Appendix 12

NPS and NES Assessment

Relevant to Fast-track Referral Application Form Section 3.8.1

Assessment Against NES and NPS Documents

Overview

In relation to the national statutory instruments, the following are considered to contain provisions relevant to this Fast-track Approvals Act (FTAA) referral application:

- National Environmental Standards for Air Quality 2004 (NESAQ)
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)
- National Environmental Standards for Freshwater 2020 (NESF)
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023 (NESGHG)
- National Policy Statement for Freshwater Management 2020 (NPSFM)
- National Policy Statement for Urban Development 2020 (NPSUD)
- National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 (NPSGHG)

The NES for Sources of Human Drinking Water 2007 does not apply to this proposal as there are no Community Drinking Water Protection Zones (CDWPZ) within the site or at a reasonable distance downgradient or downstream of the site. The nearest downstream CDWPZ is 20 km downstream over the Ashley River adjacent to Rangiora.

The NPS for Highly Productive Land 2022 (NPSHPL) that came into effect on 12th September 2022 is also not applicable. The NPSHPL defines HPL as land that has been mapped in accordance with Clause 3.4 of the NPSHPL which is required to be undertaken by every regional council. Until such time as HPL has been mapped as part of the regional policy statement and these maps have been made operative the 'transitional definition' of HPL in Clause 3.5(7) applies. The mapping process in Clause 3.7 is based on the New Zealand Land Resource Inventory (NZLRI) land use capability (LUC) mapping. Environment Canterbury Maps, which are derived from the NZLRI do not identify the site as a LUC that meets the transitional definition of HPL.

National Environmental Standards for Air Quality 2004

The NESAQ has been in force since 8th October 2004 and imposes controls for national consistency. The NESAQ sets limits and targets for air quality in airsheds.

In addition to setting targets for air quality, the NESAQ includes regulations that must be given effect through the regional planning framework. The Canterbury Air Regional Plan (CARP) is significantly dictated by the NESAQ.

Ambient air quality standards for fine particles (PM10), sulphur dioxide (SO_2), nitrogen oxides (NO_2), carbon monoxide (CO) and ozone (O_3) came into force on 1 September 2005. The standards of relevance to this application are the NESAQ for PM_{10}, NO_2 and SO_2.

Regulation 17 of the NESAQ restricts the granting of resource consents for discharges of PM_{10} in some circumstances, however this does not apply to this proposal as the site is not located in a polluted airshed.

Regulation 20 requires that a consent authority decline an application for a resource consent if the discharge of NO_2 causes the concentration of NO_2 in the airshed to breach its ambient air quality standard and the discharge is a principal source in the airshed. The emissions from the furnace /rotary kiln will not result in exceedances of the NO_2 ambient standards, nor is the device a significant source in the airshed.

Regulation 21 requires that a consent authority must decline an application for a resource consent to discharge SO_2 into air if it is likely, at any time, to cause the concentration of sulphur dioxide in the airshed to breach its ambient air quality standard. The emissions from the furnace /rotary kiln will not result in exceedances of the SO_2 ambient standards.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The NESCS came into force from 1 January 2012. Its purpose is to set standards for a nationally consistent set of planning controls and soil contaminant values. It applies to certain activities occurring on a piece of land where a listed Hazardous Activities and Industries (HAIL) is being undertaken on it, a HAIL has been undertaken on it, or it is more likely than not that a HAIL has been undertaken on it, unless a Detailed Site Investigation (DSI) exists that demonstrates that any contaminant in or on the piece of land are at, or below, background concentrations.

Activities regulated by the NESCS relevant to this Project include the disturbance of soils. A change in land use is not considered a relevant activity for this Project as the change in land use is not becoming a more sensitive land use compared to what already exists on the site, and thus the activity is not reasonably likely to harm human health.

A Preliminary Site Investigation (PSI) undertaken for the site confirmed the presence of two HAIL Activities (HAIL A17 and E3) occurring/have occurred within two of the buildings on the lower terraces of the site in the operational and plant area associated with the processing of lime. There are no other HAIL areas identified within the site. The NESCS only applies to the HAIL areas and immediately around the two buildings.

No soil disturbances are planned to occur within the two HAIL areas or their immediate buffer (10 m). If this was to change, a delineation of the HAIL areas and calculations of the volume of earthworks permitted by the NESCS per annum (based on the Waimakariri District Council's interpretation of the applicable Regulation 8) will be required. This is to determine whether resource consent is required under the NESCS for the disturbance of soils. Potential for onsite soil sampling within delineated areas may be necessary where permitted soil disturbance thresholds are likely to be exceeded to support any application.

In summary the NESCS is not applicable as no disturbance of HAIL areas is proposed and the land use is not changing.

National Environmental Standards for Freshwater 2020

The NESF came into force on 3 September 2020. Amendments to the NESF have occurred since then in 2022, 2023 and 2024.

An assessment against the NESF is provided at the end of this Attachment, the following outlines the relevant regulations that apply to the proposal. Regulations 45A and 45D in relation to quarrying and mineral extraction are considered to not apply.

The proposed landfill will not be located in a wetland. However, there is a lower wetland on the site and modelling predicts a decrease in groundwater baseflow to the wetland, by 55% (from a baseline state if the current quarry pit drawdown did not exist). Therefore, the proposal would cause partial drainage (alter the water levels and hydrological function) of the wetland. The application therefore engages Regulation 45B of the NESF.

