. The proposal includes recommended draft conditions, should consent be granted, to ensure that people working on the site are safe. In this regard, the proposal is therefore consistent with the abovementioned objectives and policies.

Section 20 – Health and General Amenity

- 11.12 Section 20 of the District Plan sets out the resource management issues that have the

potential to create a nuisance and detract from the amenity and health of residents and businesses. The following objectives and policies are relevant to this application as follows:

Objective - Air and water quality

20.3.1 To maintain and where possible improve existing air and water quality.

Policy - Contain adverse effects

20.3.1.1 To ensure that activities avoid, remedy or mitigate nuisance effects beyond the boundary of the site and on any water bodies in order to maintain and enhance amenity and a healthy and safe environment.

- 11.13 Objective 20.3.1 seeks to ensure air and water quality is maintained. In this instance the use of the landfill and associated enhancement works will improve the site and its surrounds, resulting in improved water quality of the Wharekōrino Stream. The proposed management of the construction works will appropriately mitigate the dust and amenity effects during the works. While the proposal does not seek to ‘maintain’ the status quo, it will aid in the improvement of the environment, therefore aligning with the abovementioned objective and policy.

Section 22 – Heritage and Archaeology

- 11.14 Acknowledging Section 6 of the Act, Section 22 recognises the diverse elements that contribute to the district’s historic heritage including archaeological and cultural sites, and sites of significance to Māori. The application includes a Cultural Impact Assessment and Waahi Tapu Investigation identifying areas of the site which are of cultural significance. The relevant objectives and policies within Section 22 are as follows:

Objective - Protecting cultural sites

22.3.5 To protect the integrity of Waipā’s cultural sites from inappropriate subdivision, use and development and give effect to Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River by identifying and recording cultural items.

Policy - Protection of cultural sites

22.3.5.1 To retain the integrity of cultural sites (Appendix N2) and give effect to the Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River, by requiring all development, in particular earthworks, buildings, access, and wastewater systems and their disposal fields to be set back from cultural sites.

- 11.15 As outlined throughout the application, supporting information, Council’s reports

and submissions, the site is of significance for mana whenua. The information included with the application, including proposed consent conditions, seek to ensure the appropriate cultural monitoring and construction methodologies are implemented during the works to ensure the significance of the site is upheld. In this regard I consider that the proposal is not contrary to Objective 22.3.5 and Policy 22.3.5.1.

Section 24 – Indigenous Biodiversity

- 11.16 Section 24 of the District Plan supports Section 5(2)(b) of the Act which includes the safeguarding of the life supporting capacity of ecosystems. In the Waipā District, this includes the connections and corridors between ecosystems that are needed to maintain indigenous biodiversity values. Indigenous biodiversity values are the attributes of an ecosystem that determine an area's importance in maintaining biodiversity, such as species composition, habitat structure and ecosystem function. The following objectives and policies are considered relevant to this proposal.

Objective - Managing effects on district wide indigenous biodiversity

24.3.1 To maintain and enhance the existing level of biodiversity within the District.

Policy - Maintenance and enhancement of indigenous biodiversity

24.3.1.1 To achieve the maintenance and enhancement of indigenous biodiversity values in the District by ensuring that removal of indigenous vegetation or disturbance of wetland areas only occurs where:

- a) Connectivity to link core habitats along biodiversity corridors is supported; and*
- b) Sensitive sites remain buffered from intensive land use, development and subdivision; and*
- c) Habitat is retained for at risk and threatened indigenous species; and*
- d) Customary activities do not adversely affect at risk or threatened indigenous species; and*
- e) Consideration has been given to opportunities that contribute to no net loss at a regional scale.*

- 11.17 Objective 24.3.1 and Policy 24.3.1.1 seek to maintain and enhance the district's indigenous biodiversity. An Ecological Impact Assessment, included in Appendix G of the application, has reviewed the stream habitat along an 80m survey reach. Overall, the Assessment notes the Wharekōrino Stream as providing habitat for at-risk

species. In order to mitigate the effects of the proposed works, erosion and sediment controls, planting, and consultation with appropriately qualified ecologists regarding the design of any culverts/infrastructure is recommended. Based on the technical information included with the application, and subject to the relevant recommendations being incorporated into any consent conditions, I consider the proposal is not contrary to Objective 24.3.1 and Policy 24.3.1.1.

Section 26 – Lakes and Water bodies

- 11.18 Section 26 of the District Plan supports Section 6(a) of the Act which requires the preservation of the natural character of wetlands, lakes and rivers, and their margins. This section notes the significance of water bodies themselves to tangata whenua and seeks to manage the balance of the natural qualities and their spiritual significance. The following objectives and policies are considered relevant to the remediation of the site:

Objective - Protecting the natural character of lakes and water bodies and their margins, from inappropriate use, and development

26.3.1 Ensure that activities that occur on and adjacent to lakes and water bodies are managed to avoid, and where possible enhance, natural character and water quality.

Policy - Ensuring activities are setback from lakes and water bodies

26.3.1.1 To ensure that adverse effects on public access to lakes and water bodies, and on the natural character and quality of the water in lakes and water bodies are avoided, through establishing setbacks for a range of activities that may cause adverse effects, except within the Karāpiro and Arapuni Hydro Power Zone.

Policy - Managing ecological effects

26.3.1.4 To ensure that users undertaking activities on the surface of lakes and water bodies and within their margins do not adversely affect water quality, or significant natural areas, other indigenous vegetation, or habitats of significant indigenous fauna.

Policy - Enhancing natural character

26.3.1.6 Promote the restoration and enhancement of the natural character of lakes, water bodies and their margins.

- 11.19 Objective 26.3.1 seeks to ensure activities on or adjacent to water bodies are avoided and enhance the natural character and water quality. In this instance the works in and around the landfill include Culvert 3. The works in and around Culvert 3 cannot be avoided, instead the proposal includes management of the works to ensure the

effects on the Wharekōrino Stream are minimal, with the overall outcome being sought an enhancement of this area.

- 11.20 The proposal therefore includes works that are not setback from the stream as sought by Policy 26.3.1.1, however the proposal does seek to manage effects and enhance the natural character of the Wharekōrino Stream in alignment with Policies 26.3.1.4 and 26.3.1.6. On balance I consider the proposal to not be contrary to the objectives and policies within Section 26 of the District Plan.

Summary of Objective and Policy Assessment

- 11.21 Overall, the above objective and policy assessment has considered the proposal against a number of the objectives and policies of the District Plan. The existing environment and historical use of the site as a landfill is not consistent with the types of activities anticipated in the rural zoning in which it is located. The use of the landfill and associated enhancement works, while a ‘non-farming’ activity will assist in the site becoming more aligned with its rural surrounds, and improve the site for the future. The works in and around the Wharekōrino Stream will also seek to enhance the water body and its surrounds.
- 11.22 In my opinion, while the landfill works may not be consistent with some of the objectives and policies as discussed above, overall, the enhancement of the site and enablement of the site to be used in the future for rural purposes is not contrary to the objectives and policies of the District Plan.

12 PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS (SECTION 104(1)(B))

- 12.1 Pursuant to Section 104(1)(b), the consent authority must have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, the regional policy statement and the regional plan. Below is an assessment of these provisions.

National Environmental Standards

- 12.2 National Environmental Standards (‘NESs’) are regulations issued under Section 43 of the Act that prescribe technical and on-technical standards which apply across the country. The current NESs that are in effect are:
- National Environmental Standards for Air Quality;
 - National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health;
 - National Environmental Standards for Electricity Transmission Activities;

- National Environmental Standards for Freshwater;
- National Environmental Standards for Greenhouse Gases from Industrial Process Heat;
- National Environmental Standards for Marine Aquaculture;
- National Environmental Standards for Commercial Forestry;
- National Environmental Standards for Sources of Human Drinking Water;
- National Environmental Standards for Storing Tyres Outdoors; and
- National Environmental Standards for Telecommunication Facilities.

12.3 Of the abovementioned NESs the NES for Assessing and Managing Contaminants in Soil to Protect Human Health requires further consideration with regard to this application.

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

12.4 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). Following a review of the information contained within Council’s records, the application site is identified on the Waipā District Council online maps as a potential HAIL site, with the HAIL codes G3, F4, A17, A14, and F7. The piece of land is therefore covered by Regulation 5(7)(c), being a piece of land on which *‘it is more likely than not that an activity or industry described in the HAIL has been undertaken’*.

12.5 The application has sought consent for the soil disturbance as a Restricted Discretionary Activity in accordance with Regulation 10 the NES-CS and included the following information in regard to the HAIL site:

- Existing Disposal Site Repair and Upgrade Works Report prepared by Fraser Thomas Limited, dated 21 November 2024;
- Intrusive Investigation Report prepared by Fraser Thomas Limited, dated 28 June 2024;
- Preliminary Site Investigation (‘PSI’) prepared by GHD Ltd (2023), dated 12 May 2022; and a
- Draft Aftercare & Monitoring Plan, prepared by Fraser Thomas Ltd, dated 15 November 2024.

12.6 Waipā District Council engaged HD Geo to review the information provided with the application. In his summary, Mr Paul Gibbins, noted *“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.”

National Policy Statements

12.7 National Policy Statements (NPSs) are instruments issued under Section 52(2) of the Act that enable Government to prescribe objectives and policies for matters of national significance which are relevant to achieving the sustainable management purpose of the Act. An NPS may also give direction to local authorities as to how they need to give effect to the policies and objectives of the NPS. The current NPSs that are in effect are:

- National Policy Statement for Freshwater Management;
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat;
- National Policy Statement for Highly Productive Land;
- National Policy Statement for Indigenous Biodiversity;
- National Policy Statement for Renewable Electricity Generation;
- National Policy Statement on Electricity Transmission
- National Policy Statement on Urban Development; and
- New Zealand Coastal Policy Statement.

12.8 With regard to the NPSs listed above, further consideration with regard to this application is required under the National Policy Statement for Freshwater Management, the National Policy Statement for Highly Productive Land and the National Policy Statement for Indigenous Biodiversity.

National Policy Statement for Freshwater Management

12.9 The National Policy Statement for Freshwater Management 2020 (NPS-FM) came into effect on 3 September 2020 and sets out the objectives and policies for freshwater management under the Resource Management Act 1991. The NPS-FM applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments. The NPS-FM refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment.

12.10 The objective of the NPS-FM is to ensure that natural and physical resources are

managed in a way that prioritises the health and well-being of water bodies, the health needs of people and the ability for people to provide for their well-being. The NPS-FM also contains a range of policies requiring that, amongst other things, effect is given to Te Mana o te Wai and that a range of values associated with freshwater are identified, provided for or protected.

- 12.11 In terms of the proposed remediation of the site and the NPS-FM, the application has included an assessment under Section 7.3.2 and Appendix F and concludes that *the health and well-being of water bodies and freshwater ecosystems will be maintained during the project and although 28m of stream extent will be lost, an additional 47m of freshwater habitat will be gained, resulting in an overall net gain.*"
- 12.12 The proposal is therefore consistent with the NPS-FM.

National Policy Statement on Highly Productive Land

- 12.13 The National Policy Statement for Highly Productive Land ('NPS-HPL') took effect on 17 October 2022. The NPS-HPL requires New Zealand's most productive land to be identified and managed to prevent inappropriate subdivision, use and development, with its one, and only, objective stating "*Highly productive land is protected for use in land-based primary production, both now and for future generations*".
- 12.14 Council must give effect to the NPS-HPL, as if references to highly productive land were references to land that, at the commencement date is either zoned general rural, and LUC 1, 2 or 3, but is not identified for future urban development, or subject to a plan change to rezone it from rural to urban.
- 12.15 In terms of the subject site, NZLRI Mapping shows the site has Class 2 Land Use Capability Class on the western portions of the landfill area. Refer to Diagram 13 below. Given this classification the proposal requires further assessment under the NPS-HPL. Section 7.3.4 of the application includes an assessment against the NPS-HPL concluding the proposal is consistent with the objective of the National Policy Statement.
- 12.16 In terms of the proposed landfill works, the relevant policy for further consideration is Policy 8 which states "*Highly productive land is protected from inappropriate use and development*". Part 3.9(1) of the NPS-HPL clearly outlines authorities are to avoid inappropriate use of development of highly productive land, unless one of the criteria within Section 3.9(2) apply.
- 12.17 Having reviewed the criteria within Section 3.9(2), it is my opinion that Clause 3.9(2)(g) being an activity that is a 'temporary land-use activity that has no impact on the productive capacity of the land' applies. I note that in applying this criterion that

the outcome of the works is likely to improve the productive capacity of the land.



DIAGRAM 13: NZLRI LUC 2021 (LANDCARE RESEARCH) MAP (CLASS 2 SHOWN IN ORANGE AND SITE HIGHLIGHTED IN RED)

- 12.18 In summary, the application has provided sufficient information demonstrating the proposal has considered the sites status with regard to highly productive land, and Council can be satisfied that the objective of the NPS-HPL is met.

National Policy Statement for Indigenous Biodiversity

- 12.19 The National Policy Statement for Indigenous Biodiversity ('NPS-IB') came into effect on 4 August 2023 and sets out the objectives and policies to protect and maintain indigenous biodiversity under the Resource Management Act 1991. The NPS-IB applies to indigenous biodiversity in the terrestrial environment throughout Aotearoa New Zealand and includes *"the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna and fungi, and their habitats"*. Council must give effect to the NPS-IB through its objective and its relevant policies.
- 12.20 In terms of the proposed remediation, the applicant has provided an assessment against the NPS-IB, noting the following:

- *“Wetland 1 and the Wharekōrino Stream as freshwater habitats meet criteria for indigenous biodiversity significance under the WRPS. However, there are no SNA identified on the site in the WDP, nor is there any terrestrial indigenous biodiversity identified by the EclA as meeting the SNA criteria in Appendix 1 of the NPS-IB.*
- *Clause 3.16 of the NPS-IB states that for indigenous biodiversity outside SNAs, any significant adverse effects must be managed by applying the effects management hierarchy. There are no significant adverse effects identified in the EclA. All other effects must be managed to give effect to the objective and policies of the NPS-IB. An assessment against the objective and policies of the NPS-IB is attached as Appendix S. In summary, the proposal is considered to give effect to these, as indigenous vegetation will be maintained and restored, and effects on long tailed bats will be mitigated through implementation of the BMP.”*

12.21 In summary, based on supporting information provided included with the application, the ecological effects associated with the works will be appropriately managed. Having reviewed the assessment above and the associated technical information provided with the application; I concur with the conclusion that the activities are consistent with the NPS-IB.

Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato

12.22 Te Tauākī Kaupapahere Te-Rohe O Waikato provides an overview of the resource management issues in the Waikato Region, and the ways in which integrated management of the Region’s natural and physical resources will be achieved. It provides policies and a range of methods to achieve integrated outcomes for the region across resources, jurisdictional boundaries and agency functions, and guides development of sub-ordinate plans (regional as well as district) and consideration of resource consents.

12.23 Section 7.3.6 of the application and Appendix F have considered the remediation works against the objectives and policies of Te Tauākī Kaupapahere Te-Rohe O Waikato. I have reviewed this assessment and concur that the proposal is consistent with the objectives and policies of Te Tauākī Kaupapahere Te-Rohe O Waikato.

Waikato Regional Plan

12.24 The Waikato Regional Plan 2007 (‘the Regional Plan’) is intended to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region. It gives effect to Te Tauākī Kaupapahere Te-Rohe O Waikato and helps the Regional Council carry out its functions under Section 30 of the Act. With

regard to the Regional Plan, the applicant is also seeking a suite of consents under the Regional Plan, and the s42A Reports prepared by the Waikato Regional Council should be referred to.

