

25 November 2025

Waikato Regional Council & Waipā District Council
c/- Mr Steve Rice

By email

Dear Steve

**RE: DECISION ON RESOURCE CONSENT APPLICATIONS FOR REHABILITATING THE SITE OF
THE FORMER TOKANUI HOSPITAL**

On behalf of myself, Ms Davies and Dr Cooke, please find attached our decision on the above resource consent applications.

Could you please arrange for service of the decision to the relevant parties, including both Councils.

Thank you, as always, for the excellent service you have provided.

If you have any queries or anything requires clarification, please let me know.

Yours sincerely,



Mitchell Daysh Ltd

Phil.mitchell@mitchelldaysh.co.nz

Cc Ms Poto Davies
Dr Jim Cooke

IN THE MATTER OF

the Resource Management Act
1991

AND

IN THE MATTER OF

resource consent applications
by Land Information New
Zealand for demolition and site
remedial works and landfill
upgrades at the former Tokanui
Hospital site

**DECISION BY INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
WAIKATO REGIONAL COUNCIL, WAIKATO RIVER AUTHORITY AND WAIPĀ
DISTRICT COUNCIL**

1. INTRODUCTION

Independent commissioners, Dr Phil Mitchell, Dr Jim Cooke and Ms Poto Davies were appointed¹ to hear and decide resource consent applications made to the Waikato Regional Council (“**WRC**”) and Waipā District Council (“**WDC**”), collectively (“**the councils**”) by Land Information New Zealand (“**LINZ**” or “**applicant**”) associated with the demolition and site remedial works and landfill upgrades at the former Tokanui Hospital site located in the vicinity of 149 Te Mawhai Road, Tokanui (“**the site**”).

The hearing of the applications occurred on Monday 29 September 2025 at the Waipā District Council offices in Te Awamutu.

2. BACKGROUND

The site is located approximately 14km southeast of Te Awamutu, Waikato. The site is occupied by the Tokanui Hospital which opened in 1912 after 1,194ha of Māori land was taken under the Public Works Act in 1910. The Tokanui hospital closed in 1998 and is currently under LINZ ownership.

The site is a “deferred selection property” in the Ngāti Maniapoto Deed of Settlement (“**the deed**”) and forms part of the Maniapoto Settlement Claims Act 2022, which gives effect to the deed. Under the deed, Ngāti Maniapoto and the Crown have agreed to a process that would see the hospital facilities demolished and the land rehabilitated, before it is offered to the Ngāti Maniapoto Post Settlement Governance Entity, Te Nehenehenui Trust, for purchase.

The hospital site is approximately 79ha in size and (prior to any demolition) contained 84 buildings/structures, a decommissioned wastewater treatment plant (“**WWTP**”), a swimming pool, eight substations, substantial underground services, a closed landfill

¹ P Mitchell – Joint hearing Chair appointed by the Waikato Regional Council, Waipā District Council and the Waikato River Authority
J Cooke – Appointed by the Waikato Regional Council and Waipā District Council
P Davies – Appointed by the Waikato River Authority

and substantial roading infrastructure. Since the hospital closed in 1998, there have been minimal maintenance on the buildings and infrastructure.

The site includes the Wharekōrino Stream which runs through the centre of the site in a north/south direction. The eastern part of the site contains Significant Natural Area WP333 and the northern part of the site contains Significant Natural Area WP330 and is within the Flood Hazard Overlay.

The applicant has previously obtained resource consents in preparation for progressing the remediation and offering for sale of the site. In that regard, a land use consent was granted on 4 February 2020 (LU/0308/19) to: establish two new wastewater pump stations (“**WWPS**”); undertake earthworks for installation of a wastewater pipeline within 2m of the Wharekōrino Stream; and to undertake soil disturbance of contaminated soils. On 1 May 2024, a pre-application meeting was held between the applicant and the WDC and a Certificate of Compliance (PG/0067/24) was granted on 19 June 2024 to demolish all 84 buildings and structures on the site.

Resource consent applications have been made to the WDC and WRC for two separate aspects of the proposed site remediation works, namely:

- Site remediation, which involves works at the main hospital site (west of the Wharekōrino Stream) to return the site to vacant land that is suitable for rural and rural residential activities.
- Landfilling of contaminated material removed during site remediation on a part of the site that was historically used for landfilling, including works to address a number of issues associated with those historical activities.

It is important to note that the applications for site remediation do not rely on the consents for landfilling being granted, because in the event that the landfilling consents were not granted, off-site disposal would still be possible.



Figure 1 **Site Location**

The following resource consents were sought from WDC:

District Plan Provision	Activity Description
Rule 4.4.1.4(a)	To undertake earthworks and the removal of buildings and structures that does not comply with the earthworks standards in Rule 4.4.2.75 is a discretionary activity under Rule 4.4.1.4(a), as earthworks will exceed 1,000m ³
Rule 4.4.2.19	Noise from chainsaws could exceed the construction noise limits by up to 5 decibels at 203 and 207 Te Mawhai Road, which is a restricted discretionary activity under Rule 4.4.2.19
Rule 16.4.2.22	To generate over 250 vehicles per day equivalent, with access to a local road, is a restricted discretionary activity under Rule 16.4.2.22 and an Integrated Transport Assessment is required to be provided
Rule 22.4.1(m)	To undertake earthworks and vegetation clearance within 23m of a water body is a restricted discretionary activity under Rule 26.4.1.3(a) and Rule 26.4.2.1. The proposal involves earthworks and vegetation clearance within 23m of two wetlands and the Wharekōrino Stream and tributaries
Restricted Discretionary Activity	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

The following resource consents were sought from the WRC:

Application Reference Number	Activity Description
AUTH146952.01.01	To undertake earthworks and cleanfill activities within and outside HREA, including National Environmental Standards for Freshwater regulations in association with site remediation
AUTH146952.02.01	To temporarily divert groundwater and take surface water for site works dewatering and subsequent discharge in association with site remediation
AUTH146952.03.01	To temporarily dam and divert water to remove a culvert and maintain a stormwater pipeline in association with site remediation
AUTH146952.04.01	Divert and discharge stormwater into the Wharekorino Stream in association with landfill upgrade
AUTH146952.05.01	Discharge leachate into land in circumstances that may result in contaminants entering groundwater from landfill activity
AUTH146952.06.01	To undertake earthworks and cleanfill activities within and outside HREA and within 10 metres of the Wharekorino Stream, including National Environmental Standards for Freshwater regulations in association with landfill upgrade

AUTH146952.07.01	To install a permanent culvert structure and bed disturbance of the Wharekorino Stream, including National Environmental Standards for Freshwater regulations in association with landfill upgrade
AUTH146952.08.01	Off stream diversion for groundwater diversion drain Area A1 and temporary damming and diversion during landfill upgrade
AUTH146952.09.01	Permanently divert the Wharekorino Stream through relocated culvert 3 during landfill upgrade

3. SUBMISSIONS

Submissions to Waipā District Council

WDC resolved to notify the applications on a limited basis and following a notification period of 27 working days (with the agreement of the applicant) submissions closed on 30 July 2025. The WDC notified seventeen parties of the proposal, and six submissions were received. There were 5 submissions opposing the application and 1 submitter in support. A summary of submissions received has been taken from the WDC's section 42A report and is presented in Table 1 below. It is noted that the Hearings Panel had read the individual submissions and did not rely on this summary in reaching its decision.

Table 1 Summary of Submissions (Waipā District Council)

Submitter	Support / Oppose / Neutral	Wish to be heard?	Summary	Relief sought
Te Nehenehenui Trust	Support	No	Ongoing monitoring - Supportive of the ability to undertake cultural monitoring of the site and for mana whenua to be present during critical phases of the project.	Careful consideration of 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.
Albert Gordon Thomson Ngati Huiao, Ngati Ngutu 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	Pause or defer the hearing of this consent application

			which needs to be upheld and maintained; Environmental Impacts: • Flooding of Whare Korino Stream in relation to downstream of site • 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 Hapimana, Te Ngare TeKohika. Marae affiliation - Mangatoatoa Marae	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.

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	• Pause or decline all consent application • 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 Wharekōrino 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 • Failure to prioritise the wellbeing of freshwater bodies as required under Te Mana o te Wai • Exclusion of Mana Whenua and Decision-Making	• 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.
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.

Submissions to Waikato Regional Council

The applications were limited notified by the WRC on 15 May 2025 with submissions closing on 13 June 2025. By 13th June 2025, one submission had been received by WRC, but the Council subsequently accepted 6 late submissions that were received between the close of WRC submissions period and the close of WDC submissions (30 July 2025).

A summary of the submissions received, taken from the WRC's section 42A report is presented in Table 2 below, again, it is noted that the individual submissions were read, and these summaries were not relied on to make the decision.

Table 2 Summary of submissions (Waikato Regional Council)

Submitter	Support / Oppose / Neutral	Wish to be heard?	Summary	Relief sought
Te Nehenehenui Trust	Support and Oppose	No	- CIA prepared by mana whenua should help guide this project. - TNN is supportive of the key elements of the site remediation project.	- Consider a negotiated, mitigated option as follows: - The landfill upgrade application stands,

			- Carefully consider monitoring requirements associated with these sites to ensure that any legacy contamination issues associated with leachate, subsidence or similar, are quickly identified and addressed. - Surface water is not to be affected by the works in the Puniu River catchment. The main concern is the potential for the earthworks, diversion activities and sediment retention structures to contaminate, divert or reduce stream flow, potentially altering downstream hydrological regimes, affecting fish passage, and compromising habitat stability in Wharekōrino Stream. - TNN seeks assurance consent conditions that address the potential for net flow reduction of the Wharekōrino Stream. - Indigenous and exotic species removal (where exotic species supports indigenous habitat) should be minimised, and rehabilitation occur quickly. - The disposal of contaminated soil within the landfill remediation works is a matter of contention. - If the contaminated 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.	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
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Robert-John Muraahi Ngāti Paretekawa, Ngāti Te Rahurahu	Oppose	No	- Maniapoto Environmental Management Plan (EMP) is not addressed in AEE. - Nga Wai o Maniapoto Vision and Strategy (V&S) is not addressed in AEE. - Application does not assess if the health and wellbeing of the Waipa River will be restored and protected. - Avoid further degradation of the Wharekōrino Stream. - Uphold mana whakahaere and role of Ngāti Maniapoto.	- That the consent application not be granted until an addendum is provided assessing the proposal against: - The Maniapoto Environmental Management Plan (2016) - Ngā Wai o Maniapoto – Vision & Strategy - That Ngāti Maniapoto and affected hapū be provided the opportunity to review and respond to these assessments, in line with Treaty obligations and cultural monitoring principles. - That the Cultural Impact Assessment and proposed mitigation measures be strengthened by incorporating tangata whenua-led monitoring frameworks, including cultural indicators and mauri assessments. - That the Council use its powers under section 92 of the RMA to formally request further information from the applicant in respect of these matters.
Nigel Ngahiwi Ngāti Pare-te-Kawa	Oppose	Yes	- Cultural impacts of disruption of the natural flow of the awa. - Compromising the Mauri of the Wharekōrino Stream. - Legal and Policy Failures including: contravening Te Mana o te Wai and violations by not prioritising the wellbeing of freshwater bodies, contravening Te Tiriti o Waitangi through exclusionary consultation, contravening the RMA, and contravening the NPS-FM.	- 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, hapu

			Exclusion of mana whenua and decision making with a lack of clear, inclusive mana whenua engagement.	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
Sam Roa Ngāti Rahurahu,	Oppose	Yes	- Works will have significant cultural and environmental impact on taiao surrounding Wharekōrino Stream. - Lack of engagement and consultation. - Disposal option revealed at the end of the project and Ahi Karoa were not effectively engaged. - Transfer of contamination from Pokuru to Tokanui and offer it back is wrong on all levels. - Does not recognise and uphold the roles and views of Ahi Karoa, mana whenua. - Ahi Karoa mana whenua have the view of '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 have failed to engage with Ahi Karoa causing more damage.	- Application is terminated in its current form - This or future proposal developed in full partnership with mana whenua - Engage with representatives of the roopu and direct hapu
Niketi Toataua Ngāti Rahurahu	Oppose	Yes	- Lack of engagement – insufficient or non-existent engagement. Genuine and early engagement has not been demonstrated. - Known and recorded sites of significance have not gone through a transparent or adequate process for identification, protecting or mitigating effects. - Application does not include comprehensive environmental impact assessments. No clear remediation or protection measures outlines – not best practice.	- Decline application unless full and transparent consultation has taken place - Independent environmental and cultural assessments conducted - Adequate mitigation or protection measures included, and the project can demonstrate sustainable, evidence bases practices that safeguard the affected

			Council reports lack evidence of protection or sustainable practice.	environment and cultural sites
Albert Gordon Thomson Ngāti Huiao, Ngāti Ngutu, Ngāti Paia	Oppose	Yes	- Wharekōrino Stream has great cultural and spiritual significance to mana whenua which needs to be upheld and maintained. - Wharekōrino Stream is prone to flooding, if contaminants from the work site come down the stream the flooded 5 acres will affect the grazing land. - Truck movements from the site to remove demolition waste will impact on people and farming (WDC). - Noise from the site for demolition works and truck movements will be significant (WDC). - Dust from demolition activities has potential contaminants to air.	- Pause or defer hearing of this application - Have duality of process - Notification of works occurring on people in the area
Yvonne Waho Ngāti Paretekawa and Mangatoatoa Marae	Oppose	Yes	- Cultural Impact Assessment recommendations have not been incorporated into the application. - Stream diversion and landfill activity breach tikanga Māori – disregard status of water and whenua as a living ancestor. - Mana whenua role sidelined to the right to lead restoration and protection of their ancestral lands. - Risk of contaminants entering groundwater and surface water via leachate discharge. - Erosion, sedimentation, and habitat loss from earthworks and cleanfill. - Long-term disruption to the hydrological system - Wharekōrino Stream, wetlands, and aquifers. - Loss of biodiversity and pollution of taonga species and ecosystems. - Lack of alignment to Te mana o tew ai, RMA and meaningful engagement.	- Pause or decline all activities until mana whenua engaged with, - Implement the CIA recommendation to remove all waste from site - Prohibit continued landfill activity - Applicant to provide new co-designed remediation plan led by mana whenua that aligns with tikanga - Establish 'Mana Whenua Kaitiaki Roopu' with legal standing and resourcing to monitor, review and guide future works - Mandate a 35-year cultural and environmental monitoring programme - Require full restoration of the Wharekōrino Stream - Assessment

			• Lack of environmental monitoring framework established or implemented. • Excluded from genuine decision making and restoration planning but will bear long-term cultural and environmental impacts.	
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4. APPEARANCES AT THE HEARING

4.1 Applicant

The applicant was represented at the hearing by:

- Esther Bennett and David Allen – legal counsel;
- Matthew Bradley – project overview and engagement;
- Kim Wepasnick - project design and delivery;
- Sean Finnigan – engineering, contaminated land and environmental effects
- Emily Buckingham – planning consultant;

4.2 Submitters

- Albert Thomson
- Nigel Ngahiwi
- Niketi Toataua
- Samuel Roa
- Yvonne Waho.
- Te Nehenehenui, via Samuel Mikaere, who pre-circulated written evidence to support the written submission, but who did not attend the hearing.

4.3 Waikato Regional Council

The WRC was represented at the hearing by Ceri Hills, the author of that council's section 42A report and Senior Manager, Hugh Keane.

4.4 Waipā District Council

The WDC were represented at the hearing by Hayley Thomas, the author of that council's section 42A report.

5. SUBMISSIONS / EVIDENCE PRESENTED

5.1 Applicant

5.1.1 Opening submissions –Esther Bennett and David Allen

Ms Bennett, assisted by Mr Allen, presented detailed opening legal submissions on behalf of the applicant. The submissions were pre-circulated.

Ms Bennett notes that the Tokanui Hospital is a 'deferred selection property' in the Ngāti Maniapoto Deed of Settlements and that it forms part of the Maniapoto Settlement Claims Act. Under the Deed, Ngāti Maniapoto and the Crown have agreed a process for the Site which includes requirements for the demolition of buildings and sub-surface infrastructure and remediation of the Site.

The Project's staging and sequencing has been deliberately designed and implemented to ensure technical inputs follow and are shaped by TNN's and mana whenua views rather than being retrofitted to incorporate TNN and mana whenua input. Ms Bennett states that this approach has led to an environmentally sound and future-focused project with minimal adverse effects and a number of positive effects.

It was submitted that the robustness of LINZ's applications has also meant there is a high degree of alignment between the three planners (and relevant experts) as to:

- (a) the Project's ability to pass the section 104D 'gateway' test of the RMA;
- (b) the level of effects (with the exception of Ms Thomas' views on cultural effects), with a consensus that the technical effects of the Project will be no more than minor; and
- (c) the Project's consistency with the relevant objectives, policies, objectives and other planning, policy and 'other' matters.

Ms Bennett acknowledged that there are cultural and tikanga concerns and these are expressed in the written submissions but notes that there are sound environmental reasons for progressing the application. She also acknowledged mana whenua concerns about the existing landfill, however, she noted that its removal is out of scope for this project and these applications.

Ms Bennett also explained that in LINZ's view, any remaining cultural effects can be appropriately dealt with through conditions. It was acknowledged that the applicant knows that further changes are required to the conditions in order to make them clearer and more certain. These conditions will be presented in the written closing submissions.

Ms Bennett noted that the evidence of the technical experts for LINZ and the regional council were aligned and that the adverse effects of the proposal will be acceptable. Ms Bennet highlighted Dr Finnigan's evidence where he stated that the landfill repair and upgrade works:

.... will ensure that the Disposal Site is upgraded to a high standard and will effectively eliminate the risk of Culvert 3 failure, whilst significantly reducing

landfill flooding risks, and further reducing potential human health and environmental risks. These risks are already low, and in relation to leachate volumes, boron and other contaminant levels, are all estimated to decrease further, by somewhere in the range of 72-92%, with these reductions taking between just over one month [to] seven years to be reflected in stream water quality improvements.

Ms Bennett highlighted that Dr Finnigan considers the works *"will go a long way to making the landfill safe and secure for many decades into the future. Without them, there are significant environmental risks (...)"*

Ms Bennett stated that LINZ understands the submitters' remaining cultural effects relate to [footnotes excluded]:

- (a) engagement processes (and follow-up actions), including:
 - i. the exclusion of hapū and whānau with ahi kaa and ancestral ties to the area, and related breaches of Te Tiriti o Waitangi;
 - ii. inadequate and/or non-transparent processes for identifying, protecting or mitigating known and recorded sites of significance; and
 - iii. failing to incorporate recommendations from the CIA into the Applications; and
- (b) metaphysical and/or tikanga effects, including:
 - i. ensuring the relationship of mana whenua and its whenua, awa, waahi tapu and taonga is recognised and provided for, including through kaitiaki monitoring;
 - ii. upholding and maintaining the cultural and spiritual significance of the Wharekōrino Stream;
 - iii. contravention of Te Mana o te Wai and the rights, responsibilities and kaitiakitanga of mana whenua;
 - iv. effects on the mauri of the Wharekōrino Stream and breaches of tikanga Māori through alteration of the Stream's flow, discharge of stormwater and leachate and disturbance of groundwater; and
 - v. the "transfer of contamination from Pokuru to Tokanui and then offer it back".

Ms Bennett explained that the Environment Court has found that it is appropriate for an applicant to engage with the PSGE or iwi authority as the iwi / hapū representative in the following circumstances:

- When an iwi or hapu has a formal management body, such as a trust board, a marae committee, or something similar it is entirely appropriate that an applicant and a local authority should consult that body as the iwi/hapu representative.
- Unless there is some extraordinary factor plainly signalling that the processes of that body are dysfunctional and cannot be relied upon, the responses given by it should be accepted as authoritatively speaking for the iwi or hapu.
- It is human nature that in any organisation there will be dissenting views which remain after decision-making processes have concluded. That can be so even where, as is the custom for Māori organisations, the objective is consensus rather than a majority decision.
- The fact that individuals express dissent with an announced decision does not mean that the applicant or a local authority, or this Court, cannot rely upon the decision announced by those whose positions appear to entitle them to announce it.

Ms Bennett added in this case, even if LINZ had not undertaken such extensive engagement at a hapū, marae and whānau level, it would be reasonable for the Panel to find that TNN represents the interests of hapū.

Mr Allen responded to panel questions explaining that the submitters still oppose the resource consent applications, but if the consents are to be granted, agreed that further consideration regarding conditions would be appropriate.

5.1.2 Matthew Bradley

Mr Bradley is the Leader, Project Delivery at LINZ and spoke to the project background and engagement and consultation undertaken. His evidence was taken as read and he spoke to a written summary statement that he had prepared.

He explained that the Project design was heavily influenced by engagement with Maniapoto Māori Trust Board, Te Nehenehenui Trust and mana whenua in the centre. Engagement included early feasibility studies, options assessments, the development of a Cultural Impact Assessment (CIA), a formalised Memorandum of Understanding (MoU) and support from mana whenua regarding cultural monitoring, cultural induction, and wāhi tapu identification for the Project.

The feedback provided through the engagement has shaped Project decisions and culminated in Ministerial decisions reflecting TNN and mana whenua preferences. Mr Bradley stated that throughout the engagement there has been, and remains, support for the demolition and remediation works to proceed.

Following the lodgement of the applications, matters raised by TNN needed to be resolved. Mr Bradley stated that these matters have since been resolved.

Mr Bradley acknowledged that LINZ actively contacted each individual submitter to discuss concerns raised. It was noted that some submitters still maintain reservations, however, most expressed appreciation for the discussion and being able to engage in the process.

A summary of further engagement was presented and Mr Bradley stated that the overall impression from the conversations was that mana whenua wishes to progress discussion among themselves.

5.1.3 Kim Wepasnick

Ms Wepasnick is a Principal Advisor of Contaminated Land at LINZ. Her evidence was taken as read and she spoke to a written summary statement that she had prepared.

Ms Wepasnick explained that:

- LINZ commissioned a series of technical investigations and feasibility studies to inform the scope and methodology of the demolition and remediation works with included a hybrid Multi-Criteria Analysis and a Site-Specific Risk Assessment.

- Eight remedial options for managing contaminated soil were assessed, with Option 6 – utilising the existing landfill – emerging as the preferred choice.
- For the closed landfill, five upgrade options were considered, ranging from minimal intervention to full removal. Option 4 – Advanced Works – was selected for the contaminated soil remediation aspect of the Project, incorporating stream restoration, improved capping, and relocation of refuse to consented areas.
- All of these decisions were shaped by feedback from iwi and mana whenua and aimed to address long-term environmental and cultural concerns, including the scope and methodology of the project, and the decision to upgrade the landfill to better protect the Wharekōrino Stream.

Ms Wepasnick helpfully explained that Section 9.3 of the Deed required the Crown to use best endeavours to remediate the Site to defined remedial standards, those being 85% of the site to a rural residential standard and up to 15% to a managed remediation standard suitable for recreational use. She further explained that the remedial standards were initially based on two of the five land use scenarios in the National Environmental Standard for Contaminated Soil (NES-CS) which represent how people might come into contact with soil in different settings based on activities like soil contact, ingestion, and produce consumption. However, both the NES-CS and Section 9.5 of the Deed allow for a site-specific risk assessment (SSRA) to be undertaken where it is warranted by the specific conditions of the site.

Ms Wepasnick explained that recommendations of the CIA, together with further engagement between LINZ, TNN and mana whenua provided clear evidence that an SSRA was required in order to give effect to tangata whenua's role as kaitiaki.

Ms Wepasnick stated that the final SSRA contained guideline values that were as low as practicable, but no lower than necessary in order that the site posed minimal risk to gardening and food production, to people who live on the land, and to soil quality. In relevant parts of the site, the standards also sought to protect water quality and wetland values including the associated mahinga kai, such as tuna in the Wharekōrino Stream.

Ms Wepasnick stated that LINZ is committed to appointing certified contaminated land practitioners and preparing erosion and sediment control plans through consent conditions. A summary about further engagement was also provided.

5.1.4 Sean Finnigan

Dr Finnigan is a Director of Environmental Engineering at Fraser Thomas who specialises in environmental and contaminated land work with over 27 years' experience. His evidence was taken as read and he spoke to a written summary statement that he had prepared.

He provided an overview on the extensive investigations that have been undertaken since 2017 by numerous experts to determine the horizontal and vertical extent of soil contamination at the site. Dr Finnigan mentioned that the findings of these investigations is that the site is generally not contaminated. He acknowledged the existing compliance issues and that implementing this proposal will both remediate the site appropriately and improve receiving water quality.

Dr Finnigan noted that the principal contamination issues are limited to asbestos and lead from building materials in localised areas, primarily around building halos and localised non-building areas which can be readily remediated and managed. He stated that the levels of contaminated soil were classified as low-moderate and, based on the soil sampling and leaching testing undertaken, posed a very low risk to human health and the environment.