Regulation 45B was part of the suite of amendments made to the NESF in 2023 to address a problem that had emerged with the original regulations. Previously, activities such as quarries, landfills and housing developments located in or near natural wetlands were effectively unconsentable, even when they posed no direct risk to wetland values. This created regulatory deadlock for essential public infrastructure, which was recognised in the legislative history of the amendments (culminating in the Cabinet Paper of January 2023) [1]:

> *Without a consent pathway, these activities are either non-complying or prohibited. This has had a wider than anticipated effect, particularly on activities required to support the Government's goals in respect of housing supply and infrastructure upgrades. I therefore propose to provide additional consent pathways for:*
>
> *[…]*
>
> *Landfills and cleanfill areas […]*

The impetus for this change included recognising the relationship between activities such as landfills, and government priorities for construction of infrastructure and supporting urban growth [2]:

> *Under the National Policy Statement for Urban Development 2020 (NPS-UD), local authorities must ensure that New Zealand has well-functioning urban environments that are responsive to change. Proposals to provide additional consent pathways, as outlined in this paper, acknowledge that further activities may need to occur in natural inland wetland areas to achieve the objectives of the NPS-UD.*
>
> *The Government's Infrastructure Acceleration Fund was announced last year to address a lack of infrastructure delaying new homes being built. The proposals to provide consent pathways for quarrying, mining, landfills and cleanfill areas, and urban development, as outlined in this paper, acknowledge that further activities may need to occur in natural wetland areas to support the construction of this infrastructure.*

The purpose of Regulation 45B is to provide a discretionary activity pathway for certain high-need infrastructure, including landfills, where proximity to wetlands is unavoidable but effects

[1] Cabinet Paper from the Minister for the Environment seeking final agreement on wetland, technical and stock exclusion amendments (12 January 2023) at [20]

[2] Cabinet Paper from the Minister for the Environment seeking final agreement on wetland, technical and stock exclusion amendments (12 January 2023) at [9] and [10]

can be managed appropriately. Regulation 45B(6) ensures such proposals are subject to thorough environmental assessment, while not being outright prohibited.

Regulation 45B(6) sets out three sets of criteria (gateway tests) that must all be met before resource consent for a discretionary activity under Regulation 45B can be granted:

1 The landfill provides significant regional benefits; and
2 There is no practicable alternative location for the landfill area in the region or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and
3 The effects management hierarchy is applied.

As to regional benefits, this is comprehensively addressed within Attachments 4, 5 and 6 of this application.

As to practicable alternatives, the term 'practicable' must be interpreted reasonably and in context – including the history of the 2023 amendments and their purpose. It cannot require the Applicant to prove that every conceivable alternative site in the region has been investigated.

Whilst it is probably not enough for an Applicant to select a site out of convenience alone, equally it cannot be so hard as to require perfect or exhaustive consideration. That would be an impractical and unattainable requirement which would defy the point of the 2023 amendments. Rather, it must be interpreted reasonably and in the circumstances of each case – this need for bespoke consideration was also noted in the Cabinet Paper [3]:

> *Assessment of practicable alternatives will be dependent on the nature and circumstances of the consent application. The Ministry for the Environment (MfE) will provide guidance to assist consent authorities in making these assessments.*

As far as the Applicant is aware, MfE has not yet released a guidance note in respect of this matter.

The Applicant has carried out an assessment of alternatives sites using a multicriteria analysis and taking the WASTEMINZ Technical Guidelines for Land Disposal 2022 into consideration, prior to selecting their site and seeking resource consent. That assessment was documented in the resource consent application. It showed there are sound and demonstrable reasons for proceeding at the proposed location.

This referral application also evidences adherence to the NPSFM's effect management hierarchy in remedying the effects on the wetland through a Wetland Restoration Plan (refer Attachments 2 and 8). This restoration can be undertaken as a permitted activity under Regulation 38 of the NES-F. Refer to the assessment at the end of this Attachment.

The Applicant notes disagreement from Canterbury Regional Council (CRC) staff in relation to:

- Their approach to considering suitable alternative locations for a new landfill area, was limited to existing landfill facilities across the entire region and those in nearby districts. Noting that these facilities could accept either part or all of the Whiterock's proposed waste streams. Further another proposed landfill in the Selwyn District (not yet applied for) was also considered, and they noted this would not impact a wetland. Hence given these

[3] Cabinet Paper from the Minister for the Environment seeking final agreement on wetland, technical and stock exclusion amendments (12 January 2023) at [38]

alternative facilities for the waste where already practicably available the Whiterock proposal, in their view, fails the second Regulation 45B gateway test.

- Their position that the application cannot be considered under Drainage of natural inland wetlands - Regulation 52 (as non-complying). As such the activity is prohibited if the discretionary Regulation 45B(6) gateway tests were not satisfied.

Attachment 5 highlights the urgent need for a managed fill facility in the region in particular Greater Christchurch as the existing landfills are not satisfying market demand. The existing landfills listed by the CRC are not already the answer because they have longer travel distances and higher gate fees/costs, and also because every landfill site is finite. The prosed landfills may not proceed and require more earthworks /quarrying to occur to provide capacity. Fundamentally Regulation 45B(6) and the second test criteria refers to "no practicable alternative location for the landfill area..." being the proposed new landfill in the environment, not an 'alternative facility for the waste'. The CRC's interpretation, first to consider existing landfills and then focusing on the type of waste is incorrect. Ultimately this would imply that no new landfill could satisfy the second gateway test because there is always going to be a Class 1 landfill that can take all waste within some proximity to a source of waste.