13 OTHER MATTERS (SECTION 104(1)(C))

Treaty Settlement Acts – Statutory Acknowledgement Areas and Areas of Interest

- 13.1 The property subject to this application is not within a Statutory Acknowledgement Area. However, as noted in Section 2.2 of the application the site is listed as a Deferred Selection Property in the Ngāti Maniapoto Deed of Settlement.

Tai Tumu, Tai Pari, Tai Ao – Waikato Tainui Iwi Environmental Management Plan

- 13.2 Tai Tumu, Tai Pan, Tai Ao purpose is to enhance collaborative participation between Waikato Tainui and agencies in resource and environmental management. It provides high level guidance on Waikato Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment. The plan highlights the need for enhancement and protection of landscape and natural heritage values. The property is within the Waikato Tainui Joint Management Agreement Area and therefore the provisions of the Tai Tumu, Tai Pari, Tai Ao are relevant.
- 13.3 The application includes an assessment of the activity regarding Tai Tumu, Tai Pari, Tai Ao, noting Section 14 – Customary Activities is of relevance and that the works will have a positive effect on the ability to undertake customary activities on the site in the future. Additionally, the approach regarding cultural monitoring and accidental discovery protocols proposed as consent conditions are noted as supporting the outcomes sought by Section 14.
- 13.4 Section 21 – Te Whenua (Land) and Section 25 – Ngaa Whakaritenga Moo ngaa whenua o Waikato-Tainui (Land use planning) have been given particular regard in terms of this application. Section 25 outlines that as kaitiaki within their rohe, Waikato-Tainui seek to ensure environmental sustainability including consideration within the rural environment of the consequences of development on the environment.
- 13.5 In summary, the outcome sought through the enhancement of the landfill site is not at conflict with the desired outcomes within Tai Tumu, Tai Pan, Tai Ao, and will in time enable more activities on the site that align closely with the aspirations of Waikato Tainui. However as noted through submissions, the retention of contaminated material on the site and being placed in the landfill is at conflict with mana whenua's values.

Ko Tā Maniapoto Mahere Taiao – Maniapoto Environment Management Plan

- 13.6 Ko Tā Maniapoto Mahere Taiao is the guiding document for anyone who descends from or affiliates to Maniapoto whānau, marae, hapū or Iwi. The Plan outlines the indivisible and interconnected relationship between Maniapoto and the environment through the identification of issues that effect their values, and expectations, through policies and actions, that seek to resolves these issues.
- 13.7 Section D – Protecting and Enhancing the Natural Environment describes objectives, policies and actions to protect and enhance the resources within the Maniapoto rohe of which the subject site is located and therefore the provisions within Ko Tā Maniapoto Mahere Taiao are relevant.
- 13.8 Identification, protection, enhancement and best practice are all terms used throughout Section D in regard to air, freshwater, wetlands, land, natural heritage and biodiversity. These terms are also used throughout the application, and supporting information, in regard to the proposed landfill work. While the outcome of the works, being the enhancement of the existing landfill, aligns with the aspirations sought by Ko Tā Maniapoto Mahere Taiao, it is not clear that the works and retention of contaminated material on site is appropriate.

14 SECTION 104D – THRESHOLD TEST

- 14.1 Section 104D of the Act establishes a ‘threshold’ or ‘gateway test’ that acts as an additional test for Non-Complying Activities to satisfy. In order to pass the threshold test, a consent authority must be satisfied that the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of the District Plan.
- 14.2 The adverse effects of the proposed activity have been outlined and assessed in the application, the Council’s Notification Report (refer Appendix 2), and Section 10 of this report. In summary:
- The applicant’s agent has concluded that the effects will be less the minor and acceptable, with any additional cultural effects to be further ascertained through the notification process;
 - Council’s Notification Report assessed the adverse effects to be below the ‘more than minor’ threshold and the proposal could be considered without the need for public notification; and
 - Council’s Notification Report, based on the information provided with the application and in recognition of the significance for tangata whenua of the site,

that the potential adverse effects of the use of the landfill to meet the threshold for limited notification to tangata whenua.

- 14.3 Further assessment in Section 10 of this report concluded that, while there are management and monitoring methodologies that could be put in place, should consent be granted, the strong message from the submissions is that the cultural effects cannot be suitably avoided, remedied or mitigated to be acceptable. Based on this assessment, the adverse effects limb of the threshold test (i.e. the effects will be minor) is not met.
- 14.4 With regard to the second limb of the threshold test, an assessment of the objectives and policies of the District Plan is outlined in Section 11 of this report. In conclusion, the proposed activity is deemed to not be contrary to the objectives and policies of the District Plan, therefore the second limb of the threshold test is met.
- 14.5 In summary, the effects limb of the 'threshold test' has not been met, however pursuant to Section 104D, Council may grant consent.

PART C – CONCLUSION & RECOMMENDATION

15 CONCLUSION

- 15.1 In conclusion, 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.
- 15.2 The application has been assessed as a Non-Complying Activity under the provisions of the Operative Waipā District Plan ('the District Plan') as landfill works is not otherwise listed in Section 4 – Rural Zone. In addition, the site requires consent for soil disturbance under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as a Restricted Discretionary Activity.
- 15.3 The application was processed with limited notification and received six submissions, all in opposition. Those submitters have raised valid concerns with the proposal which helped inform the effects assessment associated with cultural and environmental effects.
- 15.4 An assessment of the environmental effects of the proposal is considered in Section 10 of this report pursuant to Section 104 of the Act. Through the submissions, it is clear that cultural values of the Wharekōrino Stream and its surrounding taiao are significant to tangata whenua. While consideration has been given to management and monitoring methodologies that may assist in ensuring the works are undertaken in an appropriate manner, my conclusion is that the cultural effects are not able to be avoided, remedied or mitigated to an acceptable level.
- 15.5 An assessment of the objectives and policies of the District Plan has been undertaken in Section 11 of this report. The conclusion of that assessment is that the development is not contrary to the objectives and policies of the District Plan.
- 15.6 The National Policy Statements, National Environmental Standards, the Regional Plan, Regional Policy Statement, and other non-statutory documents have been considered in this assessment. In summary, the proposal is considered to be consistent with the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health, the National Policy Statement for Freshwater Management, the National Policy Statement on Highly Productive Land, the National Policy Statement for Indigenous Biodiversity and the Waikato Regional Policy Statement.

- 15.7 The proposal has also been considered against both Tai Tumu, Tai Pari, Tai Ao – Waikato Tainui Iwi Environmental Management Plan and Ko Tā Maniapoto Mahere Taiao – Maniapoto Environment Management Plan. The outcome sought by the works (i.e. being an enhancement of the landfill) associated with this application are considered to align with both of these documents, however it is not clear that the retention of any contaminated material onsite aligns with these documents for tangata whenua.
- 15.8 Having reviewed the application, submissions, and requirements under the Resource Management Act 1991, it is my recommendation that the proposal lends itself to refusing the consent.
- 15.9 In making this recommendation, I note the applicant has proposed a suite of draft consent conditions in Appendix P of the application. While I recommended the consent is refused, if the applicant and submitters are able to reach agreement or the Hearing Panel wishes to grant consent, I have included an alternative suite of conditions in **Appendix 5 and 6** for their consideration.

16 RECOMMENDATION

That:

- a) *In consideration of Sections 104 and 104B of the Resource Management Act 1991, the Waipā District Council **refuses** consent to Toitū Te Whenua Land Information New Zealand 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 in the Rural Zone as a Non-Complying Activity under the Waipā District Plan at 149 Te Mawhai Road, Tokanui legally described as Block X and XI Puniu SD being Sections 1 and 3 SO44852 and Section 1 SO59771 (RT SA56A/866) subject to the conditions in **Appendix 5**; and*
- b) *In consideration of Sections 104 and 104C of the Resource Management Act 1991, the Waipā District Council **refuses** consent to Toitū Te Whenua Land Information New Zealand for soil disturbance as part of the landfill works of the site at 149 Te Mawhai Road, Tokanui legally described as Block X and XI Puniu SD being Sections 1 and 3 SO44852 and Section 1 SO59771 (RT SA56A/866) as a Restricted Discretionary Activity pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health subject to the conditions in **Appendix 6**.*

Report prepared by:



Hayley Thomas
PROJECT PLANNER

Reviewed by:



Michael Briggs
CONSENTS TEAM LEADER

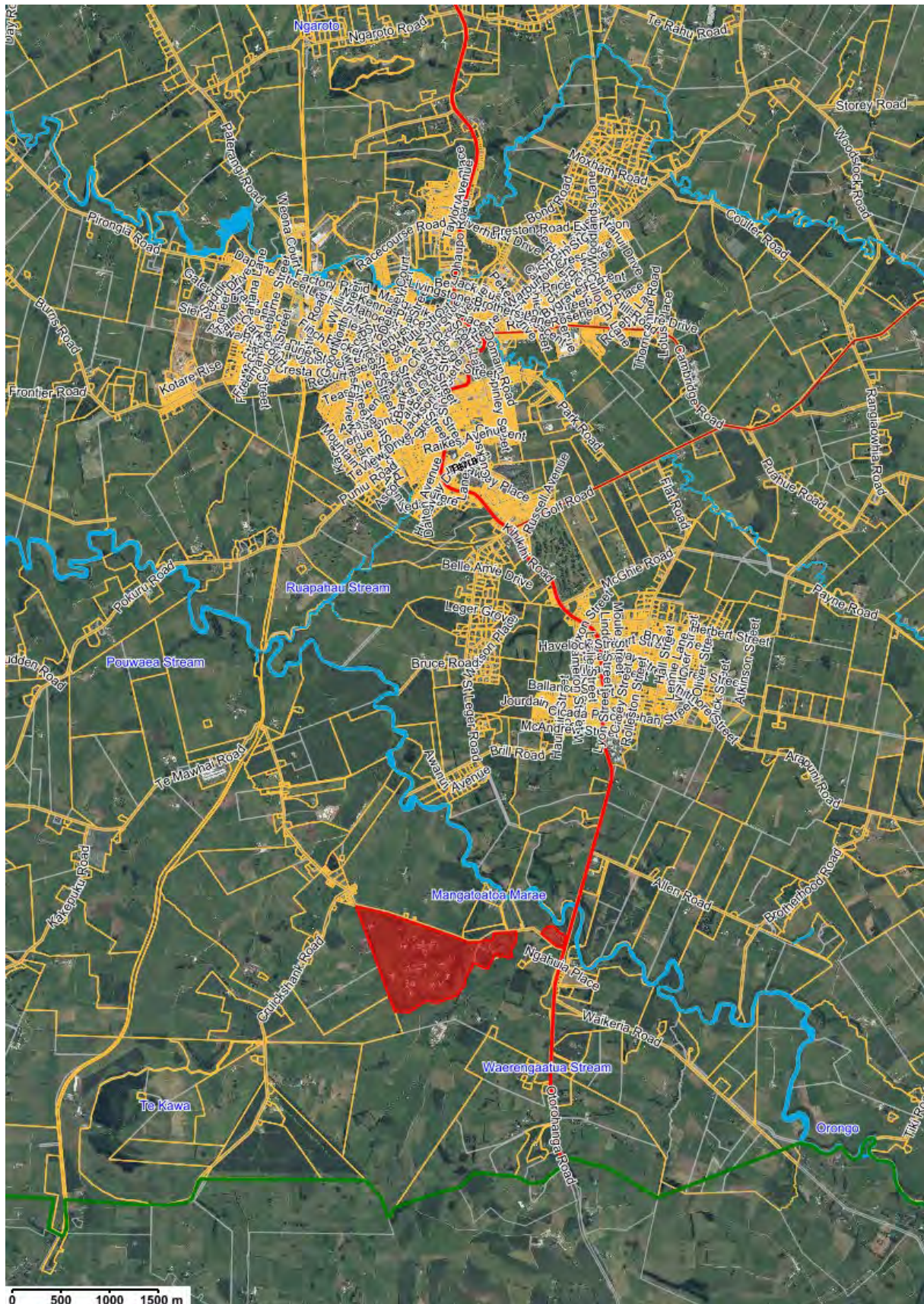
Approved for Release to the Hearing Panel by:



Quentin Budd
MANAGER DISTRICT PLAN AND GROWTH

Appendix 1

Site Location Map



SITE HIGHLIGHTED IN RED

Appendix 2

Council's Notification Report

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)

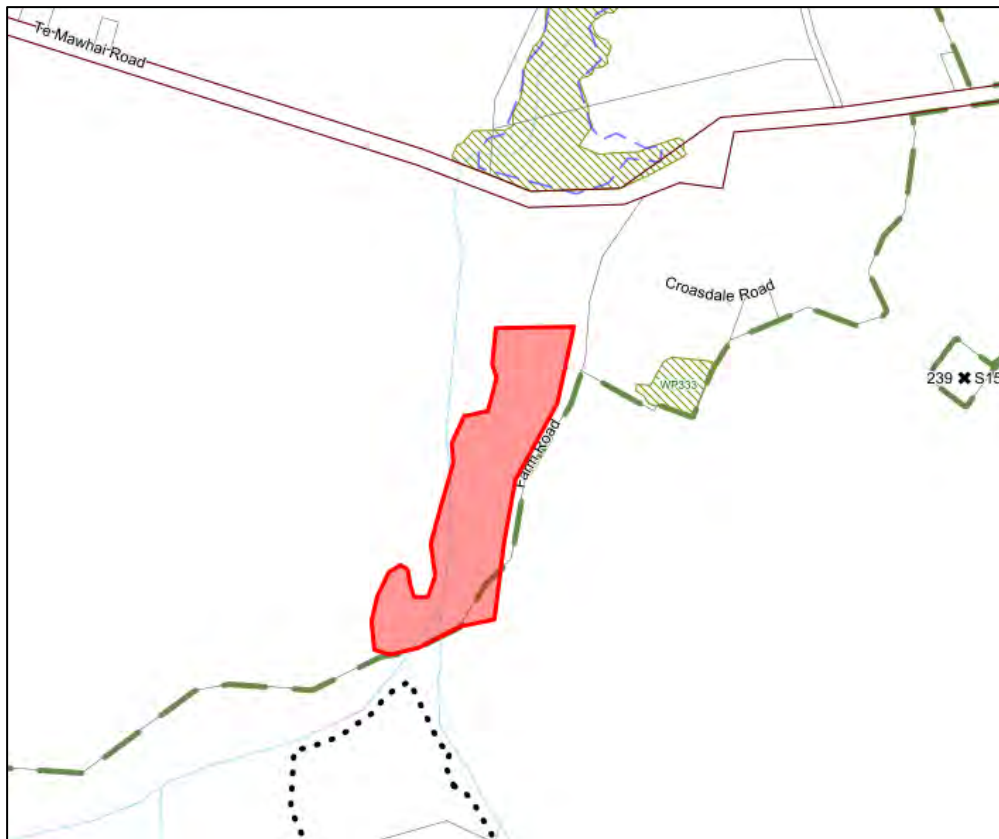


Figure 2: District Plan Zone and Policy Overlays Map (Landfill Area highlighted in red)