Dr Finnigan then described the investigations of the existing landfill site that were undertaken. In summary the investigations found a number of issues with its current condition that have the potential to result in adverse human health or environmental effects. These included:

- Some areas have non-compliant capping (i.e. inadequate thickness and/or permeability) and/or topsoil cover in relation to the approved resource consent for the Disposal Site. This will tend to increase leachate generation from direct rainfall onto the landfill while also increasing the risk of some buried material becoming exposed;
- The landfill has no leachate collection system, so the leachate will flow through the landfill to the groundwater table, which would then flow into the Wharekorino Stream. He noted that one effect of this leachate ingress was elevated boron concentrations in stream water samples taken downstream of the landfill site relative to those taken upstream (noting that the concentrations are still well within Australian and New Zealand Environment and Conservation Council (**ANZECC**) guideline for protection of 95% of aquatic freshwater species);
- Culvert 3 that pipes the Wharekōrino Stream through Area A2/H of the landfill is estimated to be between 44 and 65 years old and may be affected by differential settlement from landfill activity, causing leaking joints and potential pipe failure. Pipe failure could result in fill/refuse washout down the stream, representing an adverse long-term human health and environmental risk; and
- Flood modelling of the Wharekōrino Stream showed that much of the landfill area is likely to be inundated to varying extents during a 1% annual exceedance probability (**AEP**) storm event, particularly if the two downstream culverts on the stream became blocked. These effects are predicted to worsen with climate change.

Dr Finnigan then described the works required to remedy these deficiencies namely:

- Improved capping of the entire landfill;
- Removal of Culvert 2 downstream of the landfill to reduce the flood risk to the landfill;
- Transfer of low/moderate level contaminated soil from hospital demolition works into the northern area;
- Isolated medical waste removal and shifting of fill/refuse material from a small area located on AgResearch land into the main body of the landfill;
- Shifting of fill/refuse material from an area close to the stream into the main body of the landfill;
- Grout filling of Culvert 3, plus a new shorter culvert running to the northwest and stream reinstatement, with a new embankment on the eastern side of the stream to separate the reclaimed area from existing landfill area;
- Installation of a groundwater diversion drain; and
- Maintaining the existing southern farm track crossing embankment, raising it slightly to assist with flood mitigation.

Dr Finnigan stated that the above measures should virtually eliminate any landfill leachate entering the Wharekorino Stream.

Dr Finnigan stated that the remediation works could restore the Site to farmland, in pasture, and with a reasonable network of gravel access tracks. The Site would be fit for purpose for future rural residential and productive land use, including growing up to 25% of produce on the land for personal consumption, consistent with accepted standards for site remediation. His overall conclusion was:

- 14 Overall, I consider that the Disposal Site repair and upgrade works will go a long way to making the landfill safe and secure for many decades into the future. Without them, there are significant environmental risks, whilst similar works to what have been proposed will likely be required within the next 10 years in any case, due to the current landfill consents coming up for renewal in 2035.

In response to questions from the Panel, Mr Finnigan advised that:

- Medical waste and non-building related contamination that does not meet the low-medium contaminant standard will be removed for disposal at an approved Class 1 landfill;
- When he stated, “the contaminants identified are limited in extent and can readily be remediated or managed,” the terms remediated and managed were interchangeable;
- Contaminated soil beneath the toilet block could potentially be removed offsite, if more extensive testing undertaken prior to works commencing showed that it

was not feasible to meet the low-medium threshold by mixing that material with less contaminated soil;

- The stormwater pipes from the catchpits to the stormwater trunk line will be retained;
- The statement at paragraph 99 of his evidence *“you could eat at least 25% of your produce intake on this land or grow animal fodder crops or graze animals on this land without adverse effects on human and animal health”* related to the land use definition for rural-residential use within the NES-CS. He noted that because the applicant has carried out a SSRA and adopted a much lower threshold for contaminated soil, the 25% intake of produced on the land would be a minimum;
- Conditions during storm events that would prevent fish passage related to situations when culverts were filled to capacity;
- Although PAHs were found on the AgResearch-owned land they were at low levels. He stated that the AgResearch land was not unique in this respect and that low-level PAH had been detected in other parts of the existing landfill; and
- There were four existing consents for landfill on the site that all expire in 2035 and the over-arching purpose of the consents being sought here was to require that the landfill area be appropriately capped and monitored.

Dr Finnegan also advised that it would be appropriate for any consent granted to include conditions setting landfill acceptance criteria, so as to make it clear that only material of a specified quality could be disposed of on site.

5.1.5 Emily Buckingham

Ms Buckingham is a Principal Planner at SLR Consulting. Her evidence was taken as read and she spoke to a written summary statement that she had prepared.

She stated that the Project has a number of positive effects that include the remediation of a large Site so that it is appropriate for a range of future land uses; the enablement of the Site to be offered back to iwi as per a Treaty Settlement as part redress for whenua raupatu; the upgrade of an existing landfill which will improve water quality and ecological outcomes; and improvements to water flow and fish passage through additional stream daylighting.

Ms Buckingham acknowledged that this project is of significant interest to iwi and mana whenua who have been engaged with since the application was lodged, and LINZ has made a number of further updates to the Project in response to the concerns raised.

She stated that conditions in relation to cultural monitoring and support services were not able to be confirmed at the hui held on 16 September 2025 and any conditions in relation to these topics required flexibility at present. In response to questions she

acknowledged that although flexibility was required by LINZ, further clarity and certainty should be included within the conditions.

Ms Buckingham also acknowledged that LINZ proposes to utilise crushed concrete to backfill excavations and farm tracks as it does not strictly meet the 'cleanfill' definition in the planning documents.

She stated that in her opinion, both applications should be granted subject to appropriate conditions.

Ms Buckingham stated that a revised set of proposed conditions will be provided with LINZ's closing statement, but she acknowledged the following was needed:

- Amend the proposed WDC cultural monitoring conditions to ensure that the input and cultural monitoring conditions can be preserved and do not rely on third-party action to implement.
- Amend the WRC cultural monitoring condition to be consistent with the WDC conditions.
- Correct the technical standards for the material proposed for disposal in the landfill as per Dr Finnigan's advice.
- Amend standard discharge conditions based on advice from Dr Finnigan.
- Delete reference to imported material in the WRC cleanfill discharge conditions.

5.2 Submitters

5.2.1 Samual Mikaere

Te Nehenehenui did not attend the hearing but pre-circulated a statement of evidence prepared by Mr Mikaere. He advised that:

- Te Nehenehenui is comfortable that the concerns raised through their submission have been met and did not wish to elaborate further on the matters raised in the submission.
- It is Te Nehenehenui's preference that the consent conditions or existing conditions encapsulate the matters identified in his Attachments 3, 4, 5 and 6 as closely as possible.
- Te Nehenehenui supports the section 42A report findings and recommended conditions and in particular, the proposed environmental monitoring conditions, the proposed landfill upgrade, consistency with the Vision and Strategy – Te Ture Whaimana o Te Awa o Waikato and consistency with the Maniapoto EMP.

5.2.2 Albert Thomson

Mr Thomson spoke on behalf of Ngāti Paia and stated that 501 acres was taken from local iwi under the Public Works Act to build the Tokanui Hospital. As a descendent of the original owners of the land, they are the people the Crown, via LINZ, should be engaging with, and not Te Nehenehenui which is only the Post Settlement Governance Entity.

He explained that TAR Block Limited was established to address transparency with the Cultural Impact Assessment (“**CIA**”). He said that there were 2 people initially contracted to prepare a CIA for the proposal, but a third person was involved such that the CIA set out to facilitate the settlement with Te Nehenehenui (“**TNN**”) and did not address issues of concerns to mana whenua / the original owners. He stated that “Maniapoto has no claim to this land”.

Mr Thomson acknowledged that remediation is required for this site and that it is supported by Ngāti Paia. He expressed that they want to be involved in the works and in respect of contracts associated with that.

Mr Thomson noted that LINZ has met them halfway, but the government, via LINZ, are dealing with the wrong party. Because of this, they have gotten nothing out of the process, and they are strangers on their own land.

He also raised concerns about truck movements and that there is a lack of trust being experienced.

He was of the opinion that although remediation of the site was necessary, and supported in principle, these resource consents were opposed.

5.2.3 Nigel Ngāhuri

Mr Ngāhuri expressed concern that land taken from his whānau under the Public Works Act was being used to settle Treaty settlements. The Public Works Act makes it clear that land no longer required for the purpose for which it was taken under the Public Works Act must first be offered to the original owners.

Mr Ngāhuri mentioned that the only remnants associated with the use of the site as a hospital that should remain on the site are the urupa. Everything else should be removed and he opposed the granting of the resource consent applications.

Mr Ngāhuri was adamant that LINZ should be engaging with the various marae and not the PSGE, Te Nehenehenui.

He objected to the use of the term “mana whenua” when referring to Te Nehenehenui, as they have no mana in respect of this whenua.

Like Mr Thomson, he acknowledged that remediation was needed, but the current applications were opposed.

5.2.4 Niketi Toataua

Mr Toataua has extensive experience in engaging with tangata whenua, given his many years employed in that role with NIWA.

He expressed concern about the applicant's multi-criteria analysis, and although it used Dr Kepa Morgan's engagement model, it did not incorporate a mana whenua perspective. He was very critical of the approach to engagement adopted by LINZ, given that it focussed on Te Nehenehenui and not the original owners who are mana whenua.

Mr Toataua noted that the historic pa site that was present on the land before it was taken under the Public Works Act was demolished and the associated earthworks used to fill in the adjacent swamps.

He opposed both of the applications.

5.2.5 Sam Roa

Mr Roa spoke at the hearing on behalf of Ngāti Rahurahu. He stated that he is a father of 7 and has 2 grandchildren, 5 of which live at home. He is a wood carver by trade and works all over New Zealand.

Mr Roa stated that the land was offered back to the owners in 1992. TAR were the original mana whenua representatives who were in the driving seat until the settlement process began.

Mr Roa added that the whānau on the east of the river were never aware of the landfilling being undertaken on their land.

5.2.6 Yvonne Waho

Ms Waho represented Ngāti Paretekawa and Mangatoatoa Marae and spoke about the protection of the Wharekorino Stream, not from a science perspective, but from a tikanga perspective.

Ms Waho stated that any changes to the resource consent conditions need to be transparent and Ngāti Paretekawa need to be given an opportunity to comment on those conditions.

She commented that remediation is a step in the right direction, but the balance will not be restored to what it was. Ms Waho stated that "you put your rubbish in the ground, you take it away".

5.3 42A Reports

5.3.1 Waikato Regional Council - Ceri Hills

The Waikato Regional Council's section 42A report, prepared by Ms Hills, was taken as read. Her overall analysis and recommendation, as recorded in the section 42A report were as follows:

12 Discussion and Recommendation

Toitu Te Whenua Land Information New Zealand Limited have applied for resource consents to remediate the Tokanui Hospital site to vacant land and to manage a closed landfill through an upgrade programme. The consent terms applied for are seven (7) years for the temporary works and thirty-five (35) years for the enduring activities respectively.

The proposal has been assessed against the Resource Management Act, the Waikato Regional Policy Statement, the Waikato Regional Plan, Vision and Strategy for the Waikato River catchments, NES for Freshwater, NPS for Freshwater Management, NPS for Indigenous Biodiversity, Nga Wai o Maniapoto (Waipa River) Act 2012, Maniapoto EMP “Ko Tā Maniapoto Mahere Taiao”, Raukawa EMP “Te Rautaki Taiao a Raukawa” and Waikato-Tainui EP “Tai Tumu, Tai Pari, Tai Ao”. It is my opinion that the proposal is not contrary or inconsistent with these policy documents.

The proposal includes the remediation of the Tokanui Hospital site including inground horizontal infrastructure to return the site to vacant land as required under the Maniapoto Deed of Settlement. The proposed upgrade of the landfill includes receiving low to medium levels of contaminated soil from the site remediation works, upgrading the landfill cap, and consolidating locations of fill into confirmed landfill areas. The proposed temporary works include a widespread earthworks programme to be managed by well understood processes and management regimes that avoid discharges to the environment including the Wharekōrino Stream.

While there are some proposed works within or within the setbacks of natural inland wetlands, the proposed management of works within sensitive areas is considered to be appropriate. The proposed betterment of the site through ecological management of sensitive areas includes considerable restoration and enhancement planting within the site. This includes along the margins of the Wharekōrino Stream to enhance both freshwater and terrestrial ecological habitats in this sensitive environment and in my opinion is considered appropriate. It is my view that adverse ecological effects are appropriately addressed by the applicant with management plans to protect the environment during works and provide betterment in the short and long term.

While it is anticipated there may be further consideration of the recommended conditions of consent relating to landfill upgrade works and the mechanism for the protection of the restoration and enhancement area, it is my view that there is sufficient agreement on those matters between the applicant and technical experts to materially recommend granting of the requested consents.

I am of the view that the issues raised by submitters have been considered, and those matters are able to be addressed through the consent application process including through recommended conditions, however I do not consider WRC are able to address or ease the concerns of some submitters regarding the historic land acquisition.

I am of the opinion that the maximum term available under the RMA – being 35 years – is appropriate for the upgraded landfill discharge, related culvert structure installation and the permanent stream works. In concluding this I have considered: the high capital investment of the upgrade works; the level of monitoring of the landfill. I note that in the Waikato Region such durations are routinely granted for enduring closed landfills. Therefore, I recommend, subject to suitable conditions being imposed, that the activities for enduring activities be granted with a consent term period of thirty-five (35) years.

For works to remediate the general site and undertake construction activities that are temporary, the applicant has requested a consent term of seven (7) years, and I consider this is appropriate to allow for any delays to the works programme. I recommend a consent term, subject to suitable conditions being imposed, that the activities for temporary activities be granted a consent term period of seven (7) years.

I **recommend** that in accordance with s104D, resource consent application APP146952 be granted in accordance with the duration and recommended conditions prescribed in the included resource consent certificates, for the following reasons:

- The activities will have no more than minor actual or potential adverse effects on the environment,

- The activities are not contrary to any relevant plans or policies, and
- The activities are consistent with the purpose and principles of the Resource Management Act 1991.

In response to questions, Ms Hills agreed that the non-complying activity status of the proposal arises because only the water allocation limits in Rule 3.3.4.26 of the regional plan were already being exceeded in the lower Waikato River catchment and that any take in the upper catchment would be non-complying, irrespective of its size and duration. She agreed with us that the effects of the water take here were insignificant in the regional context and that it was not appropriate to bundle the entire proposal on that basis, noting also that nothing turns on the technical point, but it may be helpful when the Council processes consent applications in the future. Ms Hill also explained that the resource consent for the existing landfill stormwater consent expires in 2035.

5.3.2 Waipā District Council - Hayley Thomas

The Waipā District Council's section 42A reports (one relating to site remediation and one to landfilling), that were prepared by Ms Thomas were taken as read.

Ms Thomas stated that her conclusions and associated recommendations, as set out in here section 42A report, had not changed and we acknowledge their comprehensiveness.

In that regard, her conclusions for the on-site remediation activities were as follows:

14 CONCLUSION

- 14.1 In conclusion, SLR Consulting NZ have applied, on behalf of their client Toitū Te Whenua Land Information New Zealand, for a landuse consent for the remediation of the former Tokanui Hospital Site as Stage Two of remediating the site.
- 14.2 The application has been assessed as a Discretionary Activity under the provisions of the Operative Waipā District Plan as the estimated earthworks associated with the remediation works, the anticipated noise and traffic movements, and proximity to both cultural sites and water bodies fail to comply with the associated performance standards in the District Plan. In addition, the site requires remediation due to contaminated soils being found across the site under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as a Restricted Discretionary Activity.
- 14.3 The application was processed under limited notification and received a total of six submissions, with five being in opposition and one in support. Those submitters have raised valid concerns with the proposal which helped inform the effects assessment associated with cultural and environmental effects.
- 14.4 An assessment of the environmental effects of the proposal is considered in Section 10 of this report pursuant to Section 104 of the Act. The conclusion of this assessment is that the proposed works can be appropriately managed by conditions of consent to mitigate the effects to an acceptable level.
- 14.5 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.
- 14.6 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.

- 14.7 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 remediation of the site and outcome sought by the works associated with this application are considered to align with both of these documents.
- 14.8 Having reviewed the application, submissions, and requirements under the Resource Management Act 1991, the proposal has qualities that lend itself to granting of consent subject to conditions of consent which will ensure the appropriate management of the remediation works occur.
- 14.9 In making this recommendation, I note the applicant has proposed a suite of draft consent conditions in Appendix T of the application. I concur with the intent of the conditions, however, suggest these could be captured more simply, and if the Hearing Panel wishes to do so, I have included an alternative suite of conditions in Appendix 4 to this report.

Regarding the proposed landfilling activities, she concluded as follows:

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.

Ms Thomas also explained that the landfill component of the application is a non-complying activity, and she recommended that this part of the proposal be declined given the adverse cultural effects of the proposal. She did note that the landfilling activities satisfied the requirements of section 104D, because it was not contrary to the objectives and policies of the District Plan.

In response to our questions, Ms Thomas explained that landfill activities in the General Rural Zone are non-complying activity under a “default” rule, rather than being specifically identified in the plan as being non-complying.

5.4 Adjournment and Site Visit

During the hearing the mamae and concern expressed by the mana whenua submitters was palpable, and, it seemed to us, arose because they felt their perspectives had been largely discounted during the engagement process. Although the mana whenua submitters acknowledged that remediation of the site was necessary, the outcome they sought was complete removal of all building/infrastructure demolition materials from the hospital site, its disposal offsite and the removal of all historic landfilled material. It was on that basis that they stated that granting the applications was a “big fat no”.

It also seemed to us that the issues raised were as much about the relationship between Te Nehenehenui and the mana whenua submitters as it was about the relationship between LINZ and those submitters, and, with the agreement of all parties at the hearing, we took a short adjournment so that the LINZ representatives and the mana whenua submitters could discuss whether further engagement between LINZ, Te Nehenehenui (who were not present at the hearing) and the mana whenua submitters might be mutually beneficial – particularly in respect of how the submitters might “engage” with the site if/when it was acquired by Te Nehenehenui.

With the agreement of all the parties at the hearing, we adjourned the hearing before the applicant submitted its written right of reply, in order that:

- We could undertake a site visit;
- There be a further opportunity for parties and their technical advisors to engage, with the aim of achieving as much agreement as was realistically achievable,

including as between TNN and mana whenua about how the site would be managed post its transfer from the Crown; and

- There be further consideration of possible conditions of consent, given the questions from the Panel regarding improving clarity and enforceability.

We were unclear at the time, as were the parties, as to how long that process might take, and it was agreed by all present that the applicant would coordinate the preparation of a progress report / memorandum within two weeks, that would confirm the timeframe for filing a written reply submissions.

The Panel undertook a site visit on the morning of Tuesday 30 September 2025. We record that it was useful in terms of:

- Gaining an appreciation of the ‘scale’ of the site and the separation distances between the various buildings;
- Identifying the location of the landfill site in relation to the Wharekōrino Stream, and the need to replace Culvert 3; and
- Identifying the location and extent of the AgResearch-owned land within the current landfill.

5.5 Right of Reply

Following discussions between the applicant and submitters, the applicant filed a memorandum on Friday 17 October 2025 proposing that it file its closing submissions by 31 October 2025, and inviting us to issue Directions to that effect. Those Directions were issued on Monday 20 October 2025.

The applicant’s right of reply / closing legal submissions included a number of appendices, namely:

- Some technical information prepared by Dr Finnigan to address several technical matters that arose during the hearing;
- Minutes of a hui involving the applicant and submitters held on 14 October 2025;
- Revised sets of proposed consent conditions;
- Information regarding the Multi Criteria Analysis undertaken, including the associated correspondence with tangata whenua; and
- Final sets of project plans and diagrams.

Key matters raised in the closing legal submissions, were:

- Key cultural and tikanga issues raised by submitters, including:
 - The relationship between the current applications, the Public Works Act and the Maniapoto Settlement Claims Act 2022;

- The implications if landfilling consents were declined, as sought by the submitters;
- Engagement;
- Technical matters, as addressed in the various appendices;
- LINZ's archaeological authority; and
- Conditions.

Because the closing legal submissions “cut to the chase” of the matters in contention, we reproduce key aspects of them verbatim below (but omitting footnotes), rather than attempting to summarise them and losing some of the detail.

In respect of cultural issues, including tikanga, the closing submissions stated [footnotes excluded]:

CULTURAL / TIKANGA MATTERS

Interrelationship between RMA, Settlement Act and PWA / PWA 1908

Introduction

10. Many of the issues raised by the Submitters at the Hearing related to the history of the Site, its acquisition by the Crown (under the PWA 1908) and its inclusion in the Deed as a deferred selection property which TNN can elect to purchase.
11. One of the key themes expressed by the Submitters was that it was not for TNN to receive and decide the future of the Site but rather for them as tangata whenua (or Ahi kā), and that the land should be returned to those tangata whenua / Ahi kā hapū, not TNN. This is notwithstanding:
 - (a) TNN's role as the mandated PSGE for Maniapoto; nor
 - (b) the terms of the Deed and the Settlement Act which establish clear legal requirements and processes.
12. Acknowledging the significance of these matters for the Submitters, as recognised by the Chair, these are not matters that either LINZ, or the Panel under the RMA, can address. This appeared to be accepted by Submitters at the Hearing.
13. However, TNN has been clear that "we defer to mana whenua as kaitiaki of the area to address any cultural concerns". This was acknowledged by the Submitters at the Hearing who agreed that tangata whenua could accordingly take the lead in relation to the cultural protocols, karakia and Cultural Management and Monitoring Plan (CMMP), including providing input into the relevant conditions.
14. This allowed the issues raised during the Hearing to move to a forward-looking focus in relation to consent conditions, despite the Submitters remaining firm in their position that the Site should return to them (and therefore opposing the Project because it facilitates the return of the Site to TNN under the Deed). This is discussed further below in relation to the Hui. *Maniapoto Claims Settlement Act 2022*
15. The Panel was interested in the role of TNN, its mandate, appointment process, its cultural 'identity' and its role in relation to the Site. As stated in opening submissions, TNN:
 - (a) represents Maniapoto as an iwi authority for the purposes of the RMA; and
 - (b) is the mandated PSGE under the Settlement Act.

16. In terms of its Treaty settlement history, in 2016, Maniapoto entered into negotiations with the Crown to negotiate a comprehensive settlement of all Maniapoto historical Treaty of Waitangi claims. On 5 December 2016, the Maniapoto Māori Trust Board (MMTB) received a mandate from iwi members to represent Maniapoto in Treaty settlement negotiations with the Crown. This mandate was recognised by the Crown on 14 December 2016.
17. The Deed was negotiated by the Crown and the MMTB. At ratification, the initialled Deed was presented to Maniapoto and it was supported by 84% of voters. TNN was supported by 83% of voters to receive the redress and manage the settlement redress on behalf of Maniapoto as its mandated PSGE.
18. The Maniapoto Claims Settlement Bill was subsequently introduced to Parliament on 3 December 2021. The Bill was unanimously supported by all MPs who spoke at the Third Reading, and it received Royal Assent on 27 September 2022.
19. Relevantly, the Settlement Act:
 - (a) dissolved the MMTB; and
 - (b) vested all of the assets and liabilities of the MMTB in the trustees of TNN.

TNN's Trust Deed and trustees

20. TNN's Trust Deed records that TNN was established to act on behalf of and in the beneficial interests of Maniapoto to:
 - (a) advance the cultural, social, environmental and economic aspirations of Maniapoto;
 - (b) uphold and protect the mana whakahaere of Maniapoto; and
 - (c) empower the mana of Maniapoto.
21. TNN is currently made up of 14 trustees:
 - (a) seven Ngā Kura Tau trustees;
 - (b) six Ngā Kura Rere trustees who are elected by all adult registered members; and
 - (c) one Te Kura Kaumātua trustee who is appointed by all trustees.
22. The trustees hold office for a term of three years and have a range of powers, including to receive or accept, or make any disposition of, any real property, including any interest of any type in real property. This includes property that TNN can elect to be transferred to TNN under the Deed and Settlement Act, such as the former Tokanui Hospital.

Tokanui Hospital and the Deed

23. The former Tokanui Hospital site is included in the Deed and comprises four separate deferred selection properties (described as areas 1 to 4 in the property redress schedule to the Deed).²⁶ A deferred selection property is Crown-owned land provided as commercial redress in a deed of settlement that a governance entity may elect to purchase within a specified period.
24. Through the Deed, Maniapoto, TNN and the Crown agreed that:
 - (a) each Tokanui Hospital deferred selection property requires certain demolition and remediation before it can be made available for TNN to purchase;
 - (b) a staged deferred selection process will apply to each Tokanui Hospital deferred selection property to allow for the Crown to carry out the required demolition and remediation works in stages prior to the deferred selection period in respect of each Tokanui Hospital deferred selection property commencing, as set out in part 9 of the property redress schedule;

- (c) once the Crown has completed the required demolition and remediation works for each Tokanui Hospital deferred selection property, the deferred selection period will commence and TNN will have two years to elect to purchase each property; and
 - (d) if TNN elects to purchase a property, on the settlement date of the purchase, the Crown must transfer the property to the trustees of TNN and TNN must pay to the Crown an amount equal to the transfer value of the property.
25. The requirements of the Deed in relation to the Site, and the novel nature of the remediation works required, were addressed in opening submissions.

AgResearch land and the Deed

26. To the south and east of the Site lies land owned and used by AgResearch for a dairy research farm (Tokanui Farm). The Deed addresses the Tokanui Farm, and the significance of the land on which it sits to Maniapoto, stating:

Ngāti Maniapoto and AgResearch (...) have been working together to establish an agreed valuation and conditions of a possible sale to determine the feasibility for the governance entity to purchase this farm. This is subject to the outcome of the section 40 Public Works Act 1981 offer back, if required, and AgResearch requirements for the timing of sale.