It is the Applicant's position that if the activity cannot meet gateway tests then it is no longer classified by Regulation 45B, as such the partial drainage of the wetland is a non-complying activity for the "drainage of wetlands" under Regulation 52 i.e. *does not have another status under any of regulations 38 to 51*. This is consistent with the MfE interpretation (in the s32 Report) [4] as below:

> *Where an activity does not have a consent pathway (or cannot meet the gateway tests in the pathway), and would result in full or partial drainage of a natural inland wetland, it is either a non-complying activity (regulation 52 – for activities outside of, but within 100 metres of, the wetland) or prohibited (regulation 53 – for activities occurring within the wetland). [...]*

Overall, it is considered the activity requires discretionary consent pursuant to Regulation 45B. Failing that, non-complying consent is required under Regulation 52 for Drainage of wetlands.

National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023

The NESGHG came into force on 27 July 2023 and provides nationally consistent policies and requirements for reducing greenhouse gas emissions from industries using process heat. As use of fossil fuels for process heat occurs at the site the NESGHG needs to be considered.

Coal used for process heat has ceased at the site and has been replaced by diesel as the fuel source for the furnace in the rotary kiln to dry lime. For a conservative operation (8 hours per day, 6 days a week, 50 weeks per year), the diesel usage classifies the site as 'low-emissions" under the NESGHG, producing less than 500 tonnes of carbon dioxide equivalent of greenhouse gases annually from heat devices. Therefore, this does not require a resource consent under the NESGHG for devices burning fossil fuels (not coal) as per Regulation 10.

[4] Ministry for the Environment. 2022. *Amendments to the NES-F and NPS-FM: Section 32 report*. Wellington: Ministry for the Environment. - Refer Section 4.3.2, Page 34. 5th paragraph.

National Policy Statement for Freshwater Management 2020

The NPSFM came into effect on 3rd September 2020 and was subsequently amended on 8th December 2022, with the amendments taking effect 5th January 2023. Part 2 of the NPSFM sets out the objective and supporting policies to be achieved. The NPSFM now provides the most up to date direction to local authorities on how they should manage freshwater under the RMA 1991. Underpinning the NPSFM 2020 is the "fundamental concept" of Te Mana o te Wai.

However, under the Resource Management (Freshwater and Other Matters) Amendment Bill 2024 (Amendment Bill 2024) a new clause was added to Schedule 4 of the RMA. Schedule 4 Section 2(2A):

"*An assessment required by subclauses (1)(g) and (2) must not include an assessment of the activity against clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020).*"

It is however noted that the Amendment Bill 2024 did not remove the need to have regard to the policies of the NPS, including Policy 1 that requires "*Freshwater is managed in a way that gives effect to Te Mana o te Wai.* "

The Canterbury Land and Water Regional Plan (LWRP) Plan Change 7 (PC7) decision on submissions released on the 17th of November 2021 includes changes to the sub-regional Chapter 8 for the Waimakariri Sub region, which includes the Whiterock Project site. This decision was prepared under the previous NPSFM 2017, the 2020 version of the NPSFM being only in draft at the time. PC7 did include (but was not limited to) provisions for managing freshwater quality; and for protecting sites of cultural significance, including mahinga kai sites. PC7 established an Ashley River/Rakahuri Freshwater Management Unit that includes the site of this proposal.

In considering this referral application it has been on the understanding that the water bodies in the catchment are at or close to a state of hauora (typically healthy but also expressed by Ngā Rūnanga as being robust and healthy enough to take knocks). The Karetu River near the site and upstream of the site does not have any state of the environment monitoring sites, the limited baseline sampling for this Project suggests that in terms of nutrients and dissolved oxygen it is meeting the outcomes sought under the LWRP and the band "A' attributes in the NPSFM.

If this is not the case (current state of hauora), one would consider what that state looked like previously and the stepped level of change over time to achieve this status. This approach is also considered key to giving effect to the first priority, which is ensuring the health and well-being of water bodies. It should be acknowledged that achieving hauora (and thereby providing for the mana of the water body) may not be possible within a single generation. It is also recognised that the discharges from the proposal in the catchment is also not the only source of contaminants affecting the receiving water environment and the health of the water bodies.

An assessment of the proposal against the individual NPSFM objectives and policies considered relevant has been undertaken and is provided at the end of this Attachment.

Overall, it is considered that this Project generally gives effect to the policies of the NPSFM.

National Policy Statement on Urban Development 2020

The NPSUD came into effect on 20 August 2020.

The NPSUD recognises the national significance of well-functioning urban environments. It removes barriers to development to allow growth in locations that have good access to existing services, public transport networks and infrastructure.

An assessment of the proposal against the individual objective and supporting policies of the NPSUD is provided at the end of this Attachment.

Overall, it is considered that this Project generally gives effect to the policies of the NPSUD.

National Policy Statement for Indigenous Biodiversity 2023

The NPSIB came into effect on 4th August 2023. The NPSIB provides direction to Councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPSIB predominantly applies to indigenous biodiversity in the terrestrial environment.

The Ecological Impact Assessment for the Project has considered the objective of the NPSIB when assessing onsite values and potential effects to values.

An assessment of the proposal against the individual objective and supporting policies of the NPSIB is provided at the end of this Attachment.

Overall, it is considered that the proposal is consistent with the NPSIB.

National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023

The NESGHG came into effect on 27th July 2023 and relates to the discharge of greenhouse gases from certain combustion appliances used for generating process heat.

An assessment of the proposal against the individual objective and supporting policies of the NPSGHG is provided at the end of this Attachment.

Overall, it is considered that the proposal is consistent with the NESGHG.