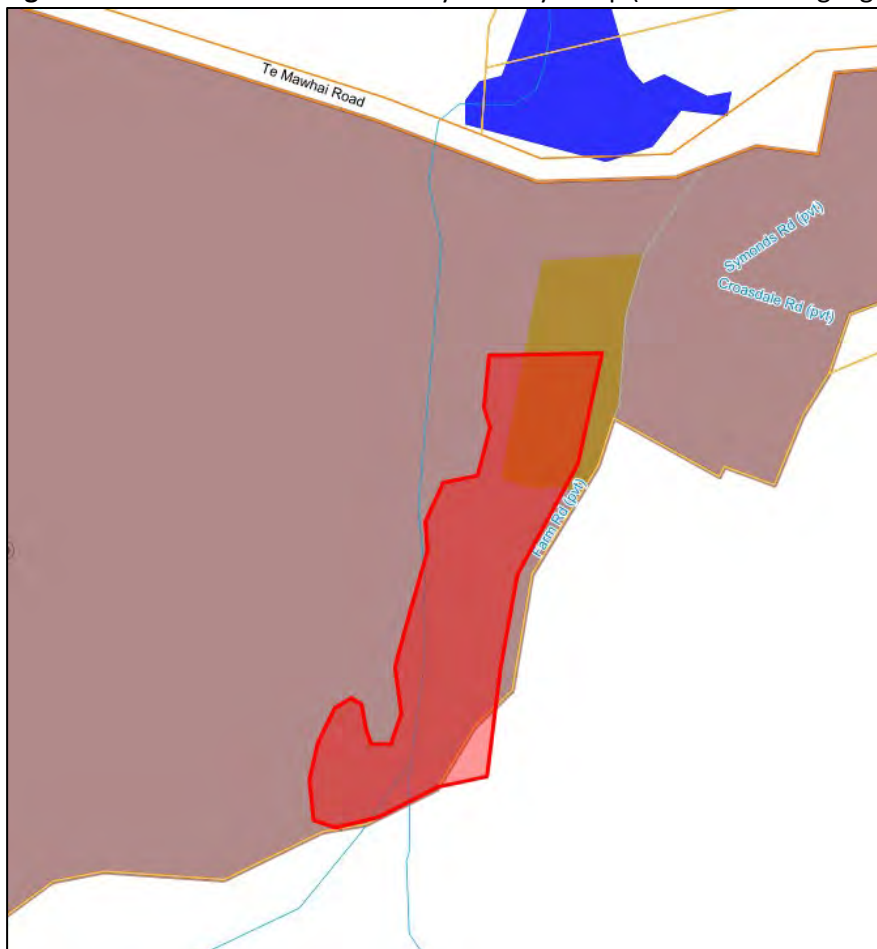


Figure 3: Council's Special Features Map (Landfill Area highlighted in red)

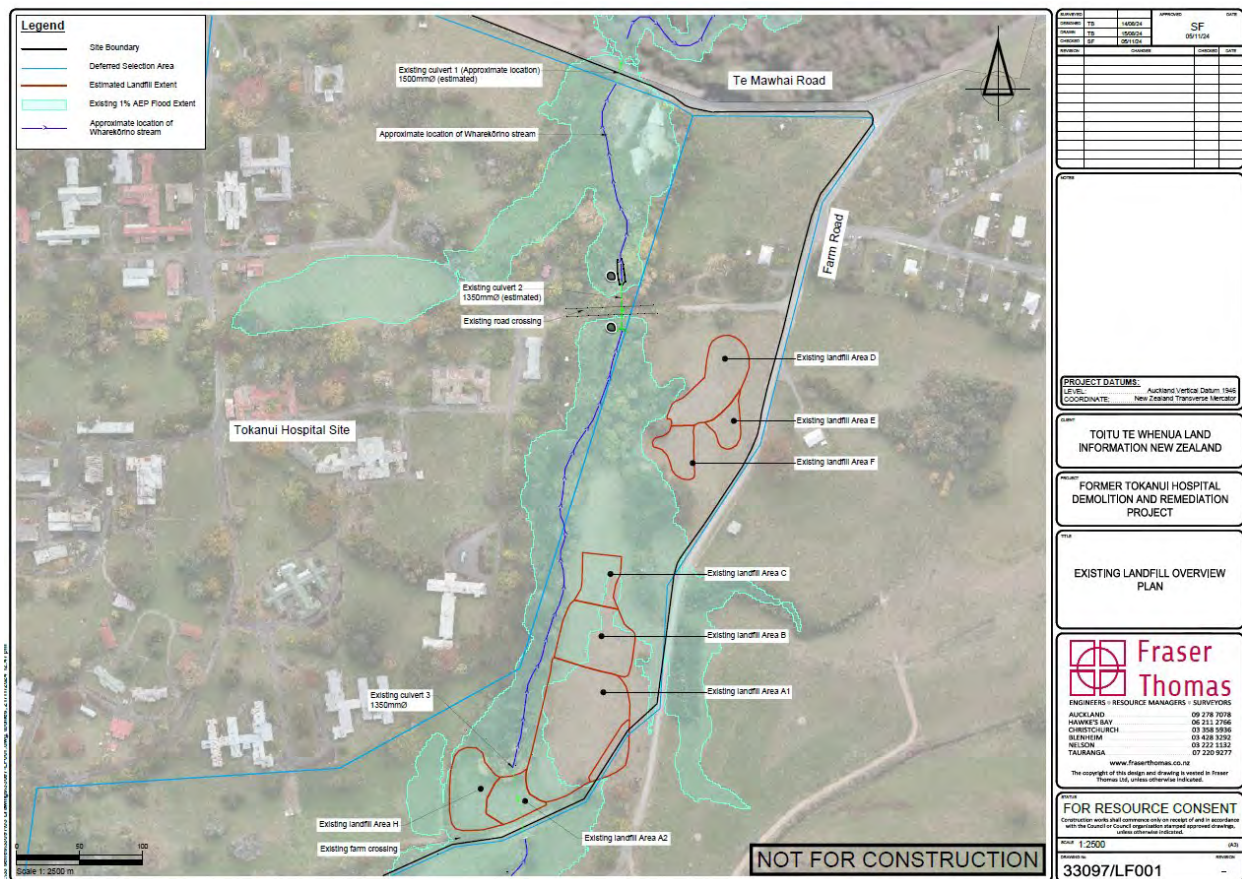


Figure 4: Existing Landfill Overview Plan (from Application)



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."*

The works will be divided into two stages as outlined below:

- *"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."*

Refer to Figures 9 to 18 for the plans of the proposed activity.

