

Rules assessment – Waikato Regional Council

The following rules assessment has determined that resource consent is required for a **non-complying activity**. Note that only those rules and standards which are relevant to this application have been addressed.

Waikato Regional Plan	
Provision	Comments
Chapter 3 Water Module	
<p>3.3.4.26 Water Takes</p> <p><i>Except as provided in Rules 3.3.4.17, 3.3.4.18, 3.3.4.19, 3.3.4.20, 3.3.4.23, 3.3.4.24 and 3.3.4.25 and the takes described by Policy 6 the taking of groundwater or surface water (surface water calculated on a net take basis) that:</i></p> <ol style="list-style-type: none"> <i>Is for a surface water take which when assessed in combination with all other authorised water takes exceeds the combined primary and secondary allocable flows in Table 3-5; or</i> <i>Is for a surface water harvesting take which when assessed in combination with all other authorised surface water harvesting water takes exceeds the limits set in Policy 20 b), or</i> <p>...</p> <p><i>is a non-complying activity (requiring resource consent)</i></p>	<p>Non-Complying Activity – From previous correspondence with WRC on other projects, dewatering of water that ponds within excavations (as described below) is understood to be considered as a surface water take. As 100% of the water is removed it is treated as defaulting from Rule 3.3.4.23 to Rule 3.3.4.26.</p>
<p>3.5.4.5 Discretionary Activity Rule – Discharges – General Rule</p> <p><i>Any discharge of a contaminant into water, or onto or into land, in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water, that is not specifically provided for by any rule, or does not meet the conditions of a permitted or a controlled</i></p>	<p>Discretionary Activity – Consent may be required under this rule for the discharge of water pumped from the excavations during dewatering onto a nearby grassed area.</p>

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activity rule in this Plan, is a discretionary activity (requiring resource consent).	Any wheel wash facility will have an interceptor system in place and will be located away from waterbodies. Any contaminants generated from wheel washing would not be expected to enter water.
<p>3.5.11.5 Discharge of Stormwater Onto or Into Land</p> <p><i>The discharge of stormwater (including geothermal water) onto or into land is a permitted activity subject to the following conditions:</i></p> <p><i>a. The discharge shall not originate from a catchment that includes any high risk facility or contaminated land unless there is and interceptor system in place.</i></p> <p><i>b. The discharge shall be below a rate that would cause flooding outside the design discharge soakage area, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater. Any exceedence shall go into designated overland flow paths.</i></p> <p><i>c. There shall not be any overland flow resulting in a discharge to surface water, except in rain events equivalent to the 10% Annual Exceedence Probability design storm or greater; then there shall be no adverse surface water effects as a result of the discharge.</i></p> <p><i>d. Any erosion occurring as a result of the discharge shall be remedied as soon as practicable.</i></p> <p><i>e. The discharge shall not contain concentrations of hazardous substances that may cause significant adverse effects on aquatic life or the suitability of the water for human consumption after treatment.</i></p>	<p>Permitted activity – If a wheel wash facility is utilised it will have an interceptor system in place and will only discharge onto land.</p>
<p>3.6.4.13 Stopbanks, Diversions and any Associated Discharges of Water</p> <p><i>Where the diversion and subsequent discharge of water does not comply with Rules 3.6.4.6, 3.6.4.7, 3.6.4.8, 4.2.9.1, 4.2.9.2 or 4.2.9.3 any:</i></p>	<p>Discretionary Activity – Winter groundwater levels are inferred to be 1.3-2.4m bgl and the proposed trenching / earthworks will generally be shallower than this. However, there may be some inflow of groundwater and dewatering of excavations required in some situations. It is understood that WRC considers the water flow into the excavations to be a groundwater diversion.</p>

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<p>3. <i>Damming or diversion of water by way of a stopbank, and</i> 4. <i>Diversion of water, and</i> 5. <i>The use, erection, reconstruction, placement, alteration or extension of any structure on or in the bed of a river or stream associated with the above activities that:</i> i. <i>is undertaken after the date of notification of this Plan, or</i> ii. <i>affects a Significant Geothermal Feature</i> iii. <i>does not occur in a cave system;</i> <i>is a discretionary activity (requiring resource consent).</i></p>	
<p>3.6.4.17 Cofferdams <i>The following activities:</i></p> <p>1. <i>The temporary diversion of water, and</i> 2. <i>The use, erection, reconstruction, placement, alteration or extension of a temporary diversion structure; and</i> 3. <i>Any associated deposition of construction materials, and</i> 4. <i>Any associated bed disturbance, and</i> 5. <i>Any discharge of sediment associated with construction activities;</i> <i>in, on, under or over the bed of a river or lake for the purpose of maintaining an existing lawfully established structure are controlled activities (requiring resource consents) subject to the following standards and terms;</i></p> <p>a. <i>The diversion structure shall be maintained in a structurally sound condition at all times.</i> b. <i>All construction materials and equipment shall be removed from the river or lake bed on the completion of the activity.</i></p>	<p>The project involves the damming and diversion of water during construction for the removal of Culvert 2 and the lining of the trunk stormwater line.</p> <p>To be considered under Rule 3.6.4.17, a coffer dam has to be for the purpose of maintaining an existing lawfully established structure. This is the case for the lining of the trunk stormwater line and this damming is therefore a Controlled Activity. As Culvert 2 is to be removed entirely, this may not technically be considered maintenance of those structures. As such, this damming and diversion falls to be considered under Rule 3.6.4.14 as a Discretionary Activity.</p> <p>The controlled activity standards and terms in Rule 3.6.4.17 will be complied with for all proposed damming and diversion as follows:</p> <p>a. Structures will be maintained in a structurally sound condition at all times. b. Construction materials and equipment will be removed from river bed upon completion. c. No contaminants will be released to water from the damming and temporary diversion. d. No identified archaeological or waahi tapu sites will be disturbed. e. Erosion occurring as a result of the dams will be remedied as soon as practicable.</p>

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c. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents but excluding sediment) shall be released to water from the activity.

d. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.

e. Any erosion occurring as a result of the structure shall be remedied as soon as practicable.

f. Any structure built with materials not naturally present in the bed of the river shall be fixed in place to prevent it being washed away in the event of a flood.

g. The entire structure shall be removed immediately after completion of the works that it was built to assist and the bed of the river or lake shall be reinstated to its original state.

h. The Waikato Regional Council shall be notified of the commencement date of the works and of the removal date of the structure.

i. The activity shall not affect Significant Geothermal Features.

3.6.4.14 New Dams/Damming of Water

Except as provided for by Rules 3.6.4.4, 3.6.4.9, 3.6.4.10 and 3.6.4.12 the following activities, if undertaken after the date of notification of this Plan:

f. Temporary dams will be fixed in place to prevent them from being washed away in a flood.

g. Temporary dams will be removed immediately after completion of works and river beds will be reinstated.

h. Applicant agrees to notify WRC of works commencement date and removal dates.

i. No Significant Geothermal Features affected.