National Environmental Standard for Freshwater 2020 (Amended October 2024) - Wetland Regulations Assessment

Table 1 below provides an assessment of the proposal against the relevant NESF regulations. Note: the NES-F 2020 Part 3, subpart 1 - wetlands: Regulation 45A / 45B /45D [for quarrying activities / landfills and cleanfill areas / extraction of minerals purposes] contain identical clauses 1 to 5, so these have been amalgamated for this assessment.

Table 1: NESF Wetland Regulations Assessment

<table>
<tr><th colspan="2">NES-F 2020: Regulation 45A / 45B /45D - Discretionary Activities Clauses</th><th>Quarrying Activities (Reg 45A)</th><th>Extraction of Minerals and Ancillary Activities (Reg 45D)</th><th>Landfill and Cleanfill Areas (Reg 45B)</th></tr>
<tr><td colspan="2">(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of [quarrying activities / landfills and cleanfill areas / extraction of minerals].</td><td colspan="3" rowspan="2">Not Applicable – The Project can avoid any vegetation clearance and earthworks within or within a 10 m minimum setback from the wetlands.
The activities for the removal of overburden, extracting lime, forming a liner and erosion and sediment control and stormwater management are all outside the 10 m setback. Design drawings show this setback exclusion.</td></tr>
<tr><td colspan="2">(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of [quarrying activities / landfills and cleanfill areas / extraction of minerals]</td></tr>
<tr><td rowspan="2">(3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it—</td><td>(a) is for the purpose of [quarrying activities / landfills and cleanfill areas / extraction of minerals]; and</td><td rowspan="2">Not Applicable – Quarrying is proposed to occur within 100 m to batter back the pit high walls and to form the landfill side slopes however this will not cause complete or partial drainage of the lower wetland.
Noting that the upper wetland is perched above the ground water level.</td><td rowspan="2">Not Applicable – Mineral extraction is proposed to occur within 100m when material is removed to batter back the pit high walls and to form the landfill side slopes however this will not cause complete or partial drainage of the lower wetland.
Noting that the upper wetland is perched above the ground water level.</td><td rowspan="2">Applicable – With the liner installation (compacted cohesive soils and geomembrane) which is within a 100 m setback this reduces rainfall recharge of groundwater into land, and will result in partial drainage (loss of baseflow) to part of the lower wetland.
Noting that the upper wetland is perched above the ground water level.
Therefore, a land use consent is required.</td></tr>
<tr><td>(b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland.</td></tr>
<tr><td rowspan="3">(4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—</td><td>(a) the activity is for the purpose of [quarrying activities / landfills and cleanfill areas / extraction of minerals]; and</td><td colspan="2" rowspan="3">Not Applicable – The current quarry pit pond drainage (including the pit pond area) is greater than 100 m from the lower wetland that is partially groundwater fed.
The quarry pit pond drainage will not be increasing in extent (will remain to the pit pond) during the proposed quarrying / mineral extraction to batter the existing high walls.
Any increased site dewatering and drainage extent will be for the purpose of installing the underdrainage for the landfill (refer next column to the right).</td><td rowspan="3">Applicable – Underdrainage below the liner will be installed to continue managing ground water levels, although the groundwater level will be lifted by a metre. The ongoing diversion of groundwater (or take) is likely to contribute to a change to the hydrological function of the lower groundwater fed wetland.
Therefore, a water permit is required.
Noting that the upper wetland is perched above the ground water level.</td></tr>
<tr><td>(b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and</td></tr>
<tr><td>(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.</td></tr>
<tr><td rowspan="4">(5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—</td><td>(a) the discharge is for the purpose of [quarrying activities / landfills and cleanfill areas/ extraction of minerals]; and</td><td colspan="3" rowspan="4">Not Applicable – The proposal does not involve any discharges of natural water into the wetlands or within a 100 m setback of the wetlands.</td></tr>
<tr><td>(b) there is a hydrological connection between the discharge and the wetland; and</td></tr>
<tr><td>(c) the discharge will enter the wetland; and</td></tr>
<tr><td>(d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.</td></tr>
<tr><td colspan="5">NES-F 2020: Reg 45B Clause 6 only (as 45A and 45D do not apply)</td></tr>
</table>

