Otago Regional Council

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Section 42A Staff Recommending Report

RM24.098
Waste Management NZ Limited

Brittany Watson
Senior Consents Planner
1 September 2026

Otago Regional Council

1. Executive Summary

Waste Management NZ Limited has applied for resource consent to replace various consents for the purpose of aftercare of a closed landfill, Fairfield. These consents include:

- Discharge Permit RM24.098.01: To discharge landfill gas, odour, and products of combustion to air
- Discharge Permit RM24.098.02: To discharge leachate onto land in a manner that may result in contaminants entering groundwater
- Discharge Permit RM24.098.03: To discharge water from two retention ponds to the Kaikorai Stream
- Water Permit RM24.098.04: Water Permit to take and use groundwater and connected surface water from the Kaikorai Stream through a leachate collection trench
- Land Use Consent RM24.098.05: To alter an existing defence against water
- Water Permit RM24.098.06: To permanently divert surface water flows via a defence against water
- Land Use Consent RM24.098.07: To drill over a contaminated site

The key issues that were identified in the 95A Report Notification Report are identified below:

- Kaikorai Lagoon Swamp, Kaikorai Lagoon Estuary and Kaikorai Stream adjacent to the landfill, which are ecologically and culturally sensitive environments.
- Uncertainty about the magnitude of adverse effects on water quality, ecology and adverse effects as a result of constructing a defence against water and associated diversion of water, as set out in the s95A Notification Report.

The Applicant has applied for a consent duration of 35 years for all resource consents sought, except for Water Permit RM24.098.04 and Land Use Consent RM24.098.07, for which a consent duration of six years and one year are sought, respectively.

After assessing the actual and potential effects of the applications, considering submissions, and considering all of the matters in section 104 of the Resource Management Act 1991 (RMA), the recommendation of the Senior Consents Planner is to grant the application for the consent durations specified above, subject to the recommended conditions of consent.

Otago Regional Council

OTAGO REGIONAL COUNCIL
SECTION 42A REPORT

ID Ref:	**999859517-38982**
Application No(s):	**RM24.098**
Prepared For:	**Commissioner**
Prepared By:	**Brittany Watson, Senior Consents Planner**
Date:	**1 September 2026**
Subject:	**Section 42A Recommending Report – Application RM24.098 by Waste Management NZ Limited to replace various consents for the purpose of aftercare of a closed landfill, Fairfield.**

1. Purpose

Section 42A enables local authorities to require the preparation of a report on an application for resource consent. The purpose of the report is to assist the decision maker in making a decision on the application.

The report assesses the application in accordance with Sections 104 of the RMA and makes a recommendation as to whether the application should be granted, and a recommendation on the duration of the consent and appropriate conditions.

This report contains the recommendations of the Senior Consents Planner, Brittany Watson, and represents the opinion of the writer. It is not a decision on the application.

2. Summary of the Application

2.1 Overview

Applicant:	Waste Management NZ Limited
Applicant's Agent:	Carmen Taylor from Planz Consultants Limited
Site address or location:	125/127 Old Brighton Road, Fairfield, Dunedin
Legal description(s) of the site:	Lot 2 Deposited Plan 566541 Part Lot B Deposited Plan 685 Part Section 41 Block VII Dunedin & East Taieri Survey District and Deposited Plan 7227
Record of title number and owner:	1021375 Owned by Tartan Industries Limited OT8D/1045 Owned by Tartan Industries Limited

	OT352/110 Owned by Tartan Industries Limited
Map reference (NZTM2000) of approximate mid-point:	Eastern landfill: E1398718 N4913050 Western Landfill: E139833 N4912851
Consent(s) sought:	• Discharge Permit RM24.098.01: To discharge landfill gas, odour, and products of combustion to air • Discharge Permit RM24.098.02: To discharge leachate onto land in a manner that may result in contaminants entering groundwater • Discharge Permit RM24.098.03: To discharge water from two retention ponds to the Kaikorai Stream • Water Permit RM24.098.04: Water Permit to take and use groundwater and connected surface water from the Kaikorai Stream through a leachate collection trench • Land Use Consent RM24.098.05: To alter an existing defence against water • Water Permit 24.098.06: To permanently divert surface water flows via a defence against water • Land Use Consent 24.098.07: To drill over a contaminated site
Purpose:	After care of a closed landfill.
Information requested:	Letter to Applicant- Request for Further Information Request s92 (1), dated 21 March 2025.
Notification decision:	A decision was made on 3 November 2025 to process the application on a publicly notified basis. No written approvals had been obtained prior to a decision on notification.
Submissions:	Two submissions were received; one from Otago Fish and Game Council and the other from Aukaha on behalf of mana whenua. Aukaha sent in a neutral submission on 3 December 2025 and did not wish to be heard. Otago Fish and Game Council sent in a neutral submission on 5 December 2025 and did not wish to be heard.
Site visit:	A site visit was undertaken on 2 May 2024 to confirm the description of the site. In attendance on behalf of the Applicant was Greg Nel (Waste Management) and Carmen Taylor (Planz). In attendance on behalf of Otago Regional Council were Brittany Watson (Senior Consents Planner,

Otago Regional Council) and John Iseli (Specialist Environmental Services Limited).

Key Issues:

It is considered that the key issues with this application are:

- Kaikorai Lagoon Swamp, Kaikorai Lagoon Estuary and Kaikorai Stream adjacent to the landfill, which are ecologically and culturally sensitive areas.
- Uncertainty about the magnitude of adverse effects on water quality, ecology and adverse effects as a result of constructing a defence against water and associated diversion of water.

Note: for purposes of this report and for consistency with the application documents, the Kaikorai Lagoon Swamp and the Kaikorai Lagoon Estuary are referred to as the 'wetland- estuary complex'.