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1. *Damming of water and associated diversion, taking and discharging of water related to the passage of water through, or past or over the dam*
 2. *The use, erection, reconstruction, placement, alteration or extension of any structure in or on the bed of a river or stream associated with the above activities;*
provided they do not:
 - a. *occur in any perennial river or stream that is classified as Natural State in the Water Management Class Maps*
 - b. *affect Significant Geothermal Features*
- is a discretionary activity (requiring resource consent).*

Chapter 4 River and Lake Bed Module

4.2.20.2 Removal or Demolition of Structures

1. *The removal or demolition of any structure or part of any structure, and associated bed disturbance, in, on, under or over the bed of a river or lake, and*
2. *Any discharge of sediment associated with removal or demolition;*
are permitted activities subject to the following conditions:
 - a. *There shall be no use of explosives in the water...*
 - b. *The structure, or part thereof, being removed or demolished shall be removed from the river or lake bed, and/or any material or temporary structures required to undertake the activity shall be removed.*
 - c. *The activity shall not result in the removal of, or damage to, any lawfully established flood protection or erosion control structures, or*

Removal of the footbridge across the Wharekōrino Stream (also in Wetland 1) and associated bed disturbance is **permitted** subject to conditions, which it will comply with. The structure will be fully removed, likely by using a large excavator and the timber support posts pulled out. Any sediment generated from the bed disturbance would be minor, localised and temporary (completed within 24 hours), therefore compliant with suspended solids discharge standards.

Note: Culvert 2 removal is not considered to fall under this rule as it is not located within a defined river bed.

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linear bank protection structures or plantings undertaken for flood or erosion control.

d. The activity shall not reduce the ability of the channel to convey flood flows or floating debris.

e. The removal or demolition works shall comply with the suspended solids discharge standards as set out in Section 4.2.21.

f. This Rule shall not apply to any structure records on the Historic Places register (in accordance with s22 of the Historic Places Act 1993).

g. No submerged piles or parts of structures shall be left in the river or lake bed which might catch debris or obstruct navigation.

h. The Waikato Regional Council shall be notified in writing of the removal or demolition at least 10 working days prior to commencement of the activity.

i. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.

j. In the event of any waahi tapu that is not subject to condition i) being identified by the Waikato Regional Council to the person undertaking the removal or demolition, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.

k. This rule shall not apply to activities located in, on, under or over the bed of a river or lake that is a Significant Geothermal Feature.

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4.3.8.1 Introduction and Planting of Plants

1. Except as controlled by Rule 4.2.18.1 and prohibited in Rule 4.3.8.2, the introduction, planting or layering of any plant or any part of any plant, with the exclusion of plants pests as identified in the Waikato Regional Pest Management Strategy, in, on or under the beds or banks of any lake or river, for the purposes of soil conservation or streamside enhancement, and

2. The associated deposition of construction material, and

3. The associated discharge of sediment, and

4. The associated bed disturbance

is a permitted activity subject to the following conditions:

a. The activity shall not result in any increase in the adverse effects of flooding, or obstruct the river or lake bed.

b. All materials from the planting, and associated equipment shall be removed from the river or lake bed and floodplain on the completion of that activity.

c. The activity shall not disturb any archaeological site or waahi tapu as identified at the date of notification of this Plan, in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.

d. In the event of any waahi tapu that is not subject to condition 'x' (c, or e respectively) being identified by the Waikato Regional Council to the person undertaking the introduction and planting of plants, the activity shall cease insofar as it may affect the waahi tapu. The activity shall not be recommenced without the approval of the Waikato Regional Council.

Streambank revegetation is **permitted** subject to conditions. A Planting Plan to reinstate riparian vegetation on the banks around Culvert 2 is included with the application ([Appendix L](#)). All conditions can be complied with.

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<p><i>e. No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint or solvents, but excluding sediment) shall be discharged to water from the activity.</i></p> <p><i>f. The Waikato Regional Council shall be notified in writing at least 10 working days prior to commencing the activity if it occurs within a flood or drainage control scheme area that is managed by the Waikato Regional Council or a territorial authority.</i></p> <p><i>g. The activity shall comply with the suspended solids discharge standards as set out in Section 4.2.21.</i></p> <p><i>h. Any erosion occurring as a result of the activity shall be remedied as soon as practicable.</i></p> <p><i>i. Plants shall not replace indigenous flora or have the potential to smother indigenous flora.</i></p>	
4.3.9.2 Vegetation Clearance	N/A – no clearance of vegetation proposed within the stream bed.
4.3.9.3 Culverts for Catchment Areas Not Exceeding 500 Hectares	N/A – The stormwater trunk line to be relined has a catchment of 166ha and the works could be considered an alteration to a culvert. However this rule appears to only provide for the diversion and discharge of water through the culvert subsequent to construction, not to provide for construction. The damming and diversion to provide for the pipe lining has instead been considered under Rule 3.6.4.17.
Chapter 5 Land and Soil Module	
<p>5.1.4.11 Soil Disturbance, Roading and Tracking and Vegetation Clearance</p> <p>1. <i>Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, roading and tracking, and vegetation clearance and any associated deposition of slash into or onto the</i></p>	<p>This rule covers soil disturbance and vegetation clearance not provided for by Rules 5.1.4.14-17, i.e. outside of a High Risk Erosion Area. All other soil disturbance is permitted subject to the conditions in Section 5.1.5, assessed below. On the advice of WRC, application is made under Rule 5.1.4.13 in case the TSS standards cannot be complied with.</p>

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<p><i>beds of rivers and any subsequent discharge of contaminants into water or air;</i></p> <p>2. <i>Any roading and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;</i></p> <p>3. <i>Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative;</i></p> <p><i>are permitted activities subject to the conditions in Section 5.1.5.</i></p>	
<p>5.1.4.13 Discretionary Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance</p> <p><i>1. Any soil disturbance, roading and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air that does not comply with the conditions of Permitted Activity Rule 5.1.4.11;</i></p> <p>...</p> <p><i>are discretionary activities (requiring resource consent).</i></p>	<p>On the advice of WRC, application is made as a Discretionary Activity under this rule in case the proposed soil disturbance outside of the High Risk Erosion Areas does not comply with the conditions of Permitted Activity Rule 5.1.4.11 (specifically, the condition relating to suspended solids in Section 5.1.5(h)).</p>
<p>5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas</p> <p><i>Except as restricted by Rule 5.1.4.16, the following activities, occurring in any continuous 12 month period and located in a high risk erosion area:</i></p> <p>1. <i>Roding and tracking activities between 100 and 2,000 metres in length, or</i></p>	<p>The project includes some soil disturbance in High Risk Erosion Areas (within 10m from wetlands and riverbeds/on slope greater than 15 degrees). The specific works include:</p> <ul style="list-style-type: none"> • Removal of Culvert 2 (roughly 50-60m long x 6m wide, and 6,800m³ total volume which is not all within the High Risk Erosion Area) • Removal of water line over redundant road crossing at Culvert 2 (part of the above culvert removal works)