NES-F 2020: Regulation 45A / 45B /45D - Discretionary Activities Clauses		Quarrying Activities (Reg 45A)	Extraction of Minerals and Ancillary Activities (Reg 45D)	Landfill and Cleanfill Areas (Reg 45B)
(6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—	(a) satisfied with the landfill or cleanfill area— (i) will provide significant national or regional benefits; or (ii) is required to support the quarrying activities regulated under regulation 45A; or (iii) is required to support urban development regulated under regulation 45C; or (iv) is required to support the extraction of minerals regulated under regulation 45D; and (b) satisfied itself that— (i) there is no practicable alternative location for the landfill or cleanfill area in the region; or (ii) every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and (c) applied the effects management hierarchy.	This aspect of the discretionary activity Regulation 45B applies to a gateway test to confirm its status under the NES-F, which is assessed below: 1 The Whiterock managed fill will provide significant regional strategic, economic, social and environmental benefits (refer to Attachments 4, 5 and 6) 2 An assessment of alternatives sites using a multicriteria analysis and taking the WASTEMINZ Technical Guidelines for Land Disposal 2022 into consideration. The Whiterock Quarry site scored highest and was available for purchase. 3 Adherence to the effect management hierarchy in remedying the effects on the wetland through a proposed Wetland Restoration Plan (refer Attachments 2 and 8) It is considered the gateway tests have been met, and **the activity can be classified as a discretionary activity pursuant to Regulation 45B.**		
Drainage of natural inland wetlands - Reg 52 Non-Complying Activities (failing satisfying the consent authority of discretionary activity status under Regulation 45B)				
(1) Earthworks outside, but within a 100 m setback from, a natural inland wetland is a non-complying activity if it—	(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and (b) does not have another status under any of regulations 38 to 51.	The earthworks (liner system and capping) that reduces rainfall recharge over the landfill area results in the partial drainage of the groundwater fed lower wetland and it cannot met a discretionary activity status under Regulation 45B and therefore requires a land use consent and is classified as a non-complying activity under Regulation 52.		
(2) 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—	(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural inland wetland; and (b) does not have another status under any of regulations 38 to 51.	The diversion of groundwater within 100m of the lower wetland for the underdrainage below the landfill liner area results in the partial drainage of the groundwater fed lower wetland and if cannot met a discretionary activity status under Regulation 45B and therefore requires a water permit and is classified as a non-complying activity under Regulation 52.		
Restoration, wetland maintenance, and biosecurity of natural inland wetland Reg 38 - Permitted Activities				
(1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it— (a) is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and (b) complies with the conditions.		**Applicable** – The restoration will involve careful control of all exotic wetland plants within the lower part of the upper wetland, ensuring no loss of indigenous species present. Following this planting suitable native wetland plants should occur with ongoing weed control to ensure high establishment success.		
(2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a permitted activity if it— (a) is for the purpose of natural inland wetland restoration, wetland maintenance, or biosecurity; and (b) complies with the conditions.		**May be Applicable** – A restoration plan has yet to be completed to determine if there is a need for earthworks or land disturbance, although this is considered unlikely.		
(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 natural inland wetland restoration, wetland maintenance, or biosecurity; and		**Not Applicable** – None of these activities are likely to be required for the wetland restoration		

NES-F 2020: Regulation 45A / 45B /45D - Discretionary Activities Clauses	Quarrying Activities (Reg 45A)	Extraction of Minerals and Ancillary Activities (Reg 45D)	Landfill and Cleanfill Areas (Reg 45B)
(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.			
(4) The conditions are that— (a) the activity must comply with the general conditions on natural inland wetland activities in regulation 55; and (b) if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500 m^2 or 10% of the area of the natural inland wetland, whichever is smaller; and (c) if the activity is a discharge of water, it must not be a restricted discretionary activity as described in regulation 39(3A).	**Complies** – (a) The conditions of Regulation 55 are considered to be able to be complied with. **Not Applicable** – (b) and (c) Either hand tools will be used or more likely a Wetland Restoration Plan that complies with Regulation 55 and Schedule 2 will be prepared and provided.		
(5) However, the condition in subclause (4)(b) does not apply if— (a) the earthworks or land disturbance is for planting for restoration or wetland maintenance purposes; […] (d) the vegetation clearance, the earthworks, or the land disturbance is for clearance of exotic vegetation, using hand-held tools, for restoration or wetland maintenance; […] (e) the vegetation clearance, the earthworks, or the land disturbance is for clearance of exotic vegetation (other than clearance to which paragraph (d) applies) for restoration or wetland maintenance that is undertaken in accordance with— (i) a restoration plan	**Complies** – These requirements will be met to enable more than 500 m^2 or 10% of the area to be remedied /restored.		
(6) The restoration plan referred to in subclause (5)(e)(i) must— (a) assess any restoration or wetland maintenance activities against the relevant general conditions in regulation 55; and (b) address the matters in Schedule 2 that are relevant to the activity proposed; and (c) be provided to the council at least 10 working days before the clearance begins.	**Complies** – These clause requirements can be undertaken prior to implementing the Wetland Restoration Plan. Ideally seeds from existing plants or from wetlands nearby should be used for cultivating plants. Species recommended for planting include the following sedges: Carex secta, C. geminata, C. virgata, C. maorica and Eleocharis acuta.		

NPS Objectives and Policies Assessment

Table A	National Policy Statement for Freshwater Management 2020
Table B	National Policy Statement on Urban Development 2020
Table C	National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023
Table D	National Policy Statement for Indigenous Biodiversity 2023