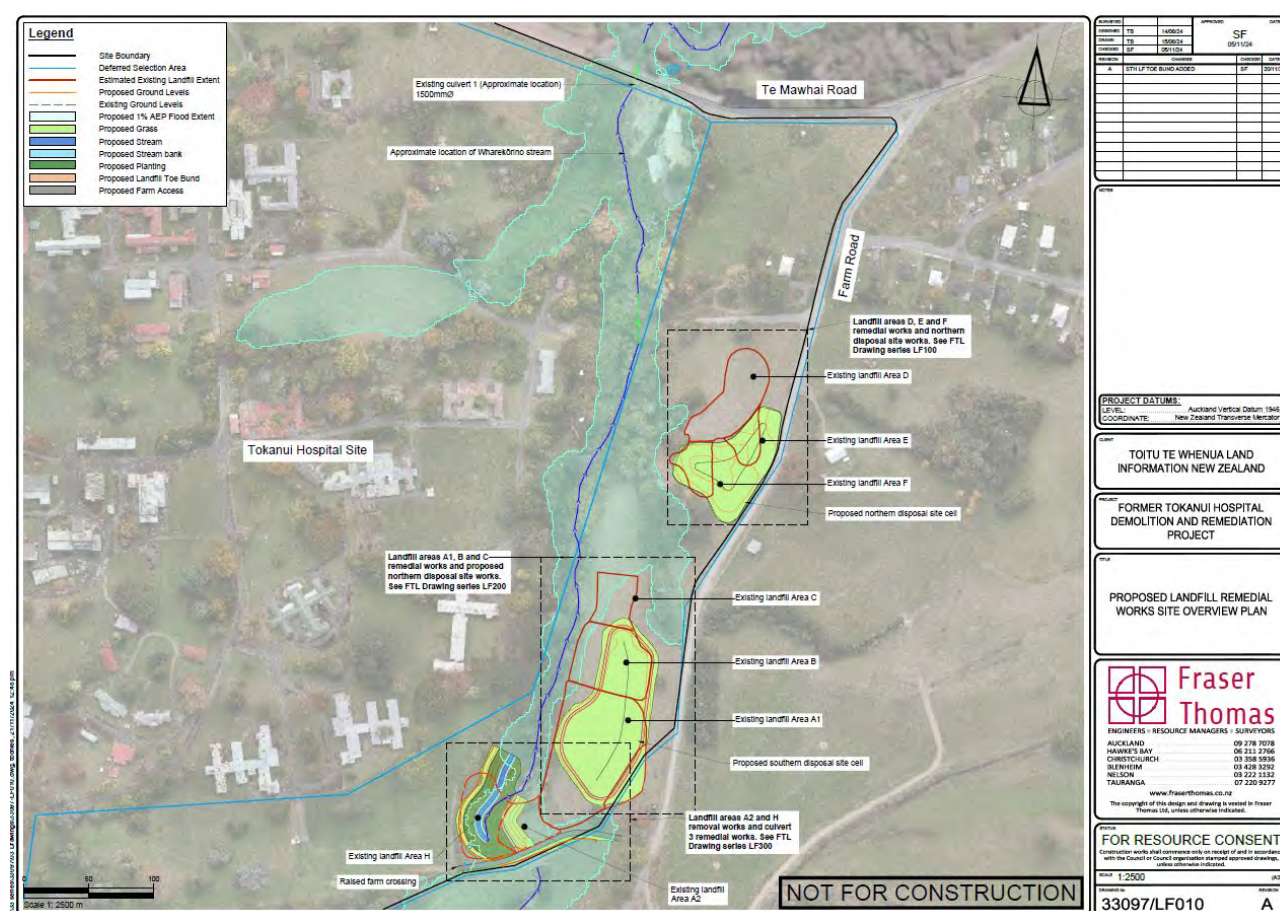


Figure 9: Proposed Landfill Remedial Works Site Overview Plan

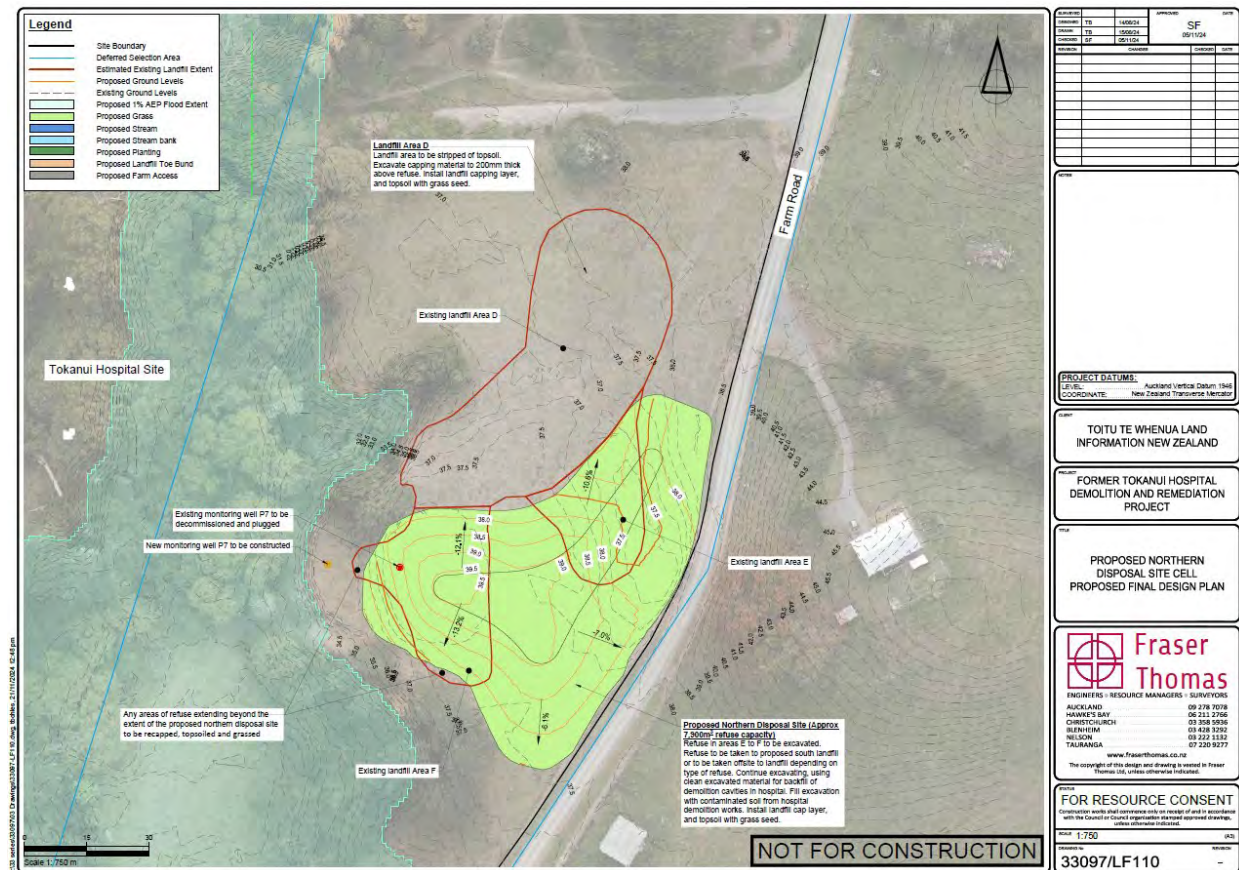


Figure 10: Proposed Northern Disposal Site Cell – Proposed Final Design Plan

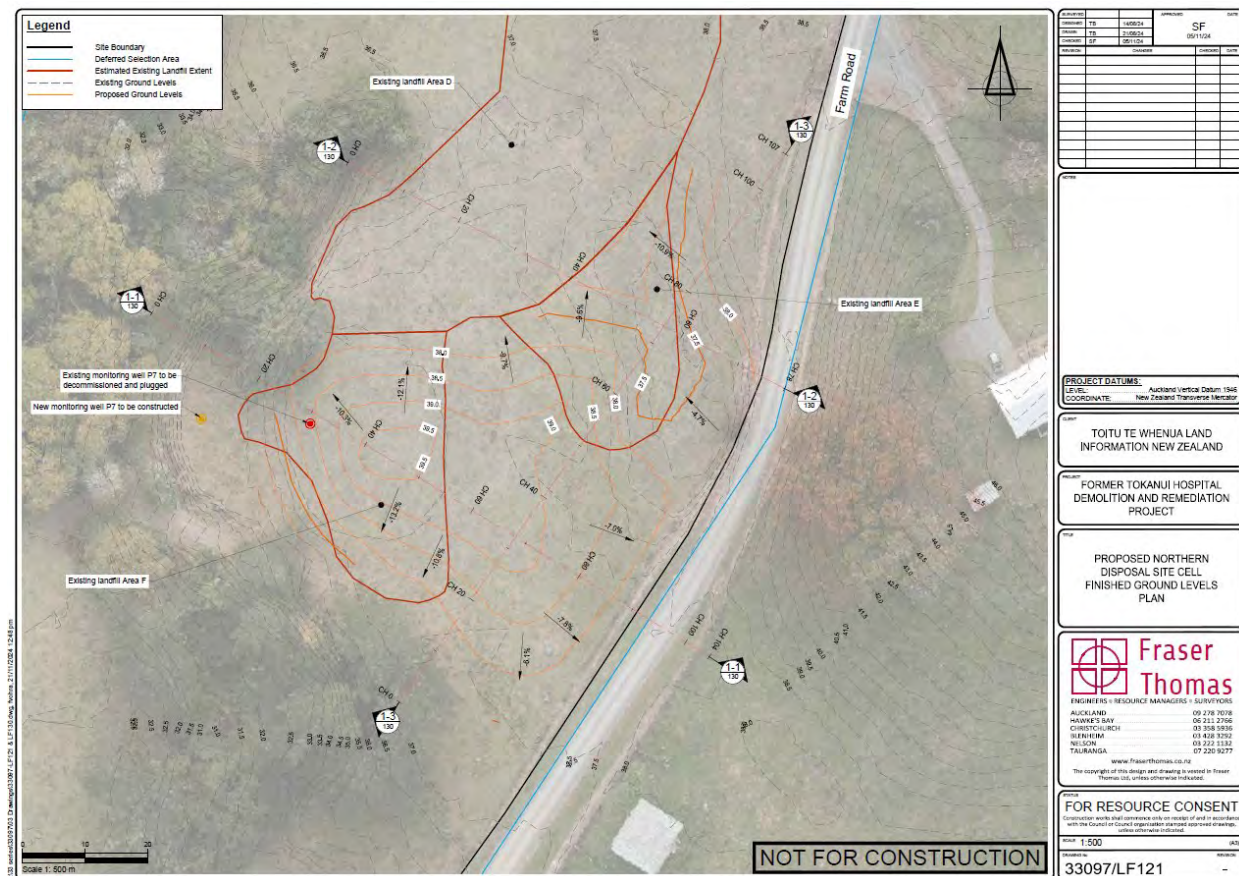


Figure 11: Proposed Northern Disposal Site Cell – Finished Ground Levels Plan

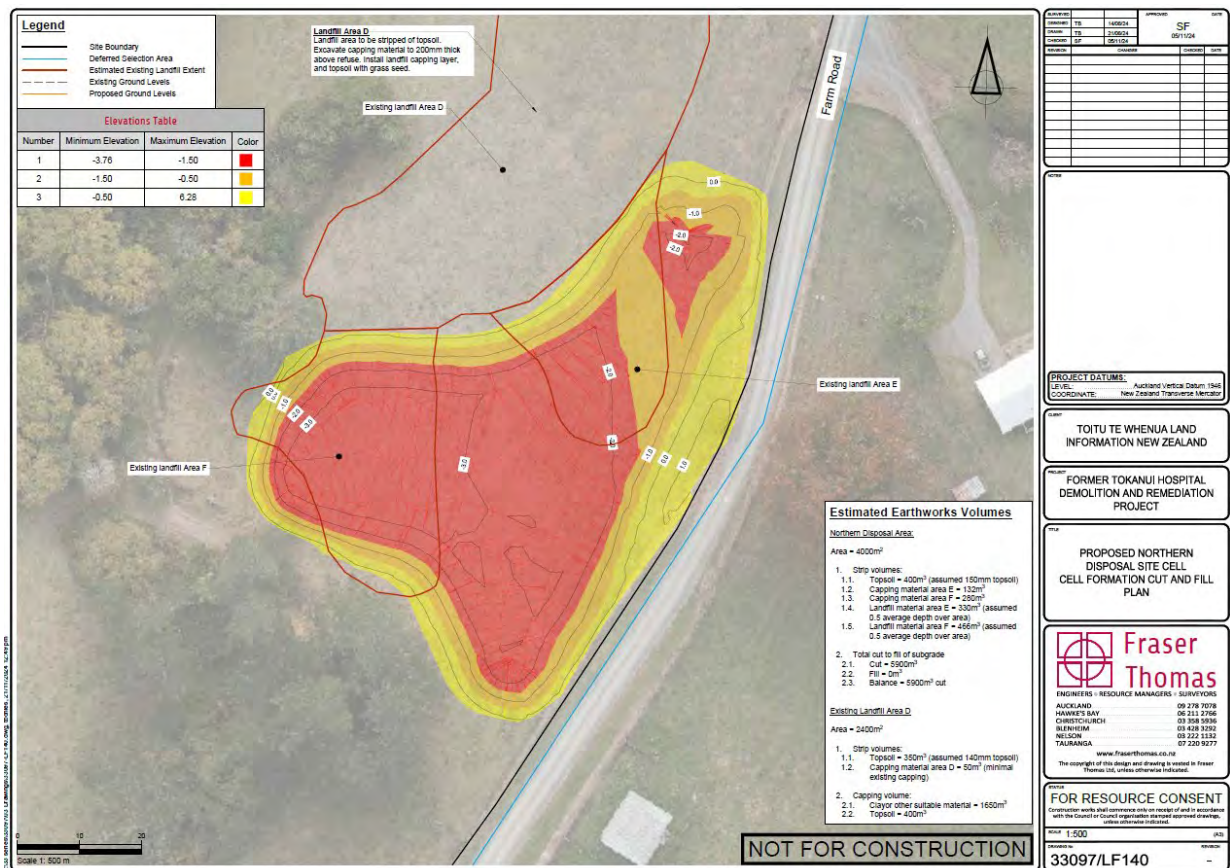


Figure 12: Proposed Northern Disposal Site Cell – Cell Formation Cut and Fill Plan