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<p>2. Soil disturbance activities between 250 and 1,000 cubic metres in volume (solid measure), or</p> <p>3. Soil disturbance activities between 0.2 and 2.0 hectares in area, or</p> <p>...</p> <p>and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are controlled activities (requiring resource consent) subject to the standards and terms as specified in Section 5.1.5.</p> <p>5.1.4.15 Discretionary Activity Rule – Soil Disturbance, Roading and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas</p> <p>Except as restricted by Rule 5.1.4.16 the following activities, occurring in any continuous 12 month period and located in a high risk erosion area: ...</p> <p>2. Soil disturbance activities exceeding 1,000 cubic metres in volume (solid measure)</p> <p>...</p> <p>and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are discretionary activities (requiring resource consent).</p>	<ul style="list-style-type: none"> • Removal of wastewater lines/manholes in or within 10m of Wetland 2 (roughly 460m in length) • Removal of underground power line in or within 10m of Wetland 2 (roughly 220m in length) • Removal of underground power line likely within 10m of stream tributary (up to 20m in length) • Contamination remediation earthworks for Building 75 and 76 within 10m of Wetland 2 • Removal of redundant WWTP structures (trickling filter, humus tank, grit chamber, footbridge, pipes and manholes) in or within 10m of Wharekōrino Stream and Wetland 1. <p>The estimated works outlined above indicates that soil disturbance occurring in a high risk erosion area will be around 1,000m in length, and will not exceed two hectares in area, but will exceed 1,000m³ in volume.</p> <p>The proposed soil disturbance therefore has a Discretionary Activity status under Rule 5.1.4.15.</p>
<p>5.1.5 Conditions for Permitted Activity Rule 5.1.4.11 and Standards and Terms for Controlled Activity Rules</p>	<p>Likely to comply – it is expected that these conditions will be met for soil disturbance both in and out of the High Risk Erosion Area, as follows:</p> <ul style="list-style-type: none"> - Appropriate erosion and sediment controls will be installed and maintained. Suspended solids standards are not anticipated to be exceeded by any non point source discharges, and exposed areas will be stabilised as soon as practical. However, in case the suspended solids standards cannot be met, application is made to infringe standard

	<p>5.1.5(h). Any temporary stockpiles of removed earth will be placed away from streams and floodplains.</p> <ul style="list-style-type: none"> - No identified archaeological or waahi tapu sites will be disturbed – NZHPT approval is to be obtained for potential disturbance of unidentified sites. - No fuel storage or refuelling will occur in areas where it could enter water, as per section 7 of the draft DDRMP. - Vegetation around Culvert 2 will be felled away from water body where safe to do so, and deposited where it will not enter the stream. - Flooding effects have been assessed and the soil disturbance does not result in neighbouring land becoming subject to flooding.
<p>5.2.5.5 Large Scale Cleanfill Disposal outside High Risk Locations</p> <p><i>The discharge of cleanfill onto or into land and any subsequent discharge of contaminants into water or air that does not comply with Rule 5.2.5.4 when occurring outside of:</i></p> <ol style="list-style-type: none"> 1. <i>A high risk erosion area</i> 2. <i>A floodplain of a river</i> 3. <i>The catchment of, or within 10 metres of, whichever is the lesser, a sink hole or cave entrance</i> 4. <i>Any wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna</i> 5. <i>A significant geothermal feature</i> <p><i>is a controlled activity (requiring resource consent) subject to the following standards and terms:</i></p> <ol style="list-style-type: none"> a. <i>Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except</i> 	<p>Up to 6,800m³ of excavated material from the removal of Culvert 2 is likely to be re-used as backfill elsewhere on the site, but not within any high risk erosion area or floodplain. This material will meet the definition of cleanfill and the disposal has a Controlled Activity status as it will meet the standards and terms:</p> <ol style="list-style-type: none"> a. Discharges to air (dust) will be managed through suppression measures as per draft DDRMP. b. Records of earthworks, including source and composition of this backfill material, will form part of the Site Validation Report. c. Material will not have acid producing potential. d. Material will be stabilised for the long term. e. Material is to be used for reinstatement of ground levels only and will not affect flooding.

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where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.

- b. Records of the source and composition of all material disposed of at the site shall be maintained and made available to the Waikato Regional Council upon request to demonstrate that only cleanfill as defined in the Glossary to this Plan has been received.*
- c. The cleanfill has no acid producing potential.*
- d. The placement of the material shall be undertaken and maintained in manner so as to ensure its long-term stability.*
- e. The activity shall not cause any increase in flooding on neighbouring properties.*

5.2.9.1 Use of Dust Suppressants

The discharge of contaminants (excluding waste oil) onto or into land for the purpose of dust suppression is a permitted activity subject to the following conditions:*

- a. If the dust suppressant is a hazardous substance or if the water or dust suppressant contains hazardous substances it shall be licensed for use as a dust suppressant under the provisions of the Hazardous Substances and New Organisms Act (1996).*
- b. The contaminants shall not be applied at a rate or in weather conditions that result in ponding or surface run-off of contaminants into surface water.*
- c. Any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.*

Permitted Activity – refer Section 20.1 of draft DDRMP ([Appendix P](#)). Waste oil and hazardous substances that are not licensed under HSNO are excluded from use as dust suppressants.

5.3.4.6 Discharges from Remediation of Contaminated Land

Any discharge arising from remediation of contaminated land is a permitted activity, subject to the following conditions:

- a. *any discharge to air arising from the activity shall comply with the conditions and standards and terms in Section 6.1.8 except where the matters addressed in Section 6.1.8 are already addressed by conditions on resource consents for the site.*
- b. *No contaminants from the remediation of the contaminated land shall be discharged into water or onto land unless discharged to a landfill authorised in Section 5.2.7.*
- c. *The Waikato Regional Council shall be provided with the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) prior to commencement of land remediation:*
 - i. *detailed site investigation report*
 - ii. *site remedial action plan*
- d. *After remediation is completed, copies of the following reports prepared in compliance with Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, Wellington, NZ, updated October 2003) must be provided to the Waikato Regional Council:*
 - i. *site validation report*
 - ii. *ongoing monitoring and management plan.*

There is ~3,250m³ of soil on the site that exceeds the site-specific standards (therefore also the applicable NES-CS standards) and a provisional amount of ~3,130m³ inferred contaminated soil. This soil meets the WRP definition of contaminated land and is to be remediated as part of this proposal.

Discharges arising from the remediation of contaminated land are a **Permitted Activity**, subject to conditions which will be met as follows:

- a. Any discharges to air will comply with Section 6.1.8 (assessed below).
- b. Contaminated land is proposed to be discharged to onsite landfill, and this is sought to be authorised under the Landfill Upgrade application. Alternatively, it can be discharged to an authorised offsite landfill.
- c. DSI and RAP are provided as part of this application ([Appendix K](#)).
- d. Site Validation Report and ongoing monitoring and maintenance plan (if necessary) will be provided to WRC after remediation is completed. LINZ accepts conditions to this effect on the earthworks consent.
- e. LINZ agrees to provide WRC any updates of these reports if a change in investigation, remediation and monitoring strategy occurs.