27. This land is relevant because part of the existing landfill associated with the former Tokanui Hospital (and the subject of the Landfill Application) is currently located on the AgResearch land. There are also archaeological and cultural sites located on the AgResearch land. These matters are addressed in more detail below and in the 30 October 2025 FTL memo from Dr Finnigan to Ms Emily Buckingham attached as Appendix A.

Legal position in relation to the future 'management' of the Site

28. During the Hearing, the mandate for TNN was questioned, with Submitters asserting it was Crown-created and had no basis in tikanga. Matters of tikanga in relation to mandates and settlements are not for LINZ to weigh in on (nor the Panel). However, as set out above, a claims settlement process was undertaken between Maniapoto and the Crown, and as a result of that settlement TNN was established.
29. TNN has a clear mandate, voted on by iwi members, to receive the redress and that redress is set out in the Deed (and summarised above). That redress provides for the transfer to TNN, and required demolition works, but does not specify what the Site's future use will or may be. That is a matter for TNN to determine, and it is beyond what LINZ and the Panel (under the RMA) can (or should) be involved in. This appeared to be acknowledged by the Submitters at the Hearing.

Treaty settlements generally

30. Section 8 of the RMA requires the Panel to "take into account" the principles of the Treaty of Waitangi. One of the core Treaty principles is the principle of redress, which provides that the Crown has an obligation to provide redress for past breaches of the Treaty. As explained above, the Deed settled the historical Treaty of Waitangi claims of Maniapoto.

31. Treaty settlements are a mechanism to implement the principle of redress.

As stated in *Ngāti Whātua Ōrākei Trust v Attorney-General (No 4)*: The context of Treaty settlements also directly invokes the duty to provide redress, and right to receive redress, for breaches of the Treaty. **It is the primary reason for the Crown's Treaty settlement endeavours. And it may cut against aspects of the other duties.** There may be circumstances in which the balance of Treaty considerations means the Crown has to make a decision in relation to Treaty settlements that is inconsistent with the tikanga of one iwi or another. (emphasis added)

32. Accordingly, LINZ submits that section 8, while not directive, is a very important consideration in this case given that the Applications are intended to give effect to a Treaty settlement.

Public Works Act (1908 and 1981)

33. During the Hearing the PWA / PWA 1908 was raised several times by submitters in relation to, in summary:
- (a) the Site's historical acquisition under the PWA 1908; and
 - (b) PWA requirements for remediation of land when it is returned to Māori, including in relation to a rural use³⁶ and/or 'clean earth' standard.
34. As pointed out by the Panel Chair during the Hearing, matters relating to PWA / PWA 1908 and Deed processes are outside the scope of what can be determined in an RMA consenting hearing. In this case, there is a Deed, a PSGE (TNN) and an agreed (and legislated) process for demolishing and removing buildings and remediating land prior to offering it back to TNN for purchase. That is the context in which the Panel must operate.
35. Accordingly, while acknowledging the honestly held and very genuine views of the Submitters, and the *mamae* felt, matters relating to the PWA / PWA 1908 and Deed are not matters that can be lawfully resolved through an RMA process. The High Court has been clear that when considering a resource consent application the Court (or Panel) is "not engaged at Part 2 of the RMA in a process of conferring, declaring or affirming tikanga-based rights, powers or authority per se whether in State law or tikanga Māori (...). The jurisdiction to declare and affirm tikanga based rights in State law rests with the High Court and/or the Māori Land Court."
36. In this case, therefore, the Panel has no lawful ability to decline the Applications on the grounds of who the Site should return to.
37. That does not mean, of course, that cultural and tikanga effects are not relevant. RMA decision-makers must engage with "tikanga Māori where necessary and relevant to the discharge of express statutory duties" and, as set out in opening submissions, the Panel will need to consider and weigh the evidence it has heard from the submitters on cultural matters in light of the RMA and planning framework and the relevant case law principles.

Regarding the recommendation from Ms Thomas that the land use consent application for landfilling be declined (as requested by the submitters), the closing legal submissions included the following [footnotes excluded]:

Implications of a 'decline'

38. At the Hearing, the outcome sought by the Submitters was clear and unanimous: "a big fat no" to granting the two Applications. The opposition appears to be driven primarily because of the historical acquisition of the land by the Crown and its subsequent return to TNN. Because the Project enables that return, they cannot support it; doing so would amount to endorsing an outcome that they, and their descendants, could not accept.
39. LINZ recognises that this is not a straightforward matter for the Submitters to grapple with, especially when historical grievances and internal differences of opinion are at play. LINZ also acknowledges the "conflict" alluded to by TNN "between cultural integrity and environmental risk. No option is without harm, but the harms differ in kind".

....

The submissions also noted that [footnotes excluded]:

- 43 ...
- (a) if the Landfill Application is declined, then the existing landfill (and the existing waste within it) remains but without the environmental benefits associated with the proposed upgrades; and

- (b) if the Remediation Application is declined, then no remediation or removal will take place and the land will not be converted into a suitable state for the benefit of present and future generations.
44. These are issues the Panel questioned Ms Hayley Thomas (WDC's reporting officer) on during the Hearing. Ms Thomas confirmed her recommendation, as set out in her section 42A report, that the district consents sought through the Landfill Application be declined on the basis that cultural effects had not been sufficiently mitigated.
45. The Chair put it to Ms Thomas that, on the basis of what was heard from the mana whenua submitters at the Hearing, the mamae that exists is as much to do with the existing landfill (and the existing waste within) as it is to do with the Project. Therefore, declining the consents sought would not solve the problem, it would simply delay it for another day (until 2035, when the existing consents expire).
46. In the meantime LINZ would continue to be subject to its maintenance obligations under the existing consent conditions but would not be able to implement the upgrades proposed, and therefore the environmental and cultural benefits associated with those upgrades would not be realised.....
47. Unfortunately, Ms Thomas failed to:
- (a) undertake a careful and detailed examination of what are the real issues; and
 - (b) then unpack, test and address them, as necessary, under the RMA.⁴⁸
48. The Panel faces the same dilemma that TNN addressed in its submission. The Submitters sought decline of the consents. But that outcome supports the status quo and leaves remaining the significant adverse cultural effects they raised (while also delaying the return of the Site under the Deed and the Settlement Act which is the driver of the opposition).
51. In that vein:
- (a) the **technical evidence** is clear; the remediation and improved landfill will reduce existing adverse effects and enhance the environment; and
 - (b) in relation to **cultural effects** (both physical and metaphysical):
 - (i) the Site's use and contamination has resulted in significant adverse cultural effects;
 - (ii) tangata whenua have been involved in the preparation of the Phase 1 CMMP, and will be invited to participate in the updating of that CMMP (provided for in conditions);
 - (iii) LINZ has prepared, in consultation with tangata whenua, conditions that ensure they are given the opportunity to deliver cultural monitoring, karakia and other cultural protocols throughout the implementation of the Project (discussed further below); and
 - (iv) this approach will ensure that the cultural effects relevant to the RMA are appropriately addressed.
52. The Panel therefore may, and indeed it is submitted (given the issues in play, and to achieve the purpose of the RMA) must, grant the consents as sought by LINZ (subject to conditions).

Regarding engagement going forward, the closing legal submissions stated [footnotes excluded]:

Cultural induction, karakia and cultural monitoring

....

67. There is now an agreed process and timeframe for progressing that workstream, and in the meantime LINZ has proposed conditions that:
- (a) require LINZ to "invite" Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao (or representatives from those hapū in the case of the WDC consents) to:

- (i) (for the WDC consents) nominate a representative/representatives to deliver a cultural induction and karakia and to review and recommend updates to the Phase 1 CMMP, following which there is a staged process for incorporating any responses received (or otherwise explaining why recommendations have not been incorporated); and
 - (ii) (for the WRC consents) appoint up to four cultural monitor(s) to undertake cultural monitoring of any ground disturbance within the waahi tapu areas identified in the Waahi Tapu Investigation, removal of native trees over 4 metres in height, and works in Stream (with LINZ covering agreed costs); and
 - (b) require "any archaeological work [to] be undertaken in conformity with any tikanga Māori protocols agreed to by the consent holder and any appointed Cultural Monitors/Kaitiaki, so long as the legal requirements of [LINZ's Archaeological Authority] are met." Archaeological authority conditions are addressed further below.
68. These conditions have been carefully crafted to:
- (a) allow for ongoing tangata whenua discussions to take place over the next several weeks while at the same time allowing closing submissions to be filed and conditions to be confirmed (ie no specific entity or person is 'locked into' the conditions);
 - (b) ensure there is a clear process for LINZ to follow in involving tangata whenua representatives, while at the same time enabling LINZ to comply with its consent conditions even if cultural monitors and/or updates to the CMMP are not confirmed by hapū (which is their prerogative); and
 - (c) ensure tangata whenua either are (or are given the opportunity to be) in 'the driving seat' in terms of the identification of any cultural effects that may arise and how these may be appropriately addressed.
69. LINZ's final set of proposed conditions, including WDC conditions 8-11 (CMMP) and 12-14 (archaeology and accidental discovery protocols), WRC Schedule One condition 4 (cultural monitoring) and WRC AUTH146952.01.01, condition 47 (archaeological works), are set out in Appendices D (WDC conditions) and E (WRC conditions). These are also addressed below under "Conditions".

Regarding the site-specific remediation standards proposed and associated soil testing, we were reminded that [footnotes excluded]:

86. Dr Finnigan gave evidence that:
- (a) currently "the Site has a relatively small volume (considering the scale of the site) of identified soil contamination, classified as being low/moderate level";
 - (b) the majority of the soil proposed to be disposed of in the existing on-site landfill "is in fact suitable for a wider range of land uses, including various rural residential and agricultural land uses", therefore "encapsulating this material on-site is a cautious, conservative approach";
 - (c) the Project will enable the Site to be returned to land "suitable for rural and rural residential activities";
 - (d) the SSRA undertaken by HAIL Environmental established remedial standards – in accordance with the Deed's requirements – defining a "rural residential remediation standard" for 85% of the Site and "managed remediation standard" for no more than 15% of the Site"; and
 - (e) low level contamination is defined as "exceed[ing] the [SSRS] but not the Site-Specific Managed (SSM) Remedial Standard" and Moderate level contamination is defined as "exceed[ing] the SSM Standard".
87. Mr Thomson raised concerns about the prospect of returning the land to a "rural residential standard" instead of a "rural use standard".

88. As Dr Finnigan explained (in response to a question from the Panel), the proposed rural residential remediation standard requires a lower level of contamination to remain than would be required by the most stringent of the Ministry for the Environment (MfE) NES-CS guidelines.

Regarding the interplay between the requirements of the archaeological authority that has already been granted and the proposed resource consent conditions, we were reminded that [footnotes excluded]:

106. In any case, the Panel (and WRC) can be assured that any potential archaeological or cultural effects that may arise through the Project's archaeological discovery will be appropriately managed through:
- (a) the archaeological authority, which requires:
 - (i) HNZPT to be advised before on-site archaeological work commences and staff to be appropriately briefed;
 - (ii) monitoring of archaeological sites by an HNZPT-approved archaeologist (with a representative sample of archaeological evidence encountered to be investigated);
 - (iii) the authority to be exercised in accordance with the Site Instruction (2025) attached to the application;
 - (iv) where kōiwi are encountered, all work within 5 metres to cease and HNZPT, Police, TNN and Ngāti Paretekawa to be notified and to determine next steps;
 - (v) any archaeological work to be undertaken in conformity with any tikanga Māori protocols agreed between LINZ, TNN and Ngāti Paretekawa; and
 - (vi) post-works reporting to HNZPT; and
 - (b) WDC Conditions 12-14 and the equivalent WRC conditions¹³⁰ which require:
 - (i) earthworks that may affect archaeological sites to be undertaken in accordance with Archaeological Authority No 2025/381 (or any replacement);
 - (ii) the same kōiwi protocols as included in Archaeological Authority No 2025/381, expanded to include Ngāti Paia, Ngāti Ngutu and Ngāti Huiao; and
 - (iii) that any archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed to by the consent holder and any appointed Cultural Monitors/Kaitiaki, so long as the legal requirements of Archaeological Authority No 2025/381 (or any replacement Archaeological Authority) are met; and
 - (c) WDC Condition 8(d), which includes "Discovery protocols for taonga/artefacts and kōiwi" as one of the categories for inclusion in the CMMP.

Regarding "remediation standards", we were told that [footnotes excluded]:

116. The key points are that:
- (a) the Site will be remediated to a more stringent standard than that required under the NES-CS Users' Guide²⁵ produce consumption guideline' for rural residential land use (which itself is currently the most conservative NES-CS land use scenario), meaning it is suitable for all likely rural land uses; and
 - (b) this means that should the land zoning be changed in the future, to residential, recreational or commercial/industrial, the Site will be suitable for these uses post-remediation works.

We record our gratitude to counsel for the applicant for the detailed and thoughtful submissions and which have been of considerable assistance to us.

5.6 Closing the Hearing

We issued a Minute on 7 November 2025 advising that we had closed the hearing on that date.

6. KEY ISSUES TO BE DECIDED

Noting that there are no technical nor cultural issues arising in respect of the proposed site remediation activities, as opposed to landfilling, the key issues that we need to address in this decision, are:

- Quantifying and assessing the positive and negative effects of the proposed landfilling activities on the physical environment;
- Determining if / the extent to which, we can address process-related issues associated with the relationship between Public Works Acts of 2008 and 1981 and the Ngāti Maniapoto Claims Settlement Act 2022;
- Assessing the cultural effects of proposed landfilling activities, including the process of engagement undertaken in order for those effects to be assessed;
- Assessing the proposal against the requirements of the RMA, particularly sections 104D and 104; and
- The drafting of consent conditions.

7. EVALUATION OF THE KEY ISSUES IN DISPUTE

7.1 Positive Effects

We are satisfied that this proposal will have significant positive effects on the bio-physical environment, including:

- Providing a compacted base, a cap that meets modern expectations and construction of a diversion channel that will ensure the volume of groundwater flowing through, and exiting, the landfill is minimal. These measures will greatly reduce the concentration and load of contaminants leaching into the Wharekōrino Stream;
- A major reduction in the magnitude and extent of flooding in the vicinity of the landfill through replacement and upgrading of aged culverts known be partially blocked due to subsidence and lack of maintenance;
- Environmental enhancement through extensive planting of the riparian zone of the Wharekōrino Stream, and adjacent wetlands;
- Creation of 145 m of new stream habitat, engineered to enhance fish habitat; and
- Removal of all medical waste and soil that cannot meet site specific remediation standards to an offsite public landfill licenced to receive such waste material.

We agree with the applicant's and the Councils' experts that the proposal will greatly improve the existing bio-physical environment.

7.2 Adverse Effects on the Physical Environment

Given the lack of any technical disagreements between the applicant's and Councils' experts as to the adverse effects of the proposal on the bio-physical environment and how to address them (other than Ms Thomas' recommendation that the land use application for landfilling should be declined – but on cultural, rather than technical grounds), we need not comment on technical matters in any detail. It suffices to say that we agree with the technical witnesses that the adverse effects of the proposal on the bio-physical environment relate to:

- The potential for transfer of low-moderately contaminated soil to the Wharekōrino Stream by storm events during the construction period;
- Potential for disruption of the hydrological characteristics of the Wharekōrino Stream by diverting stream flow during the repair and/or replacement of culverts; and
- Effects on amenity values during the site remediation and landfilling activities.

Having considered the evidence carefully, we are satisfied that, with the various mitigation measures in place, and subject to complying with the conditions of consent, the adverse effects of the proposal will, at most, be minor, and be significantly outweighed by its positive effects.

7.3 Relationship Between Public Works Acts of 1981 and 2008 and the Ngāti Maniapoto Claims Settlement Act 2022

We empathise with mana whenua regarding their concerns that they, as the original (and traditional) owners of the Tokanui Hospital site from whom the land was acquired under the Public Works Act, should have the right of first refusal to acquire that land now that it is surplus to the Crown's requirements, rather than it being offered to Te Nehenehenui as part of the Crown's Treaty settlement with Ngāti Maniapoto.

However, as we had understood the situation to be, and as confirmed by counsel for the applicant in their right of reply, that issue is outside our powers to address in the context of determining resource consent applications under the Resource Management Act.

However, the RMA does require, as a matter of national importance, and paraphrasing section 6(e), that we must recognise and provide for the relationship of tangata whenua with their lands and taonga. We must also have particular regard to kaitiakitanga given section 7(a) of the RMA and take into account the principles of the Treaty of Waitangi under section 8 of the RMA. That is why we have paid particular attention, both during the hearing and in our deliberations, to how mana whenua can be involved in the

remediation of the hospital site and in the implementation of the consents, as recorded in the conditions. We return to those matters below.

7.4 Engagement with Mana Whenua and Cultural Effects / Effects on Tikanga

Engagement

The panel notes that consultation/engagement with tangata whenua began in 2021 and the Cultural Impact Assessment² finalised December 2021. Three focussed waananga, site visits and multiple meetings were held to discuss project matters and particularly the project investigations and ensuing remedial measures - for example, “Waahi Tapu Investigations” and other hui occurred between December 2022 – June 2023, and “Closed Landfill Options” evaluations in July 2024. The minutes from all tangata whenua / LINZ / consultant engagement record the attendance of some or all of the mana whenua submitters. Subsequently, a contractual agreement between the Tokanui Action Roopu (TAR) Block Ltd and LINZ was established to implement the recommendations of the Cultural Impact Assessment.

The Panel is satisfied that the applicant has undertaken extensive and genuine engagement with tangata whenua, including mana whenua, and the fact that the mana whenua submitters oppose the applications does not detract from that.

Cultural and Tikanga concerns

As an introductory point, we accept that sections 6(e), 7(a) and 8 of the RMA place particular obligations on persons exercising powers and functions under the RMA (including this Panel) regarding tangata whenua and tangata whenua issues. However, that does not give tangata whenua a right of veto when they have unresolved concerns about a proposal such as this one, and we are required to consider those matters in the context of the RMA, consistent with caselaw.

We address cultural and tikanga related matters under a number of discrete headings, as follows.

Wai

The Wharekōrino Stream and the two wetland areas on site are both areas of concern for tangata whenua. The applicant and Councils have agreed a suite of proposed consent conditions to manage potential adverse effects of earthworks, that include the provision for environmental monitoring together with cultural monitoring and the exercising of kaitiakitanga. We are satisfied, that these and the other concerns raised about waterways can be appropriately addressed in the relevant management plans and implemented alongside kaitiaki and tangata whenua.

The impact on the mauri of the wai, wai as a taonga, and how Te Mana o Te Wai and Te Ture Whaimana are implemented through the project, is demonstrated by the positive

² Appendix D: Application LU0231_24

ecological effects that will be achieved. The Panel is satisfied that enhancing the Wharekōrino Stream will improve the mauri of the wai. Coupled with karakia, kaitiaki monitoring and the mauri and wairua that tangata whenua imbue, the Panel is satisfied that all practicable measures to address tikanga concerns have been implemented.

Flora and Fauna

The Panel notes that conditions have been proffered and agreed between the applicant and Councils that the removal of any rākau or tūpuna trees is to be subject to specific ecological protocols. Those conditions are comprehensive, and the Panel accepts them, noting that they are more comprehensive than conditions the Panel would have imposed if they had not been agreed.

Waahi tapu

The panel acknowledges the mamae for the past treatment and desecration of the ancient pā site on the hospital land.

The project is subject to an Accidental Discovery Protocol (ADP) and an Archaeological Authority from Heritage NZ Pouhere Taonga. If any further waahi tapu or urupa are uncovered the ADP will be invoked. We consider that to be an appropriate approach and endorse it.

Retention of existing contamination landfill area

Submitters propose that all material in the existing landfill areas be removed from the site. They say, and we accept, that continued 'leaking' of contaminants from the landfill to the stream since the Tokanui Hospital facilities closed in 1998 is culturally offensive and has compromised the mauri of the stream. Boron was the chemical of most concern but it has since reached levels that are within acceptable environmental standards for freshwater protection and irrigation. Since the 1998 closure of the hospital the concentrations of contaminants in the leachate have 'naturally' improved. The proposed upgrade (subject to granting the consent) will realise a further significant reduction.

Re-use of upgraded landfill area

Submitters prefer that all contaminated material be removed from the site, such that it in the same condition it was before it was acquired by the Crown under the Public Works Act. The applicant's proposal is that material which exceeds specified standards of contamination will be removed from the site and disposed of elsewhere, but that the significant majority of the contaminated material can be safely disposed of onsite in an upgraded landfill facility. Furthermore, any imported fill material must be "clean fill" as defined by recognised New Zealand standards.

Overall evaluation

Despite the concerns expressed by submitters, we are not persuaded to adopt Ms Thomas' conclusion that the "cultural effects are not able to be avoided, remedied or mitigated to an acceptable level". We are satisfied that with the imposition of conditions,

the cultural effects of the proposal will be avoided, remedied or mitigated and be acceptable in the context of the RMA.

8. SECTION 104D ASSESSMENT

The applications to both the WRC and WDC are non-complying activities (although, as noted above, the non-complying status of the WRC applications is due to a region-wide policy issue, rather than any effects of the proposal itself).

Section 104D of the RMA sets out the “gateway test” that a non-complying activity must satisfy before being able to be considered under section 104. Section 104D states:

104D Particular restrictions for non-complying activities

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

The section 42A reports from both Councils comprehensively assessed the proposal against section 104D and, as recorded in Section 5.3 above, both Ms Hills and Ms Thomas concluded that the “gateway test” of section 104D had been satisfied. We agree and adopt their analysis and conclusions in that regard.

9. SECTION 104 ASSESSMENT

Section 104 of the RMA sets out the provisions that decision makers must have regard to when considering an application for a resource consent and any submissions received.

Section 104 states:

104 Consideration of Applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part II, have regard to—
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) 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 effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of—
 - (i) a national environmental standard:

- (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (iv) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Based on the evaluations set out in the preceding sections of this decision, we are satisfied that the proposal will have significant positive effects, that the adverse effects of the proposal will, subject to the imposition of conditions, be acceptable and that the proposal sits comfortably with the provisions of the various statutory planning documents.

10. CONSENT CONDITIONS

The conditions that were presented at the hearing were refined considerably prior to the applicant's right of reply being submitted, noting that they were agreed between the applicant and the Councils. We are satisfied that the conditions are now generally appropriate but have amended a number of them to ensure they are certain and enforceable. The key changes we have made, other than typographical or stylistic changes, are as follows:

Waipā District Council

- Required the various consents to be exercised "in accordance with" the information submitted with the application, rather than in "general accordance with" that information;
- Required the "finalised Demolition, Deconstruction and Remediation Management Plan" ("**DDRMP**") to be "consistent" with the draft already provided, rather than in "general accordance" with it;
- Specified that an objective of the DDRMP is to set out how the conditions of consent will be complied with;
- Standardised the use of terms such as, "must" and "shall" and used the term "must";
- Clarified that "each of" Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao are entitled to nominate representatives as part of implementing the Cultural Management and Monitoring Plan;
- Included specific accidental discovery protocols, rather than relying on, and cross-referencing", an Archaeological Authority;
- Included a "standard" that the Bat Management Plan must achieve and restructured the bat management conditions accordingly;

- In respect of rehabilitation standards, reinserted the cross-referencing of the documents referred to in an Advice Note and in Waikato Regional Council resource consent AUTH146952.05.01;
- Added conditions requiring that all documentation required to be submitted to the WDC is also provided to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao; and
- Added a condition requiring the consent holder to provide to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao copies of any consent variation applications submitted to the WDC.

Waikato Regional Council

- Required the various consents to be exercised “in accordance with” the information submitted with the application, rather than in “general accordance with” that information;
- Required the “finalised Erosion and Sediment Control Plan” (“**ESCP**”) to be “consistent” with the draft already provided, rather than in “general accordance” with it;
- Standardised the use of terms such as, “must” and “shall” and used the term “must”;
- Required the “final Demolition, Deconstruction and Remediation Management Plan” (“**DDRMP**”) to be “consistent” with the draft already provided, rather than in “general accordance” with it;
- Included specific accidental discovery protocols, rather than relying on, and cross-referencing” an Archaeological Authority;
- Required that the volumes of water abstracted be measured, verified and recorded;
- Required that the structural integrity of all temporary dam structures be maintained “at all times”;
- Clarified that “each of” Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao are entitled to nominate cultural monitors;
- Added conditions requiring that all documentation required to be submitted to the WRC is also provided to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao; and
- Added a condition requiring the consent holder to provide to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao copies of any consent variation applications submitted to the WRC.

11. DECISION

For the reasons set out above, subject to the imposition of conditions set out in Appendix 1, the resource consents sought in order to remediate the Tokanui Hospital site are hereby **granted**.

DATED: 25 November 2025



Dr PH Mitchell Chair



Dr JG Cooke



P Davies

APPENDIX 1

RESOURCE CONSENT CONDITIONS

LU/0231/24 - Conditions of Consent

Activity: Below Ground Works for the remediation of the former Tokanui Hospital Site as a Discretionary Activity under the Waipā District Plan

General

- 1 The proposal must proceed in accordance with the information submitted with the application on 22 November 2024, further information submitted in response to the section 92 request, and further information presented during the hearings process, except where another condition of this consent must be complied with. This information is entered into council records as LU/0231/24. A copy of the approved plan/s is attached. A schedule of the approved plans is contained in the table below.