Table A: NPS for Freshwater Management 2020 – Relevant Objectives and Policies

TYPE & #	CONTENT	ASSESSMENT
Policy 1	Freshwater is managed in a way that gives effect to Te Mana o te Wai.	The Project's preliminary managed fill containment design ensures that natural and physical resources are managed in a way that prioritises freshwater ecosystems. Further the Project is not considered contrary to Te Mana o te Wai for the following reasons: • Infrastructure upgrades include removal of an existing ford crossing and subsequent removal of instream vehicle disturbance coupled with onsite source controls of existing stormwater discharges. These elements give priority to the health and well-being of the Karetu River and freshwater ecosystems. • Waste Acceptance Criteria (WAC) only accepting inert managed fill type of waste. A Class 1 liner is proposed for the Class 3 managed fill facility, and a double liner with leakage detection and collection of the leachate pond is part of the design. • The inert waste types and lower strength leachate, and elements of the facility are designed and monitored to ensure that Karetu River water quality is maintained with respect to ecosystem health and people. • Conservative modelling of a worst-case scenario of total failure of the liner and 100% leachate leakage (without considering attenuation through the cohesive soil liner and in the groundwater aquifer) to the Karetu River shows that the liner leachate losses will not result in either contaminant detection or increases in baseline water quality values. The ANZG 2018 species protection levels for 95% of aquatic species will not be compromised. Therefore, no effect on freshwater ecosystems is expected. • Only in a total failure case scenario is there an exceedance of ANZG 95% chromium which is a highly unlikely scenario, and this could be rectified. • No scenarios identified any risk to the drinking water uses of the groundwater or Karetu River. • Ongoing monitoring of leachate quality, and environmental water quality and ecosystem monitoring is proposed to be implemented to ensure impacts on water quality are avoided and where not avoided are able to be detected and actions taken to remediate or mitigate if the impacts are of a concern. Further stepped changes over time are proposed to provide for a move towards a better state of hauora for the Karetu River to give effect to Te Mana o te Wai as follows: • Immediate improvements to water quality through removing vehicle access within the bed of the Karetu River and implementing on site stormwater controls (e.g. painting roofs, improvements to erosion and sediment control) to respect the waters of the Karetu River. This will directly remedy adverse minor effects on surface water quality associated with current uses. • Improvements to the freshwater ecosystems of the Karetu river will occur through stock exclusion fencing and indigenous planting of its margin and stabilisation of the intermittent eastern watercourse that flows into the river. • Macroinvertebrate monitoring will be used to determine if the above improvements to freshwater ecosystems are having the intended results.
Policy 2	Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.	The Project is not considered to impact the ability for this policy to be achieved. The Karetu River is acknowledged as a Ngā Wai site of significance to tangata whenua being a tributary of the Ōkūkū River, which is recognised as having Mahinga Kai environs, habitats and taonga species. The applicant sought to proactively engage with Te Ngāi Tūāhuriri Rūnanga initially via Mahaanui Kurataiao Ltd (Mahaanui) to obtain feedback pre application. The Canterbury Regional Council's application processing includes actively involving tangata whenua, and Mahaanui indicated this was their preferred avenue to respond. Engagement attempts by the Applicant with Te Ngāi Tūāhuriri Rūnanga are ongoing. Ecosystem monitoring is proposed, and allowance is also included for any cultural health monitoring.
Policy 3	Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.	The catchment is dominated by rural land uses being pastoral farming and forestry. These uses likely contribute nutrients and sediment to freshwater respectively and to which the Applicant has no control over. The Applicant's current and proposed use of the site is not a rural land use but rather an industrial land use. Despite surrounding land uses, baseline monitoring indicates that the Karetu River at the Project site and upstream is meeting its national and regional outcomes and limits for nutrients and dissolved oxygen. Improvements in water clarity could be expected with the replacement of the lawfully established ford, with a bridge. Controls to reduce metals leaching of building roofs, and best practice erosion and sediment control measures to minimise sediment release. The Project will not directly or cumulatively result in a decline in the stressor attributes of the Karetu River. The managed fill facility includes a liner system which acts as a primary barrier to the risk of leachate seepage or leakage to the environment. Proposed groundwater and surface water quality (dry and wet) monitoring will provide ongoing information on the health of the receiving environment from both the Project site but also from other land uses within the catchment. An action / response plan will be in place should a noticeable effect on the water quality within the receiving environment be detected. The Project will therefore not be contrary to this policy.
Policy 4	Freshwater is managed as part of New Zealand's integrated response to climate change.	The climate change impacts with respect to stress (e.g. temperature) on freshwater ecosystems (an alternative design that may have caused a stream depletion effect in gullies off-site was abandoned), flood risk and design have been considered as part of the approach to the development of the Project. The Project will therefore not be contrary to this policy.
Policy 5	Freshwater is managed through a National Objectives	The ecological value of the Karetu River has been assessed as very high when considering the five biophysical values and water quality attribute states outlined in the NPSFM. Improvements proposed as part of the Project provide opportunities to improve the health and wellbeing of the Karetu River and its freshwater ecosystems.

TYPE & #	CONTENT	ASSESSMENT
	Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.	Ongoing water quality monitoring which includes ecological health will be undertaken to determine if other discharges (leachate leakage) associated with the Project are occurring and have the potential to impact on the health of the Karetu River. A tiered approach of actions and responses if leachate quality, water quality and ecological health triggers are exceeded will be applied to ensure the water quality of the freshwater ecosystems is maintained. It is considered that the Project will at least maintain the health and wellbeing of the Karetu River in accordance with this policy.
Policy 6	There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.	A Wetland Assessment contained recommendations for the wetland remediation and enhancement via a Wetland Restoration Plan for both the lower and upper wetlands. These actions can occur immediately because the NESF 2020 does not restrict or limit restoration actions as long as the work is encompassed within a restoration plan (consistent with Schedule 2 of NESF 2020). Given the wetland expert advice that the overall wetland extent will not be reduced, and the implementation of a restoration plan which the applicant is proposing to undertake, this will improve the wetland values at the site, therefore the project will be consistent with Policy 6 of the NPSFM.
Policy 9	The habitats of indigenous freshwater species are protected.	The Project is considered consistent with these policies as follows: • Proposed riparian habitat enhancements will provide for the health and wellbeing of the Karetu River and its freshwater ecosystems. • Removing the existing ford structure and rock armouring will improve fish passage opportunities. • Best practice erosion and sediment controls are proposed to minimise sediment release. • Ecological health monitoring of macroinvertebrate and fine sediment is proposed.
Policy 10	The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.	
Policy 11	Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided	The surface water zone for the site has some allocation remaining but this has low flow restrictions. The groundwater zone has allocation available. A small shallow groundwater take for domestic use to service a kitchenette, hand basin, toilet and emergency shower facilities (fixtures) is required to be consented. This is highly connected to surface water, however the take is less than a permitted activity surface water take from the river. A deeper groundwater take > 20 m from surface water which will be used for dust suppression, fire fighting supply water storage, washing of equipment and vehicles, is within a permitted activity rate and volume for the property. The small rate and volume water takes are within permitted activity thresholds, and will be efficient and not result in compromising allocations, and other water users
Policy 12	The national target (as set out in Appendix 3) for water quality improvement is achieved.	The national target for primary contact would apply to the Karetu River, the discharges associated with this Project would not be a case of these targets not being achieved. Water quality monitoring will enable status against targets to be tracked.
Policy 13	The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.	The Project is consistent with this Policy. A water quality monitoring plan and accompanying triggers and actions and response plan has been developed for leachate pond quality, stormwater quality, and groundwater quality, surface water quality and ecological health. Trigger levels are intended as a leachate quality and environmental management tool whereby an exceedance of a trigger level initiates a tiered action and response to ensure freshwater is not degraded.
Policy 15	Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.	The Project is considered to achieve the balance sought by the Policy. The managed fill facility has been designed with controls and mitigation monitoring proposed to ensure overarching consistency with the NPSFM while providing a managed fill facility for the construction and land development and remediation sector enabling the economic and social wellbeing for the wider community. The New Zealand Drinking Water Standard will be maintained with respect to potential discharges from the Project, and cultural health monitoring has been allowed for in the proposed water quality monitoring programme.