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e. <i>Any updates of these reports shall be provided to the Waikato Regional Council if a change in investigation, remediation and monitoring strategy occurs.</i>	
Chapter 6 Air Module	
<p>6.1.8 Standard Conditions for Permitted Activity Rules and Standards and Terms for Controlled and Restricted Discretionary Activity Rules</p> <p><i>The following are the standard conditions for permitted activity rules and the standards and terms for controlled and restricted discretionary activity rules for discharges to air:</i></p> <ul style="list-style-type: none"> a. <i>There shall be no discharge of contaminants beyond the boundary of the subject property that has adverse effects on human health, or the health of flora and fauna.</i> b. <i>The discharge shall not result in odour that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.</i> c. <i>There shall be no discharge of particulate matter that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.</i> d. <i>The discharge shall not significantly impair visibility beyond the boundary of the subject property.</i> e. <i>The discharge shall not cause accelerated corrosion or accelerated deterioration to structures beyond the boundary of the subject property.</i> 	<p>Air discharges from crushing of road material and earthworks and contaminated soil disturbance are permitted if they comply with conditions, which they will:</p> <ul style="list-style-type: none"> a. No discharge of contaminants beyond the boundary b. No objectionable odour c. No discharge of particulate matter beyond the boundary d. and e. N/A as there will be no discharges to air beyond the boundary.
6.1.9.1 Miscellaneous	The proposed activity may be considered as “23. <i>Building and construction activities, including road construction and maintenance</i> ”. Discharge of

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<p><i>Unless restricted by any other rule in this Plan, the discharge of contaminants into air from the following industrial or trade premises or processes:</i></p> <p><i>23. Building and construction activities, including road construction and maintenance.</i></p> <p><i>...is a permitted activity subject to the conditions specified in Section 6.1.8 of this Plan.</i></p>	<p>contaminants into air from these processes are a Permitted Activity, as the conditions in Section 6.1.8 will be complied with.</p>

National Environmental Standards for Freshwater	
Provision	Comments
Part 3 Standards for other activities that relate to freshwater	
<p>Regulation 46 Maintenance and operation of specific infrastructure and other infrastructure – Permitted activities</p> <p><i>(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—</i></p> <p><i>(a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p><i>(b) complies with the conditions.</i></p> <p><i>(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it—</i></p> <p><i>(a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p>	<p>The trunk stormwater pipe lining constitutes maintenance of 'other infrastructure' and is upstream of (hydrologically connected to) Wetland 1. The existing trunk stormwater network also drains the catchment within which Wetland 2 is located. The temporary damming and diversion during the pipe lining works will be within 100m of Wetlands 1 and 2 and is assessed as Permitted, as the diversion will not change the water level range/hydrological function of the wetlands. It will comply with the conditions of Reg 46(4) as follows:</p> <p>a. See assessment of Regulation 55 below.</p> <p>b. The size of the infrastructure will not be increased and the pipes will not be replaced.</p>

National Environmental Standards for Freshwater

- (b) *complies with the conditions.*
- (3) *The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural inland wetland is a permitted activity if—*
- (a) *the activity is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and*
 - (b) *there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and*
 - (c) *the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland; and*
 - (d) *the activity complies with the conditions.*
- Conditions*
- (4) *The conditions are that—*
- (a) *the activity must comply with the general conditions on natural inland wetland activities in regulation 55, ...*
 - (b) *the activity must not be for the purpose of increasing the size, or replacing part, of the specified infrastructure or other infrastructure unless the increase or replacement is to provide for the passage of fish in accordance with these regulations; and*
 - (c) *the activity must not result in the formation of new pathways, boardwalks, or other accessways; and*
 - (d) *if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500 m² or 10% of the area of the natural inland wetland, whichever is smaller; and*
 - (e) *if the activity is earthworks or land disturbance,—*
 - (i) *trenches dug (for example, to maintain pipes) must be backfilled and compacted no later than 48 hours after being dug; and*
- c. No pathways will be formed.
 - d. Earthworks will not occur over any of the wetland.
 - e. No trenches to be dug. No drains to be deepened.
 - f. No discharge of water.

National Environmental Standards for Freshwater	
<p>(ii) <i>the activity must not result in drains being deeper, relative to the natural inland wetland's water level, than they were before the activity; and</i></p> <p>(f) <i>if the activity is a discharge of water, it must not be a restricted discretionary activity as described in regulation 47(3A).</i></p>	
<p>Regulation 52 Drainage of natural inland wetlands – Non-complying activities</p> <p>(1) <i>Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—</i></p> <p>(a) <i>results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</i></p> <p>(b) <i>does not have another status under any of regulations 38 to 51.</i></p> <p>(2) <i>The taking, use, damming, or diversion of water outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—</i></p> <p>(a) <i>results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</i></p> <p>(b) <i>does not have another status under any of regulations 38 to 51.</i></p>	<p>N/A – The removal of Culvert 2 and the redundant road crossing embankment, and the associated temporary damming and diversion during the works, is outside but within 100m of Wetland 1. It does not strictly constitute maintenance of infrastructure under Reg 46 as the infrastructure is to be entirely removed. However, the works will not result in the drainage of Wetland 1, as all flows will be diverted around the works to reach the wetland downstream.</p> <p>Other earthworks for underground infrastructure and foundation removal are proposed within 100m of a wetland. As the works are shallow and temporary, and natural ground level will be reinstated following the removal of building foundations and infrastructure, these earthworks will not alter drainage patterns therefore will not result in the complete or partial drainage of the wetlands.</p>
<p>Regulation 53 – Prohibited activities</p> <p>(1) <i>Earthworks within a natural inland wetland is a prohibited activity if it—</i></p> <p>(a) <i>results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</i></p> <p>(b) <i>does not have another status under any of regulations 38 to 51.</i></p> <p>(2) <i>The taking, use, damming, or diversion of water within a natural inland wetland is a prohibited activity if it—</i></p>	<p>N/A – Identified earthworks within a natural inland wetland include:</p> <ul style="list-style-type: none"> • Removal of supports for above ground wastewater lines/manholes within Wetland 2 (roughly 460m in length) • Removal of underground power line within Wetland 2 (roughly 210m in length)

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<p>(a) <i>results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and</i></p> <p>(b) <i>does not have another status under any of regulations 38 to 51.</i></p>	<ul style="list-style-type: none"> Removal of WWTP grit chamber, wastewater inlet pipe, ancillary cabling and footbridge within Wetland 1. <p>However, the trenching for the removal of this infrastructure is only temporary to depths of less than 1m and will be undertaken in dry conditions. The trenches will be backfilled, and natural ground level and compaction levels will be reinstated following the removal of this infrastructure, so these earthworks will not result in the complete or partial drainage of the wetlands. Refer to Hydrology Memo attached to the EclA in Appendix L.</p> <p>No damming or diversion is proposed within a wetland.</p>
<p>Regulation 54 Other activities – Non-complying activities</p> <p><i>The following activities are non-complying activities if they do not have another status under this subpart:</i></p> <p>(a) <i>vegetation clearance within, or within a 10 m setback from, a natural inland wetland:</i></p> <p>(b) <i>earthworks within, or within a 10 m setback from, a natural inland wetland:</i></p> <p>(c) <i>the taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland if—</i></p> <p style="padding-left: 20px;">(i) <i>there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and</i></p> <p style="padding-left: 20px;">(ii) <i>the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland:</i></p> <p>(d) <i>the discharge of water into water within, or within a 100 m setback from, a natural inland wetland if—</i></p> <p style="padding-left: 20px;">(i) <i>there is a hydrological connection between the discharge and the wetland; and</i></p>	<p>The proposed removal of roading and other horizontal infrastructure does not readily fit under the ‘maintenance and operation’ of infrastructure covered by Regulations 46 and 47, so the earthworks required for this activity within and within 10m of wetlands is deemed to fall under Regulation 54 and have a Non-Complying Activity status. This also applies to earthworks for contaminated land remediation within 10m of wetlands.</p> <p>The relevant earthworks includes:</p> <ul style="list-style-type: none"> Removal of wastewater lines/manholes within and within 10m of Wetland 2 (roughly 460m in length) Removal of underground power line within and within 10m of Wetland 2 (roughly 220m in length) Contamination remediation earthworks and foundation removal for Building 75 and 76 within 10m of Wetland 2 Removal of WWTP grit chamber, wastewater inlet pipe, ancillary cabling, footbridge, former humus tank edging,