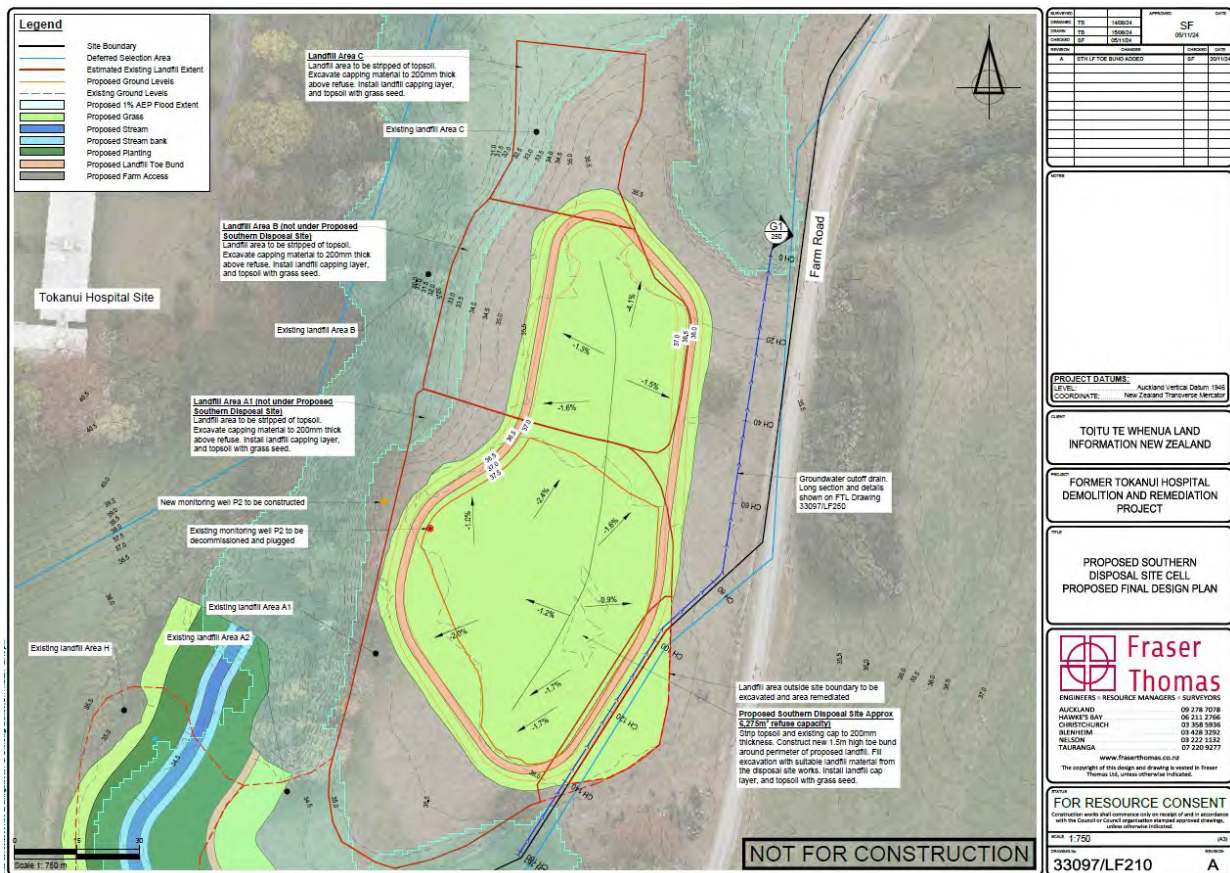


Figure 13: Proposed Southern Disposal Site Cell – Proposed Final Design Plan

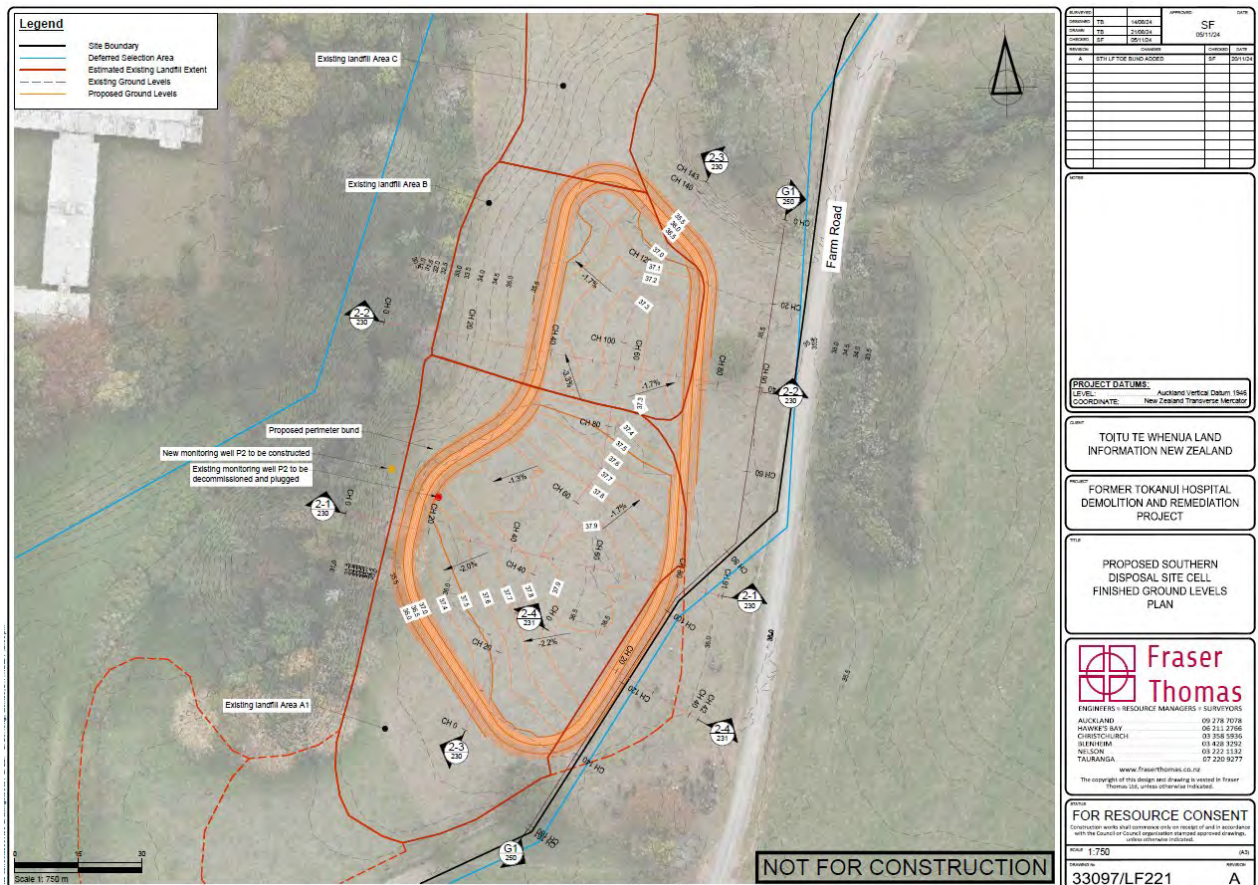


Figure 12: Proposed Southern Disposal Site Cell – Finished Ground Levels Plan

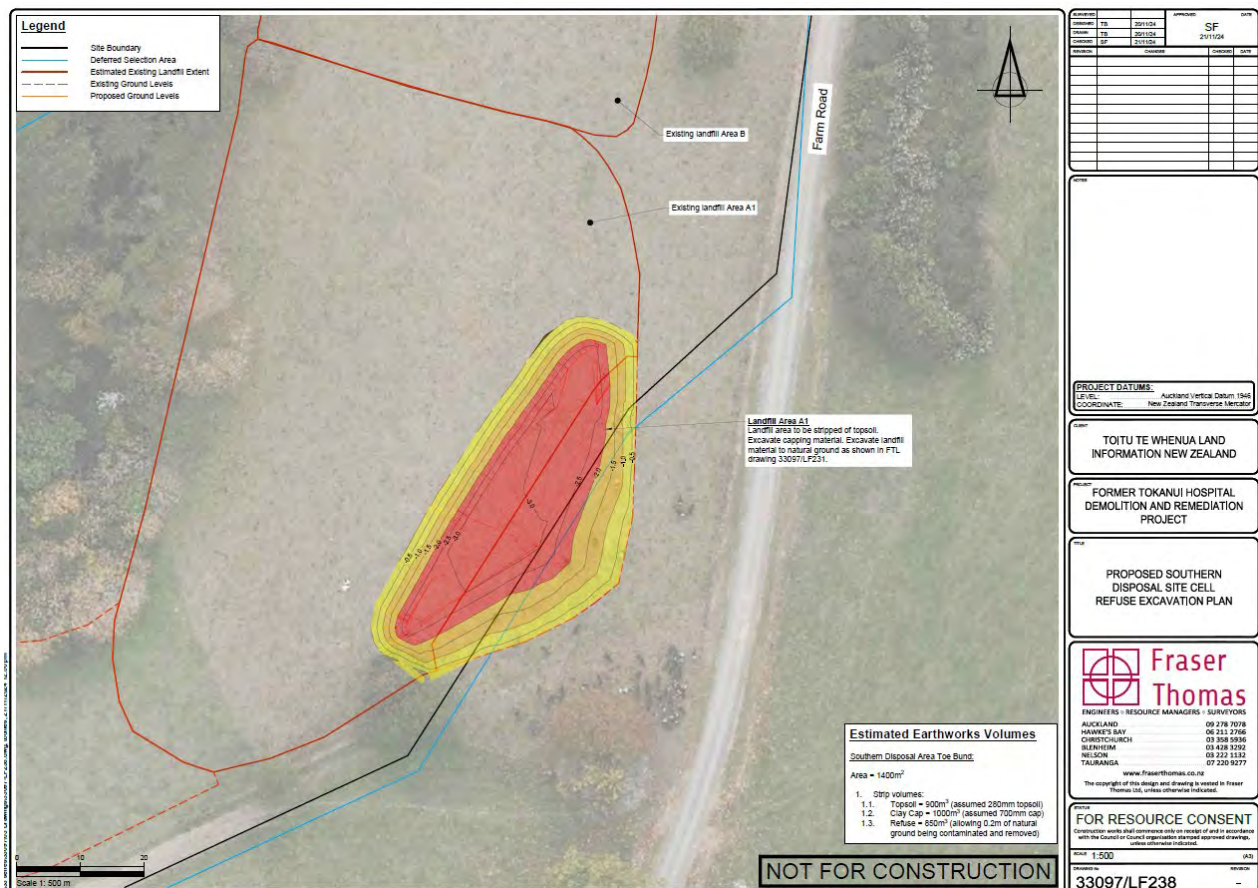


Figure 13: Proposed Southern Disposal Site Cell – Refuse Excavation Plan

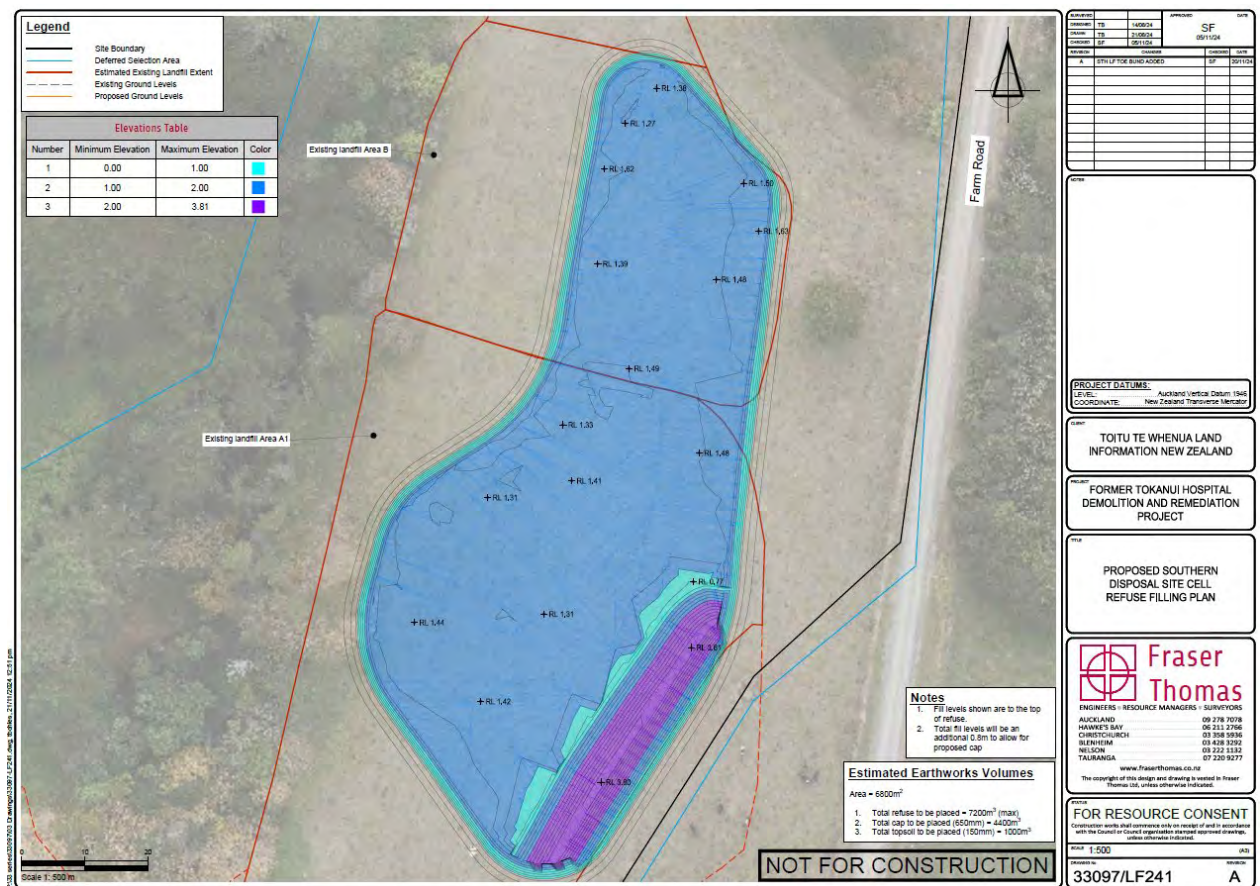


Figure 14: Proposed Southern Disposal Site Cell – Refuse Filling Plan

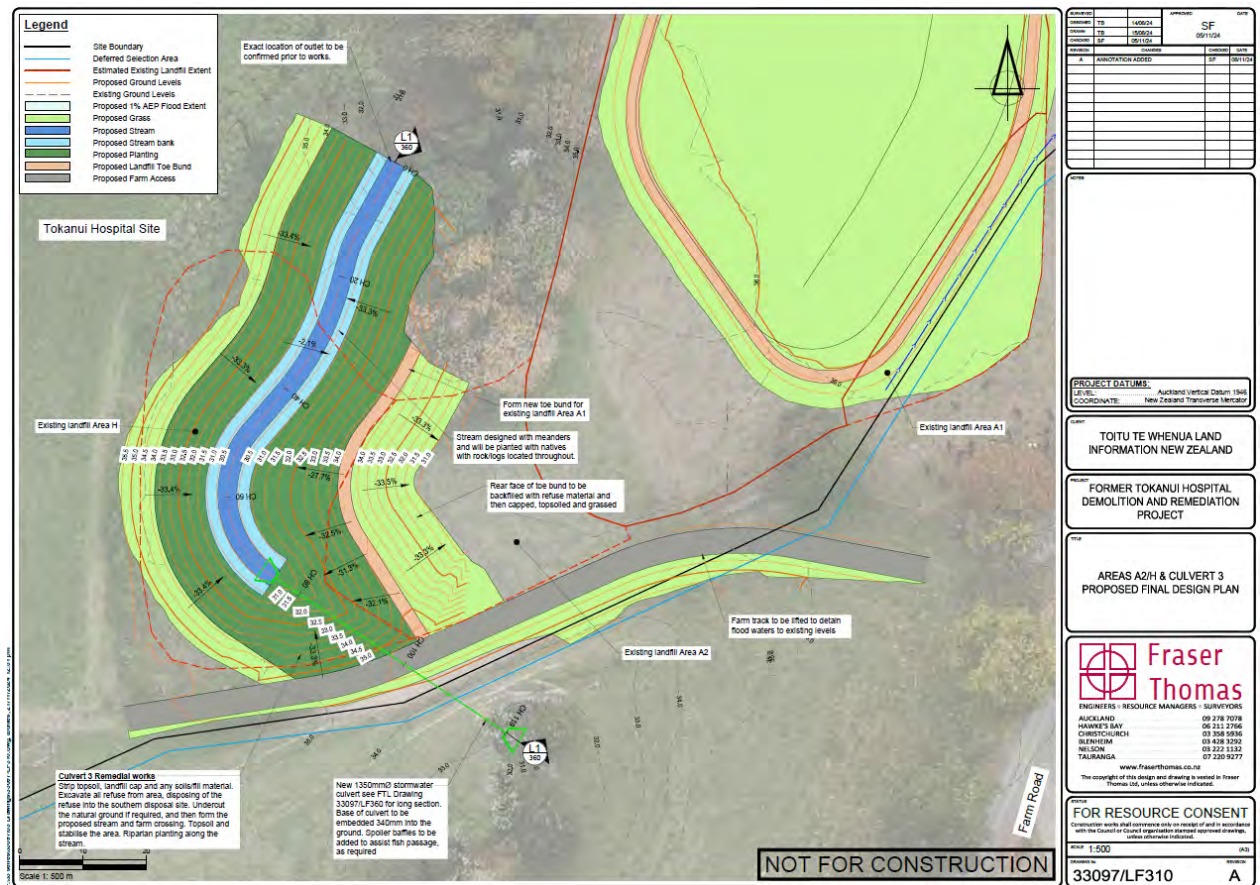


Figure 15: Areas A2H & Culvert 3 – Proposed Final Design Plan

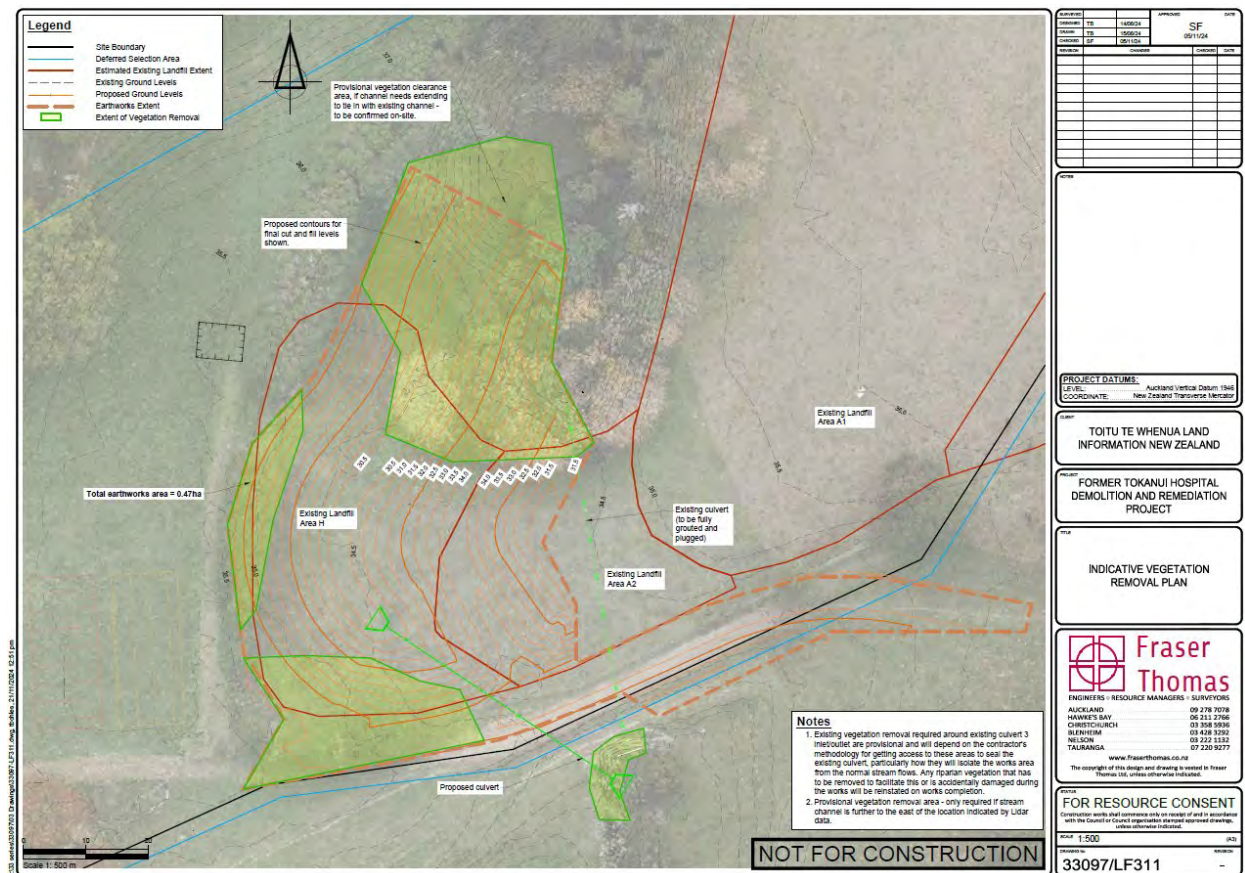


Figure 16: Indicative Vegetation Removal Plan

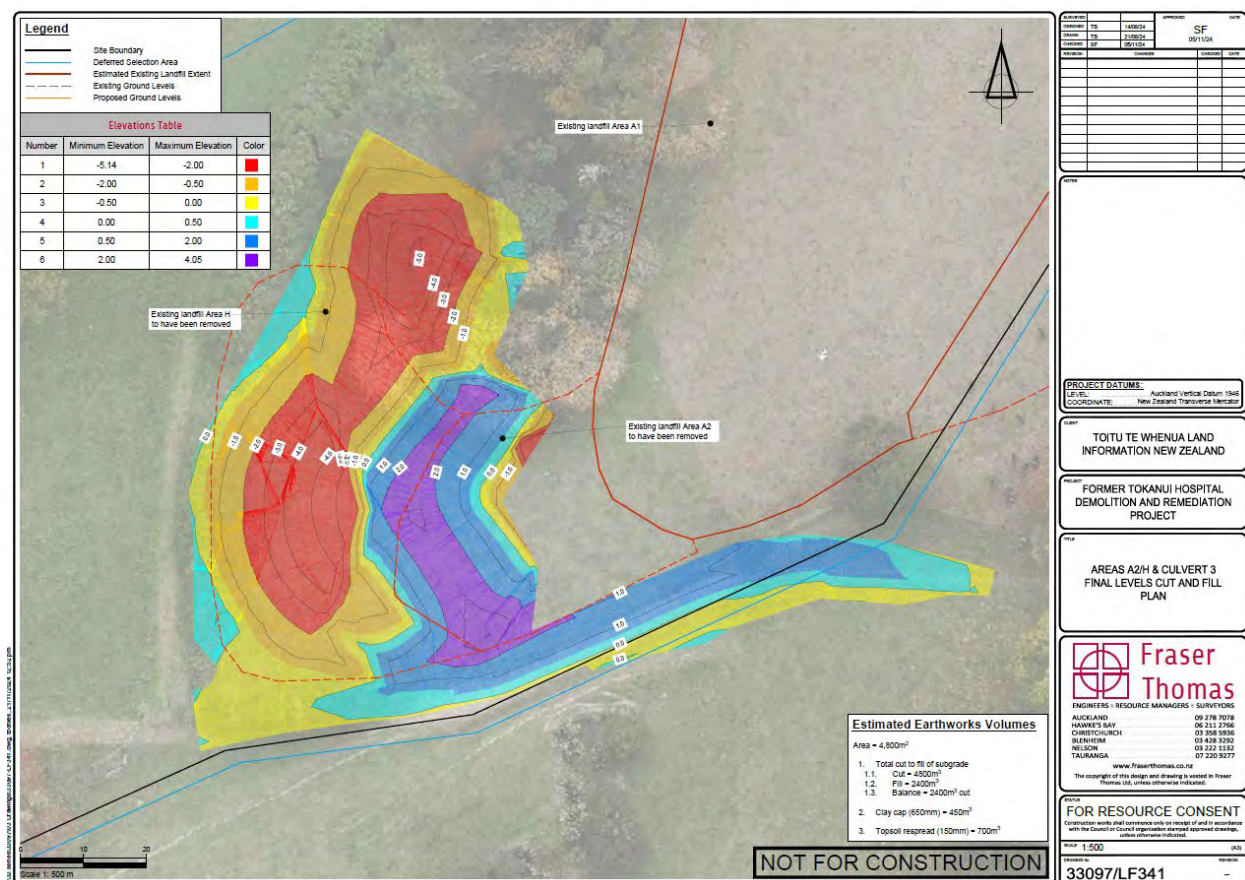


Figure 17: Areas A2H & Culvert 3 – Final Levels Cut and Fill Plan

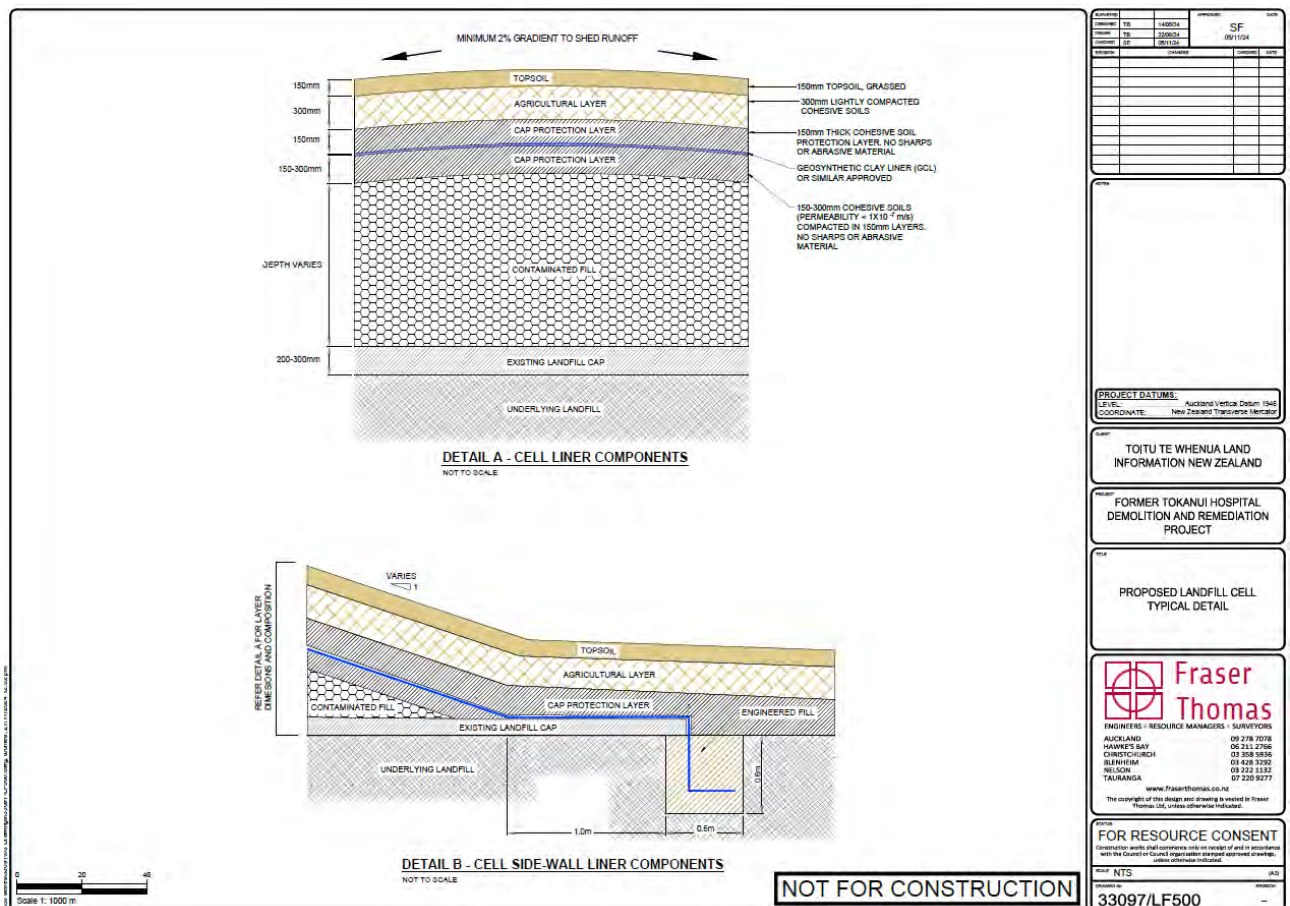


Figure 18: Proposed Landfill Cell – Typical Detail

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:
 - a) 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.
 - b) 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.
 - c) 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

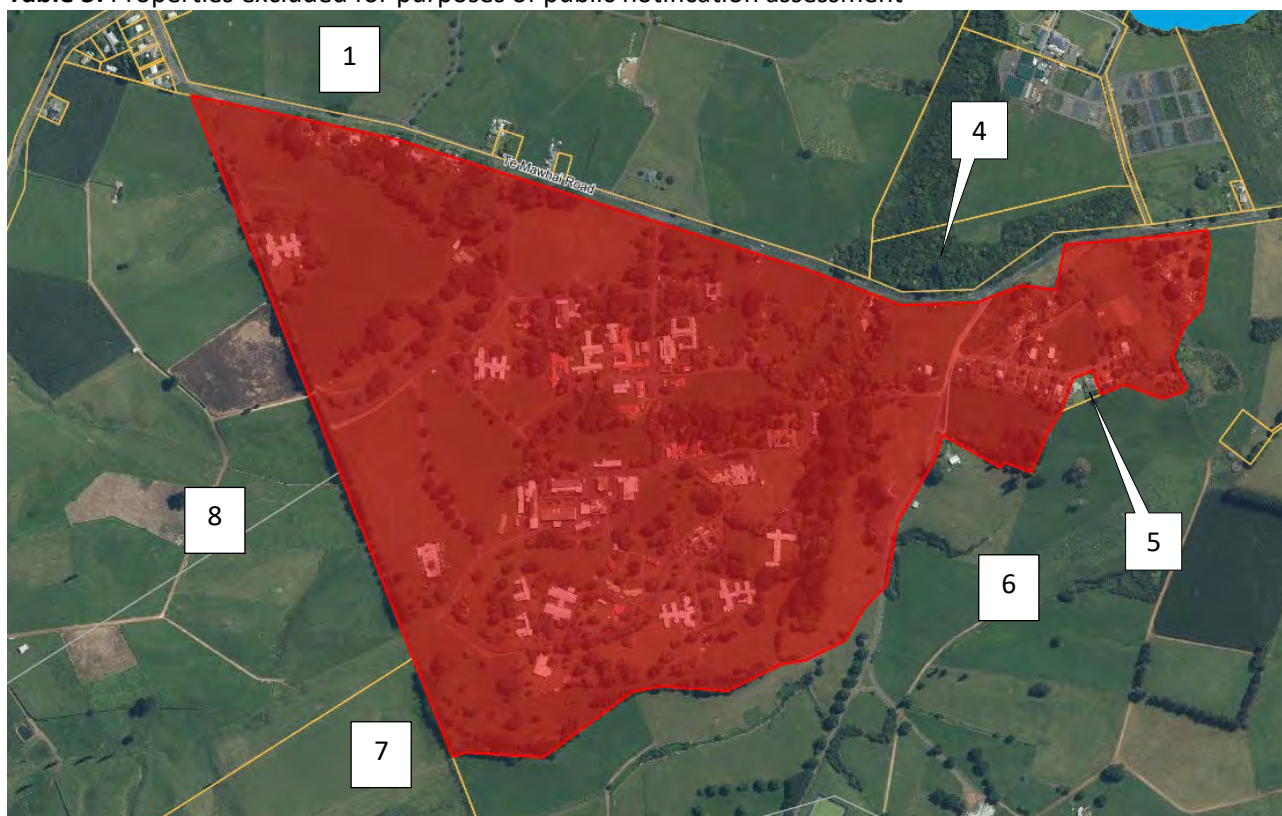


Figure 19: Adjacent properties map (Subject site highlighted in red)

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

Appendix 3

Summary of Submissions and Copy of Submissions

Summary of Submissions

Submitter name	Support /Oppose /Neutral	Wish to be heard?	Summary	Relief Sought
Te Nehenehenui Trust	Oppose	No	- Long term monitoring data appears to show that boron is leaching from the landfill. - Agree the contaminated material can be disposed of onsite in the knowledge that the landfill will be remediated and managed in perpetuity. - Disagree and rely on consent conditions and monitoring of an un-remediated legacy landfill. - If the material is transported offsite, the environment could be adversely affected over the longer term by the effects of the legacy landfill. If the material remains on site, this is reasonably offensive to mana whenua's values but there are net gains for the environment. This is not an easy decision as the application appears to force a conflict between cultural integrity and environmental risk. No option is without harm, but the harms differ in kind.	TNN would like Waipā District to consider a negotiated, mitigated option: - The landfill upgrade application stands, and remediation is undertaken. - Agreed low-level contaminated waste can be disposed of onsite. - Long-term monitoring is agreed. - Offsite disposal is used only for the most offensive material. Consider that a compromise can be achieved.
Albert Gordon Thomson Ngati Huiao, Ngati Hgutu and Ngati Paia	Oppose	Yes	Cultural Concerns: - Concern with the Cultural Impact Assessment - Lack of recognition and suitable provision for kaitiaki monitoring in regard to mana whenua relationship with whenua, awa, wahi tapu and taonga - Cultural and spiritual significance of the Whare Korino Stream which needs to be upheld and maintained; Environmental Impacts: - Flooding of Whare Korino Stream in relation to downstream of site	Pause or defer the hearing of this consent application

Submitter name	Support /Oppose /Neutral	Wish to be heard?	Summary	Relief Sought
			- Leaching from landfill near Culvert 3 - Truck movements - Demolition noise and traffic - Impact of works on people and farming operations - Dust and potential contaminants getting airborne	
Sam Roa Hapu Affiliations: Ngati Ngutu, Ngāti Huiao, Ngati Inurangi, Ngati Paia, Ngāti Paretekawa, Ngāti Rahurahu, Ngāti Tuwhakataha, Ngati Taohua Tupuna: Pokuru1B (Original Owner) Te Muraahi Niketi, Rangi Muraahi, Tikiwhenua Muraahi, Wahirangi Muraahi, Mangu Muraahi. Tokanui 1B (Pukekawakawa Original Owner): TeKohika Raureti, Rihi TeKohika, TeMuraahi Niketi, Rangi Muraahi, Tikiwhenua Muraahi, Wahirangi Muraahi, Mangu Muraahi Hapimana Mokau, Poipoi Hapimana Rihi Hapimana, Mokau	Oppose	Yes	- Cultural and environmental impacts on the taiao surrounding Wharekōrino Stream - Engagement, consultation and ongoing involvement with Ahi kāroa, mana whenua, and their expert cultural advisors, from both sides of the Wharekōrino. - Transfer of contamination from Pokuru to Tokanui and use of landfill	- Consent application be terminated in its current form. - That this proposal and any future proposals must be developed in full partnership with mana whenua, by engaging directly and meaningfully with a representative rūpu of cultural experts from the hapū listed in submission.

Submitter name	Support /Oppose /Neutral	Wish to be heard?	Summary	Relief Sought
Hapimana, Te Ngare TeKohika. Marae affiliation - Mangatoatoa Marae				
Yvonne Waho Ngāti Paretekawa and Mangatoatoa Marae	Oppose	Yes	Cultural Concerns - The Cultural Impact Assessment (CIA) recommendations have not been incorporated into the application - The role of mana whenua as kaitiaki Environmental Concerns - Contaminants entering groundwater and surface water - Erosion, sedimentation, and habitat loss - Long-term disruption to the hydrological system - Loss of biodiversity Contemporary Concerns - Lacks alignment with Te Mana o te Wai, the Resource Management Act, and meaningful engagement - CIA has not been actioned - Mana whenua exclusion from genuine decision-making and restoration planning	- Pause or decline all consent applications - Implement the CIA recommendation to remove all waste from the site and prohibit continued landfill activity. - Require a new, co-designed remediation plan led by mana whenua that aligns with tikanga, Te Mana o te Wai, and a long-term ecological restoration plan. - Establish a newly elected Mana Whenua Kaitiaki Roopū with legal standing and resourcing to monitor, review, and guide any future works. - Mandate a 35-year cultural and environmental monitoring programme, including groundwater testing, stream health assessments, and cultural indicators reviewed by mana whenua driven expert advisors. - Require full restoration of the Wharekorino Stream