Documents	Author	Revision	Date
Horizontal Infrastructure Demolition Drawing Series (ref 33205)	Fraser Thomas Limited	6	8 November 2024
Remedial Action Plan – Contaminated soil plans (ref 33097/R01-R59)	Fraser Thomas Limited	5	8 October 2025
Coal tar investigation report – Contaminated roading plans (ref 33205/CT01-26)	Fraser Thomas Limited	A	25 September 2024
Culvert 2 Removal Series (ref 33205/EMB001-004)	Fraser Thomas Limited	1	8 November 2024
Culvert 3 Works Plans (ref 33097/LF310-390)	Fraser Thomas Limited	Issue Set 7	8 October 2025
PL Series – Pipe Lining Works (Ref 33205/P001-109)	Fraser Thomas Limited	2	7 November 2024
Erosion and Sediment Control Plans – Demolition Works – Drawings set (ref 33205/3000 series)	Fraser Thomas Limited	1	5 November 2024
Plan showing the relocation of entrance gates	Toitū Te Whenua LINZ	00	8 August 2024
Planting and Maintenance Plan: Tokanui Hospital Remediation	SLR Consulting New Zealand Ltd	3.0	10 September 2025

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.

Demolition, Deconstruction and Remediation Management Plan

- 3 The Consent Holder must submit to Waipā District Council's ('WDC') Consents Team Leader for certification a finalised "Demolition, Deconstruction and Remediation Management Plan" ('DDRMP'), at least twenty (20) working days prior to the commencement of works authorised by this consent. The content must be consistent with the draft Demolition, Deconstruction & Remediation Management Plan dated 18 March 2025 included with the further information response and prepared by a suitably qualified and experienced practitioner.

- a) Objectives: The objectives of the DDRMP are to:
- i) Provide relevant background information on the site and the nature of the proposed demolition works;
 - ii) Describe the proposed demolition works scope; and
 - iii) Set out the requirements contractors need to follow in relation to the specified demolition works in order to avoid, remedy or mitigate environmental effects and comply with the conditions of this consent.
- b) Requirements: The DDRMP must include (but not be limited to):
- i) Scope and methodologies for the demolition, deconstruction and remediation works;
 - ii) Details of current site constraints;
 - iii) Details of the existing infrastructure to be protected on-site;
 - 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 an accidental discovery protocol; and
 - Compliance with the conditions of consent.
 - v) Communication requirements between contractors and iwi, hapu and neighbours, in accordance with the official communications plan for this project;
 - vi) Details of a complaints register to be developed and maintained by the Contractor;
 - vii) Environment and site management measures, including in relation to:
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WDC Conditions

- Proposed work program and hours of work;
 - Dust;
 - Noise and vibration;
 - Vegetation removal;
 - Temporary storage / stockpiling;
 - Traffic management including access, manoeuvring and parking arrangements; and
 - Hazardous substance management.
- 4 The DDRMP must be certified in writing by the Waipā District Council's Consents Team Leader prior to any works authorised by this consent commencing.

Advice note: *The certification process is limited to confirming that the DDRMP has been prepared in accordance with condition 3 and will achieve the objectives of the DDRMP.*

- 5 The Consent Holder must operate the site in accordance with the certified DDRMP.
- 6 The Consent Holder may make amendments to the DDRMP before the relevant works (or relevant portion of works) are undertaken, subject to certification by the Waipā District Council having been obtained prior to an amendment taking effect. Any such amendment must be consistent with the objectives, performance requirements and technical requirements of the DDRMP. The existing certified plan will continue to apply until any revised plan has been certified.
- 7 If Waipā District Council's response is that it is not able to certify the proposed amendments, the Consent Holder must consider any reasons and recommendations of WDC and resubmit an amended DDRMP for certification or revert to the previously certified DDRMP.

Advice Note: *Waipā District Council will respond regarding certification of Management Plans and any amendments to certified Management Plans within 20 working days.*

Cultural Management and Monitoring Plan

- 8 At least thirty (30) working days prior to the commencement of works authorised by this consent, the Consent Holder must invite Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao to each nominate a representative (up to four in total across the hapū) to deliver a cultural induction and karakia and to review and recommend updates to the Phase 1 Cultural Management and Monitoring Plan (CMMP) so that it is suitable for the duration of the remediation works and activities authorised by this consent in respect of:
- a) Tikanga (protocols);
 - b) Monitoring, recovery and placement of taonga species;
 - c) Discovery protocols for taonga/artefacts and koiwi;
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WDC Conditions

- d) Cultural protocols and monitoring for any ground disturbance within the waahi tapu areas identified in the Waahi Tapu Investigation, removal of native trees over 4 metres in height, and works in Wharekōrino Stream; and
 - e) How mana 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.
- 9 If any responses are received within twenty (20) working days of the invitation being sent under Condition 8, they must be considered by the Consent Holder and either:
- a) incorporated in an updated CMMP; or
 - b) where recommendations are not incorporated, the reasons for this must be clearly set out in the updated CMMP.
- 10 At least ten (10) working days prior to the commencement of works authorised by this consent, the Consent Holder must submit to Waipā District Council's Consents Team Leader:
- a) the updated and finalised CMMP prepared in accordance with Conditions 8 and 9; or
 - b) where no response to the invitation was received in accordance with the process and timeframes set out in Conditions 8 and 9, the Consent Holder's finalised CMMP, together with a copy of the invitation sent pursuant to Condition 8 and a confirmation that no response was received pursuant to Condition 9.
- 11 The Consent Holder must implement the finalised CMMP under condition 10(a) or 10(b) for the duration of the remediation works and activities authorised by this consent.

Archaeology and Accidental Discovery Protocols

- 12 The consent holder must ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works must, in the vicinity of the discovery, cease immediately and the Waipā District Council, Waikato Regional Council, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Māori origin) must be notified within 24 hours. Works may recommence on the written approval of the Waipā District Council 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 a registered archaeologist.

Advice Note: All earthworks that may affect any archaeological sites must be undertaken in accordance with Archaeological Authority No 2025/381 issued by Heritage New Zealand Pouhere Taonga on 25 February 2025, or any replacement Archaeological Authority.

WDC Conditions

- 13 If any kōiwi (human remains) are encountered, all work must cease within 5 metres of the discovery. The Heritage New Zealand Pouhere Taonga Lower Northern Archaeologist, New Zealand Police, Te Nehenehenui, Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (Archaeological Guideline Series No.8 AGS8 2010) and no further work in the area may take place until future actions have been agreed by all parties.
- 14 Any archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed by the consent holder and any appointed Cultural Monitors/Kaitiaki, provided that all requirements of Archaeological Authority No 2025/381 (or any replacement Archaeological Authority) are satisfied.

Bat Management Plan

- 15
 - A) The Consent Holder must take all practicable measures to minimise effects on bats during works authorised by this consent and minimise any permanent effects on bat habitat.
 - B) 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 ecologist at least twenty (20) working days prior to the commencement of works authorised by this consent. The BMP must provide details of bat management measures required to comply with Condition 15 A) above, and include:
 - a) tree felling protocols to be undertaken 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.

Vehicle Entrance

- 16 The Consent Holder must relocate the gate at the existing vehicle entrance prior to works commencing to allow sufficient space for two truck and trailer units to queue inside the site as shown on the 'Plan showing the relocation of entrance gates' prepared by Toitū Te Whenua LINZ and dated 8 August 2024. The works must be certified by Council's Team Leader – Development Engineering prior to works authorised by this consent commencing (excluding enabling works).

Erosion and Sediment Control Plan

- 17 The Consent Holder must provide Council with a copy of any Erosion and Sediment Control Plan certified by Waikato Regional Council.
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Pre-Start

- 18 Prior to the commencement of activities authorised by this consent, the Consent Holder must hold a pre-construction meeting that:
- a) is scheduled with a minimum of ten (10) working days' notice, and
 - b) includes invitations to representatives from:
 - i) Council's Development Engineering Team Leader (or nominee),
 - ii) the Consent Holder's representative,
 - iii) the appointed cultural monitor(s) (if any), and
 - iv) the confirmed onsite contractor.
 - c) is for the purpose of ensuring that all relevant parties are aware of cultural monitoring protocols, consent conditions, certified management plans, and other regulatory processes applicable to the site, including Archaeological Authorities issued by the HNZPT and the Accidental Discovery Protocol as advised by the project archaeologist.

Advice Note: *In the case that any of the invited parties, other than the site representative, does not attend this meeting, the Consent Holder will have complied with this condition, provided the invitation requirement is met. The pre-construction meeting may be combined with the Waikato Regional Council pre-construction meeting.*

- 19 The Consent Holder must undertake a survey of the road condition of Te Mawhai Road between the main site entrance and the State Highway 3 intersection prior to works authorised by this consent commencing (excluding enabling works). This survey must be undertaken by a suitably qualified and experienced professional and provided to Council's Development Engineering Team Leader prior to the commencement of works authorised by this consent.

Noise

- 20 The Consent Holder must advise occupants of the immediate neighbouring dwellings (set out in Table 1 of the Acoustic Assessment prepared by SLR Consulting and dated 12 November 2024), in writing, no less than three days prior to the works commencing on the site. The written advice must include a brief description of the works, the expected duration of the works, the noise and vibration mitigation measures to be implemented, the working hours, and contact details for any concerns regarding noise and vibration. The Consent Holder must provide confirmation to Council's enforcement team a copy of the notice and the properties sent the notice.
- 21 Between 7:30 am and 6:00 pm Monday to Saturday, noise arising from tree removal works must not exceed 75 dB LAeq when measured or assessed at any occupied building at 203 and 207 Te Mawhai Road (unless affected party approval has been obtained).
- 22 Verification noise monitoring must be undertaken at the first instance of tree removal works. The result of this monitoring is to be used to identify appropriate mitigation measures to ensure compliance with Condition 21 is achieved.
- 23 With the exception of the tree removal works identified in Condition 21, all other
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WDC Conditions

construction noise must be in accordance with NZS6803:1999 Acoustics - Construction Noise.

Vibration

- 24 Construction vibration must 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.

Planting and Maintenance Plan

- 25 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 prepared by SLR Consulting and dated 10 September 2025.
- 26 The Consent Holder must undertake ongoing maintenance of planted areas in accordance with the Planting and Maintenance Plan until native plant cover reaches 90%.

Earthworks Completion Report

- 27 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; and
 - b) Confirmation of compliance with relevant standards and technical specifications for the contract work, including any compaction testing and producer statement(s).

Post-works survey of road condition

- 28 Within three months of the completion of works authorised by this consent, the Consent Holder must undertake another survey of the road condition of Te Mawhai Road between the main site entrance and the State Highway 3 intersection. The Consent Holder must undertake any repairs required to the condition of Te Mawhai Road arising from the exercise of its consents to ensure it is at the same standard as the survey undertaken under Condition 19.

Te Mawhai Road may be repaired to a better or alternative standard if agreed by the Consent Holder and Waipā District Council. All repair or remediation works must be undertaken as soon as practicable and certified by Council's Development Engineering Team Leader.

Advice Note: *The Regional Infrastructure and Technical Specification (RITS) set out a means of compliance for all infrastructure.*

Provision of information to tangata whenua

- 29 Wherever the conditions of this consent require the Consent Holder to provide information to the Waipā District Council, the Consent Holder must simultaneously
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WDC Conditions

provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.

- 30 If the Consent Holder submits any application to vary the conditions of this consent, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.

Advice Notes

- 1 The application was supported by:
 - a) An Assessment of Environmental Effects prepared by SLR Consulting New Zealand, dated 20 November 2024;
 - b) A Cultural Impact Assessment, prepared by Kaawhia Te Muraahi and Maria Maniapoto, approved by TAR Block Ltd., dated December 2021;
 - c) Waahi Tapu Investigation and Cultural Induction Summary – Phase 1: Site Investigations, prepared by TAR Block Ltd, dated June 2023;
 - d) An Iwi Engagement Report, prepared by Toitū Te Whenua Land Information New Zealand, dated 19 November 2024;
 - e) An archaeological assessment, prepared by CFG Heritage, dated 22 July 2024;
 - f) An Archaeological Authority under Heritage New Zealand Pouhere Taonga Act 2014: Authority no. 2024/018, dated 14 August 2023;
 - g) The following application plans:
 - i) Horizontal Infrastructure Demolition Series, prepared by Fraser Thomas Limited dated 8 November 2024;
 - ii) Culvert 2 Removal Series, prepared by Fraser Thomas Limited dated 8 November 2024;
 - iii) Planting Plan (Culvert 2, prepared by SLR Consulting NZ Ltd, dated 11 November 2024;
 - iv) Culvert 3 Works Plans, prepared by Fraser Thomas Limited, dated 21 November 2024;
 - v) PL Series – Pipe Lining Works Plans, prepared by Fraser Thomas Limited, dated 7 November 2024;
 - vi) Erosion and Sediment Control Plans, prepared by Fraser Thomas Limited, dated 5 November 2024; and
 - vii) Plan showing the relocation of entrance gates, prepared by Toitū Te Whenua Land Information New Zealand
 - h) A Former Tokanui Hospital Demolition and Remediation Horizontal Infrastructure Assessment Report, prepared by Fraser Thomas Limited, dated 9 November 2023;
 - i) A Coal Tar Investigation Report, prepared by Fraser Thomas Limited, dated 20 November 2024;
 - j) Contaminated Land Reports as follows:
 - i) Preliminary Site Investigation ('PSI') prepared by GHD Ltd (2023);
 - ii) Detailed Site Investigation ('DSI') prepared by GHD Ltd (2024);
 - iii) Addendum DSI by Fraser Thomas Ltd and HAIL Environmental Ltd (2024);
 - iv) Site Specific Risk Assessment by HAIL Environmental Ltd (2024);
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WDC Conditions

- v) Remedial Options Report by Fraser Thomas Ltd and HAIL Environmental Ltd (2024); and
 - vi) Remedial Action Plan by Fraser Thomas Ltd (2024).
 - k) An Ecological Impact Assessment, prepared by SLR Consulting New Zealand, dated 19 November 2024;
 - l) A Former Tokanui Hospital Existing Disposal Site - Flood Risk & Mitigation Assessment prepared by Fraser Thomas Limited, dated 1 November 2024;
 - m) A Transport Assessment Report prepared by CKL, dated 21 August 2025;
 - n) An Acoustic Assessment, prepared by SLR Holdings NZ, dated 12 November 2024;
 - o) A draft Demolition, Deconstruction and Remediation Management Plan, prepared by Fraser Thomas Limited, dated 15 November 2024; and
 - p) A draft Erosion and Sediment Control Plan, prepared by Fraser Thomas Limited, dated 8 November 2024.
 - q) 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.
 - r) Updated contaminated land reporting (Addendum DSI, Remedial Action Plan and RAP drawings) prepared by Fraser Thomas Ltd, dated 7 April 2025.
 - s) Attachments to the applicant's hearing evidence as follows:
 - i) Additional Structures Memo, prepared by Fraser Thomas Ltd, dated 12 August 2025;
 - ii) Effect of Changes in Impervious Areas from Hospital Demolition Works on Stream Flows memo, prepared by Fraser Thomas Ltd, dated 26 June 2025;
 - iii) Additional maps 33097/M08 and M09 for Flood Risk & Mitigation Assessment, prepared by Fraser Thomas Ltd, dated 11 November 2024;
 - iv) Updated Planting and Management Plan (V3), prepared by SLR Consulting New Zealand, dated 10 September 2025;
 - v) An Archaeological Authority under Heritage New Zealand Pouhere Taonga Act 2014: Authority no. 2025/381, dated 25 February 2025;
 - vi) Iwi Engagement Report – Phase 2 Addendum prepared by Toitū Te Whenua Land Information New Zealand, dated 26 September 2025.
- 2 The Consent Holder is advised that Council's officers and/or agents are 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 may need to pay the actual and reasonable costs incurred by the Waipā District Council when monitoring the conditions of this consent.
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WDC Conditions

- 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.
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NES-CS Conditions of Consent

Activity: Soil disturbance and change of use as a Restricted Discretionary Activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health – Site Remediation

- 1) At least 20 working days prior to any earthworks commencing at the site, the Consent Holder must submit to Council, for certification the following management plans:
 - a) Asbestos removal control plan (ARCP);
 - b) Contaminated Site management plan (CSMP); and
 - c) Construction management plan (CMP).

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

Any changes to any of the above plans during construction must be completed in accordance with the process in conditions 6 and 7 of LU/0231/24.

- 2) The remediation of the site must be completed in accordance with the Remedial Action Plan (RAP) prepared by Fraser Thomas Limited and dated 7 April 2025 and all plans identified in Condition 1.
 - 3) Any changes to the RAP must be certified by WDC's Consents Team Leader (or nominee) acting in a technical certification capacity, before the implementation of any changes proposed. The certification process is limited to confirming that the RAP will continue to provide suitable mitigation and/or management of risk to human health and/or the environment.
 - 4) Site validation must be completed in accordance with the RAP methodology and the Drawing Set 33097 Revision 3 dated 4/04/2025.
 - 5) Site validation data must be collected from each area remediated under the certified RAP. The data must be reported on in the site validation report.
 - 6) A site validation report (SVR) must be provided to WDC's Environmental Health Team Leader for certification within 3 months of completion of the remedial works. The SVR must confirm that remedial objectives and goals for the site have 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) Any deviations or variations from the RAP;
 - d) Details of all soil samples taken, tabulated analytical results, and interpretation of results;
 - e) Details of soil removed from the site for offsite disposal, including volumes,
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WDC Conditions

- disposal facility, type of waste, and disposal facility receipts/dockets;
 - f) Details of locations where soil has been re-used on site;
 - g) Details of any unexpected discoveries and any soil sampling undertaken associated with unexpected discoveries;
 - h) Details of the validation sampling undertaken and interpretation of the results in the context of the NESCS;
 - i) Site figures and plans;
 - j) Evidence that fill imported to the site is clean fill in accordance with condition 9; and
 - k) Comment on the general suitability of the site for the future land use.
- 7) Should any soil remain on the hospital site with contaminant concentrations above site-specific remediation standards described in the documentation referred to in Advice Note 1 of consent LU/0231/24 and Condition 3 of Waikato Regional Council consent AUTH146952.05.01, these soils must be identified in an ongoing site management plan (OSMP). Any 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; and
 - e) Monitoring and maintenance procedures.
- 8) Any soil removed from the site and not disposed of at the on-site landfill must be disposed of at a facility consented to accept the waste.
- 9) 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 (Operative 2007 – Glossary of Terms). Cleanfill deposition authorised by this consent must 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.
- 10) Any hardfill imported to the site must be sourced from a consented quarry.
- 11) A record of all soils imported to site must be kept, including source, description, volumes, and appropriate dockets.
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WDC Conditions

- 12) 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 unexpected discovery protocol in the RAP must be implemented;
 - c) Should any discovery require remediation that is outside the scope of the remediation methods within the RAP, WDC must be advised of the remediation approach in writing. WDC must provide written certification of the method before commencement; and
 - d) All unexpected discoveries must be documented as part of the SVR.

Provision of information to tangata whenua

- 13) Wherever the conditions of this consent require the Consent Holder to provide information to the Waipā District Council, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
 - 14) If the Consent Holder submits any application to vary the conditions of this consent, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
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LU/0232/24 – 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 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. A schedule of the approved plans and documents is contained in the table below.

Documents	Author	Revision	Date
Landfill (and Culvert 3) Plans (ref 33097/LF310-551)	Fraser Thomas Limited	Issue Set 7	8 October 2025
Planting and Maintenance Plan: Tokanui Hospital Remediation	SLR Consulting New Zealand Ltd	3.0	10 September 2025
Erosion and Sediment Control Plan (ref 33097) (Landfill)	Fraser Thomas Limited	2	21/11/2024

Monitoring

- 2 The Consent Holder must notify the Waipā District Council enforcement team in writing prior to the commencement of activities authorised by 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 consistent 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 and comply with the conditions of this consent.

WDC Conditions

- 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 WRC consent AUTH146952.05.01; 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 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. The certification process is limited to confirming that the CMP has been prepared in accordance with condition 3 and will achieve the objectives of the CMP.
 - 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
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WDC Conditions

proposed.

- 6 The Consent Holder may make amendments to the CMP before the relevant works (or relevant portion of works) are undertaken, subject to certification by the Waipā District Council, prior to an amendment taking effect. Any such amendment must be consistent with the objectives, performance requirements and technical requirements of the CMP. The existing certified plan will continue to apply until a revised plan has been certified.
- 7 If Waipā District Council's response is that it is not able to certify the proposed amendments, the Consent Holder must consider any reasons and recommendations of WDC and resubmit an amended CMP for certification, or revert to the previously certified CMP.

Advice Note: *Waipā District Council will respond regarding certification of Management Plans and any amendments to certified Management Plans within 20 working days.*

Cultural Management and Monitoring Plan

- 8 At least thirty (30) working days prior to the commencement of works authorised by this consent, the Consent Holder must invite Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiāo to each nominate one representative (up to four in total across the hapū) to deliver a cultural induction and karakia and to review and recommend updates to the Phase 1 Cultural Management and Monitoring Plan (CMMP) so that it is suitable for the duration of the remediation works and activities authorised by this consent in respect of:
 - a) Tikanga (protocols);
 - b) Monitoring, recovery and placement of taonga species;
 - c) Discovery protocols for taonga/artefacts and koiwi;
 - d) Cultural protocols and monitoring for any ground disturbance within the waahi tapu areas identified in the Waahi Tapu Investigation, removal of native trees over 4 metres in height, and works in Wharekōrino Stream; and
 - e) How mana whenua are to be engaged and consulted with throughout the duration of the works and activities authorised by this consent, including during earthworks and any ecological restoration and enhancement activities.
 - 9 If any responses are received within twenty (20) working days of the invitation being sent under Condition 8, they must be considered by the Consent Holder and either:
 - a) incorporated in an updated CMMP; or
 - b) where recommendations are not incorporated, the reasons for this must be clearly set out in the updated CMMP.
 - 10 At least ten (10) working days prior to the commencement of works authorised by this consent, the Consent Holder must submit to Waipā District Council's Consents Team Leader:
 - a) the updated and finalised CMMP prepared in accordance with Conditions 8 and 9;
or
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WDC Conditions

- b) where no response to the invitation was received in accordance with the process and timeframes set out in Conditions 8 and 9, the Consent Holder's finalised CMMP, together with a copy of the invitation sent pursuant to Condition 8 and a confirmation that no response was received pursuant to Condition 9.
- 11 The Consent Holder must implement the finalised CMMP under condition 10(a) or 10(b) for the duration of the works and activities authorised by this consent.

Archaeology and Accidental Discovery Protocols

- 12 The consent holder must ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works must, in the vicinity of the discovery, cease immediately and the Waipā District Council, Waikato Regional Council, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Māori origin) must be notified within 24 hours. Works may recommence on the written approval of the Waipā District Council 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 a registered archaeologist.

Advice Note: *All earthworks that may affect any archaeological sites must be undertaken in accordance with Archaeological Authority No 2025/381 issued by Heritage New Zealand Pouhere Taonga on 25 February 2025, or any replacement Archaeological Authority.*

- 13 If any kōiwi (human remains) are encountered, all work should cease within 5 metres of the discovery. The Heritage New Zealand Pouhere Taonga Lower Northern Archaeologist, New Zealand Police, Te Nehenehenui, Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (Archaeological Guideline Series No.8 AGS8 2010) and no further work in the area may take place until future actions have been agreed by all parties.
- 14 Any archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed to by the Consent Holder and any appointed Cultural Monitors/Kaitiaki, so long as the legal requirements of Archaeological Authority No 2025/381 (or any replacement Archaeological Authority) are met.
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WDC Conditions

Medical waste

- 15 All identified or discovered medical waste must be removed and disposed of at an offsite facility authorised to accept it.

Bat Management Plan

- 16A) The Consent Holder must take all practicable measures to minimise effects on bats during works authorised by this consent and minimise any permanent effects on bat habitat.
- 16B) 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 ecologist at least twenty (20) working days prior to the commencement of works authorised by this consent. The BMP must provide details of bat management measures required to comply with Condition 15 A) above, and include:
- a) tree felling protocols to be undertaken 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

- 17 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

- 18 Prior to the commencement of activities authorised by this consent, the Consent Holder must hold a pre-construction meeting that:
- a) is scheduled with a minimum of ten (10) working days' notice, and
 - b) includes invitations to representatives from:
 - i) Council's Development Engineering Team Leader (or nominee),
 - ii) the Consent Holder's representative,
 - iii) the appointed cultural monitor(s) (if any), and
 - iv) the confirmed onsite contractor.
 - c) is for the purpose of ensuring that all relevant parties are aware of cultural monitoring protocols, consent conditions, certified management plans, and other regulatory processes applicable to the site, including Archaeological Authorities issued by the HNZPT and the Accidental Discovery Protocol as advised by the project archaeologist.
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Advice Note: *In the case that any of the invited parties, other than the site representative does not attend this meeting, the Consent Holder will have complied with this condition, provided the invitation requirement is met. The pre-construction meeting may be combined with the Waikato Regional Council pre-construction meeting.*

Planting and Maintenance Plan

- 19 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 prepared by SLR Consulting and dated 10 September 2025.
- 20 The Consent Holder must undertake ongoing maintenance of planted areas in accordance with the Planting and Maintenance Plan until native cover reaches 90%.