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<p>(ii) <i>the discharge will enter the wetland; and</i></p> <p>(iii) <i>the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.</i></p>	<p>trickling filter, outfall pipe, wastewater and stormwater pipes and manholes within and within 10m of Wetland 1.</p> <p>There is also a small amount of potential vegetation removal within 10m of Wetland 2 (near Building 55).</p> <p>Damming and diversion of water will occur within 100m of Wetland 1 for the removal of Culvert 2, which has a hydrological connection to Wetland 1 as it is upstream. The temporary damming and diversion will not change the water level range or hydrological function of Wetland 1, so Regulation 54 is not applicable to this activity.</p>
<p>Regulation 55 General matters – General conditions on natural inland wetland activities</p> <p>(1) This regulation applies if a regulation in this subpart refers to the compliance of an activity with the general conditions in this regulation.</p> <p><i>General condition for permitted activities: prior notice of activity</i></p> <p>(2) If this regulation applies in relation to a permitted activity, the 1 or more persons responsible for undertaking the activity must, at least 10 working days before starting the activity, provide the relevant regional council with the following information in writing:</p> <ul style="list-style-type: none"> (a) a description of the activity to be undertaken; and (b) a description of, and map showing, where the activity will be undertaken; and (c) a statement of when the activity will start and when it is expected to end; and (d) a description of the extent of the activity; and (e) their contact details. <p><i>General conditions: water quality and movement</i></p>	<p>This regulation sets out conditions that need to be complied with for permitted activities, which are applicable to the diversion for stormwater trunk lining in this case, and assessed as compliant below:</p> <p>(2) Prior notice of activity is able to be provided to WRC.</p> <p>(3-6) Subclause (5) is most relevant and the works will comply with this, as per the methodology and draft conditions included in the AEE. No contaminants are anticipated to be discharged to the receiving environment. The pipe lining will be cured before flows are reinstated through the pipes. Pumping flows around the diversion will not alter natural movements or flood waters into Wetland 1.</p> <p>(7-8) No soil or vegetation is anticipated to be disturbed, works to be undertaken in dry period (likely Jan-Mar). Erosion control measures to be installed at discharge points of temporary diversions as required.</p> <p>(9) Will comply / N/A.</p>

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(3) The general conditions relating to water quality and movement are as follows:

- (a) the activity must not result in the discharge of a contaminant if the receiving environment includes any natural inland wetland in which the contaminant, after reasonable mixing, causes, or may cause, 1 or more of the following effects:
 - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - (ii) a conspicuous change in colour or visual clarity:
 - (iii) an emission of objectionable odour:
 - (iv) the contamination of freshwater to the extent that it is not suitable for farm animals to drink:
 - (v) adverse effects on aquatic life that are more than minor; and
- (b) the activity must not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain (but see subclause (4)); and
- (c) the activity must not alter the natural movement of water into, within, or from any natural inland wetland (but see subclause (5)); and
- (d) the activity must not involve taking or discharging water to or from any natural inland wetland (but see subclause (5)); and
- (e) debris and sediment must not be placed—
 - (i) within a setback of 10 m from any natural inland wetland; or
 - (ii) in a position where it may enter any natural inland wetland.

(4) Subclause (3)(b) does not apply if the person undertaking the activity—

- (a) owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain; or
- (b) has—

(10-11) N/A.

(12) Machinery and equipment will be cleaned before and after entering waterbodies. Entering Wetlands 1 and 2 to install the temporary dams will be avoided unless necessary. No mixing of materials or refuelling is required within the wetlands.

(13) The activity is necessary to maintain the integrity of the piped network. The materials and equipment will be removed from the site no later than 5 days after the works are finished.

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- (i) obtained written consent to undertaking the activity from each person who owns or controls the land or structures that would be affected by a flood in all or part of the 1% AEP floodplain, after informing them of the expected increase in the level of flood waters; and
 - (ii) satisfied the relevant regional council that they have complied with subparagraph (i).
- (5) Despite subclause (3)(c) and (d), the temporary taking, use, damming, or diversion of water around a work site, or discharges of water into the water around a work site, may be undertaken if the following conditions are complied with:
- (a) the activity must be undertaken during a period when there is a low risk of flooding; and
 - (b) the activity must be undertaken only for as long as necessary to achieve its purpose; and
 - (c) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of any affected natural inland wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (d) to be verified; and
 - (d) the bed profile and hydrological regime of the natural inland wetland must be returned to their original condition no later than 14 days after the start of the activity; and
 - (e) if the activity is damming, the dam must be no higher than 600 mm; and
 - (f) if the activity is a diversion that uses a pump, a fish screen with mesh spacing no greater than 3 mm must be used on the intake.
- (6) In subclauses (3) and (4), 1% AEP floodplain means the area that would be inundated in a flood event of a size that has a 1% or greater probability of occurring in any one year.

General condition: earth stability and drainage

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(7) The general condition relating to earth stability and drainage is that the activity must not create or contribute to—

- (a) the instability or subsidence of a slope or another land surface; or
- (b) the erosion of the bed or bank of any natural inland wetland; or
- (c) a change in the points at which water flows into or out of any natural inland wetland; or
- (d) a constriction on the flow of water within, into, or out of any natural inland wetland; or
- (e) the flooding or overland flow of water within, or flowing into or out of, any natural inland wetland.

General conditions: earthworks, land disturbance, and vegetation clearance

(8) The general conditions on earthworks, land disturbance, and vegetation clearance are as follows:

- (a) during and after the activity, erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on natural inland wetlands; and
- (b) the measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and
- (c) the measures referred to in paragraph (b) must remain in place until vegetation covers more than 80% of the site; and
- (d) if the activity is vegetation clearance, it must not result in earth remaining bare for longer than 3 months.

General conditions: vegetation and bird and fish habitats

(9) The general conditions relating to vegetation and bird and fish habitats are as follows:

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- (a) only indigenous species that are appropriate to a natural inland wetland (given the location and type of the natural inland wetland) may be planted in it; and
- (b) the activity must not result in the smothering of indigenous vegetation by debris and sediment; and
- (c) the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and
- (d) the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish; and
- (e) the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area.

General condition: historic heritage

(10) The general condition relating to historic heritage is that the activity must not destroy, damage, or modify a site that is protected by an enactment because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori), except in accordance with that enactment.

(11) In subclause (10), enactment includes any kind of instrument made under an enactment.

General conditions: machinery, vehicles, equipment, and construction materials

(12) The general conditions on the use of vehicles, machinery, equipment, and materials are as follows:

- (a) machinery, vehicles, and equipment used for the activity must be cleaned before entering any natural inland wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and
- (b) machinery that is used for the activity must sit outside a natural inland wetland, unless it is necessary for the machinery to enter the natural inland wetland to achieve the purpose of the activity; and

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- (c) if machinery or vehicles enter any natural inland wetland, they must be modified or supported to prevent them from damaging the natural inland wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and
- (d) the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, must be done outside a 10 m setback from any natural inland wetland.