Nigel Ngahiwi Ngāti Pare-te-Kawa	Oppose		Cultural Significance of Wharekōrino Stream - stream is a taonga, and its mauri must be protected Cultural Impacts of the Proposed Works - Disruption to the Natural Flow of the Awa - Threat to the spiritual, cultural, and ecological integrity of Wharekōrino Stream	- The immediate halt of the resource consent process until full and inclusive engagement with all mana whenua has been carried out. - A revised and transparently co-designed Plan, developed with input from all hapū who hold whakapapa and ahi kaa rights in the area. - Restoration approaches that are tikanga-based, hapū-led, and consistent with Te Mana o te Wai.

Submitter name	Support /Oppose /Neutral	Wish to be heard?	Summary	Relief Sought
			- Failure to prioritise the wellbeing of freshwater bodies as required under Te Mana o te Wai - Exclusion of Mana Whenua and Decision-Making	Recognition of the spiritual and cultural importance of Wharekōrino Stream, not merely its ecological or utilitarian function.
Niketi Toataua Ngāti Rahurahu and Ngāti Manga	Oppose	Yes	- Lack of Engagement and Consultation - Impact on Known and Recorded Sites of Significance - Environmental Aspects Lack Proper Assessment - Council Reports Lack Evidence of Protection or Sustainable Practices	Council declines this application unless and until: - Full and transparent consultation has taken place, - Independent environmental and cultural assessments are conducted, - Adequate mitigation or protection measures are included in line with the RMA and Te Mana o te Wai principles, - And the project can demonstrate sustainable, evidence-based practices that safeguard the affected environment and cultural sites.

Waipa District Council
Private Bag 2402
Te Awamutu 3840
submissions@waipadc.govt.nz

23 June 2025

CC Toitū Te Whenua Land Information New Zealand
bdaly@linz.govt.nz

SUBMISSION ON LU/0231/24 & LU/0232/24 - Toitū Te Whenua Land Information New Zealand (LINZ)

Te Nehenehenui thanks Waipa District Council for the comprehensive notification reports which have greatly assisted with the interpretation of these applications.

This submission relates to the applications by Toitū Te Whenua Land Information New Zealand (LINZ) as listed below, to remove underground infrastructure and remediate the 79 hectare former Tokanui Psychiatric Hospital site at 149 Te Mawhai Road, Tokanui:

- Undertake the below ground works for the remediation of the former Tokanui Hospital Site; and
- For the temporary opening, use and closing of a closed landfill to dispose of medium to low level contaminated soil under the Waipa District Plan; and
- Soil disturbance and change of use under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Role of Te Nehenehenui

Te Nehenehenui is the post-settlement governance entity under the Maniapoto Claims Settlement Act 2022, which represents and acts on behalf of Maniapoto (inclusive of all within Te Nehenehenui). Te Nehenehenui acknowledges its partnership with Waipa District Council under the Ngā Wai ō Maniapoto (Waipā River Act) 2012 and Maniapoto Claims Settlement Act 2022 Joint Management Agreement. Te Nehenehenui is responsible for ensuring that all resource consent applications within the rohe are consistent with the Maniapoto Environmental Management Plan.

Submission details

1. Te Nehenehenui **could not** gain an advantage in trade competition through this submission.
2. Te Nehenehenui **supports** LU/0231/24 and **opposes in part** LU/0232/24.
3. TNN **does not** wish to be heard in support of this submission.

Technical submission points

Te Nehenehenui (TNN) has reviewed the application, associated appendices and the further information provided, and wishes to submit on the following matters:

Cultural Impact Assessment

1. TNN wishes to acknowledge the extensive iwi consultation that has been undertaken over a number of years and the Cultural Impact Assessment prepared by mana whenua, which should help guide the way forward on this project.

Remediation Application LU/0231/24

2. TNN is supportive of the key elements of the site remediation works being:
 - Partial removal of horizontal infrastructure across the site, including underground services up to 800mm below ground level and manholes to a depth of 1,000mm below ground level, roads and paved areas (including coal tar roading materials).
 - Soil remediation which will ensure the majority of the site will meet the site specific rural residential standards.
 - Removal of the foundations of 84 buildings/structures.
 - Reinstatement of the site following earthworks, so that it is free of any debris and stabilised by grassing.

Ongoing monitoring (Maniapoto Settlement Claims Act 2022)

3. The AEE describes the works required under the Property Redress Schedule of the Deed which requires the Crown to demolish buildings and infrastructure and remediate soil contamination to agreed standards before offering the site back to TNN. In particular, the Deed requires the Crown to maintain valid land use resource consents and liability for existing closed disposal sites at all times and in perpetuity. While the Crown has no commitment to carry out remedial works on these sites, it must comply with resource consent conditions. For this reason, TNN requests that both Waipa District Council and WRC carefully consider the monitoring requirements associated with these sites to ensure that any legacy contamination issues associated with leachate, subsidence or similar, are quickly identified and addressed. We are supportive of the ability to undertake cultural monitoring of the site and for mana whenua to be present during critical phases of the project.

Landfill Upgrade Application LU/0232/24

4. LINZ is seeking a discrete package of works to the closed landfill on the eastern portion of the site, referred to as the landfill upgrade application. The applicant's preferred option is for the disposal of contaminated soil from the main hospital site is to utilise this existing landfill and undertake enhancement works to the landfill at the same time. However, LINZ also has the option of disposing of the contaminated soil at an approved

facility offsite, therefore the wider application does not rely on the landfill upgrade application.