Earthworks Completion Report

- 21 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;
 - c) The location of identified and any additional medical waste that was removed, and confirmation of its disposal at an offsite facility as required by Condition 15 above; and
 - d) Confirmation of compliance with relevant standards and technical specifications for the contract work, including any compaction testing and producer statement(s).

Provision of information to tangata whenua

- 22 Wherever the conditions of this consent require the Consent Holder to provide information to the Waipā District Council, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
 - 23 If the Consent Holder submits any application to vary the conditions of this consent, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
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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;
 - s) 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
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WDC Conditions

2025.

- t) Attachments to the applicant's hearing evidence as follows:
 - i) Comparative Water Quality Standards for Boron dated 11 August 2025;
 - ii) Addendum Targeted Detailed Site Investigation – AgResearch area, prepared by Fraser Thomas Ltd, dated 12 September 2025;
 - iii) Updated landfill plans, prepared by Fraser Thomas Ltd, dated 20 August 2025;
 - iv) Evaluation of Fish Passage for Proposed Culvert 3 (V4) memo, prepared by Fraser Thomas Ltd, dated 21 August 2025;
 - v) Estimated Effect of Landfill Upgrade Works on Boron Discharges memo, prepared by Fraser Thomas Ltd, dated 20 August 2025;
 - vi) Additional maps 33097/M08 and M09 for Flood Risk & Mitigation Assessment, prepared by Fraser Thomas Ltd, dated 11 November 2024;
 - vii) Fish passage evaluation memo, prepared by SLR Consulting New Zealand, dated 20 August 2025;
 - viii) Updated AgResearch written approval;
 - ix) Updated Planting and Management Plan (V3), prepared by SLR Consulting New Zealand, dated 10 September 2025;
 - x) An Archaeological Authority under Heritage New Zealand Pouhere Taonga Act 2014: Authority no. 2025/381, dated 25 February 2025;
 - xi) Iwi Engagement Report – Phase 2 Addendum prepared by Toitū Te Whenua Land Information New Zealand, dated 26 September 2025.
 - 2 The Consent Holder is advised that the Council's officers and/or agents are 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 must need to 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 assessed in accordance with NZS6803:1999 Acoustics - Construction Noise.
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WDC Conditions

- 7 Construction vibration must 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.

Provision of information to tangata whenua

- 8 Wherever the conditions of this consent require the Consent Holder to provide information to the Waipā District Council, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
 - 9 If the Consent Holder submits any application to vary the conditions of this consent, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
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NES-CS 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 – Landfilling Activities

- 1) At least 20 working days prior to any earthworks commencing at the site, the Consent Holder must submit to Council, for certification the following management plans:
 - a) Asbestos removal control plan (ARCP)
 - b) Contaminated Site management plan (CSMP)
 - c) 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 must be completed in accordance with the process in conditions 6 and 7 of LU/0232/24.

- 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, including records of consultation with WDC regarding these matters, if applicable. The SVR must include, but is not limited to:
 - 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) Any soil removed from the site must be disposed of at a facility consented to accept the waste.
 - 4) 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 (Operative 2007 – Glossary of Terms). Cleanfill deposition authorised by this consent must exclude:
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WDC Conditions

- 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.
- 5) Any hardfill imported to the site must be sourced from a consented quarry.
- 6) A record of all soils imported to site must be kept, including source, description, volumes, and appropriate dockets.
- 7) 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 unexpected 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 unexpected discoveries will be documented as part of the SVR.

Provision of information to tangata whenua

- 8) Wherever the conditions of this consent require the Consent Holder to provide information to the Waipā District Council, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
- 9) If the Consent Holder submits any application to vary the conditions of this consent, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
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AUTH146952.01.01 (Earthworks & Cleanfill for Remediation Application)

Resource Consent: AUTH146952.01.01

File Number: 60 56 12A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Toitū Te Whenua Land Information New Zealand (LINZ)
PO Box 5501, Wellington 6145

(hereinafter referred to as the consent holder)

Consent Type: Land Use Consent

Consent Subtype: Land – Disturbance and Deposit

Activity authorised: To undertake earthworks and cleanfill activities within and outside HREA, including National Environmental Standards for Freshwater regulations in association with site remediation

Location: 149 Te Mawhai Road, Tokanui, Te Awamutu

Map reference: NZTM 1803974.E 5784400.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on xx Month 2032
[date to be inserted, being 7 years following commencement of consent]

Subject to the conditions overleaf:

CONDITIONS – AUTH146952.01.01

This consent is subject to the conditions shown below and the conditions as listed in “Schedule One – General Conditions” and “Schedule Two – Management Plan Conditions” attached to this consent.

General

1. The activity authorised by this resource consent must be undertaken in accordance with the application lodged under APP146952 and titled “**Remediation of Former Tokanui Hospital Site, Assessment of Environmental Effects, Toitū Te Whenua Land Information New Zealand**”, the plans listed in condition 4 of Schedule One, and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.

Erosion and Sediment Control Plan (ESCP)

2. The consent holder must provide Waikato Regional Council with a finalised Erosion and Sediment Control Plan (ESCP) in accordance with the requirements in Schedule Two – Management Plan Conditions. The objective of the ESCP must be to identify measures necessary to minimise soil erosion and sediment discharge and dust discharge from the activities authorised by this consent for compliance with conditions 4-5, 9-10, 28-38 and 42-44 of this consent and conditions 2-14 of AUTH146952.03.01. The ESCP must be consistent with the draft ESCP prepared by Fraser Thomas Ltd dated 5 November 2024 and the principles and practices contained within the Waikato Regional Council document titled “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” (Technical Report No. 2009/02 – dated January 2009, including 2014 factsheets).

Advice Note: The “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” can be found on the Waikato Regional Council website: www.waikatoregion.govt.nz/earthworks. Note these guidelines were amended with the inclusion of a series of factsheets in 2014.

Advice Note: If the works are undertaken in stages, then compliance with condition 4 must be undertaken for each works area or stage.

3. The finalised ESCP required by condition 2 must contain sufficient detail to address the following matters:
 - a. Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to achieve sediment and dust discharge standard of this consent,
 - b. The design criteria and dimensions of all key erosion and sediment control structures,
 - c. A site plan of a suitable scale to identify:
 - i. The locations of waterways, including drains,
 - ii. The extent of soil disturbance and any vegetation removal,
 - iii. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to any watercourses,
 - iv. Areas of cut and fill,
 - v. All locations of topsoil stockpiles,
 - vi. The boundaries and area of catchments contributing to all stormwater impoundment structures,
 - vii. The locations of all specific points of discharge to the environment, and
 - viii. Any other relevant site information.

- d. Construction timetables for erosion and sediment control works and the cleanfill importation proposed,
- e. Specific dewatering procedures to be followed,
- f. Timetable and nature of progressive site rehabilitation and any re-vegetation proposed,
- g. Maintenance, monitoring and reporting procedures, including contingency measures and remedial actions to be taken if discharge standards are exceeded,
- h. Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures
- i. Dry conditions response and contingency measures including dust suppression methods to minimise adverse effects in the event of dust creation from un-stabilised areas,
- j. Procedures and timing for review and/or amendment to the ESCP,
- k. Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures, and
- l. Truck access/entry details to the preload area for unloading, including methods of containment to avoid uncontrolled sediment discharge outside of the works area.

Erosion and Sediment Control

- 4 All disturbed or cut vegetation, soil or debris must be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any water body/course.
- 5 The consent holder must ensure that, as far as practicable, all clean water run-off from stabilised surfaces including all catchment areas of the site, must be diverted away from any exposed areas via a stabilised system to prevent erosion.

Chemical Treatment

- 6 The implementation of a chemical treatment system must be maintained as a contingency throughout the duration of earthworks, and is to be implemented as soon as practicable in accordance with a certified Chemical Treatment Management Plan (CTMP) when bench testing or pond conditions indicate it would be required to meet condition 9 of this consent, and/or at the request of an agent of the Waikato Regional Council.

Advice Note: *The Waikato Regional Council will determine the need to request implementation of chemical treatment based on consideration of:*

- *The quality of the existing/proposed erosion and sediment controls,*
- *The compliance history of the site/operator,*
- *Seasonal/local soil and weather conditions,*
- *Sensitivity of the receiving environment, and*
- *Any other relevant factor.*

Advice Note: *If bench testing indicates that flocculation is not necessary or if there are no Sediment Retention Ponds or Decanting Earth Bunds, a CTMP will not be required.*

- 7 If chemical treatment is required by condition 6, the consent holder must provide the Waikato Regional Council with a Chemical Treatment Management Plan (CTMP), in accordance with the requirements in Schedule Two – Management Plan Conditions. The objective of the CTMP must be to identify and design the requirements for an appropriate chemical treatment system for the activities authorised by this consent in compliance with conditions 9 and 10.
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- 8 The CTMP required by condition 7 must include:
- a. An analysis identifying which sediment retention ponds and decanting earth bunds require chemical treatment, this analysis taking into account,
 - i. The results of flocculant bench testing based on the sites soil reactivity to chemical treatment,
 - ii. The size of the contributing catchment that the sediment control device is treating,
 - iii. The likely duration a sediment control device will be used,
 - b. Specific design details of the chemical treatment system,
 - c. Details of monitoring (including pH and any other water testing procedures), maintenance (including pre and post-rainfall event maintenance), recording and reporting procedures,
 - d. Contingency measures and remedial actions to be taken if discharge standards are exceeded,
 - e. Details of optimum dosage (including assumptions),
 - f. Results of any initial chemical treatment trial,
 - g. A spill contingency plan and
 - h. Identification and contact details of personnel responsible for the operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

Discharge Standards

- 9 The discharge of suspended solids associated with the activities authorised by this consent must not result in the concentration of suspended solids in the Wharekorino Stream exceeding 100 grams per cubic metre, except where the concentration of suspended solids in the Wharekorino Stream, upstream of the activity, already exceeds 100 grams per cubic metre then there must be no more than a 10 percent increase in the concentration of suspended solids in the Wharekorino Stream as a result of activities authorised by this consent.
- 10 Any discharge from sediment retention ponds or decanting earth bunds which have been subject to any chemical treatment must have a pH of between 5.5 and 8.5, and soluble aluminium not exceeding 0.150g/m³.

Advice note: Aluminium toxicity varies with pH. Proposed soluble aluminium standard is based on ANZECC guideline for protection of 80% of freshwater species and strictly applies to a water pH >6.5. For pHs below this, there is no specified guideline.

- 11 To determine compliance with conditions 9 and 10, a minimum of three water samples must be collected, a minimum of once per month, except in any month where there are no discharges. Samples must also be taken within four hours of the consent holder becoming aware of a rainfall event greater than 20 millimetres in any 24-hour period that has created discharge from a device. The samples must be collected from the following locations, shown on the Sampling Locations Plan in Schedule Four:
- a. upstream at U3 and U4 and
 - b. downstream at S5.
- 12 Within one (1) working day of taking any samples required by condition 11, the consent holder must have those samples analysed for suspended solids and (if flocculants are being used to treat any sediment retention pond or decanting earth bund) pH, and soluble aluminium. The results of the analysis must be forwarded to the Waikato Regional Council within seven (7) days of analysis by an accredited laboratory.
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- 13 The results of any sampling required by this resource consent must be provided in writing to the Waikato Regional Council within five (5) days of the analysis being completed. The location and frequency of sampling, analyses and reporting may be altered or reduced with the written agreement of the Waikato Regional Council, acting in a technical certification capacity.
- 14 Should the sampling required by conditions 11 and 12 show that the standards in conditions 9 and 10 are not being met, contingency measures and remedial actions must be undertaken in accordance with the certified ESCP and CTMP.

Cleanfill

- 15 All cleanfill discharge including imported material authorised by this consent is limited to natural materials such as clay, soil and rock and other inert materials such as concrete and brick, or mixtures of any of the above that are free of:
 - 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 material 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 if excavated,
 - e. Soils or other materials contaminated with hazardous substances or pathogens,
 - f. Liquid waste,
 - g. Hazardous substances.

Advice Note: *Cleanfill is defined as material that when discharged to the environment will have no adverse effect on people and the environment. There must be no organic material mixed with the fill and /or placed in a position where it may lead to land instability.*

- 16 The contaminant concentrations of the cleanfill material discharged at the site must comply with the cleanfill acceptance thresholds below:

Trace Elements	Maximum Acceptance Criteria (mg/kg)
Arsenic	17
Boron	15
Cadmium	0.8
Chromium	56
Copper	120
Lead	78
Mercury	1
Nickel	33
Zinc	175
Organic Compounds	Maximum Acceptance Criteria (mg/kg)
TPH C7-C9	110
TPH C10-C14	58
Benzene	0.11
Ethylbenzene	10
Toluene	19
Total Xylene	25
Benzo[a]pyrene (equivalent)	2.8
Total DDT	2
Dieldrin	0.1

- 17 Any material that does not meet the definition of cleanfill as per condition 15, or the Acceptance Criteria in condition 16 are not authorised under this consent.
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- 18 All fill material must be of an appropriate size and placed so that it does not result in land instability.
- 19 The consent holder must maintain a site logbook to identify all cleanfill loads entering the site, recording the number of trucks and estimated volume of cleanfill of each truck, and the source and type of material discharged, compliance with the cleanfill acceptance criteria in condition 16 and the specific location of discharge. This information must be provided to the Waikato Regional Council within five (5) working days of any written request to do so.
- 20 The consent holder must minimise the opportunity for dumping of unauthorised imported material by maintaining site security at all times.

Demolition, Deconstruction and Remediation Management Plan

- 21 The consent holder must prepare a final Demolition, Deconstruction & Remediation Management Plan (DDRMP), in accordance with the draft DDRMP dated 11 November 2024 and in accordance with the requirements in Schedule Two – Management Plan Conditions. The objectives of the DDRMP are to:
 - a. Provide relevant background information on the Site and the nature of the proposed demolition works,
 - b. Describe the proposed demolition works scope and
 - c. Set out the requirements contractors need to follow in relation to the specified demolition works in order to comply with conditions 15-20, 24-26 and 35-41 of this consent.
- 22 The finalised DDRMP required by condition 21 must include:
 - a. Scope and methodologies for the demolition, deconstruction and remediation works,
 - b. Details of current site constraints, ~~[OBJ]~~
 - c. Details of the existing infrastructure to be protected on-site,
 - d. Specific requirements for the works to adhere to, including:
 - i. Relevant standards, codes, regulations and guidelines for contractors,
 - ii. Site supervision and health and safety,
 - iii. Quality assurance/control,
 - iv. Cultural and archaeological requirements, including, but not limited to cultural monitoring and an accidental discovery protocol,
 - v. Compliance with final consent conditions,
 - e. Communication requirements between contractors and iwi, hapu and neighbours, in accordance with the official communications plan for this project,
 - f. Requirement of a complaints register to be developed and maintained by the Contractor,
 - g. Acceptance criteria for cleanfill to be disposed on site,
 - h. Environment and site management measures, including in relation to: dust; noise and vibration; vegetation removal; temporary storage / stockpiling; and traffic management.

Ecology/Wetlands

- 23 Prior to earthworks commencing within or within 10m of a Natural Inland Wetland (NIW), the consent holder must provide the Waikato Regional Council with a final Planting and Maintenance Plan (PMP) in accordance with the Planting and Maintenance Plan prepared by SLR Consulting Ltd and dated 10 September 2025, and in accordance with the requirements in Schedule Two – Management Plan Conditions. The purpose of the PMP is to ensure that all areas of wetland habitat within the site is subject to appropriate and effective wetland re-vegetation ensuring no net loss of wetland habitat occurs within the site. The PMP should set out re-vegetation requirements for all wetland areas
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impacted by the works, including plant species, size, number and densities, and ongoing monitoring and maintenance regimes.

Advice note: *the Planting and Maintenance Plan can be a combined plan with the planting requirements of the other certificates.*

- 24 Works within or within 10m of a NIW must only be undertaken during summer in a period of at least three (3) days forecasted dry weather.
- 25 Where possible all machinery should remain outside of the wetted area and undertake works from the edge of NIW. If it is necessary for machinery to enter a NIW, swamp maps must be used.
- 26 Machinery used for NIW works are restricted to a small excavator maximum of thirteen (13) tonnes and a small truck – maximum of six (6) wheels.
- 27 As soon as practicable and no longer than 3 months after NIW works are complete, any damaged vegetation or areas as a result of the works must be reinstated and revegetated with like-for-like wetland plant species, covering more than 80% of the disturbed land.

Monitoring and Maintenance

- 28 The consent holder must ensure that all erosion and sediment control structures are inspected on a weekly basis, prior to each forecasted significant rainfall event, and within 24 hours of each rainfall event that is likely to impair the function or performance of the controls.
- 29 The consent holder must carry out inspection and maintenance of all erosion and sediment controls in accordance with condition 28 and the Waikato Regional Council document titled “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” (Technical Report No. 2009/02 – dated January 2009), and must maintain records detailing:
 - a. The date, time and results of the monitoring undertaken; and
 - b. The erosion and sediment controls that required maintenance; and
 - c. The date and time when the maintenance was completed; and
 - d. The type of maintenance carried out.

These records must be provided to the Waikato Regional Council at all reasonable times and within 72 hours of a written request to do so.

Site Stabilisation and Removal of Controls

- 30 Each work area must be stabilised against erosion and sediment discharge (including dust discharge) as soon as practicable following completion of works. The consent holder must monitor and maintain the site during the entirety of the works period to prevent sediment from entering any water body or air as dust emissions.
 - 31 If required by the Waikato Regional Council where a breach of condition 9, 10 or 30 has been identified, the consent holder must carry out immediate stabilisation of any specified exposed surfaces using instant stabilisation techniques to the satisfaction of the Waikato Regional Council. (i.e. straw mulching, pinned geotextile or similar).
 - 32 The consent holder must ensure those areas of the site where cleanfill discharge (i.e. backfilling) has been completed, are stabilised as soon as practically possible and within
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WRC Conditions

a period not exceeding 14 days after completion of any discharge authorised by this consent.

- 33 The erosion and sediment controls specified in the Erosion and Sediment Control Plan, must not be disestablished or removed until the Waikato Regional Council's Monitoring Officer confirms in writing that the site is fully stabilised as per condition 32.
- 34 The re-vegetation and/or stabilisation of all disturbed areas is to be completed in accordance with the measures detailed in the document titled "*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*" (Technical Report No. 2009/02 – dated January 2009).

Dust

- 35 All earthworks and cleanfill activities authorised by this consent must be carried out and managed to ensure that all dust and particulate emissions are kept to a practical minimum to the extent that there are no dust discharges that causes an objectionable or offensive effect beyond the boundary of the subject property.

Advice Note: Chapter 6.4 of the Waikato Regional Plan 2012 provides guidance on the assessment of the effect of odour and dust emissions.

- 36 To achieve condition 35 the consent holder must manage the activities authorised by this consent in such a manner to ensure that dust emissions are kept to a minimum, including:
 - a. The use of water carts or sprays to suppress dust from the cleanfill activity, on an as required basis,
 - b. The use of dust stabilisation systems (water or water plus additives),
 - c. The revegetation or stabilisation of disturbed land, which is currently not being worked,
 - d. The re-grassing or stabilisation of exposed areas including topsoil or cleanfill stockpiles,
 - e. Where practicable, locating stockpiles where they provide wind protection for exposed/excavated areas, and
 - f. Cover loads on vehicles leaving the site which could create a dust nuisance.
- 37 If the Waikato Regional Council confirms a breach of condition 35, the consent holder must carry out immediate dust suppression or remedial measures on any problematic dust generating surfaces within the site. This will be achieved by using hydro-seed/hydro-mulch, polymer soil stabilisers or a similar dust control or suppression product to provide instant remediation of dust effects to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect.

The consent holder must ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/m²/day or 50m³/ha/day to all exposed areas of the site), and an effective means for applying that quantity of water, is available at all times during construction, and until such time as the site is fully stabilised unless otherwise agreed with the Waikato Regional Council.

Machinery

- 38 The consent holder must ensure that all machinery used in the exercise of this consent is cleaned prior to being transported to and from the site to ensure that all seed and/or plant matter has been removed and documented in accordance with the National Pest Control Agencies A series, best practice (Code A16) guidelines, available to download
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from [Keep it clean - machinery cleaning guidelines and handbook | Waikato Regional Council](#).

Advice Note: *For the purposes of this condition, ‘containment’ and ‘eradication’ plant pest species are those species that are listed as such in the Waikato Regional Pest Management Strategy 2014 - 2024, or any subsequent version of that publication that is published after the granting of this resource consent.*

- 39 All machinery must be operated in a manner which ensures that any potential spillage of fuel, oil and similar contaminants during refuelling and machinery servicing and maintenance is prevented to the greatest extent practicable. Refuelling and lubrication activities must be carried out away from any water body or overland flow path such that any spillage can be contained so that it does not enter natural waters.
- 40 Any storage of fuel, oil or other hazardous substances must be fully contained within areas where any accidental spillages are unable to discharge to any water course.

Winter Works

- 41 Earthworks and soil disturbance activities within the High Risk Erosion Area authorised by this resource consent (shown in Schedule Five attached to this authorisation) must not be carried out during the period 1 May to 30 September inclusive in any year that this consent is current, apart from necessary maintenance works, unless approved in writing by the Waikato Regional Council.
- 42 The consent holder must ensure that areas of the site within a High Risk Erosion Area are appropriately stabilised by 30 April of each year unless otherwise approved in writing by the Waikato Regional Council. Stabilisation must be undertaken by providing adequate measures (vegetative and/or structural and including geo-textile, mulching, re-vegetation and metalling) that will minimise erosion of exposed soil.
- 43 Requests to undertake earthworks within a High Risk Erosion Area during the period 1 May to 30 September inclusive must be submitted in writing to the Waikato Regional Council by 1 April each year that this consent is current and will be in the form of an amendment to the certified Erosion and Sediment Control Plan (ESCP).

Advice Note: *In considering a request for the continuation of winter earthworks, the Waikato Regional Council will consider the following:*

- *the nature of the site and the winter soil disturbance works proposed;*
- *the quality of the existing/proposed erosion and sediment controls;*
- *the compliance history of the site/operator;*
- *seasonal/local soil and weather conditions;*
- *the monitoring/sampling proposed to demonstrate compliance with the relevant discharge standards during the winter works period;*
- *sensitivity of the receiving environment; and*
- *any other relevant factor.*

Archaeological/Accidental Discovery

- 44 The consent holder must ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works must, in the vicinity of the discovery, cease immediately and the Waikato Regional Council, Waipā District Council, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Māori origin) must be notified within 24 hours. Works may recommence on the written approval of the Waikato Regional Council after considering:
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- 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 a registered archaeologist.

Advice Note: All earthworks that may affect any archaeological sites must be undertaken in accordance with Archaeological Authority No 2025/381 issued by Heritage New Zealand Pouhere Taonga on 25 February 2025, or any replacement Archaeological Authority.

- 45 If any kōiwi (human remains) are encountered, all work should cease within 5 metres of the discovery. The Heritage New Zealand Pouhere Taonga Lower Northern Archaeologist, New Zealand Police, Te Nehenehenui, Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (Archaeological Guideline Series No.8 AGS8 2010) and no further work in the area may take place until future actions have been agreed by all parties.
 - 46 Any archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed to by the consent holder and any appointed Cultural Monitors/Kaitiaki, so long as the legal requirements of Archaeological Authority No 2025/381 (or any replacement Archaeological Authority) are met.
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AUTH146952.02.01 (Water diversion, take, discharge for remediation application)

Resource Consent: AUTH146952.02.01

File Number: 60 56 12A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Toitū Te Whenua Land Information New Zealand (LINZ)
PO Box 5501, Wellington 6145

(hereinafter referred to as the consent holder)

Consent Type: Water Permit

Consent Subtype: Surface Water Take and Diversion

Activity authorised: Temporary diversion, take and discharge of surface water (dewatered groundwater daylighting as surface water) in association with site remediation

Location: 149 Te Mawhai Road, Tokanui, Te Awamutu

Map reference: NZTM 1803974.E 5784400.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on xx Month 2032
[date to be inserted, being 7 years following commencement of consent]

Subject to the conditions overleaf:

CONDITIONS – AUTH146952.02.01

This consent is subject to the conditions shown below and the conditions as listed in “Schedule One – General Conditions” attached to this consent.

General

1. The activity authorised by this resource consent must be undertaken in accordance with the application lodged APP146952 and titled “***Remediation of Former Tokanui Hospital Site, Assessment of Environmental Effects, Toitū Te Whenua Land Information New Zealand***”, the plans listed in condition 4 of Schedule One, and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.

Surface Water Take Limit

2. The applicant is required to advise Waikato Regional Council in writing of the date the works will be undertaken at least ten (10) days prior to the commencement of earthworks that may require-dewatering.
3. Surface water must only be taken from pooled groundwater (daylighting as surface water) in trenches and excavations for construction dewatering purposes associated with the earthworks for Tokanui Site Remediation works as consented under AUTH146952.01.01. The take via a pump is only for the purpose of removing building foundations and underground infrastructure.
4. The combined daily water take volume authorised by this consent must not exceed 100 cubic metres as measured on a monthly rolled average.
5. The rate of take must not exceed five (5) litres per second.