General conditions: miscellaneous

(13) The other general conditions are as follows:

- (a) the activity must be undertaken only to the extent necessary to achieve its purpose; and
- (b) the activity must not involve the use of fire or explosives; and
- (c) if there is existing public access to a natural inland wetland, the activity must not prevent the public from continuing to access the natural inland wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and
- (d) no later than 5 days after the activity ends,—
 - (i) debris, materials, and equipment relating to the activity must be removed from the site; and
 - (ii) the site must be free from litter.

Rules assessment – Waipā District Council

The following rules assessment has determined that resource consent is required for a **discretionary activity**. Note that only those rules and standards which are relevant to this application have been addressed.

Waipā District Plan	
Provision	Comments
Part D – Zone Provisions	
Section 4 – Rural Zone	
Rule 4.4.1.1(j) Demolition, removal of buildings and structures, except those listed in Appendix N1 - Heritage Items – Permitted activity	The removal of the infrastructure and culverts is permitted subject to compliance with relevant performance standards in 4.4.2.
Rule 4.4.1.1(m) Earthworks – Permitted activity	<p>Earthworks are permitted subject to compliance with relevant performance standards in 4.4.2. Earthworks involved in this proposal include:</p> <ul style="list-style-type: none"> • Removal of horizontal infrastructure (underground services, roads) • Contaminated soil remediation • Backfilling cavities from building and soil removal • Removal of Culvert 2 and redundant road crossing embankment. <p>The earthworks do not comply, as assessed further in this table.</p>
<p>Rule 4.4.1.4(a) Any permitted, controlled or restricted discretionary activity that fails to comply with: ...</p> <p>vii. Rules 4.4.2.15, 4.4.2.16, 4.4.2.20 to 4.4.2.22 – Noise</p> <p>xvii. Rule 4.4.2.75 – Earthworks</p>	<p>Discretionary Activity – The removal of the infrastructure and culvert and the earthworks to remediate and dispose of contaminated land will not comply with the earthworks standards, as assessed below. The listed noise standards are N/A to this proposal.</p>

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<p>Performance standard 4.4.2.19 – Construction noise</p> <p><i>Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.</i></p> <p><i>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</i></p> <ul style="list-style-type: none"> • <i>Time and duration of effect; and</i> • <i>Effects on surrounding properties.</i> 	<p>Restricted Discretionary Activity – As assessed in the Acoustic Assessment (Appendix O to the AEE), most of the construction noise will comply with the limits in NZS6803:1999 Acoustics – Construction Noise, but if tree removal is required near 203 and 207 Te Mawhai Road then the noise levels from chainsaws could exceed the permitted limit by up to 5 dB (intermittently).</p>
<p>Temporary construction buildings 4.4.2.49</p> <p><i>Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project.</i></p> <p>4.4.2.50</p> <p><i>Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum building setback requirements of the Rural Zone.</i></p>	<p>Complies – Temporary construction buildings will only be used in conjunction with the project and for the duration of the project. They will not be in place for longer than a year. It is likely that existing buildings 75 and 76 will be used for the site office and facilities, so no particular temporary buildings are anticipated at this stage.</p>
<p>Performance standard 4.4.2.75 – Earthworks</p> <p><i>Earthworks (excluding mineral extraction activities), shall not exceed a total volume of 1000m³ in a single activity or in cumulative activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent, tillage of land associated with the growing of crops, construction, maintenance and upgrading of farm tracks, farm silage pits or existing drains.</i></p>	<p>Does not comply – Earthworks will exceed 1,000m³.</p>

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Part E – District Wide Provisions	
Section 16 – Transportation	
Activity Status Table 16.4.1.1	N/A – None of the listed activities appear to apply to this activity, which generates 100 equivalent vehicles or more per day but not directly onto a State Highway or major arterial road. However it is understood that the performance standards in this chapter apply to activities listed in other chapters, not just the activities in this table.
Performance standards 16.4.2.4-16.4.2.12 – Access	Complies – No new or amended access proposed. Regardless, the ITA (Appendix N to the AEE) confirms that the main access complies with design, separation and sight distance requirements and can accommodate the demands of construction-related vehicles.
<p>Performance standards 16.4.2.13-16.4.2.14 – Parking, loading and manoeuvring area</p> <p>16.4.2.13</p> <p><i>All activities that involve the erection, construction or substantial reconstruction, alteration or addition to a building on any site, or changes the use of any land or building, shall provide loading/unloading spaces for vehicles on the site as set out in Appendix T1.</i></p> <p>16.4.2.14</p> <p><i>Vehicle parking (if provided), loading/unloading, and manoeuvring areas shall:</i></p> <p>a. <i>Not encroach on any setback, outdoor living area, or bicycle parking spaces; and loading/unloading areas and manoeuvring areas shall not encroach over vehicle parking spaces; and</i></p>	Complies – No formal parking areas are proposed and none are considered to be required for this activity. Due to the size of the Site, there is sufficient space to accommodate loading and manoeuvring of construction-related vehicles.

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<p>b. <i>Be designed, formed, and constructed to ensure that the surface of the required area provides a dust free environment; and</i></p> <p>c. <i>Provide for the safe and efficient disposal of surface stormwater clear of any adjoining access or road surface in a way that does not result in ponding or scouring; and</i></p> <p>d. <i>Be constructed to accommodate the anticipated use of the area by all traffic likely to access the site in the zone in which it is located, including construction traffic taking into account pavement, surfacing, demarcation of spaces, aisles and circulation roads; and</i></p> <p>e. <i>Be provided on the site on which the building, activity or proposal is located, except where the provisions of Rules 16.4.2.15 and 16.4.2.16 apply.</i></p> <p>...</p>	
<p>Performance standard 16.4.2.22 – Provision of an integrated transport assessment</p> <p><i>A Simple or Broad Integrated Transport Assessment shall be prepared for activities as required by this rule, in accordance with the following trigger thresholds ...</i></p>	<p>Does not comply – activities which generate over 250 vehicles per day to a local road require an Integrated Transportation Assessment and are a Restricted Discretionary Activity.</p> <p>For the purpose of this threshold, Standard 16.4.2.22 specifies that heavy vehicles over 3.5 tonnes are to be taken as 10 car equivalents.</p> <p>The trip generation of the proposal is therefore assessed to be 80 vehicles per day equating to 312 equivalent vehicles per day (refer to ITA in <u>Appendix N</u>).</p>
Section 17 – Works and Utilities	
Rule 17.4.1.1(c) – Removal of overhead and underground electrical lines	Permitted in the Rural zone. There are no relevant performance standards.
Rule 17.4.1.2(f) – Removal of overhead and underground telecommunication lines	Permitted in the Rural zone. There are no relevant performance standards.