5. Noting that long term monitoring data appears to show that boron is leaching from the landfill, this puts TNN in a rather untenable position. Agree the contaminated material can be disposed of onsite in the knowledge that the landfill will be remediated and managed in perpetuity. Disagree and rely on consent conditions and monitoring of an un-remediated legacy landfill. This is a zero-sum game. If the material is transported offsite, the environment could be adversely affected over the longer term by the effects of the legacy landfill. If the material remains on site, this is reasonably offensive to mana whenua's values but there are net gains for the environment. This is not an easy decision as the application appears to force a conflict between cultural integrity and environmental risk. No option is without harm, but the harms differ in kind.
6. Instead, TNN would like Waipa District to consider a negotiated, mitigated option:
 - The landfill upgrade application stands, and remediation is undertaken.
 - Agreed low-level contaminated waste can be disposed of onsite.
 - long-term monitoring is agreed.
 - Offsite disposal is used only for the most offensive material.

In respect of LU/0232/24, we do consider that a compromise can be achieved. The applicant has gathered a huge amount of background information which will be helpful for further discussions. Te Nehenehenui is willing to work with the applicant in advance of a hearing (should a hearing be required, noting we do not wish to be heard) and/or to provide input on draft conditions.

Nāku noa, nā



Sam Mikaere
Group CEO
Te Nehenehenui

SUBMITTER INFORMATION

Name: Samuel Mikaere

Organisation: Te Nehenehenui

Address: PO Box 36, Te Kūiti 3910

Email: Sam@tnn.co.nz

Phone: 078786234

Contact: Tramaine Murray, Settlement Protection, Rights and Interests Manager

Email: Tramaine.murray@tnn.co.nz

Submission on Resource Consent Application

APP146952

IRIS Document No. 87992

File No60 56 12A

To: Waikato Regional Council/Waipā District Council

**Re: Subission on Resource Consent Application
LU/0231/24,LU/0232/24**

Submitter: Albert Gordon Thomson

Afflication Ngāti Huia, Ngāti Ngutu, Ngāti Paia

Contact:



Email:



Trade competitor: No

Attendance at court hearing : Yes I wish to speak in support of my submissions

Introduction:

My name is Albert Gordon Thomson (Gordon) a descendant of Ngāti Huia, Ngāti Hgutu and Ngāti Paia. I am also a Trustee for the (Wipaea) Manu Te Haate Whanau Trust; the Governance, Administrative and Finantual entry for the Te Haate Whanau and Ngāti Paia.

Our principle business is farming, located to the northside of Tokanui Hospital site, separated by the Tokanui Road.

Cultural Impacts:

1.Cultural impact assessment was completed on December 2021 for LINZ by TAR Block Ltd.on behalf TAR(Tokanui Action Roopu) Hapu, claimant land group representatives.

2. Mana Whenua have a special relationship with our Whenua, Awa, Waahi Tapu and Taonga. Recognition of these Tohu and suitable provision for Kaitiaki monitoring and oversight should be considered.

3. The Whare Korino stream has great cultural and spiritual significance to Mana Whenua which needs to be upheld and maintained.

Environmental Impact:

1. The Whare Korino stream is prone to flooding, when it floods it will flood approximately 5 acres of our lands on the westside before reaching the Punia. The silt and other possible contaminants and debris renders this poor grazing land.

2. Culvert 3 is now located at the bottom of the largest dump site. Here rubbish was burned and later trucks loaded with coal ash and slag from the boilers from Tokanui Hospital, would be tipped over the burnt rubbish. Potentially may lead to leaching from the dump.

3. Truck movements from the Hospital site will have an impact on our people and the farm.

4. Noise of demolition work and truck movements will be significant with only 3 exit routes from the hospital site.

5. With the share volume of truck movements required to remove the demolition waste, will have a significant impact on our people and ongoing farming operations.

6. Dust raised due to demolition activities with the potential of asbestos fibers and other potential contaminants becoming airborne, may pose health concerns.

Public Works Acts:

Public Works Act 1910 Handback

Public Works Act 1986 Offer back

SOE State Owned Enterprise Act 1986

CHE Crown Health Enterprise Act 1992-2019

Relief Sought:

1. Pause or defer the hearing of this consent application:
2. The time line from application 19.11.24 to 13.6.25 I feel was a relatively quick process and caught us by surprise.
3. Mana Whenua have been left out of any real involvement in decision making of any consequence.
4. Duality of processes.
5. Our people have never had any leaflet drops/notification of any likely works occurring in the area that may impact/affect them.

Your

Albert Gordon Thomson

Submission by:

Samuel Roa

Ngāti Rahurahu

Submission on Resource Consent Application – **APP146952**

IRIS Document No: **87992**

File No: **60 56 12A**

Consent Status: I strongly **oppose** this resource consent application.

Whakapapa Connection / Introduction:

Ko wai au – I am a **descendant of the whenua and taiao** surrounding Wharekōrino Stream.

My **whakapapa connects me** to this place through my tūpuna and through my hapū, which include:

Hapu Affiliations:

Ngati Ngutu,

Ngāti Huiao,

Ngati Inurangi,

Ngati Paia

Ngāti Paretekawa,

Ngāti Rahurahu,

Ngāti Tuwhakataha,

Ngati Taohua

Tupuna:

Pokuru1B (Original Owner)

Te Muraahi Niketi,

Rangi Muraahi,

Tikiwhenua Muraahi,

Wahirangi Muraahi,

Mangu Muraahi.

Tokanui 1B (Pukekawakawa Original Owner)

TeKohika Raureti,
Rihi TeKohika,
TeMuraahi Niketi,
Rangi Muraahi,
Tikiwhenua Muraahi,
Wahirangi Muraahi,
Mangu Muraahi
Hapimana Mokau
Poipoi Hapimana
Rihi Hapimana,
Mokau Hapimana,
Te Ngare TeKohika.

Marae affiliation-

Mangatoatoa Marae

As a member of these whānau and hapū collective, I carry kaitiaki responsibilities to protect the mauri of our airways, whenua and awa.

Reasons for Opposition:

- The proposed remedial works will have significant cultural and environmental impacts on the taiao surrounding Wharekōrino Stream.
- There has been clear lack of engagement and consultation with Ahi kāroa, mana whenua, and their expert cultural advisors, from both sides of the Wharekōrino.
- The disposal option chosen by LINZ, has been revealed at the end of the project and Ahi kāroa were not effectively engaged.
- The transfer of contamination from Pokuru to Tokanui and then offer it back is wrong on all levels.
- The current proposal fails to recognise and uphold the roles and views of Ahi Kāroa, mana whenua, as kaitiaki, and their right to be involved in decisions affecting ancestral airways, lands and waterways.

- Ahi kāroa mana whenua have been very clear and consistent with their view from the beginning back in 1993, 'Take everything above the ground and below the ground'. This means horizontal and vertical, Disposal pits and all Contamination above the ground and below, in the air and the waterways.
- LINZ consistent failure to engage with Ahi Kāroa, Mana whenua, has caused more damage to the relationships between Crown and Government agencies causing more distrust towards the process.

Relief Sought / Recommendation:

- That this resource consent application be terminated in its current form.
- That this proposal and any future proposals must be developed in full partnership with mana whenua, by engaging directly and meaningfully with a representative rūpu of cultural experts from the hapū listed above.

Ngā mihi,

Samuel Roa



Ngati Rahurahu

Submission on Resource Consent Application

Under the Resource Management Act 1991 - **APP146952**

IRIS Document No: 87992

File No: 60 56 12A

1. Submitter details

Full name of submitter: Yvonne Waho

Contact phone number(s): [REDACTED]

Email address: [REDACTED]

Ko Kakepuku te Maunga

Ko Waikato, Ko Waipa, Ko Puniu, Ko Wharekōrino ngā Awa

Ko Kawhia te Moana

Ko Tainui te Waka

Ko Ngāti Paretekawa te hapū

Ko Ngāti Maniapoto te iwi

Ko Mangatoatoa te Marae

He uri ahau nō Te Muraahi Niketi

2. This is a submission on application: **APP146952**

Applicant: Toitū Te Whenua Land Information New Zealand

Address: Te Mawhai Road, Tokanui

Activity Description:

- Undertake below ground works for the remediation of the former Tokanui Hospital site;
 - Temporary opening, use, and closure of a closed landfill to dispose of medium to low level contaminated soil under the Waipa District Plan; and
 - Soil disturbance and change of use under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
-

3. Trade Completion

I am directly affected by an effect of the subject matter that –

- (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition
-

4. Attendance at Council Hearing

I do wish to be heard (attend and speak at the Council hearing) in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at the hearing: **Yes**

5. The specific parts of the application that my submission relates to are:

This submission specifically relates to the suite of applications referenced as **AUTH146952.01.01 – AUTH146952.09.01**, including:

- Earthworks and cleanfill activities (AUTH146952.01.01, .06.01)
 - Temporary and permanent groundwater and surface water diversion (AUTH146952.02.01, .03.01, .08.01, .09.01)
 - Culvert installation and stream bed disturbance (AUTH146952.03.01, .07.01, .09.01)
 - Discharge of stormwater and leachate (AUTH146952.04.01, .05.01)
-

6. My submission is:

- ☐ In support
 - ☒ **Opposed**
 - ☐ Neutral
-

The reasons for my submission are:

Cultural Concerns:

- The affected area includes culturally significant whenua and awa, particularly the **Wharekorino Stream**, which holds whakapapa and spiritual significance for mana whenua. The area is identified as a “Potential Significant Natural Area” in the Waipā District Plan Appeals Version (2014) - Source: [Wharekorino](#)

- The **Cultural Impact Assessment (CIA)** recommendations have not been incorporated into the application. See: [CIA](#) (Page 14-15, Page 42-55, Page 58-59)
- Stream diversion and landfill activity **breach tikanga Māori** and disregard the status of water and whenua as a living ancestor.
- The role of mana whenua as kaitiaki and Treaty partners has been sidelined, despite their right to **lead restoration and protection** of their ancestral lands.

Environmental Concerns:

- Risk of **contaminants entering groundwater and surface water** via leachate discharge (AUTH146952.05.01).
- **Erosion, sedimentation, and habitat loss** from earthworks and cleanfill (AUTH146952.01.01, .06.01).
- **Long-term disruption to the hydrological system**, including the Wharekorino Stream, wetlands, and aquifers (AUTH146952.02.01, .08.01, .09.01).
- **Loss of biodiversity** and pollution of taonga species and ecosystems.

Contemporary Concerns:

- The project lacks alignment with **Te Mana o te Wai**, the **Resource Management Act**, and **meaningful engagement**.
- The **CIA has not been actioned**, and no cultural or environmental monitoring framework has been established or implemented.
- Mana whenua will continue to bear the long-term cultural and environmental impacts of this project, yet we have been excluded from genuine decision-making and restoration planning.

7. I seek the following decision from the consent authority:

I respectfully request that the council:

1. **Pause or decline all consent applications AUTH146952.01.01 to AUTH146952.09.01** in their current form until you have engaged mana whenua and
2. **Implement the CIA recommendation to remove all waste from the site** and prohibit continued landfill activity.

3. **Require a new, co-designed remediation plan** led by mana whenua that aligns with tikanga, Te Mana o te Wai, and a long-term ecological restoration plan.
4. Establish a newly elected **Mana Whenua Kaitiaki Roopū** with legal standing and resourcing to monitor, review, and guide any future works.
5. Mandate a **35-year cultural and environmental monitoring programme**, including groundwater testing, stream health assessments, and cultural indicators reviewed by mana whenua driven expert advisors.
6. Require **full restoration of the Wharekorino Stream**, avoiding any permanent diversions or culverts unless culturally approved. Any proposed modifications must align with *Te Mana o te Wai* and existing water restoration plans, with a clear implementation strategy to uphold these principles.

I wish to engage and/or be heard at a hearing: ☒ Yes ☐ No

Signature:

Yvonne Waho

Affiliation: Ngāti Paretekawa and Mangatoatoa Marae

Date: 30th July 2025

From: Nigel Ngahiwi

Date: 7 July 2025

**RE: Opposition to Proposed Remedial Works Impacting Wharekōrino Stream
(APP146952 - IRIS Document No: 87992 - File No: 60 56 12A)**

Tēnā koutou,

I write to strongly oppose the proposed remedial works outlined in the resource consents affecting Wharekōrino Stream, a culturally and spiritually significant tributary of Te Awa o Pūniu. These works pose substantial risks to our taonga wai and directly contravene Te Mana o te Wai and the rights, responsibilities, and kaitiakitanga of mana whenua.

1. Cultural Significance of Wharekōrino Stream

Wharekōrino Stream is a living ancestral waterway, with profound significance to local hapū as a source of identity, spiritual wellbeing, and intergenerational connection. It has long been used for mahinga kai, cleansing rituals, and other tikanga Māori practices. It connects the whenua and the people, and any harm to it reverberates across all aspects of community life.

The stream is a taonga, and its mauri must be protected. Our hapū have engaged in decades of environmental care, including native riparian planting, restoration efforts, and cultural revitalisation projects. These activities honour the obligations of kaitiakitanga and manaakitanga, and Wharekōrino Stream is at the heart of this living relationship.

2. Cultural Impacts of the Proposed Works

The proposed works pose a number of unacceptable cultural impacts:

- **Disruption to the Natural Flow of the Awa:** Earthworks, culvert removals and installations, stream diversions, and discharges risk disrupting the natural flow of the awa and may increase the risk of flooding, both upstream and downstream.
- **Compromising the Mauri of Wharekōrino Stream:** The alteration of the stream's flow, the discharge of stormwater and leachate, and the disturbance of groundwater threaten the spiritual, cultural, and ecological integrity of this taonga.
- **Te Mana o te Wai Violations:** The proposal fails to prioritise the wellbeing of freshwater bodies as required under Te Mana o te Wai. This undermines tikanga-based water governance, kaitiakitanga, and community-led freshwater restoration.
- **Exclusion of Mana Whenua and Decision-Making:** While a Cultural Impact Assessment (CIA) was completed, we are seriously concerned about the lack of

clear, inclusive mana whenua engagement. The process appears to have been limited to a narrow group selected through the settlement process, excluding many legitimate hapū and whānau with ahi kaa and ancestral ties to the area. This exclusion breaches the principles of Te Tiriti o Waitangi and fails the test of genuine partnership and co-governance.

3. Legal and Policy Failures

The proposed actions contravene:

- **Te Mana o te Wai**, which requires the protection of the mauri of water above all other considerations.
- **Te Tiriti o Waitangi**, through exclusionary consultation processes and failure to uphold partnership, protection, and participation.
- **The Resource Management Act**, which demands recognition of Māori values and active protection of taonga.
- **The National Policy Statement for Freshwater Management**, which places cultural wellbeing and tangata whenua values at the forefront of freshwater decisions.

4. Recommendations

We call for:

- The immediate halt of the resource consent process until full and inclusive engagement with all mana whenua has been carried out.
- A revised and transparently co-designed Plan, developed with input from all hapū who hold whakapapa and ahi kaa rights in the area.
- Restoration approaches that are tikanga-based, hapū-led, and consistent with Te Mana o te Wai.
- Recognition of the spiritual and cultural importance of Wharekōrino Stream, not merely its ecological or utilitarian function.

Conclusion

The proposed remedial actions risk permanently damaging a taonga that is essential to the identity and wellbeing of hapū, whānau and future generations. Wharekōrino Stream is not

just a waterway—it is a living ancestor. No action should proceed without the full and meaningful involvement of all mana whenua with a direct connection to this place.