Volume Measurement, Verification and Recording

6. The consent holder must maintain a record of water taken with daily values of net take volume in units of cubic metres. The data must be reported weekly to Waikato Regional Council. When no water is being taken the data must specify the net take volume as zero. The data collected should include:
 - a. The date on which the record was taken
 - b. Include total daily volume of water abstracted (m³)
 - c. Include cumulative total of water abstracted in cubic metres(m³)
 - d. Specify zero values when no water is being taken
 - e. Include pumping hours per day.

Discharge

7. All water taken pursuant to this resource consent must be lawfully and synchronously discharged to grassed or vegetated areas within 100 metres of the take location and
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WRC Conditions

within the site boundaries. No discharge may occur within 10m of a natural inland wetland or within 100m of a natural inland wetland if it will change the hydrological function of the wetland. The rate and manner must avoid causing scour and erosion. As such the activity is categorised as a zero net take in the Waikato Regional Council's water allocation calculator.

Advice Note: *A separate resource consent will be required under the Waikato Regional Plan for any discharge of contaminants onto or into land.*

8. The dewatering discharge to the environment must not cause any total petroleum hydrocarbon (TPH) sheen or odour.
9. The discharge authorised by this consent must not cause an objectionable odour beyond the boundary of the site.
10. There must be no overland flow beyond the boundary of the site or significant ponding of water from any part of the system or disposal area at any time.
11. If the discharge requirements specified in conditions 8, 9 and 10 are not met, the discharge must cease immediately, and Waikato Regional Council must be notified. The discharge to land must only recommence once amendments have been made to the treatment process such that the discharge requirements specified in this consent are met, and with the agreement from Waikato Regional Council.

Machinery

12. The ongoing use and operation of machinery for construction dewatering and discharge, including fuels and hazardous substances, is required to comply with conditions 39-41 of AUTH146952.01.01.
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AUTH146952.03.01 (Damming & Diversion for Remediation Application – Culvert 2 and stormwater pipe works)

Resource Consent: AUTH146952.03.01

File Number: 60 56 12A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Toitū Te Whenua Land Information New Zealand (LINZ)
PO Box 5501, Wellington 6145

(hereinafter referred to as the consent holder)

Consent Type: Water Permit

Consent Subtype: Damming and Diversion

Activity authorised: To temporarily dam and divert water to remove a culvert and maintain a stormwater pipeline in association with site remediation

Location: 149 Te Mawhai Road, Tokanui, Te Awamutu

Map reference: NZTM 1803974.E 5784400.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on xx Month 2032
[date to be inserted, being 7 years following commencement of consent]

Subject to the conditions overleaf:

CONDITIONS – AUTH146952.03.01

This consent is subject to the conditions shown below and the conditions as listed in “Schedule One – General Conditions” and “Schedule Two – Management Plan Conditions” attached to this consent.

General

1. The activity authorised by this resource consent must be undertaken in accordance with the application for this resource consent APP146952 and titled “**Remediation of Former Tokanui Hospital Site, Assessment of Environmental Effects, Toitū Te Whenua Land Information New Zealand**”, the plans listed in condition 4 of Schedule One, and all other supporting documentation submitted except where otherwise required in the resource consent conditions below.. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions shall prevail.

Timing, Damming and Diversion

2. The temporary dams authorised under this resource consent must not be in place for more than four (4) weeks each, unless otherwise approved in writing by Waikato Regional Council.
 3. The installation of the temporary dams must be during a period of at least three (3) days forecast dry weather and in a period of low hydrological flow.
 4. During the installation and removal of temporary dams authorised by this consent, the consent holder must seek to keep the area of in-stream disturbance to a practicable minimum.
 5. Construction and removal of the temporary dams authorised by this consent must be undertaken without the requirement for machinery to enter the water body and must be undertaken in a manner that minimises any increase in sediment levels resulting from these works.
 6. The consent holder must maintain the temporary dams and waterway channel in the immediate vicinity of the dam, clear of debris and other obstructions at all times.
 7. The consent holder must maintain the integrity/stability of each temporary dam at all times and ensure that no part of the structure is dislodged (e.g. breaks loose due to wind or water processes). Any material that is lost from the structure must be immediately retrieved by the consent holder.
 8. The consent holder must monitor the dam/s and undertake any works that become necessary to preserve the integrity/stability of these structures and/or to control erosion as a result of the exercise of this resource consent.
 9. The dam/s must be inspected after each extreme weather event for compliance with conditions 6, 7 and 8.

***Advice note:** For the purposes of this condition an extreme weather event will be considered to be >100 mm rainfall in 24 hours.*
 10. On completion of the works, the consent holder must ensure that the dam structures including any additional materials used, are removed from the water body as soon as practicable and the bed must be reinstated to its original state. Re-vegetation and/or
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stabilisation of all disturbed areas is to be completed in accordance with the measures detailed in the document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (WRC Technical Report No. 2009/02 – dated January 2009) or the most recent update of that document.

Hydrology and Flow Management

11. During use of any temporary dam/s, the consent holder must maintain residual flows in the stream reach downstream of the isolated work area that are equivalent in quality and rate to those immediately upstream of the dam.
12. All water taken must be discharged downstream of the works area without delay, and no water must be taken or used for any other purpose.
13. The activities authorised by this consent must be undertaken in such a manner to avoid creating flooding effects on adjacent land.
14. Any pumps used during activities authorised by this consent must be screened with a mesh aperture size not exceeding 3 millimetres in diameter. If requested by the Waikato Regional Council in writing, the consent holder must provide evidence on this aperture size.

Ecology

15. Prior to earthworks commencing the consent holder must provide the Waikato Regional Council with a Fish Management Plan (FMP) in accordance with the Fish Management Plan prepared by SLR Consulting Ltd and dated 18 November 2024, and in accordance with the requirements in Schedule Two – Management Plan Conditions. The purpose of the FMP is to set out management measures to avoid injury and/or mortality of native fish species during instream works.
 16. The capture and transfer of fish must be undertaken in accordance with the protocols outlined in the certified Fish Management Plan.
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AUTH146952.04.01 (Diversion & Discharge of Stormwater for Landfill Application)

Resource Consent: AUTH146952.04.01

File Number: 60 56 12A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Toitū Te Whenua Land Information New Zealand (LINZ)
PO Box 5501, Wellington 6145

(hereinafter referred to as the consent holder)

Consent Type: Discharge Permit

Consent Subtype: Water – Stormwater

Activity authorised: To temporarily divert & discharge stormwater into the Wharekōrino Stream in association with landfill upgrade (LF)

Location: 149 Te Mawhai Road, Tokanui, Te Awamutu

Map reference: NZTM 1803974.E 5784400.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on xx month 2032
[date to be inserted, being 7 years following commencement of consent]

Subject to the conditions overleaf:

CONDITIONS – AUTH146952.04.01

This consent is subject to the conditions shown below and the conditions as listed in “Schedule One – General Conditions” attached to this consent.

General

1. The activity authorised by this resource consent must be undertaken in accordance with the application lodged under APP146952 and titled “**Tokanui Landfill Upgrade, Assessment of Environmental Effects, Toitū Te Whenua Land Information New Zealand**”, the plans listed in condition 4 of Schedule One, and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.

Stormwater Quantity and Receiving Environment

1. The consent holder must manage stormwater diversions and discharge during construction to avoid the following stormwater quantity effects:
 - a. Adverse scour, erosion and sediment deposition on land, property, and the beds/banks of the downstream Wharekōrino Stream,
 - b. Adverse flooding of land, property and downstream water bodies and
 - c. Adverse effects on aquatic ecosystems.

All such adverse effects that are assessed by a suitably qualified person appointed by the consent holder as more than minor must be addressed in the manner provided for in condition 3, where they have been caused by the stormwater diversion and discharge activities authorised by this resource consent.

2. As soon as practicable after becoming aware of any of more than minor adverse effects of the nature specified in condition 2, the consent holder must submit a report to the Waikato Regional Council in relation to the adverse effects. As a minimum, the report must include:
 - a. A description of the adverse effects,
 - b. A description of the cause of the adverse effects,
 - c. An explanation of any measures taken to remedy or mitigate the adverse effects, the outcome of those measures, and whether further measures are necessary and reasonably practicable and
 - d. If no measures have been taken in accordance with (c), a description of any reasonably practicable measures that could be taken to remedy or mitigate the adverse effects and a recommendation as to whether those measures are necessary.

The consent holder must liaise with the Waikato Regional Council with a view to determining any reasonably practicable measures which should be taken to remedy or mitigate the adverse effects.

Advice Note: *Separate resource consents may be required to undertake remedial, or mitigation works. The consent holder is advised to obtain all such consents at its sole expense, prior to any works being undertaken.*

Stormwater Quality and Receiving Environment

3. The consent holder must manage the stormwater discharge to avoid the discharge of any substance that is likely to cause the production of conspicuous oil, or grease films,
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scums or foams, or floatable suspended materials in downstream waterbodies after reasonable mixing.

AUTH146952.05.01 (Discharge of Leachate for Landfill Application)

Resource Consent: AUTH146952.05.01

File Number: 60 56 12A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Toitū Te Whenua Land Information New Zealand (LINZ)
PO Box 5501, Wellington 6145

(hereinafter referred to as the consent holder)

Consent Type: Discharge Permit

Consent Subtype: Land – Other

Activity authorised: Discharge leachate from a closed contaminated material landfill into land where contaminants may enter groundwater or surface water (LF)

Location: 149 Te Mawhai Road, Tokanui, Te Awamutu

Map reference: NZTM 1803974.E 5784400.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on xx month 2060
[date to be inserted, being 35 years following commencement of consent]

Subject to the conditions overleaf:

CONDITIONS AUTH146952.05.01

This consent is subject to the conditions shown below and the conditions as listed in “Schedule One – General Conditions” and “Schedule Two – Management Plan Conditions” attached to this consent.

General

1. The activity authorised by this resource consent must be undertaken in accordance with the application lodged under APP146952 and titled “***Tokanui Landfill Upgrade, Assessment of Environmental Effects, Toitū Te Whenua Land Information New Zealand***”, the plans listed in condition 4 of Schedule One, and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.
2. This consent authorises the encapsulation of contaminated material within the “subject site” that is legally described as SEC 1 SO 44852 with the upgraded Disposal Site being shown in Schedule Three attached to this authorisation.

Disposal Volumes

3. A maximum of 7,800m³ of contaminated material from the hospital demolition works may be disposed of into Areas E and F of the upgraded Disposal Site including contingency for 1,400m³ of contaminated material, if found through unexpected discovery. This excludes capping material. Material disposed of into Areas E and F must only be sourced from the Tokanui hospital remediation works area and must not exceed the following adopted “high level” soil contamination criteria:
 - a. BRANZ Class B criteria for asbestos contamination (<0.01% for asbestos fines/fibrous asbestos and <1% Asbestos containing material); and
 - b. The Class 1 Landfill TCLP (toxicity characteristic leaching procedure) acceptance limits contained in the table below for other heavy metal contaminants, where the site-specific managed fill standards for these contaminants (also contained in the table below) are exceeded;
 - c. Adopted SPLP (Synthetic Precipitation Leaching Procedure) criteria for boron of 0.34g/m³; and
 - d. Contain no more than 5% construction and demolition materials per truckload.

Contaminant	Site Specific Managed Fill Standards (mg/kg)	Class 1 Landfill TCLP (g/m ³)
Arsenic	70	5
Boron	Not specified	20
Cadmium	10	1
Chromium	150	5
Copper	280	5
Lead	460	5
Mercury	3	0.2
Zinc	450	10

4. All previously identified medical waste and any additional medical waste identified during works is to be removed and disposed of at an offsite facility authorised to accept it.
 5. The consent holder must provide Waikato Regional Council with a Contaminated Site Management Plan (CSMP) and Remedial Action Plan (RAP). The objective of the CSMP
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and RAP is to demonstrate the works comply with the Contaminated Land Management Guideline No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003. The CSMP / RAP must as a minimum include:

- a. Management of risks to human health and the environment during contaminated land disturbance;
 - b. Site validation testing requirements for Areas where refuse has been entirely removed;
 - c. Requirements for validation report to confirm the landfill cap thickness and permeability has been achieved as required by conditions 7 and 8;
 - d. Requirements for validation report to confirm the landfill cap and topsoil comply with the site-specific remedial standards.
 - e. Validation reporting for Area F to confirm removal of medical waste.
6. The upgraded Disposal Site must be upgraded and maintained in accordance with the design in the certified RAP and CSMP.

Advice note: The CMP required by condition 7 of AUTH146952.06.01 can be a combined document with the RAP and CSMP.

Landfill Cap

7. The final cover over the filled areas described as Areas D, E, and F must consist of a 600mm minimum compacted thickness of earth cover comprising:
- A Geosynthetic clay liner
 - underlain by a minimum 150mm bedding/protection layer,
 - overlain by a minimum 150mm thick protection layer,
 - 300mm thick agricultural layer,
- Followed by 150mm thick topsoil, and re-grassing.
8. The final cover over the filled areas described as Areas A1, A2, B and C must consist of either:
- A minimum 150mm thick base layer, comprising compacted cohesive soils of permeability $1 \times 10^{-7} \text{m/s}$ with no sharps/abrasive material, and
 - a low permeability cap comprising a geosynthetic clay liner or similar,
 - overlain by a 150mm thick protection layer,
 - 300mm thick agricultural layer, and
 - 150mm of topsoil,
 - followed by re-grassing.
- OR
- A 600mm minimum compacted clay cap, followed by 150mm of topsoil and re-grassing.
9. The structural integrity of the encapsulation cap must be maintained at all times to promote surface water quality runoff and minimise the infiltration of water into the landfill.

Management and Monitoring

10. The consent holder must prepare a final Aftercare and Monitoring Plan (AMP), in accordance with the draft AMP dated 15 November 2024 and the requirements in Schedule Two – Management Plan Conditions. The objective of the AMP is to ensure appropriate ongoing monitoring and maintenance of the landfill and any ongoing
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discharges following upgrade and repair works, so that compliance with conditions 9, 11, 14, 16 and 19-20 is achieved. The AMP must include:

- a. Methods to manage effects of stormwater and leachate, and preventing stormwater infiltration into the upgraded Disposal Site,
 - b. Design concepts and final contours,
 - c. Any restoration works,
 - d. Landfill site aftercare,
 - e. Maintenance and capping and revegetation,
 - f. Monitoring and record keeping including:
 - i. Annual inspection of the landfill surface and capping in accordance with conditions 7-9 and 16-17,
 - ii. Ongoing surface and groundwater monitoring in accordance with conditions 11-15,
 - iii. Recording local rainfall data at the time monitoring samples are taken, subject to availability,
 - iv. Responsibilities for undertaking the monitoring,
 - g. Quality assurance and control measures.
 - h. Limitations on weight bearing capacity, plant and equipment that can be used on top of the cap in the future,
 - i. Methods for restricting inappropriate use including vehicular movements and recreational use,
 - j. Responsibility and procedures for reporting to the WRC, and
 - k. Frequency and procedures for reviewing and updating the AMP.
11. The consent holder must undertake monitoring as detailed in the certified AMP as required by condition 10 in consultation with Waikato Regional Council. This will monitor the quality of groundwater and the water quality of Wharekōrino Stream (upstream and downstream of the landfill). This monitoring plan must include the following sampling programme as a minimum:

Source	Frequency	Location	Parameters
Wharekōrino Stream	At least twice a year to coincide with high and low groundwater levels (generally September and April). The samples must be taken when no surface water runoff is occurring	All parameters must be taken at locations detailed in the final and certified Aftercare and Monitoring Plan	• field and laboratory pH • field and laboratory conductivity • total suspended solids • total ammoniacal nitrogen • nitrate nitrogen • potassium • sulphate • total iron • total boron • chloride

Source	Frequency	Location	Parameters
Groundwater	At least twice a year to coincide with high and low groundwater levels (generally September and April)	Monitoring wells as detailed in the final certified Aftercare and Monitoring Plan	• water level • field and laboratory pH • field and laboratory conductivity • alkalinity • sulphate • total ammoniacal nitrogen

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			• nitrate nitrogen • soluble boron • soluble iron
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12. The consent holder must use a suitably experienced person for the collection and analysis of all water samples that are required by the monitoring of this consent.
13. The laboratory undertaking the sample analysis must be accredited by International Accreditation New Zealand (IANZ).
14. The consent holder must undertake the monitoring programme specified in the AMP or any amendments that have been certified by the Waikato Regional Council. The consent holder must forward the results of the monitoring to the Waikato Regional Council within two (2) months of sampling.
15. After two (2) years of monitoring, including at least four (4) sampling rounds the consent holder must prepare a report detailing and analysing the results of all monitoring undertaken at the site. This report must include proposals for additional remediation works or monitoring requirements that the consent holder's SQEP recommends as necessary to address more than minor adverse effects and/or exceedances of trigger levels in the certified AMP. This report must be submitted to the Waikato Regional Council no later than three (3) years after the granting of this consent. Any additional remediation works or monitoring requirements recommended by the SQEP must be incorporated into an updated AMP and be submitted to the Waikato Regional Council for re-certification at the same time as the monitoring report is submitted.

Aftercare

16. The Consent Holder must undertake a formal inspection of the surface and capping of the landfill site, as well as the Toe Bund between Area A2 and Wharekōrino Stream, in accordance with the certified AMP on at least an annual basis to check for the following:
 - a. poor pasture establishment,
 - b. vegetation die off,
 - c. refuse protruding through the cap,
 - d. damage to capping materials,
 - e. differential settlement and ponding,
 - f. subsidence or erosion,
 - g. leachate springs,
 - h. visual surface water quality,
 - i. erosion at or near the Wharekōrino Stream bank and
 - j. integrity of the toe bund.
17. Any defects noticed during the inspection must be remedied immediately. A report on the inspection, including any remedial actions taken, must be forwarded to the Waikato Regional Council within two months of each inspection.
18. The groundwater interceptor trench must be maintained so that it continues to function effectively, in accordance with the approved Landfill Plans prepared by Fraser Thomas Limited and dated 8 October 2025 (ref 33097/LF250).

Odour

19. The landfill activities authorised by this consent must not cause an objectionable effect beyond the boundary of the landfill site.
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WRC Conditions

20. Should an objectionable odour effect occur beyond the boundary of the upgraded Disposal Site, the Consent Holder must provide a written report to WRC within five (5) days of being notified of such by the WRC. The report must specify:
 - a. The cause or likely cause of the event and any factors that influenced its severity,
 - b. The nature and timing of any measures implemented by the Consent Holder to avoid, remedy, or mitigate any adverse effects; and
 - c. The steps to be taken in future to prevent recurrence of similar events.

Planting and Maintenance Plan

21. The Consent Holder must provide the Waikato Regional Council with a final Planting and Maintenance Plan (PMP) in accordance with the Planting and Maintenance Plan prepared by SLR Consulting Ltd and dated 10 September 2025, and in accordance with the requirements in Schedule Two – Management Plan Conditions. The purpose of the PMP is to set out the planting and management measures that need to be undertaken to ensure successful establishment of the proposed planting. The PMP must contain:
 - a. Site planting plans including species, size, number, density and sourcing of plants to be planted. The plans may also include planting zones/areas,
 - b. Site preparation including weed and pest control, clearing, mulching and fertilizing, and
 - c. Ongoing monitoring and maintenance regimes (hydration, fertilising, infill planting, weed and pest control), including a schedule of inspections and supplementary/replacement plant specifications.
22. In the next planting season following completion of the works authorised by this consent, the Consent Holder must undertake planting in accordance with the certified Planting and Maintenance Plan.
23. The Consent Holder must undertake ongoing maintenance of planted areas until native cover reaches 90%, and ongoing stock exclusion from planted areas, in accordance with the certified Planting and Maintenance Plan.

Advice note: the Planting and Maintenance Plan can be a combined plan with the planting requirements of the other certificates.

AUTH146952.06.01 (Earthworks & Cleanfill for Landfill Application)

Resource Consent: AUTH146952.06.01

File Number: 60 56 12A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Toitū Te Whenua Land Information New Zealand (LINZ)
PO Box 5501, Wellington 6145

(hereinafter referred to as the consent holder)

Consent Type: Land Use Consent

Consent Subtype: Land – Disturbance and Deposit

Activity authorised: To undertake earthworks and cleanfill activities within and outside HREA and within 10 metres of the Wharekōrino Stream, including National Environmental Standards for Freshwater regulations in association with landfill upgrade (LF)

Location: 149 Te Mawhai Road, Tokanui, Te Awamutu

Map reference: NZTM 1803974.E 5784400.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on xx month 2032
[date to be inserted, being 7 years following commencement of consent]

Subject to the conditions overleaf:

CONDITIONS – AUTH146952.06.01

This consent is subject to the conditions shown below and the conditions as listed in “Schedule One – General Conditions” and “Schedule Two – Management Plan Conditions” attached to this consent.

General

1. The activity authorised by this resource consent must be undertaken in accordance with the application lodged under APP146952 and titled “**Tokanui Landfill Upgrade, Assessment of Environmental Effects, Toitū Te Whenua Land Information New Zealand**”, the plans listed in condition 4 of Schedule One, and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.

Erosion and Sediment Control Plan (ESCP)

2. The consent holder must provide Waikato Regional Council with a finalised Erosion and Sediment Control Plan (ESCP) in accordance with the requirements in Schedule Two – Management Plan Conditions. The objective of the ESCP must be to identify measures necessary to minimise soil erosion and sediment discharge and dust discharge from the activities authorised by this consent for compliance with conditions 4-6, 12-17, 24-34 and 38-40. The ESCP must be prepared in accordance with the draft ESCP prepared by Fraser Thomas Ltd dated 21 November 2024 and the principles and practices contained within the Waikato Regional Council document titled “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” (Technical Report No. 2009/02 – dated January 2009, including 2014 factsheets).

Advice Note: The “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” can be found on the Waikato Regional Council website: www.waikatoregion.govt.nz/earthworks. Note these guidelines were amended with the inclusion of a series of factsheets in 2014.

Advice Note: If the works are undertaken in stages, then compliance with condition 4 must be undertaken for each works area or stage.

3. The finalised ESCP required by condition 2 must contain sufficient detail to address the following matters:
 - a. Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to achieve sediment and dust discharge standard of this consent,
 - b. The design criteria and dimensions of all key erosion and sediment control structures,
 - c. A site plan of a suitable scale to identify:
 - i. The locations of waterways, including drains,
 - ii. The extent of soil disturbance and any vegetation removal,
 - iii. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to any watercourses,
 - iv. Areas of cut and fill,
 - v. All locations of topsoil stockpiles,
 - vi. The boundaries and area of catchments contributing to all stormwater impoundment structures,
 - vii. The locations of all specific points of discharge to the environment, and
 - viii. Any other relevant site information.

- d. Construction timetables for erosion and sediment control works and the cleanfill importation proposed,
- e. Specific dewatering procedures to be followed,
- f. Timetable and nature of progressive site rehabilitation and any re-vegetation proposed,
- g. Maintenance, monitoring and reporting procedures, including contingency measures and remedial actions to be taken if discharge standards are exceeded,
- h. Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures,
- i. Dry conditions response and contingency measures including dust suppression methods to minimise adverse effects in the event of dust creation from un-stabilised areas,
- j. Procedures and timing for review and/or amendment to the ESCP,
- k. Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures, and
- l. Truck access/entry details to the preload area for unloading, including methods of containment to avoid uncontrolled sediment discharge outside of the works area.

Erosion and Sediment Control

- 4. All disturbed or cut vegetation, soil or debris must be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any water body/course.
- 5. The consent holder must ensure that, as far as practicable, all clean water run-off from stabilised surfaces including all catchment areas of the site, must be diverted away from any exposed areas via a stabilised system to prevent erosion.
- 6. The consent holder must ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the works and during the term of this consent. In this regard, erosion and sediment control measures must be established and maintained in accordance with the document titled *“Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009)*.

Construction Management Plan

- 7. The consent holder must provide the Waikato Regional Council with a final Construction Management Plan (CMP) for the landfill works in accordance with the draft Existing Disposal Site Repair and Upgrade Works Report prepared by Fraser Thomas Ltd dated 21 November 2024, the Fish Management Plan prepared by SLR Consulting dated 18 November 2024 and in accordance with the requirements in Schedule Two – Management Plan Conditions. The objectives of the CMP are to describe the proposed upgrade and repair works scope and document the measures by which the consent holder intends to comply with conditions 18-23, 35-37 and 44 of this resource consent, conditions 5-8 and 11-15 of AUTH146952.07.01 and conditions 3-15 of AUTH146952.08.01 during construction. The CMP must include, but not be limited to, the following:
 - a. A construction methodology including construction, design details and culvert location preparation,
 - b. Timing of works and contingency plan,
 - c. Location plan of proposed works and structures,
 - d. A schedule of construction activities,
 - e. Acceptance criteria for cleanfill to be disposed on site,
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- f. Fish recovery and relocation protocols,
 - g. Proposed spill prevention and response measures,
 - h. Site remediation, rehabilitation and stabilisation of banks including rock riprap design and installation at the culvert outlet,
 - i. Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures.
8. The design and construction of the works associated with this resource consent must be carried out under the supervision of a person who has experience and qualifications appropriate to supervise the design and construction of such works.