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Table 17.4.1.3 – Water, wastewater and stormwater	N/A – Removal of this infrastructure is not covered by the table. Activity addressed as part of earthworks.
Section 19 – Hazardous Substances and Contaminated Land	
Activity Table 19.4.1.1	N/A – no hazardous facilities are proposed as part of the activities.
<p>Performance standard 19.4.2.5</p> <p><i>Any part of a site where hazardous substances are used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled shall be designed, constructed and managed to prevent any adverse effects of the intended use from occurring outside the area where the particular activity is to be carried out.</i></p>	<p>Complies – the proposal involves the use and handling of hazardous substances. In Phases 2 and 3, this primarily entails the removal of asbestos cement water main pipes, any asbestos containing material in the building foundations, and coal tar from the roads. Construction machinery may also benefit from having onsite refuelling made available.</p> <p>The draft DDRMP (Appendix P) contains requirements for the handling and use of hazardous substances to follow applicable standards, codes, regulations and guidelines and be undertaken by appropriately certified personnel. It also contains requirements for washdowns, refuelling areas and fuel storage areas to prevent any accidental discharge to the environment. Materials that are contaminated with hazardous substances will be transported offsite in lined and covered trucks to an authorised disposal facility.</p>
<p>Performance standard 19.4.2.7</p> <p><i>Any part of the site, including vehicle accessways, where hazardous substances are used, stored, manufactured, mixed, packaged, loaded, unloaded, or otherwise handled shall be served by a spill containment system.</i></p> <p>...</p>	
<p>Performance standard 19.4.2.8</p> <p><i>The collection of hazardous substances for disposal or subsequent use shall be in suitable containers that seal and contain the substances in a safe location as defined in Rule 19.4.2.7.</i></p>	
<p>Performance standard 19.4.2.10</p> <p><i>Any part of a site where washing of vehicles, equipment or containers which have or may have been contaminated shall be designed, constructed and managed to prevent the effluent from the washdown area from:</i></p>	

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<ul style="list-style-type: none"> b. <i>Entering or discharging into the stormwater or wastewater network, unless pursuant to a trade waste consent; and</i> c. <i>Discharging onto land and/or into water (including groundwater and potable water supplies) unless the discharge is permitted by a rule in a Regional Plan or Proposed Regional Plan, or by resource consent.</i> 	
<p>Performance standard 19.4.2.14</p> <p><i>The storage or processing of any contaminated waste containing a hazardous substance shall comply with any relevant requirement in the Hazardous Substances and New Organisms Act 1996 (HSNO) and Regulations, and New Zealand Standard NZS 8409:2004 Management of agrichemicals.</i></p>	
<p>Performance standard 19.4.2.15</p> <p><i>Any process waste or waste containing hazardous substances shall be managed to prevent the waste:</i></p> <ul style="list-style-type: none"> a. <i>Entering or discharging into a stormwater or sewerage network, unless pursuant to a trade wastes consent; and</i> b. <i>Discharging on to land and/or into water (including groundwater and potable water supplies), unless the discharge is permitted by a rule in a Regional Plan or Proposed Regional Plan or by a resource consent, or complies with Appendix S of New Zealand Standard NZS 8409:2004 Management of agrichemicals.</i> 	
<p>Performance standard 19.4.2.16</p> <p><i>The storage of any contaminated waste containing a hazardous substance(s) shall prevent:</i></p> <ul style="list-style-type: none"> a. <i>Exposure to ignition sources; and</i> 	

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<p>b. <i>Corrosion or other alteration of the containers used for the storage of the waste; and</i></p> <p>c. <i>Unintentional release of the waste into the surrounding natural environment.</i></p>	
<p>Performance standard 19.4.2.17</p> <p><i>Any facility generating waste containing hazardous substances shall dispose of these wastes to an authorised disposal facility or a facility permitted by a resource consent.</i></p>	
Section 20 – Health and General Amenity	
<p>Performance standard 20.4.2.1 – Odour, smoke, fumes or dust</p> <p><i>No activity shall produce any objectionable odour, smoke, fumes or dust at or beyond the boundaries of the site from which the nuisance emanates.</i></p>	<p>Complies – Measures are included in section 20 of the DDRMP (Appendix P) to ensure there is no objectionable odour, smoke, fumes or dust beyond the boundary of the Site.</p>
<p>Performance standard 20.4.2.2 – Lighting and glare</p> <p><i>The maximum level of light spill from artificial lighting from any activity shall be no greater than 10 lux measured horizontally or vertically at or within the boundary of any other site or road; and the artificial lighting shall be conducted so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites, provided that the following activities are exempt:</i></p> <p>a. <i>Street lights, navigation lights and traffic signals; and</i></p> <p>b. <i>Headlights of moving vehicles or vehicles which are stationary for less than five minutes; and</i></p>	<p>Complies – Works are proposed primarily during daylight hours and no artificial lighting is expected to spill across the boundary.</p>

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<p>c. <i>In the Rural Zone, lighting or glare from vehicles being used for farming activities and agricultural equipment.</i></p>	
<p>Performance standards 20.4.2.4-20.4.2.8 – Maintenance of buildings, sites and infrastructure</p> <p>20.4.2.4</p> <p><i>All sites shall be maintained so as to preserve the amenity values of the zone and land shall be kept clear of rubbish and noxious plants. Unregistered motor vehicles not being used shall not be stored in public view for more than six months.</i></p> <p>20.4.2.5</p> <p><i>The material from demolished buildings shall be removed and sites shall be landscaped to the satisfaction of Council within one month of demolition, provided that this time limit shall be extended to six months where consent has been granted for the construction of a new building.</i></p> <p>20.4.2.6</p> <p><i>All earthworks or areas of bare earth not being worked for three months or more excluding mineral extraction activities, shall be sown with appropriate ground cover as soon as possible.</i></p> <p>20.4.2.7</p> <p><i>No building shall be so constructed or finished or left unfinished or not maintained so that its function and external appearance would detract from the amenity values of the zone. In the Commercial Zone, this includes the maintenance of verandahs to provide weather protection for pedestrians.</i></p> <p>20.4.2.8</p> <p><i>All sites with an impervious area of greater than 1000m² (other than roof areas that drain directly to the stormwater system or to soakage) must install an</i></p>	<p>Complies – although the majority of the site has little visibility from public places, the DDRMP (Appendix P) contains multiple measures to maintain site tidiness and control sediment which will be incorporated into contractor methodology. Areas of bare earth will be re-sown as soon as possible. Demolition waste will be regularly removed from the Site. The proposal reduces impervious areas on the site, and the metalled farm tracks to replace the existing roads will be semi pervious and discharge to land soakage.</p>

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<i>appropriate stormwater treatment system that adequately treats any actual or potential contaminants and either disposes stormwater to land soakage and/or restricts the discharge rate to the maximum greenfield run off rate for the site unless in accordance with a discharge permit granted by the Waikato Regional Council.</i>	
Part F – District Wide Natural and Cultural Heritage	
Section 22 – Heritage and Archaeology	
Activity Status Table 22.4.1.1	<p>No archaeological sites or cultural sites are identified on the Site on the Waipā District Plan maps. However, the Plan definitions of archaeological and cultural sites are not limited to what is shown on the planning maps, and there is known potential for archaeological and cultural sites to be present on this Site. Therefore these rules are conservatively considered to be applicable.</p> <p>On the basis that archaeological authority will be obtained from Heritage New Zealand Pouhere Taonga, the removal of any potential archaeological or cultural site would be permitted under Rule 22.4.1.1(j). Earthworks within 20m of a cultural site are a Restricted Discretionary Activity under Rule 22.4.1.1(m), therefore consent is sought for this activity.</p>
Section 23 – Protected Trees	N/A – No protected trees are located on Site.
Section 24 – Indigenous Biodiversity	
Activity Status Table 24.4.1.1	Permitted – there are no Significant Natural Areas, Bush Stands or Biodiversity Corridors located on the Site. All trimming and removal of other indigenous vegetation is permitted. Planting of indigenous vegetation associated with culvert 2 removal and reinstatement is permitted.