Nāku noa, nā

Nigel Ngahiwi

Ngāti Pare-te-Kawa

Email: [REDACTED]

Phone: [REDACTED]

Submission in Opposition to the Proposed Resource Consent for Remedial Works

From: Niketi Toataua

Affiliations: Ngāti Rahurahu, Ngāti Manga

Role: Mana Whenua Representative

Date: 23 July 2025

Submission on Resource Consent Application – **APP146952**

IRIS Document No: **87992**

File No: **60 56 12A**

I wish to formally oppose the resource consent application for the proposed remedial work on the basis of several critical shortcomings:

1. Lack of Engagement and Consultation:

- o There has been insufficient or non-existent consultation with affected communities, stakeholders, and mana whenua, particularly in relation to sites of cultural, historical, and environmental significance.
- o Genuine and early engagement is a core requirement under the Resource Management Act (RMA) and council best-practice guidelines. This has not been demonstrated in the current application.

2. Impact on Known and Recorded Sites of Significance:

- o The proposed work will directly impact known and recorded sites of significance.
- o There has been no transparent or adequate process for identifying, protecting, or mitigating the effects on these sites, which contravenes the principles of sustainable management.

3. Environmental Aspects Lack Proper Assessment:

- o The application fails to include comprehensive environmental impact assessments, as required by local and national policy frameworks.
- o No clear remediation or protection measures are outlined, and the proposed methods do not reflect best-practice sustainability or ecological management.

4. Council Reports Lack Evidence of Protection or Sustainable Practices:
- o The documentation provided lacks any verifiable evidence of sustainable practices, impact monitoring, or post-project ecological restoration.
 - o This raises serious concerns about the project's long-term effects on the environment and community values.

Closing Statement:

I respectfully request that the council decline this application unless and until:

- Full and transparent consultation has taken place,
- Independent environmental and cultural assessments are conducted,
- Adequate mitigation or protection measures are included in line with the RMA and Te Mana o te Wai principles,
- And the project can demonstrate sustainable, evidence-based practices that safeguard the affected environment and cultural sites.

Ngā mihi,

Niketi Toataua

On behalf of Ngāti Rahurahu and Ngāti Manga

Appendix 4

Addendum to Application from SLR Consulting New Zealand, dated 27 August 2025

Appendix 5

Draft Consent Conditions for Use of Landfill under District Plan

Draft Conditions of Consent

Activity: 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

General

- 1 The proposal must proceed in general accordance with the information submitted with the application on 22 November 2024, and further information submitted in response to the Section 92 request, except where another condition of this consent must be complied with. This information is entered into council records as LU/0232/24. A copy of the approved plan/s is attached.

Monitoring

- 2 The consent holder must notify the Waipā District Council enforcement team in writing prior to the commencement of activities associated with this consent.

Note: This advice should be emailed to: consentmonitoring@waipadc.govt.nz.

Construction Management Plan

- 3 The Consent Holder must submit to Waipā District Council's Development Engineering Team Leader for certification a final Construction Management Plan ('CMP'), at least twenty (20) working days prior to the commencement of works authorised by this consent. The content must be in general accordance with the Landfill Repair and Upgrade Works Report (ref 33097), prepared by Fraser Thomas Ltd, dated November 2024 and prepared by a suitably qualified and experienced practitioner.
 - a) Objectives: The objectives of the CMP are to:
 - i) Provide relevant background information on the Site and the nature of the proposed Landfill Upgrade and Repair works;
 - ii) Describe the proposed upgrade and repair works scope
 - iii) Set out the requirements contractors need to follow in relation to the specified works in order to avoid, remedy or mitigate environmental effects.
 - b) Requirements: The CMP must include (but not be limited to):
 - i) The following management plans:
 - Asbestos Removal Control Plan;
 - A Contaminated Site Management Plan (CSMP) and Remedial Action Plan in accordance with CLMG.1 guidelines, including (but not limited

to): Management of risks to human health during contaminated land disturbance; Site validation testing requirements for Areas where refuse has been entirely removed; Requirements for validation report to confirm the landfill cap thickness and permeability has been achieved as required by condition D1 and D2; Requirements for validation report to confirm the landfill cap and topsoil comply with the site specific remedial standards; and Validation reporting for Area F to confirm removal of medical waste.

- ii) Scope of the landfill upgrade and repair works, including specific procedures for the placement of refuse transferred from one area to another.
 - iii) A description of the known or suspected contamination present;
 - iv) Specific requirements for the works to adhere to, including Relevant standards, codes, regulations and guidelines for contractors; Site supervision and health and safety; Quality assurance/control; Cultural and archaeological requirements, including, but not limited to cultural monitoring and accidental discovery protocol; and Compliance with final consent conditions.
 - v) Communication requirements between contractors and iwi, hapu and neighbours, in accordance with the official communications plan for this project.
 - vi) Requirement for a complaints register to be developed and maintained by the Contractor.
 - vii) Handling procedures for any contaminated material encountered during the activity including recommended personal protective equipment (PPE);
 - viii) Contingency measures to address any unexpected or accidental discoveries of contamination or discharges identified at the site;
 - ix) Environment and site management measures, including in relation to erosion and sediment control; dust; noise and vibration; vegetation removal; temporary storage / stockpiling; and traffic management.
- 4 The CMP must be certified in writing by the Waipā District Council's Consents Team Leader prior to any works authorised by this consent commencing.
- 5 The Consent Holder must operate the site in accordance with the certified CMP. Any changes proposed to the CMP (and/or its contingent parts) must be confirmed in writing by the Consent Holder and the WDC, prior to the implementation of any changes proposed.

Cultural Management and Monitoring Plan

- 6 The Consent Holder must submit to Waipā District Council's Consents Team Leader for certification a Cultural Management and Monitoring Plan ('CMMP'), at least twenty (20) working days prior to the commencement of works authorised by this consent. The CMMP must be prepared in consultation with appropriate representatives from Ngāti Maniapoto, and set out the procedures in respect of:

- a) Cultural induction,
- b) Tikanga (protocols),
- c) Monitoring, recovery and placement of taonga species, and
- d) Accidental discovery protocols of taonga/artefacts and koiwi (as referenced in Condition 7 below).

The CMMP must set out how tangata whenua are to be engaged and consulted with throughout the duration of the remediation works and activities authorised by this consent, including during earthworks and any ecological restoration and enhancement activities.

Archaeology and Accidental Discovery Protocols

- 7 If during construction activities, any Koiwi (skeletal remains) or similar material, taonga (treasured or prized possessions, including Māori artefacts), or archaeological sites are discovered in any area being earth-worked, the consent holder must cease work within a 5m radius of the discovery immediately and contact local iwi, Heritage New Zealand Pouhere Taonga ('HNZPT'), NZ Police and Council's Consents Team Leader. Works may recommence on the written approval of the HNZPT after considering:

- a) Tangata Whenua interests and values;
- b) Protocols agreed upon by Tangata Whenua and the consent holder;
- c) The consent holder's interests;
- d) Any Heritage New Zealand Pouhere Taonga authorisations;
- e) Any archaeological or scientific evidence; and
- f) The assessment of the discovery by the registered archaeologist.

Bat Management Plan

- 8 The Consent Holder must submit to Waipā District Council's Consents Team Leader for certification a Bat Management Plan prepared by a suitably qualified and experienced practitioner at least twenty (20) working days prior to the commencement of works authorised by this consent. The objective of the BMP is to minimise effects on bats

during works authorised by this consent and minimise any permanent effects on bat habitat. To achieve this objective the BMP must provide details of bat management measures, that include:

- a) implementation of tree felling protocols before vegetation with roosting potential is disturbed or removed;
- b) mitigation measures and specific procedures to be employed in the event that active bat roosts are discovered either during pre-construction surveys and monitoring or works authorised by this consent;
- c) procedures to be employed in the event that dead or injured bats are discovered during tree felling; and
- d) mitigation options for effects on bat habitat.

Erosion and Sediment Control Plan

- 9 The Consent Holder must provide Council with a copy of the Erosion and Sediment Control Plan as certified by Waikato Regional Council prior to works commencing.

Pre-Start

- 10 Not less than ten (10) working days prior to the commencement of works that are authorised by this consent, the Consent Holder must hold an on-site pre-start meeting with all relevant parties including Council's Development Engineering Team Leader (or nominee), iwi, and representatives of all contractors who will undertake the works. The meeting must ensure all relevant parties are aware of the conditions of consent and the requirements of each of the certified management plans for the site.

Planting and Maintenance Plan

- 11 In the next planting season following completion of the works authorised by this consent, the Consent Holder must undertake native planting in accordance with the Planting and Maintenance Plan submitted with the application.
- 12 The Consent Holder must undertake ongoing maintenance of planted areas until native cover reaches 90%, in accordance with the Planting and Maintenance Plan.

Earthworks Completion Report

- 13 The Consent Holder must submit an Earthworks Completion Report to Council within three months of earthworks being completed. The Report must be prepared by a suitability qualified geotechnical professional, and cover the following matters:
- a) The location, staging and depths of the respective final cut and fill areas;

- b) The final cover cap depths and materials; and
- c) Confirmation of compliance with relevant standards and technical specifications for the contract work, including any compaction testing and producer statement(s).

Draft Advice Notes

- 1 The application was supported by:
 - a) An Assessment of Environmental Effects prepared by SLR Consulting New Zealand, dated 22 November 2024;
 - b) Landfill Upgrade and Repair Plans prepared by Fraser Thomas Ltd, dated 21 November 2024;
 - c) Existing Disposal Site Repair and Upgrade Works Report prepared by Fraser Thomas Ltd, dated 21 November 2024;
 - d) Intrusive Investigation Report prepared by Fraser Thomas Ltd, dated 28 June 2024;
 - e) Preliminary Site Investigation ('PSI') prepared by GHD Ltd (2023), dated 12 May 2022;
 - f) Draft Erosion and Sediment Control Plan prepared by Fraser Thomas Ltd, dated 21 November 2024;
 - g) Ecological Impact Assessment prepared by SLR Consulting New Zealand dated 19 November 2024;
 - h) An archaeological assessment, prepared by CFG Heritage, dated 22 July 2024;
 - i) An Archaeological Authority under Heritage New Zealand Pouhere Taonga Act 2014: Authority no. 2024/018, dated 14 August 2023;
 - j) Flood Risk Assessment prepared by Fraser Thomas Ltd, dated 1 November 2024;
 - k) Written Approval from AgResearch Limited, dated 12 November 2024;
 - l) A Cultural Impact Assessment, prepared by Kaawhia Te Muraahi and Maria Maniapoto, approved by TAR Block Ltd., dated December 2021;
 - m) Waahi Tapu Investigation and Cultural Induction Summary – Phase 1: Site Investigations, prepared by TAR Block Ltd, dated June 2023;
 - n) Acoustic Assessment prepared by SLR Consulting New Zealand dated 13 November 2024;
 - o) Transportation Assessment prepared by CKL dated 21 August 2024;
 - p) Tokanui Closed Landfill, Wharekōrino Stream & Bore Water Sampling, Water Quality Annual Report 2022 – 2024;
 - q) Draft Aftercare & Monitoring Plan, prepared by Fraser Thomas Ltd, dated 15 November 2024;
 - r) Consent Compliance Report 2012 prepared by Waikato Regional Council, dated 5

March 2013;

- a) Section 92 Request Response prepared by SLR Consulting New Zealand, dated 19 March 2025, including an updated Demolition, Deconstruction and Remediation Management Plan, prepared by Fraser Thomas Ltd, dated 18 March 2025.
 - b) Addendum to Tokanui Consent Applications Culvert & Stream Design and Contaminated Land Update, prepared by SLR Consulting New Zealand, dated 27 August 2025, including updated plans, updated AgResearch written approval, Fish Passage Memo, Fish Passage Evaluation, Additional Structures Memo and Boron Discharge Assessment.
- 2 This consent is granted by the Council subject to the Council's officers and/or agents being permitted access to the property at all reasonable times for the purposes of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
 - 3 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Waipā District Council when monitoring the conditions of this consent.
 - 4 This consent does not absolve any responsibility of the consent holder to comply with the provisions of the Waikato Regional Plan. A copy of any consents approved by the Waikato Regional Council should be supplied to Waipā District Council.
 - 5 The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority has been issued for the site under this Act and this consent does not absolve any responsibility of the consent holder to comply with the provisions of the authority. A copy of any further authorities issued for the site should be supplied to Waipā District Council.
 - 6 All construction noise must be in accordance with NZS6803:1999 Acoustics - Construction Noise.
 - 7 Construction vibration should comply with the limits in Tables 1 and 3 of the German Standard DIN 4150-3:1999 "Structural Vibration – Part 3: Effects of Vibration on Structures.

Appendix 6

Draft Consent Conditions for Site Remediation under NES-CS

Draft Conditions of Consent

Activity: Soil disturbance as a Restricted Discretionary Activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- 1) At least 20 working days prior to any earthworks at the site, the consent holder must submit to Council, for technical review and certification the following management plans:
 - a) Erosion and sediment control plan (ESCP)
 - b) Asbestos removal control plan (ARCP)
 - c) Site management plan (SMP)
 - d) Construction management plan (CMP)

All of the above-listed plans may be incorporated into the CMP or submitted separately.

Any changes to any of the above plans during construction shall be completed in consultation with Council and may be required for re-review and re-certification at Councils discretion.

- 2) A site validation report (SVR) must be provided to WDC's Environmental Health Team Leader for certification within 3 months of completion of the landfill works. The SVR must confirm that remedial objectives and goals for the site have been achieved, or document and justify why they have not been achieved (including records of consultation with WDC regarding these matters, if applicable). The SVR must include, but is not limited to including:
 - a) A summary of all enabling works completed
 - b) A summary of all remedial work undertaken
 - c) Details of all soil samples taken, tabulated analytical results, and interpretation of results
 - d) Details of soil removed from the site for offsite disposal, including volumes, disposal facility, type of waste, and disposal facility receipts/dockets
 - e) Details of locations where soil has been re-used on site
 - f) Details of any unexpected discoveries and any soil sampling undertaken associated with unexpected discoveries
 - g) Details of the validation sampling undertaken and interpretation of the results in the context of the NESCS

- h) Site figures and plans
 - i) Evidence that fill imported to the site is clean fill
 - j) Comment on the general suitability of the site for the future land use
- 3) Should any soil remain on the hospital site with contaminant concentrations above site-specific remediation standards, these soils must be identified in an ongoing site management plan (OSMP). If required, the OSMP must include:
- a) Plans showing the location of the contaminated soil
 - b) A description of the type of contaminated soil and the associated risks
 - c) The concentrations of contaminants in the soil
 - d) Methods for managing risks presented to human health and the environment from the contaminated soils remaining on the site
 - e) Monitoring and maintenance procedures
- 4) Any soil removed from the site must be disposed of at a facility consented to accept the waste.
- 5) The Consent Holder must ensure that any importation of cleanfill from off-site meets the definition of cleanfill as defined by the Waikato Regional Plan. Cleanfill deposition authorised by this consent shall exclude:
- a) Material that has combustible, putrescible, or degradable components;
 - b) Materials likely to create leachate by means of biological or chemical breakdown;
 - c) Any products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices;
 - d) Materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health; and
 - e) Soils or other materials contaminated with hazardous substances or pathogens.
- 6) Any hardfill imported to the site must be sourced from a consented quarry.
- 7) A record of all soils imported to site must be kept, including source, description, volumes, and appropriate dockets.
- 8) If any previously unidentified contamination is discovered in any exposed or excavated soil during the soil disturbance:
- a) Works in the area where contamination is identified must cease and the area isolated.
 - b) The accidental discovery protocol must be implemented.

- c) Should any discovery require remediation WDC will be advised of the remediation approach in writing. WDC must provide written approval of the method before commencement.
- d) All accidental discoveries will be documented as part of the SVR.