Chemical Treatment

9. The implementation of a chemical treatment system must be maintained as a contingency throughout the duration of earthworks, and is to be implemented as soon as practicable in accordance with a certified Chemical Treatment Management Plan (CTMP) when bench testing or pond conditions indicate it would be required to meet the sediment discharge standards in condition 12, and/or at the request of an agent of the Waikato Regional Council.

Advice Note: *The Waikato Regional Council will determine the need to request implementation of chemical treatment based on consideration of:*

- *The quality of the existing/proposed erosion and sediment controls,*
- *The compliance history of the site/operator,*
- *Seasonal/local soil and weather conditions,*
- *Sensitivity of the receiving environment, and*
- *Any other relevant factor.*

Advice Note: *If bench testing indicates that flocculation is not necessary or there are no Sediment Retention Ponds or Decanting Earth Bunds, a CTMP will not be required.*

10. If chemical treatment is required by condition 9 to occur, the consent holder must provide the Waikato Regional Council with a Chemical Treatment Management Plan (CTMP), in accordance with the requirements in Schedule Two – Management Plan Conditions. The objective of the CTMP must be to identify and design the requirements for an appropriate chemical treatment system for the activities authorised by this consent in compliance with conditions 12 and 13.
11. The CTMP required by condition 10 must include:
- a. An analysis identifying which sediment retention ponds and decanting earth bunds require chemical treatment, this analysis taking into account:
 - i. The results of flocculant bench testing based on the sites soil reactivity to chemical treatment,
 - ii. The size of the contributing catchment that the sediment control device is treating,
 - iii. The likely duration a sediment control device will be used,
 - b. Specific design details of the chemical treatment system,
 - c. Details of monitoring (including pH and any other water testing procedures), maintenance (including pre and post-rainfall event maintenance), recording and reporting procedures,
 - d. Contingency measures and remedial actions to be taken if discharge standards are exceeded,
 - e. Details of optimum dosage (including assumptions),
 - f. Results of any initial chemical treatment trial,
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- g. A spill contingency plan, and
- h. Identification and contact details of personnel responsible for the operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

Discharge Standards

- 12. The discharge of suspended solids associated with the activities authorised by this consent must not result in the concentration of suspended solids in the Wharekorino Stream exceeding 100 grams per cubic metre except where the concentration of suspended solids in the Wharekorino Stream, unaffected by the activity, already exceeds 100 grams per cubic metre then there must be no more than a 10 percent increase in the concentration of suspended solids in the Wharekorino Stream as a result of activities authorised by this consent.
- 13. Any discharge from sediment retention ponds or decanting earth bunds which have been subject to any chemical treatment must have a pH of between 5.5 and 8.5, and soluble aluminium not exceeding 0.150g/m³.

Advice note: Aluminium toxicity varies with pH. Proposed soluble aluminium standard is based on ANZECC guideline for protection of 80% of freshwater species and strictly applies to a water pH >6.5. For pHs below this, there is no specified guideline.

- 14. To determine compliance with condition 12 and 13 a minimum of three water samples must be collected, a minimum of once per month, except in any month where there are no discharges. Samples must also be taken within four hours of the consent holder becoming aware of a rainfall event greater than 20 millimetres in any 24-hour period that has created discharge from a device. The samples must be collected from the following locations, shown on the Sampling Locations Plan in Schedule Four:
 - a. upstream at S1, and
 - b. downstream at S5.
- 15. Within one (1) working day of taking any samples required by condition 14, the consent holder must have those samples analysed for suspended solids and (if flocculants are being used to treat any sediment retention pond or decanting earth bund) pH, and soluble aluminium. The results of the analysis must be provided to the Waikato Regional Council within seven days of analysis by an accredited laboratory.
- 16. The results of any sampling required by this resource consent must be provided in writing to the Waikato Regional Council within five (5) days of the analysis being completed. The location and frequency of sampling, analyses and reporting may be altered or reduced with the written agreement of the Waikato Regional Council, acting in a technical certification capacity.
- 17. Should the sampling required by conditions 14 and 15 show that the standards in condition 12 and 13 are not being met, contingency measures and remedial actions must be undertaken in accordance with the certified ESCP and CTMP.

Cleanfill

- 18. All imported cleanfill material deposited on the sites in accordance with this consent are limited to natural materials such as clay, soil and rock and other inert materials such as concrete and brick, or mixtures of any of the above that are free of:
 - a. Material that has combustible, putrescible, or degradable components,
 - b. Materials likely to create leachate by means of biological or chemical breakdown,
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WRC Conditions

- c. Any products or material 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 if excavated,
- e. Soils or other materials contaminated with hazardous substances or pathogens,
- f. Liquid waste,
- g. Hazardous substances.

Advice Note: *Cleanfill is defined as material that when discharged to the environment will have no adverse effect on people and the environment. There must be no organic material mixed with the fill and /or placed in a position where it may lead to land instability.*

19. The contaminant concentrations of any imported cleanfill material discharged at the site must comply with the cleanfill acceptance thresholds below:

Trace Elements	Maximum Acceptance Criteria (mg/kg)
Arsenic	17
Boron	15
Cadmium	0.8
Chromium	56
Copper	120
Lead	78
Mercury	1
Nickel	33
Zinc	175
Organic Compounds	Maximum Acceptance Criteria (mg/kg)
TPH C7-C9	110
TPH C10-C14	58
Benzene	0.11
Ethylbenzene	10
Toluene	19
Total Xylene	25
Benzo[a]pyrene (equivalent)	2.8
Total DDT	2
Dieldrin	0.1

20. Any imported material that does not meet the definition of cleanfill as per condition 18, or the Acceptance Criteria in condition 19 are not authorised under this consent.
21. All fill material must be of an appropriate size and placed so that it does not result in land instability.
22. The consent holder must maintain a site logbook to identify all loads entering the site, recording the number of trucks and estimated volume of cleanfill of each truck, and the source and type of material discharged, compliance with the cleanfill acceptance criteria in condition 19 and the specific location of discharge. This information must be provided to the Waikato Regional Council within 5 working days of any written request to do so.
23. The consent holder must minimise the opportunity for dumping of unauthorised imported material by maintaining site security at all times.

Monitoring and Maintenance

24. The consent holder must ensure that all erosion and sediment control structures are inspected on a weekly basis, prior to each forecasted significant rainfall event, and within
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24 hours of each rainfall event that is likely to impair the function or performance of the controls.

25. The consent holder must carry out inspection and maintenance of all erosion and sediment controls in accordance with condition 24 and the Waikato Regional Council document titled *“Erosion and Sediment Control – Guidelines for Soil Disturbing Activities”* (Technical Report No. 2009/02 – dated January 2009), and must maintain records detailing:
- a. The date, time and results of the monitoring undertaken; and
 - b. The erosion and sediment controls that required maintenance; and
 - c. The date and time when the maintenance was completed; and
 - d. The type of maintenance carried out.

These records must be provided to the Waikato Regional Council at all reasonable times and within 72 hours of a written request to do so.

Site Stabilisation and Removal of Controls

26. Each work area must be stabilised against erosion and sediment discharge (including dust discharge) as soon as practicable. The consent holder must monitor and maintain the site during the entirety of the works period to prevent sediment from entering any water body or air as dust emissions.
27. If required by the Waikato Regional Council where a breach of condition 26, 12 or 13 has been identified, the consent holder must carry out immediate stabilisation of any specified exposed surfaces using instant stabilisation techniques to the satisfaction of the Waikato Regional Council. (i.e. straw mulching, pinned geotextile or similar).
28. The consent holder must ensure those areas of the site where cleanfill discharge has been completed, are stabilised as soon as practically possible and within a period not exceeding 14 days after completion of any discharge authorised by this consent.
29. The erosion and sediment controls specified in the Erosion and Sediment Control Plan, must not be disestablished or removed until the Waikato Regional Council's Monitoring Officer confirms in writing that the site is fully stabilised as per condition 28.
30. The re-vegetation and/or stabilization of all disturbed areas is to be completed in accordance with the measures detailed in the document titled *“Erosion and Sediment Control – Guidelines for Soil Disturbing Activities”* (Technical Report No. 2009/02 – dated January 2009).

Dust

31. All earthworks and cleanfill activities authorised by this consent must be carried out and managed to ensure that all dust and particulate emissions are kept to a practical minimum to the extent that there are no dust discharges that causes an objectionable or offensive effect beyond the boundary of the subject property.

Advice Note: Chapter 6.4 of the Waikato Regional Plan 2012 provides guidance on the assessment of the effect of odour and dust emissions.

32. To achieve condition 31 the consent holder must manage the activities authorised by this consent in such a manner to ensure that dust emissions are kept to a minimum, including:
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WRC Conditions

- a. The use of water carts or sprays to suppress dust from the cleanfill activity, on an as required basis,
 - b. The use of dust stabilisation systems (water or water plus additives),
 - c. The revegetation or stabilisation of disturbed land, which is currently not being worked,
 - d. The re-grassing or stabilisation of exposed areas including topsoil or cleanfill stockpiles,
 - e. Where practicable, locating stockpiles where they provide wind protection for exposed/excavated areas, and
 - f. Cover loads on vehicles leaving the site which could create a dust nuisance.
33. If the Waikato Regional Council confirms a breach of condition 32, the consent holder must carry out immediate dust suppression or remedial measures on any problematic dust generating surfaces within the site. This will be achieved by using hydro-seed/hydro-mulch, polymer soil stabilisers or a similar dust control or suppression product to provide instant remediation of dust effects to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect.
34. The consent holder must ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/m²/day or 50m³/ha/day to all exposed areas of the site), and an effective means for applying that quantity of water, is available at all times during construction, and until such time as the site is fully stabilised unless otherwise agreed with the Waikato Regional Council.

Machinery

35. The consent holder must ensure that all machinery used in the exercise of this consent is cleaned prior to being transported to and from the site to ensure that all seed and/or plant matter has been removed and documented in accordance with the National Pest Control Agencies A series, best practice (Code A16) guidelines, available to download from [Keep it clean – machinery cleaning guidelines and handbook | Waikato Regional Council](#).

Advice Note: For the purposes of this condition, 'containment' and 'eradication' plant pest species are those species that are listed as such in the Waikato Regional Pest Management Strategy 2014 – 2024, or any subsequent version of that publication that is published after the granting of this resource consent.

36. All machinery must be operated in a manner which ensures that any potential spillage of fuel, oil and similar contaminants during refuelling and machinery servicing and maintenance is prevented to the greatest extent practicable. Refuelling and lubrication activities must be carried out away from any water body or overland flow path such that any spillage can be contained so that it does not enter natural waters.
37. Any storage of fuel, oil or other hazardous substances must be fully contained within areas where any accidental spillages are unable to discharge to any water course.

Winter Works

38. Earthworks and soil disturbance activities within the High Risk Erosion Area authorised by this resource consent (shown in Schedule Five attached to this authorisation) must not be carried out during the period 1 May to 30 September inclusive in any year that this consent is current, apart from necessary maintenance works, unless approved in writing by the Waikato Regional Council.
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39. The consent holder must ensure that areas of the site within the High Risk Erosion Area are appropriately stabilised by 30 April of each year unless otherwise approved in writing by the Waikato Regional Council. Stabilisation must be undertaken by providing adequate measures (vegetative and/or structural and including geo-textile, mulching, re-vegetation and metalling) that will minimise erosion of exposed soil.
40. Requests to undertake earthworks within the High Risk Erosion Area during the period 1 May to 30 September inclusive must be submitted in writing to the Waikato Regional Council by 1 April each year that this consent is current and will be in the form of an amendment to the certified Erosion and Sediment Control Plan (ESCP).

Advice Note: *In considering a request for the continuation of winter earthworks, the Waikato Regional Council will consider the following:*

- *the nature of the site and the winter soil disturbance works proposed;*
- *the quality of the existing/proposed erosion and sediment controls;*
- *the compliance history of the site/operator;*
- *seasonal/local soil and weather conditions;*
- *the monitoring/sampling proposed to demonstrate compliance with the relevant discharge standards during the winter works period;*
- *sensitivity of the receiving environment; and*
- *any other relevant factor.*

Archaeological/Accidental Discovery

41. The consent holder must ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works must, in the vicinity of the discovery, cease immediately and the Waikato Regional Council, Waipā District Council, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Māori origin) must be notified within 24 hours. Works may recommence on the written approval of the Waikato Regional Council 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 a registered archaeologist.

Advice Note: *All earthworks that may affect any archaeological sites must be undertaken in accordance with Archaeological Authority No 2025/381 issued by Heritage New Zealand Pouhere Taonga on 25 February 2025, or any replacement Archaeological Authority.*

42. If any kōiwi (human remains) are encountered, all work should cease within 5 metres of the discovery. The Heritage New Zealand Pouhere Taonga Lower Northern Archaeologist, New Zealand Police, Te Nehenehenui, Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (Archaeological Guideline Series No.8 AGS8 2010) and no further work in the area may take place until future actions have been agreed by all parties.
 43. Any archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed to by the consent holder and any appointed Cultural Monitors/Kaitiaki,
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so long as the legal requirements of Archaeological Authority No 2025/381 (or any replacement Archaeological Authority) are met.

Record of works

44. Within three months of completion of the earthworks and cleanfill activity, the Consent Holder must provide a copy of As-built plans and QA/QC records for the landfill cap to Waikato Regional Council.

AUTH146952.07.01 (Bed disturbance/structure for Landfill Application – Culvert 3)

Resource Consent: AUTH146952.07.01

File Number: 60 56 12A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Toitū Te Whenua Land Information New Zealand (LINZ)
PO Box 5501, Wellington 6145

(hereinafter referred to as the consent holder)

Consent Type: Land Use Consent

Consent Subtype: Bed – Structure

Activity authorised: To install a permanent culvert structure and permanently divert the Wharekōrino Stream including bed disturbance and National Environmental Standards for Freshwater regulations in association with landfill upgrade (LF)

Location: 149 Te Mawhai Road, Tokanui, Te Awamutu

Map reference: NZTM 1803974.E 5784400.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on xx month 2060
[date to be inserted, being 35 years following commencement of consent]

Subject to the conditions overleaf:

CONDITIONS – AUTH146952.07.01

This consent is subject to the conditions shown below and the conditions as listed in “Schedule One – General Conditions” attached to this consent.

General

1. The activity authorised by this resource consent must be undertaken in accordance with the application lodged under APP146952 and titled “***Tokanui Landfill Upgrade, Assessment of Environmental Effects, Toitū Te Whenua Land Information New Zealand***”, the plans listed in condition 4 of Schedule One, and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.

Pre-start

2. The consent holder shall be responsible for the design, structural integrity and maintenance of the works authorised by this consent and for any erosion control works that become necessary to preserve the integrity and stability of the stream channel and/or to control erosion as a result of the exercise of this resource consent.
3. All earthworks carried out during the construction and completion of this stream diversion structure (culvert 3) must be undertaken in accordance with AUTH146952.06.01. This includes all methodology, certification or changes to the ESCP to enable installation of the culvert, and new streambed creation and associated earthworks within a High Risk Erosion Area.
4. All works carried out during the construction and completion of this stream diversion structure (culvert 3) and permanent stream diversion (Wharekōrino Stream) must be undertaken in accordance with the Construction Management Plan as conditioned under AUTH146952.06.01 condition 7 and Schedule Two.

Construction and Timing of Works

5. The works within the stream bed associated with culvert installation must occur within a window of works of twenty (20) working days duration per site and only be undertaken during periods of lower hydrological flow.
 6. The consent holder must ensure that any cement or similar contaminant used in the culvert embedment is not exposed to flowing water for at least 48 hours and the area is cleaned of sediment/contaminants including dust before the stream flow is reinstated.
 7. The consent holder shall be responsible for the design, structural integrity, and maintenance of the culvert structure and for any erosion control works that become necessary to preserve the integrity and stability of the upstream and downstream stream channel and/or to control erosion as a result of the exercise of this resource consent. The waterway channel in the immediate vicinity of the culvert must be kept clear of debris and other obstructions.
 8. All disturbed or cut vegetation, soil or debris must be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any waterway.
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National Environmental Standards for Freshwater Regulations 2020

9. The information specified in National Environmental Standards for Freshwater (NES-F) Regulation 62 – information about structures and passage of fish, must be collected and provided to Waikato Regional Council, together with the time and date of its collection, within 20 working days after the activity (culvert installation) is finished. The information is:
 - a. the type of structure,
 - b. the geographical co-ordinates of the structure,
 - c. the flow of the river or connected area (whether none, low, normal, or high),
 - d. whether the water is tidal at the structure's location,
 - e. at the structure's location –
 - i. the width of the river or connected area at the water's surface; and
 - ii. the width of the bed of the river or connected area,
 - f. whether there are improvements to the structure to mitigate any effects the structure may have on the passage of fish,
 - g. whether the structure protects particular species, or prevents access by particular species to protect other species,
 - h. the likelihood that the structure will impede the passage of fish,
 - i. visual evidence (for example, photographs) that shows both ends of the structure, viewed upstream and downstream.
 10. The information specified in National Environmental Standards for Freshwater Regulation (NES-F) 63 – culvert activities – information about culverts, must be collected and provided to Waikato Regional Council, together with the time and date of its collection, within twenty (20) working days after the activity (culvert installation) is finished. The information is:
 - a. the culvert's asset identification number, if known,
 - b. whether the culvert's ownership is—
 - i. held by the Crown (for example, the Department of Conservation), a regional council, a territorial authority, the New Zealand Transport Agency, or KiwiRail Holdings Limited; or
 - ii. held publicly by another person or organisation; or
 - iii. held privately; or
 - iv. unknown,
 - c. the number of barrels that make up the culvert,
 - d. the culvert's shape,
 - e. the culvert's length,
 - f. the culvert's diameter or its width and height,
 - g. the height of the drop (if any) from the culvert's outlet,
 - h. the length of the undercut or erosion (if any) from the culvert's outlet,
 - i. the material from which the culvert is made,
 - j. the mean depth of the water through the culvert,
 - k. the mean water velocity in the culvert,
 - l. whether there are low-velocity zones downstream of the culvert,
 - m. the type of bed substrate that is in most of the culvert,
 - n. whether there are any remediation features (for example, baffles or spat rope) in the culvert,
 - o. whether the culvert has wetted margins,
 - p. the slope of the culvert,
 - q. the alignment of the culvert,
 - r. the numbers of each other type of structure to which this subpart applies, or of wingwalls or screens, on the culvert,
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- s. if there is any apron or ramp on the culvert, the information required by regulation 68 for each of them.

Site Restoration and Rehabilitation

11. The re-vegetation and/or stabilisation of all disturbed areas caused by the construction of culvert 3 is to be completed in accordance with the measures detailed in the document titled “*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*” (Technical Report No. 2009/02 – dated January 2009). This must include monitoring the site until vegetation is established so that erosion is prevented and sediment is prevented from entering any water body. The area will exclude stock until fully stabilised.

Machinery

12. The consent holder must ensure that all machinery used in the exercise of this consent is cleaned prior to being transported to and from the site to ensure that all seed and/or plant matter has been removed and documented in accordance with the National Pest Control Agencies A series, best practice (Code A16) guidelines, available to download from [Keep it clean – machinery cleaning guidelines and handbook | Waikato Regional Council](#).

Advice Note E: For the purposes of this condition, ‘containment’ and ‘eradication’ plant pest species are those species that are listed as such in the Waikato Regional Pest Management Strategy 2014 – 2024, or any subsequent version of that publication that is published after the granting of this resource consent.

13. There must be no vehicles or earthmoving machinery operating in the bed of any flowing water body at any time, including within any identified wetted area within the works area, including the Wharekōrino Stream.
14. All machinery must be operated in a manner which ensures that any potential spillage of fuel, oil and similar contaminants during refuelling and machinery servicing and maintenance is prevented to the greatest extent practicable. Refuelling and lubrication activities must be carried out away from any water body such that any spillage can be contained so that it does not enter natural waters.
15. Any storage of fuel, oil or other hazardous substances must be fully contained within areas where any accidental spillages are unable to discharge to any watercourse.

Archaeological / Accidental Discovery

16. The consent holder must ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works must, in the vicinity of the discovery, cease immediately and the Waikato Regional Council, Waipā District Council, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Māori origin) must be notified within 24 hours. Works may recommence on the written approval of the Waikato Regional Council 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 a registered archaeologist.
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Advice Note: *All bed disturbance that may affect any archaeological sites must be undertaken in accordance with Archaeological Authority No 2025/381 issued by Heritage New Zealand Pouhere Taonga on 25 February 2025, or any replacement Archaeological Authority.*

17. If any kōiwi (human remains) are encountered, all work should cease within 5 metres of the discovery. The Heritage New Zealand Pouhere Taonga Lower Northern Archaeologist, New Zealand Police, Te Nehenehenui, Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (Archaeological Guideline Series No.8 AGS8 2010) and no further work in the area may take place until future actions have been agreed by all parties.
 18. Any archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed to by the consent holder and any appointed Cultural Monitors/Kaitiaki, so long as the legal requirements of Archaeological Authority No 2025/381 (or any replacement Archaeological Authority) are met.
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AUTH146952.08.01 (Damming & Diversion for landfill application – Culvert 3)

Resource Consent: AUTH146952.08.01

File Number: 60 56 12A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Toitū Te Whenua Land Information New Zealand (LINZ)
PO Box 5501, Wellington 6145

(hereinafter referred to as the consent holder)

Consent Type: Water Permit

Consent Subtype: Diversion

Activity authorised: To temporarily dam and divert water to through stream diversion for culvert installation under area A1 in association with landfill upgrade and temporary diversion, take and discharge of surface water (dewatered groundwater daylighting as surface water) in association with areas H & A2 (LF)

Location: 149 Te Mawhai Road, Tokanui, Te Awamutu

Map reference: NZTM 1803974.E 5784400.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on xx month 2032
[date to be inserted, being 7 years following commencement of consent]

Subject to the conditions overleaf:

CONDITIONS – AUTH146952.08.01

This consent is subject to the conditions shown below and the conditions as listed in “Schedule One – General Conditions” and “Schedule Two – Management Plan Conditions” attached to this consent.

General

1. The activity authorised by this resource consent must be undertaken in accordance with the application lodged under APP146952 and titled “***Tokanui Landfill Upgrade, Assessment of Environmental Effects, Toitū Te Whenua Land Information New Zealand***”, the plans listed in condition 4 of Schedule One, and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.

Construction Management Plan

2. Works must be undertaken in accordance with the construction management plan as required by condition 7 of AUTH146952.06.01 and Schedule Two.

Timing, Damming and Diversion

3. The temporary dams authorised under this resource consent must not be in place for more than four (4) weeks each, unless otherwise approved in writing by Waikato Regional Council.
 4. The installation of the temporary dams must be during a period of at least three (3) days forecast dry weather and in a period of low hydrological flow.
 5. During the installation and removal of temporary dams authorised by this consent, the consent holder must seek to keep the area of in-stream disturbance to a practicable minimum.
 6. Construction and removal of the temporary dams authorised by this consent must be undertaken without the requirement for machinery to enter the water body and must be undertaken in a manner that minimises any increase in sediment levels resulting from these works.
 7. The consent holder must maintain the temporary dams and waterway channel in the immediate vicinity of the dam, clear of debris and other obstructions at all times.
 8. The consent holder must maintain the integrity/stability of the temporary dam and ensure that no part of the structure is dislodged (e.g. breaks loose due to wind or water processes). Any material that is lost from the structure must be immediately retrieved by the consent holder.
 9. The consent holder must monitor the dam/s and undertake any works that become necessary to preserve the integrity/stability of these structures and/or to control erosion as a result of the exercise of this resource consent.
 10. The dam/s must be inspected after each extreme weather event for compliance with conditions 7, 8 and 9.
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WRC Conditions

11. On completion of the works, the consent holder must ensure that the dam structures including any additional materials used, are removed from the water body as soon as practicable and the bed must be reinstated to its original state.

Hydrology and Flow Management

12. During use of any temporary dams, the consent holder must maintain residual flows in the stream reach downstream of the isolated work area that are equivalent in quality and rate to those immediately upstream of the dam.
13. All water taken must be discharged downstream of the works area without delay, and no water must be taken or used for any other purpose.
14. The activities authorised by this consent must be undertaken in such a manner to avoid creating flooding effects on adjacent land.
15. Any pumps used during activities authorised by this consent must be screened with a mesh aperture size not exceeding 3 millimetres in diameter. If requested by the Waikato Regional Council in writing, the consent holder must provide evidence on this aperture size.

Ecology

16. Prior to earthworks commencing the consent holder must provide the Waikato Regional Council with a Fish Management Plan (FMP) in general accordance with the Fish Management Plan prepared by SLR Consulting Ltd and dated 18 November 2024, and in accordance with the requirements in Schedule Two – Management Plan Conditions. The purpose of the FMP is to set out management measures to avoid injury and/or mortality of native fish species during instream works.
17. The capture and transfer of fish must be undertaken in accordance with the protocols outlined in the certified FMP.

Surface Water Take Limits

18. The applicant is required to advise Waikato Regional Council in writing of the date the works will be undertaken at least ten (10) days prior to the commencement of earthworks in areas H and A2 that may require dewatering.
19. Surface water must only be taken from pooled groundwater (daylighting as surface water) in excavations for construction dewatering purposes associated with the landfill upgrade works as consented under AUTH146952.06.01. The take via a pump is only for the purpose of relocating landfill material in the vicinity of culvert 3.
20. The combined daily water take volume authorised by this consent must not exceed 100 cubic metres as measured on a monthly rolled average.
21. The rate of take must not exceed five (5) litres per second.