Table B: NPS on Urban Development– Relevant Objectives and Policies

TYPE & #	CONTENT	ASSESSMENT
Objective	New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.	Overall, the Project will contribute to an increase in housing supply through reduced development costs. A dedicated inert construction and demolition (C&D) materials and contaminated soils managed fill as proposed will offer cost savings to redevelopment, brownfield development and urban intensification, therefore it would directly contribute to housing supply by improving the economics of both new construction and redevelopment projects. A new managed fill site for the waste streams in closer proximity to greater Christchurch than existing facilities will support reductions in greenhouse gas emissions through reduced transportation distances, which will reduce emissions associated with heavy vehicle diesel use.
Objective 2	Planning decisions improve housing affordability by supporting competitive land and development markets	
Policy 1:	Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: (a) have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and [,..] (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and (e) support reductions in greenhouse gas emissions; [...]	

Table C: NPS for Greenhouse Gas Emissions from Industrial Process Heat 2023 – Relevant Objectives and Policies

TYPE & #	CONTENT	ASSESSMENT
Objective	The objective of this National Policy Statement is to reduce emissions of greenhouse gases by managing the discharges to air of greenhouse gases from the production of industrial process heat, in order to mitigate climate change and its current and future adverse effects on the environment and the wellbeing of people and communities.	Recent changes to the furnace / rotary kiln operation have eliminated the coal usage that has occurred for over 50 years. The coal usage operation on site resulted in CO_2e of 0.976 Tonnes/hr or 1,967.6 Tonnes/per year. Using a conversion rate of 1 L diesel equating to 2.68 kg of CO_2e this equals to 0.201 Tonnes/hr, or 482.4 Tonnes/ per year based on an operation of 8hrs per day 6, days a week and 50 days per year. The use of diesel will also cease once limestone extraction has ceased, at the formation of the managed fill Stage 2 in approximately 10 years from commencement of Stage 1 construction. The Project will be consistent with this objective. Note: CO_2e means Carbon Dioxide Equivalent (mass of GHG with equivalent global warming potential to a kg of CO_2).
Policy 2	Regional councils consider the cumulative effects of discharges of greenhouse gases when considering resource consent applications for discharges from heat devices.	Only one source of GHG discharge is associated with the site with respect to a heating device. In consideration of the diesel usage being a low emission site, the broader receiving environment, the 10 year duration, cumulative effects are not anticipated. The Project will be consistent with this policy.
Policy 3	Holders of resource consents for discharges to air of greenhouse gases from heat devices update relevant emissions plans to reflect technological developments and best practice.	The Applicant has been continuously undertaking improvements to the operation since purchasing the site in 2022. The adoption of new technology to use a targeted and efficient diesel burning device to direct heat into the furnace with more control has provided a significant reduction in CO_2e emissions. The lifetime of the furnace /rotary kiln is limited with respect to the staged nature and use of the proposed site operations into the future. The outcome sought by this policy has and can be achieved.