Section 26 – Lakes and Water bodies

Rule 26.4.1.3(a) – Activities which fail to comply with Rule 26.4.2.1

Restricted Discretionary Activity – Activity does not comply with Rule 26.4.2.1 as assessed below.

Performance standard 26.4.2.1 – 23m setback from lakes and water bodies

Does not comply – earthworks and vegetation clearance are proposed within 23m of the edge of the Wharekōrino Stream and wetlands as follows:

- In or within 23m of Wetland 1 (eastern): earthworks for culvert 1 upgrade, removal of underground water pipes, underground telecommunications lines, underground power lines, road / parking area, redundant components of WWTP, footbridge, grit chamber; vegetation removal for removal of wastewater manhole and underground water pipes
- In or within 23m of Wetland 2 (north-western): earthworks for removal of above ground wastewater lines/manholes, underground telecommunications lines, underground power lines, concrete steam duct, road / parking area, remediation of contaminated soil at Buildings 75 and 76; vegetation removal for removal of underground water pipes.
- In or within 23m of Wharekōrino Stream and tributaries: earthworks for removal of underground water pipes, underground telecommunications lines, road / parking area, redundant components of WWTP, footbridge, grit chamber; vegetation removal associated with removal of culvert 2 and redundant road crossing embankment, wastewater manholes, underground water pipes and remediation of contaminated soil at Building 24.

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Provision	Comments
<p>Regulation 5 Application</p> <p><i>(1) These regulations—</i></p> <p><i>(a) apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8) ...</i></p> <p>Activities</p> <p><i>(4) An activity is disturbing the soil of the piece of land, which—</i></p> <p><i>(a) means disturbing the soil of the piece of land for a particular purpose:</i></p> <p><i>(6) An activity is changing the use of the piece of land, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health.</i></p> <p>Land covered</p> <p><i>(7) The piece of land is a piece of land that is described by 1 of the following:</i></p> <p><i>(a) an activity or industry described in the HAIL is being undertaken on it.</i></p> <p><i>(b) an activity or industry described in the HAIL has been undertaken on it:</i></p> <p><i>(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.</i></p>	<p>Applies</p> <p>The regulations apply to this proposal, which is to undertake an activity described in subclause (4) (disturbing soil) and subclause (6) (changing use) on a piece of land described in subclause (7).</p> <p>Under subclause (7) the site is a piece of land as several HAIL activities have been undertaken on it. While some of the site is currently production land, not all of it is, therefore subclause (7) is applied rather than (8).</p> <p>The piece of land is not excluded from the regulations under subclause (9), as the detailed site investigations have found contaminants above background concentrations.</p>
<p>Regulation 8 Permitted Activities – Disturbing Soil</p> <p><i>(3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:</i></p> <p><i>(a) controls to minimise the exposure of humans to mobilised contaminants must—</i></p>	<p>(3)(a) Will comply</p> <p>(b) Will comply (on a rolling basis)</p> <p>(c) Complies – on the basis that the PSI identified less than half the total 79ha site area as HAIL areas forming the piece</p>

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<p>(i) <i>be in place when the activity begins:</i></p> <p>(ii) <i>be effective while the activity is done:</i></p> <p>(iii) <i>be effective until the soil is reinstated to an erosion-resistant state:</i></p> <p>(b) <i>the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:</i></p> <p>(c) <i>the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:</i></p> <p>(d) <i>soil must not be taken away in the course of the activity, except that,—</i></p> <p>(i) <i>for the purpose of laboratory analysis, any amount of soil may be taken away as samples:</i></p> <p>(ii) <i>for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:</i></p> <p>(e) <i>soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:</i></p> <p>(f) <i>the duration of the activity must be no longer than 2 months:</i></p> <p>(g) <i>the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</i></p>	<p>of land, around 20,000m³ disturbance would be permitted, and 7,800m³ is proposed.</p> <p>(d) May not comply – if the Landfill Upgrade Application is granted, contaminated soil will not leave the site. However, if contaminated soil is to be disposed of offsite, around 4,000m³ would be permitted to be taken away and 7,800m³ is proposed.</p> <p>(e) Will comply – any contaminated soil taken offsite will be disposed of at an authorised facility.</p> <p>(f) Does not comply – activity will take longer than 2 months</p> <p>(g) Will comply.</p> <p>In summary, the soil disturbance does not meet the permitted activity requirements.</p>
<p>Regulation 8 Permitted Activities – Subdividing or changing use</p> <p>(4) <i>Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:</i></p> <p>(a) <i>a preliminary site investigation of the land or piece of land must exist:</i></p> <p>(b) <i>the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:</i></p>	<p>The proposal seeks to change the use of the entire site from its former use as a psychiatric hospital and associated grounds.</p> <p>(4)(a), (c) and (d): Complies. A preliminary site investigation exists accompanied by a site plan and is provided to the consent authority with this application.</p> <p>(b) Does not comply. Not all of the land is currently meeting rural residential contamination standards (which is the outcome standard agreed between the Crown and Ngāti</p>

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<p><i>(c) the report must be accompanied by a relevant site plan to which the report is referenced:</i></p> <p><i>(d) the consent authority must have the report and the plan.</i></p>	<p>Maniapoto) and therefore requires remediation to achieve that standard.</p> <p>The change of use does not meet the permitted activity requirements.</p>
<p>Regulation 9 Controlled Activities – Disturbing Soil</p> <p><i>(1) If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:</i></p> <p><i>(a) a detailed site investigation of the piece of land must exist:</i></p> <p><i>(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:</i></p> <p><i>(c) the consent authority must have the report:</i></p> <p><i>(d) conditions arising from the application of subclause (2), if there are any, must be complied with.</i></p>	<p>Does not comply – A detailed site investigation exists and is provided with this application, but the soil contamination found in some areas exceeds the standards in Regulation 7.</p>
<p>Regulation 9 Controlled Activities – Subdividing or changing use</p> <p><i>(3) If a requirement described in regulation 8(4) is not met, the activity is a controlled activity while the following requirements are met:</i></p> <p><i>(a) a detailed site investigation of the piece of land must exist:</i></p> <p><i>(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:</i></p> <p><i>(c) the consent authority must have the report:</i></p> <p><i>(d) conditions arising from the application of subclause (4), if there are any, must be complied with.</i></p>	<p>Does not comply – A detailed site investigation exists and is provided with this application, but the soil contamination found in some areas exceeds the standards in Regulation 7.</p>

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Regulation 10 Restricted Discretionary Activities

(1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.

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

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

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

(c) the consent authority must have the report:

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

(10)(1) As assessed above the disturbance of soil and the change of use are not permitted nor controlled activities.

(2) Detailed site investigations exist and have found that soil contamination in some areas exceeds the standards in Regulation 7. The reports are provided with this application.

The disturbance of soil and change of use are therefore a **Restricted Discretionary Activity**.