Volume Measurement, Verification and Recording

22. The consent holder must maintain a record of water taken with daily values of net take volume in units of cubic metres. The data must be reported weekly to Waikato Regional Council. When no water is being taken the data must specify the net take volume as zero. The data collected should include:
 - a. The date on which the record was taken
 - b. Total daily volume of water abstracted (m³)
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- c. Cumulative total of water abstracted in cubic metres (m³)
- d. Specify zero values when no water is being taken
- e. Pumping hours per day.

Discharge

23. All water taken to dewater areas A2 and H must be lawfully and synchronously discharged to grassed or vegetated areas within 100 metres of the take location and within the site boundaries. No discharge may occur within 10m of a natural inland wetland or within 100m of a natural inland wetland if it will change the hydrological function of the wetland. The rate and manner must avoid causing scour and erosion. As such the activity is categorised as a zero net take in the Waikato Regional Council's water allocation calculator.

Advice Note: A separate resource consent will be required under the Waikato Regional Plan for any discharge of contaminants onto or into land.

24. The dewatering discharge to the environment must not cause any total petroleum hydrocarbon (TPH) sheen or odour.
25. The discharge authorised by this consent must not cause an objectionable odour beyond the boundary of the site.
26. If the discharge requirements specified in conditions 20, 21 and 22 are not met, the discharge must cease immediately, and Waikato Regional Council must be notified. The discharge to land must only recommence once amendments have been made to the treatment process such that the discharge limits specified in this consent are met, and with the agreement from Waikato Regional Council.
27. There must be no overland flow beyond the boundary of the site or significant ponding of water from any part of the system or disposal area at any time.

Machinery

28. The ongoing use and operation of machinery for construction dewatering and discharge, including fuels and hazardous substances, is required to comply with conditions 60-62 of AUTH146952.06.01.
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Schedule One – General Conditions

The granting of resource consent certificates AUTH146952.01.01, AUTH146952.02.01, AUTH146952.03.01, AUTH146952.04.01, AUTH146952.05.01, AUTH146952.06.01, AUTH146952.07.01 and AUTH146952.08.01 are subject to the following general conditions that apply to each individual consent:

General

1. The consent holder is responsible for the exercise of this resource consent and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
2. A copy of this resource consent must be kept onsite at all times that physical works authorised by this consent are being undertaken and must be produced without unreasonable delay upon request from an agent of the Waikato Regional Council.
3. The consent holder must inform the Waikato Regional Council in writing at least five (5) working days prior to the commencement of activities of the start date of the works authorised by this resource consent.
4. Except as modified by the conditions in this consent, the Project must be undertaken in accordance with the application lodged under APP146952 and saved as WRC document Ref #30833045, and subsequent information provided to the application - WRC folder Ref #31654561, and the plans and documents detailed in the table below:

Documents	Author	Revision	Date
Horizontal Infrastructure Demolition Drawing Series (ref 33205)	Fraser Thomas Limited	6	8 November 2024
Remedial Action Plan – Contaminated soil plans (ref 33097/R01-R59)	Fraser Thomas Limited	5	8 October 2025
Coal tar investigation report – Contaminated roading plans (ref 33205/CT01-26)	Fraser Thomas Limited	A	25 September 2024
PL Series – Pipe Lining Works (Ref 33205/P001-109)	Fraser Thomas Limited	2	7 November 2024
Erosion and Sediment Control Plans – Demolition Works – Drawings set (ref 33205/3000 series)	Fraser Thomas Limited	1	5 November 2024
Plan showing the relocation of entrance gates	Toitū Te Whenua LINZ	00	8 August 2024

Documents	Author	Revision	Date
Draft Demolition, Deconstruction and Remediation Management Plan	Fraser Thomas Limited	6	18 March 2025
Planting and Maintenance Plan: Tokanui Hospital Remediation	SLR Consulting New Zealand Ltd	3.0	10 September 2025
Tokanui Hospital Remediation Fish Management Plan	SLR Consulting New Zealand Ltd	-	18 November 2024
Remedial Action Plan	Fraser Thomas	4	7 April 2025
Draft Erosion and Sediment Control Plan – Demolition Works	Fraser Thomas	3	8 November 2024
Erosion and Sediment Control Plan (ref 33097) (Landfill)	Fraser Thomas Limited	2	21/11/2024
Existing Disposal Site Repair and Upgrade Works Report (ref 33097)	Fraser Thomas Limited	5	21/11/2024
Landfill (and Culvert 3) Plans (ref 33097/LF310-551)	Fraser Thomas Limited	Issue Set 7	8 October 2025
Closed Landfill - Aftercare and Monitoring Plan (ref 33097)	Fraser Thomas Limited	2	15/11/2024
Draft Pumping and Dewatering Management Plan	Fraser Thomas Limited	-	12 March 2025

Cultural Monitoring

- The consent holder must invite Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao to each appoint one cultural monitor to undertake cultural monitoring of any ground disturbance within the waahi tapu areas identified in the Waahi Tapu Investigation, removal of native trees over 4 metres in height, and works in Wharekōrino Stream.

The consent holder must cover agreed costs associated with cultural monitoring.

Administrative

- The consent holder must pay the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act (1991), or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act (1991).

Complaints

7. If any complaints are received by the consent holder regarding the effects of activities authorised by this consent, the consent holder must notify the Waikato Regional Council of those complaints as soon as practicable and within no longer than one working day. When complaints are received, the consent holder must record the following details in a Complaints Log:
 - a. Time and type of complaint, including details of the incident, e.g. duration, any effects noted;
 - b. Name, address and contact phone number of the complainant (if provided);
 - c. Location from which the complaint arose;
 - d. The weather conditions and wind direction at the time of any dust complaint;
 - e. The likely cause of the complaint;
 - f. The response made by the consent holder including any corrective action undertaken by the consent holder in response to the complaint; and
 - g. Future actions proposed as a result of the complaint.

Pre Start

8. The consent holder must appoint a representative prior to commencement of construction works authorised by these resource consents, who shall be the Waikato Regional Council's principal contact person regarding matters relating to this consent. The consent holder must inform the Waikato Regional Council of the representative's name and how they can be contacted prior to this consent being exercised. Should that person change during the term of this resource consent, the consent holder will immediately inform the Waikato Regional Council and must also give written notice to the Waikato Regional Council of the new representative's name and how they can be contacted.
9. Prior to the commencement of activities authorised by these consents, the consent holder must hold a pre-construction meeting that:
 - a. is scheduled with a minimum of ten (10) working days' notice, and
 - b. includes invitations to representatives from:
 - i) Waikato Regional Council monitoring officer(s)
 - ii) the consent holder's representative,
 - iii) the appointed cultural monitor(s) (if any), and
 - iv) the confirmed onsite contractor.
10. The pre-construction meeting must ensure all relevant parties are aware of cultural monitoring protocols, consent conditions, certified management plans, and other regulatory processes applicable to the site, including Archaeological Authorities issued by the HNZPT and the Accidental Discovery Protocol as advised by the project archaeologist.

Advice Note: *In the case that any of the invited parties, other than the consent holder's representative does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.*

Advice Note: *Notification can be provided to the Waikato Regional Council monitoring officer by emailing consentmonitoringqueries@waikatoregion.govt.nz and including site detail and the resource consent reference number AUTH146952.01.01.*

Review Clause

11. The Waikato Regional Council may at any time two months either side of September in each of these years - 2030, 2035, 2040, 2045, 2050, 2055, serve notice on the consent
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holder under section 128(1) of the Resource Management Act (1991) and commence a review of the conditions of resource consents AUTH146952.05.01 and AUTH146952.07.01 for the following purposes:

- a. To review the effectiveness of the conditions of this resource consent in avoiding, remedying or mitigating any adverse effects on the environment and, if necessary, to address such effects by way of further or amended conditions,
- b. To require the consent holder to adopt the Best Practicable Option or other specific measures to avoid, remedy or mitigate any adverse effects on the environment,
- c. To review the adequacy and necessity for the monitoring and reporting undertaken by the consent holder and, if necessary, to amend or introduce new monitoring conditions.

Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act (1991).

Provision of information to tangata whenua

12. Wherever the conditions of this consent require the Consent Holder to provide information to the Waikato Regional Council, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
 13. If the Consent Holder submits any application to vary the conditions of this consent, the Consent Holder must simultaneously provide that information to Ngāti Paretekawa, Ngāti Paia, Ngāti Ngutu and Ngāti Huiao.
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Schedule Two – Management Plan Conditions

Management Plans required by individual consent conditions

1. All Management Plans required by these resource consent conditions must be prepared by a suitably qualified person. The Contaminated Site Management Plan (CSMP) and Remedial Action Plan (RAP) for the Landfill must be prepared by a suitably qualified and experienced practitioner (SQEP).

Advice Note: Guidance for the definition of a SQEP is provided in the Ministry for the Environments User's Guide for the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES SCS) (Section 2.1.1).

2. The Consent Holder must submit the below Management Plans to WRC for certification in a technical capacity, in accordance with the timeframes specified:

Management Plan	Condition References – objectives and required contents of management plans	Condition References – parameters which the management plan is to demonstrate will be met	Documents to Council for certification – minimum timeframe
Demolition, Deconstruction and Remediation Management Plan (DDRMP)	AUTH146952.01.01 conditions 32-33	AUTH146952.01.01 conditions 20-31, 42-44, 52-58	20 working days prior to commencement of works authorised by consent AUTH146952.01.01 (excluding enabling works).
Erosion and Sediment Control Plan (ESCP) – Demolition Works	AUTH146952.01.01 conditions 4 & 5	AUTH146952.01.01 conditions 9-13, 45-51, 59-61, DS1, DS2	20 working days prior to commencement of works authorised by consent AUTH146952.01.01 (excluding enabling works).
Erosion and Sediment Control Plan (ESCP) – Landfill Works	AUTH146952.06.01 conditions 4 & 5	AUTH146952.06.01 conditions 9-12, 18-19, 26-32, 49-59, 63-65	20 working days prior to commencement of works authorised by consent AUTH146952.06.01

WRC Conditions

			(excluding enabling works).
Chemical Treatment Management Plan (CTMP)	AUTH146952.01.01 conditions 15-16 AUTH146952.06.01 conditions 21-22	AUTH146952.01.01 conditions DS1, DS2 AUTH146952.06.01 conditions 26, 27	10 working days prior to construction of any sediment retention pond / decanting earth bund requiring flocculation
Construction Management Plan (for Landfill)	AUTH146952.06.01 condition 13	AUTH146952.06.01 conditions 33-36, 43-44, 60-62, 67 AUTH146952.07.01 conditions 7-11, 17-22 AUTH146952.08.01 conditions 4-16	10 working days prior to commencement of works authorised by consent AUTH146952.06.01 (excluding enabling works).
Contaminated Site Management Plan (CSMP) and RAP for Landfill	AUTH146952.05.01 condition 4	AUTH146952.05.01 conditions 3, 9, 10	10 working days prior to commencement of works authorised by consents AUTH146952.05.01 and AUTH146952.06.01 (excluding enabling works)
Aftercare and Monitoring Plan (for Landfill)	AUTH146952.05.01 Condition 11A	AUTH146952.05.01 conditions 11, 18, 21, 23, 26-29	20 working days following completion of works authorised by consent AUTH146952.06.01 (excluding enabling works)
Fish Management Plan (FMP)	AUTH146952.03.01 condition 17 AUTH146952.08.01 condition 17		10 working days prior to commencement of works authorised by consents AUTH146952.03.01 and AUTH146952.08.01

WRC Conditions

			(excluding enabling works)
Planting and Management Plan (PMP)	AUTH146952.01.01 condition 37 AUTH146952.05.01 condition 28	AUTH146952.01.01 condition 44A AUTH146952.05.01 condition 29 & 30	10 working days prior to commencement of works authorised by consents AUTH146952.01.01 and AUTH146952.05.01 (excluding enabling works)

3. The certification process must be limited to confirming that the Management Plan has been prepared in accordance with the relevant condition(s) and will achieve the objectives of the Management Plan.
4. If WRC refuses to certify the Management Plan, the Consent Holder must submit a revised Management Plan for certification as soon as practicable.
5. Works authorised by this consent must not commence until all Management Plans identified in the individual consents which are required to be submitted prior to works authorised by this consent have been certified by WRC.
6. All personnel involved with the works authorised by the consents for the project must be made aware of, and have access to, all conditions and Management Plans applicable to the works authorised by this consent, including any amendments to the management plans. Copies of these documents must be kept on site at all times.

Amendments to Management Plans

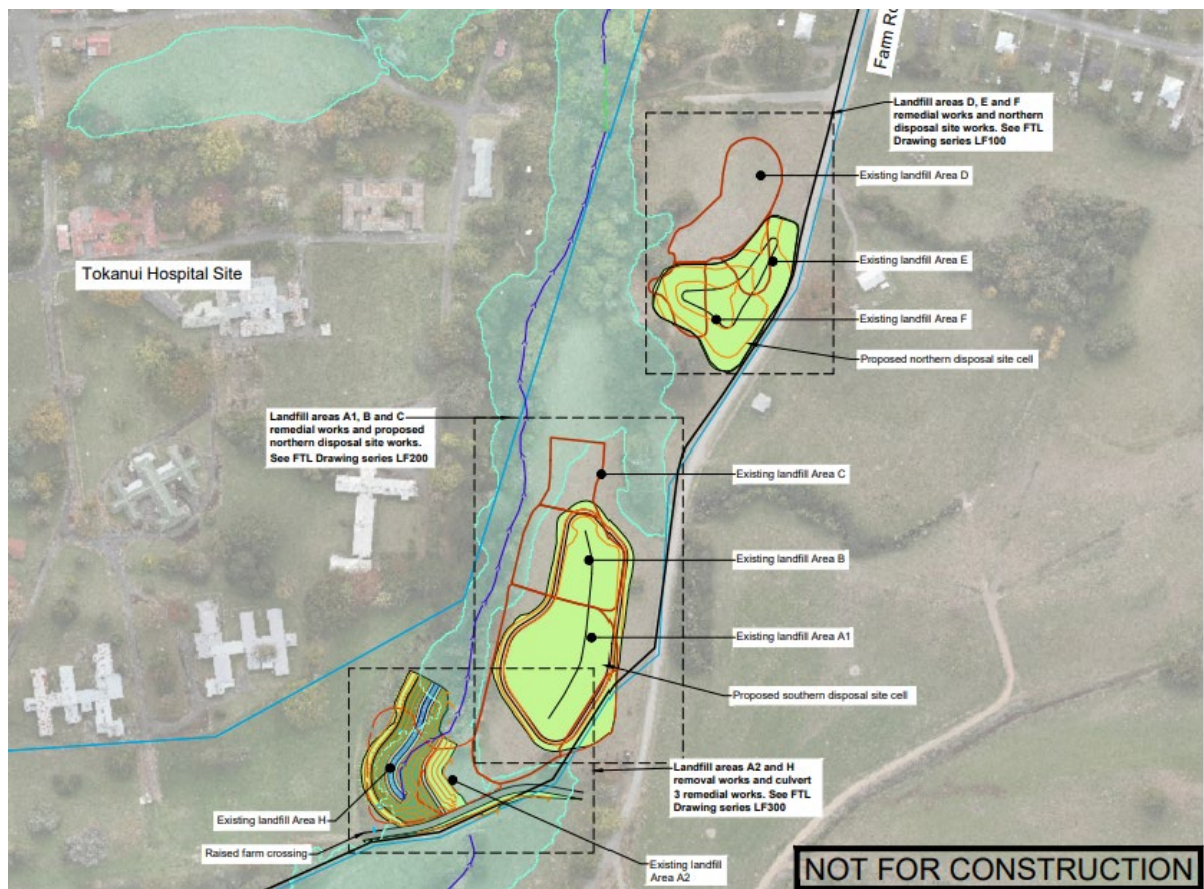
7. The Consent Holder may make amendments to a certified Management Plan before the relevant works (or relevant portion of works) are undertaken, subject to certification by the Waikato Regional Council, prior to an amendment taking effect. Any such amendment must be consistent with the objectives, performance requirements and technical requirements of the Management Plan and relevant consent conditions. The existing certified plan will continue to apply until a revised plan has been certified.
8. If Waikato Regional Council's response is that it is not able to certify the proposed amendments, the Consent Holder must consider any reasons and recommendations of WRC and resubmit an amended Management Plan for certification, or revert to the previously certified Management Plan.

Advice Note: *Waikato Regional Council will respond regarding certification of Management Plans and any amendments to certified Management Plans within 20 working days.*

Implementation / Compliance

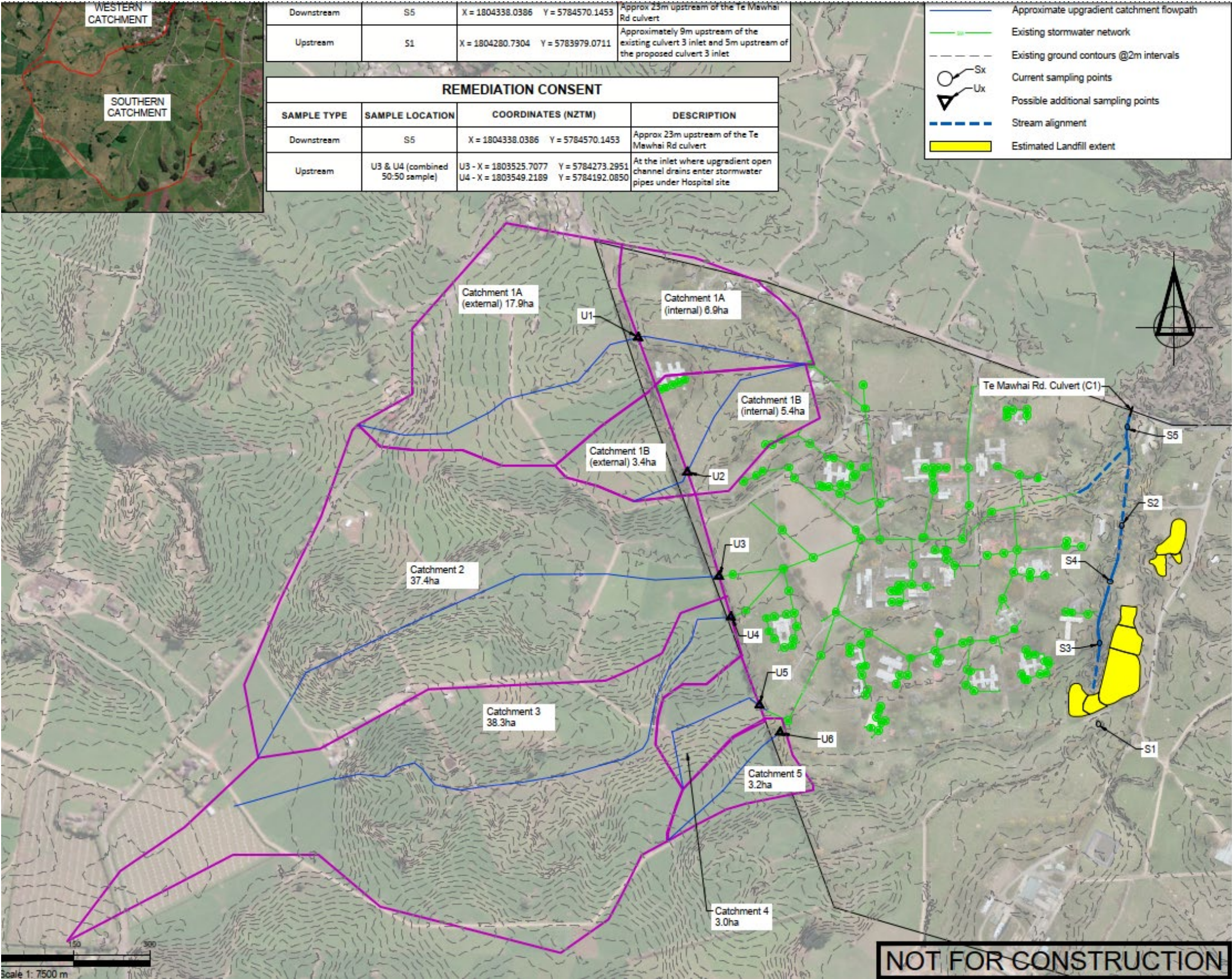
9. The Consent Holder must implement and comply with the certified Management Plans at all times, including any certified amendments.
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Schedule Three – Upgraded Disposal Site Location

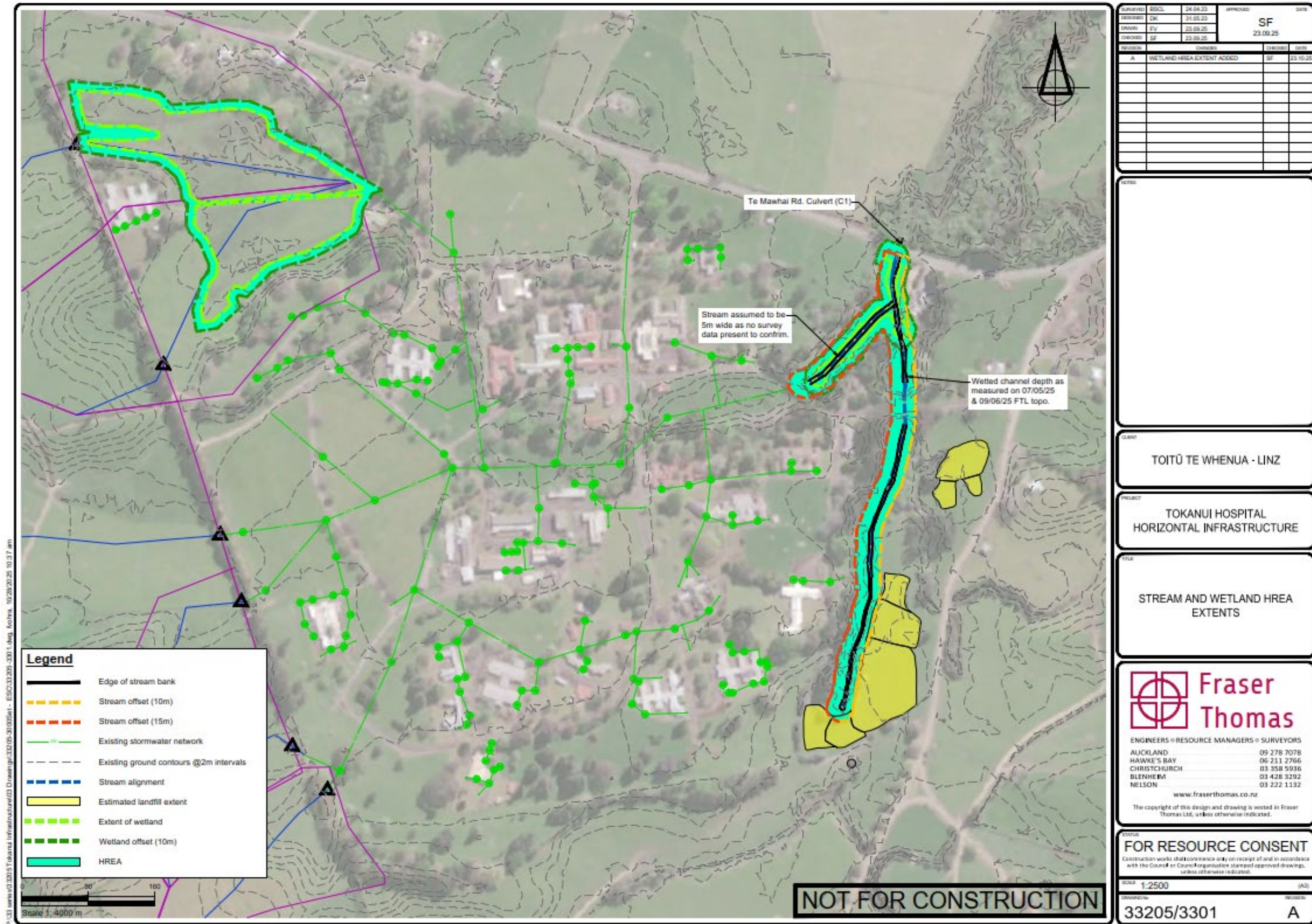


Proposed Landfill Remedial Works Site Overview Plan, source *Fraser Thomas Limited*, 33097/LF010, Rev A

Schedule Four – Sampling Location Plan



Schedule Five – HREA Location Plan



Advice Notes – ALL resource consent certificates

1. In accordance with section 125 RMA, all consents shall lapse five (5) years after the date on which they were granted unless the consent has been given effect to before the end of that period.
 2. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
 3. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
 4. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
 5. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
 6. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
 7. If at any time during the resource consent period, you no longer require your consent, it may be surrendered, in whole or part, by giving written notice of such to the consent authority. Alternatively, please contact Resource Use staff on 0800 800 402 and we can provide you with a surrender form. Note that the surrender takes formal effect when you receive a notice of acceptance of the surrender from the Council.
 8. AUTH102269.01.01 and AUTH102270.01.01 should be surrendered after giving effect to consents AUTH146952.04.01 and AUTH146952.05.01.
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