Table D: NPS for Indigenous Biodiversity 2023 – Relevant Objectives and Policies

TYPE & #	CONTENT	ASSESSMENT
Objective	The objective of this National Policy Statement (NPS) is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity; and to achieve this: (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.	The Project is assessed as being consistent with this overarching objective as set out below. The Applicant understands and recognises that Te Ngāi Tūāhuriri Rūnanga as hapu of Ngāi Tahu exercises rangatiratanga and kaitiakitanga over te taiao within the catchment of the proposal and that Ngāi Tūāhuriri are the kaitiaki in relation to the management of natural and physical resources within te taiao including indigenous biodiversity. In recognition of the mana of tangata whenua as kaitaiaki, in February 2023 (twelve months prior to resource consent lodgement) the Applicant actively sought to engage with the Rūnanga by contacting Mahaanui Kurataiao Ltd (being the agency for Ngāi Tūāhuriri) to seek input on the cultural values of the application site. The Applicant was advised by Mahaanui to work with the local Council to prepare the resource consent applications which would be sent to Mahaanui at the appropriate time. In another attempt to engage with Rūnanga, the Applicant contacted Mahaanui in June 2023 to include Rūnanga in the process while the design of the project was still in its formative stages and enable time to incorporate feedback from Rūnanga. As part of this engagement attempt, several opportunities were identified that Rūnanga may be interested in with regards to indigenous biodiversity including: • Replacement of an existing Karetu Stream ford crossing to the site with a bridge. • Clearance of willows / introduced plants along Karetu River along the site boundary and replaced with indigenous planting. • Enhancement and protection of the Significant Natura Area (SNA) within the site (north of indicative landfill extent). More recently, the Applicant sought feedback from Te Ngāi Tūāhuriri Rūnanga directly in respect of this referral application. The Applicant also anticipates that further recognition of tangata whenua as kaitiaki of indigenous biodiversity can be achieved via ongoing engagement. The Applicant as the landowner also recognises themselves as stewards of indigenous biodiversity at the Project site. This stewardship has been recognised by protecting and restoring indigenous biodiversity at the site to achieve an overall maintenance of indigenous biodiversity through the following activities which are proposed onsite: • Wetland restoration will occur immediately to increase its biodiversity and its values, and associated stock exclusion fencing of wetlands. • Riparian enhancements of the Karetu River margins in sections will occur immediately (first and second planting seasons) and after completion of limestone processing. • The eastern watercourse enhancement will occur within the third planting season. • A Significant Natural Area (SNA) to the north of the site will be protected by a Conservation Covenant and with stock exclusion fencing assisting in restoration of habitats. • Outside of the SNA area indigenous biodiversity is also recognised through undertaking enhancement planting of riparian areas with indigenous source plants and associated stock exclusion fencing of wetlands. The Project overall will not result in an overall loss of indigenous biodiversity but rather recognises and enhances (where possible) indigenous biodiversity while providing for the social and economic wellbeing of people and communities now and in the future (i.e. the development project).
Policy 1	Indigenous biodiversity is managed in a way that gives effect to the decision- making principles and takes into account the principles of the Treaty of Waitangi.	The Project is not contrary to this policy. An ecological assessment has been undertaken and the Applicant sought to consult with iwi to ensure that indigenous biodiversity is appropriately managed onsite. Cultural health monitoring has been allowed for within the overarching water quality monitoring programme.
Policy 2	Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through: (a) managing indigenous biodiversity on their land; and (b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and (c) actively participating in other decision-making about indigenous biodiversity.	The Project site is not located on Rūnanga owned land. Rūnanga have identified indigenous species, populations and ecosystems that are taonga to Ngāi Tahu including the Karetu River and that wetlands are also taonga to Ngāi Tahu. The Project includes the following in relation to protecting the identified taonga: • Wetland restoration will occur immediately to increase its biodiversity and its values, and associated stock exclusion fencing of wetlands. • Riparian enhancements of the Karetu River margins in sections will occur immediately (first and second planting seasons) and after completion of limestone processing. • The eastern watercourse enhancement will occur within the third planting season. • The provision of cultural health monitoring of the Karetu River within the overarching water quality monitoring programme. The Applicant has recently contacted Ngāi Tahu to invite feedback on the project. The Applicant also anticipates that further recognition of tangata whenua as kaitiaki of indigenous biodiversity can be achieved via ongoing engagement.
Policy 3	A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.	The Project is consistent with this policy.

TYPE & #	CONTENT	ASSESSMENT
		The approach to the ecological assessment for the Project undertook a precautionary approach consistent with this NPS. Even with assessed low ecological values, further management will be proposed including conditions requiring the avoidance of kārearea nests and the development of a vegetation management plan to detail plantings for enhancement of avifauna habitat. In relation to lizards, a Wildlife Act Authority (107310-FAU) has been granted under the Wildlife Act 1953 for the management of lizards onsite. For the protection of lizards including for the long term, the activities (handling / relocating) will be undertaken in accordance with the lizard management plan that forms part of the Authority, including the protection of the release site in perpetuity by a registered conservation covenant under the Reserves Act 1977. Pest control is also included within a wider site management plan applicable to the Project.
Policy 7	SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.	The Project is consistent with this policy. Adverse effects associated with the development on the SNA north of the application site will be avoided.
Policy 8	The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.	The Project is consistent with this policy. Indigenous planting will be undertaken within the riparian margins of the Karetu River, eastern watercourse and wetland margins on site. Long term the Project will result in increased vegetation cover compared to the current site conditions. This will create opportunities for long term indigenous biodiversity increase.
Policy 13	Restoration of indigenous biodiversity is promoted and provided for.	The Project is consistent with this policy. Restoration will occur within the riparian margins of the Karetu River, eastern watercourse and wetland margins through indigenous planting and stock fencing. Wetland restoration will occur immediately. Riparian enhancements of the Karetu River margins in sections will occur immediately (first and second planting seasons) and again after completion of limestone processing for those areas that remain operational during the term of the consent. The eastern watercourse enhancement will occur within the third plating season. Stock exclusion fences will also be erected to protect the SNA on an adjoining land parcel. Long term the Project will result in an increased vegetation cover at the site supporting future habitats. Immediate efforts for short- and long-term restoration of indigenous biodiversity are therefore part of the proposal, meeting the requirement of this policy.
Policy 15	Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.	The Project is consistent with this policy. Specified highly mobile fauna means the Threatened or At-Risk species of highly mobile fauna that are identified in Appendix 2 of this NPS. The application site has been observed (visual observation) to support one highly mobile fauna being the kārearea/eastern falcon. While an abundance of habitat for the kārearea is available to the immediate north of the proposed activity within the adjacent SNA, pine trees and bluffs (cut slopes) within the quarry and immediate landfill surrounds could be utilised for nesting. Therefore, due to the potential risk of kārearea utilising the Project site (being the quarry and proposed managed fill footprint) and the species subject to potential impact, mitigation to manage potential effects will be proposed. A suitably qualified and experienced ecologist will undertake a search for kārearea nests prior to any expansion of earthworks or vegetation clearance during their peak breeding season (September to March). If nests are found, the area will be avoided, and an appropriate buffer set up until the chicks have fledged.