2.2 Description of Application

The proposed activities are thoroughly described in Section 3 of the RM24.098 s95 Notification Report dated 3 November 2025 and in the relevant application documents. This information has not been repeated here.

Since a decision on Notification has been made, the Applicant has made a number of minor amendments to the application. Most notably, these include:

- Requesting a six-year consent duration for Water Permit RM24.098.04 rather than the originally sought 35-year duration;
- Amending the proposed consent conditions to address matters raised by Otago Fish and Game Council;
- Incorporating additional adaptive management provisions into the proposed Aftercare Management Plan;
- Including routine monitoring of stormwater discharged from the North Pond to assist in identifying any contribution of stormwater discharges to adverse effects in the receiving environment.

As a result of the requested six-year consent duration for Water Permit RM24.098.04, the take and use of groundwater is now assessed under Rule 10A.3.1A.1 of the Regional Plan: Water for Otago. The activity was previously assessed under Rule 10A.3.2.1 as a non-complying activity.

To the best of my knowledge, there have been no other substantial changes made to the proposal since the application was notified.

2.5 Application Documents

The Applicant has provided the following documentation with the application, and through the processing of the application:

- Application titled: *Waste Management NZ Limited Fairfield-Closed Landfill – Renewal of Regional Resource Consents*, prepared by Planz Consultants Limited and dated February 2024, including:
  - Appendix 1: Existing Resource Consents;

  - Appendix 2: Fairfield Aftercare Management Plan (draft) dated 27 February 2024
  - Appendix 3: Letter from Aukaha dated 20 February 2024;
  - Appendix 4: Air Quality Assessment, prepared by Tokin & Taylor and dated February 2024;
  - Appendix 5: Technical Assessment of Effects on Groundwater, Surface Water and Ecology, prepared by PDP and dated February 2024;
  - Appendix 6: Natural Hazard and Climate Risk Assessment and Management Plan, prepared by PDP and dated February 2024;
  - Appendix 7: Record of Consultation;
  - Appendix 8: Proposed Consent condition; and
  - Appendix 9: Records of Title.

- Cultural Impact Assessment Fairfield Landfill Aftercare, prepared by Aukaha and dated 4 November 2024;

- Memorandum titled: *Cultural Impact Assessment Recommendations – Proposed Approach / Response (FINAL – 31 January 2025)*, dated 31 January 2025;

- Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) Response to the section 91 Deferral Pending Application for Additional Resource Consents*, prepared by Planz Consultants Limited and dated 10 March 2025, including:
  - Attachment A: Updated Resource Consent Application Form.

- Fairfield Landfill Ecological Assessment prepared by PDP and dated March 2025;

- Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) Response to the section 92 Request for Further Information,* prepared by Planz Limited and dated 6 June 2025, including:
  - Attachment A-Updated (v2) Resource Consent Application Form;
  - Attachment B – Landfill Monitoring Results (post February 2024).

- Updated proposed Consent Conditions (Appendix 8), dated 13 June 2025, with subsequent amendments to proposed consent conditions provided by Waste Management NZ Limited, via Planz Consultants Limited, on 20 February 2026, 9 March 2026, 24 June 2026 and 18 August 2026.

- Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) Response to Technical Reviews*, prepared by PDP and dated 1 October 2025, including:
  - Appendix 1: Aftercare Management Plan - Proposed Adaptive Monitoring and Response Action Procedure.

- Memorandum titled: *WM New Zealand Limited - Fairfield Closed Landfill Application (RM24.098) - Relief Sought in Otago Fish and Game Council's Submission (dated 3 December 2025) – Online Meeting 19 January 2026 (and subsequent post-meeting outcomes).*

2.6 Technical Advice

The following technical experts were engaged by Council to audit the application:

SLR Consulting:

- Samantha Iles- Technical Director. Ms Iles was responsible for organising the technical reviews.
- Tim Baker- Principal Consultant, Hydrogeology. Mr Baker provided the groundwater and natural hazards assessment.
- Dr. Pete Wilson-Principal Consultant, Ecology and Marine Science. Dr. Wilson provided the surface water assessment.
- Elizabeth Morrison- Principal Ecologist. Ms Morrison provided the ecology assessment.

SES Consulting:

- John Iseli- Managing Director, Principal Air Quality Consultant. Mr Iseli was responsible for the air quality assessment.

2.7 Section 124 Timeframes

The application was lodged at least six months before the expiry date and therefore s124 rights apply.

3. Notification and Submissions

3.1 Notification Decision

Council made a decision on 3 November 2025 that the application would be publicly notified. Public notice was given on Saturday, 8 November 2025. Submissions closed on Friday 5 December 2025. Direct notice of the application was served to the following parties:

- Aukaha on behalf of mana whenua
- The Department of Conservation
- Otago Fish and Game Council
- Public Health South

3.2 Submissions Received

Submissions were received as summarised in Table 1 below:

***Table 1**: Summary of Submissions, including key submission points and relief sought*

Submitter	Submission Points	Wishes to be heard
Otago Fish and Game Council (F&G)	***Groundwater*** Highlighted importance of strong, ongoing groundwater monitoring and precautionary measures to track and manage off-site contamination. Requested strengthened groundwater monitoring and enforceable water-quality,	No

	thresholds or discharge limits that support the achievement of healthy, recreationally suitable ecosystems by 2040. In support of Mr Baker's recommendation for a one-off repeat of an estuary / wetland investigation carried out in 2012 to allow a comparison of the two sets of results and enhance understanding of contaminant transport into the wetland area. Requested consent conditions require continuous improvement in groundwater quality. ***Surface Water quality*** Concerns raised with effectiveness of stormwater collection system, combined with the passive discharge of leachate through connected groundwater, and adverse effects on surface water quality in surrounding wetlands, streams, and estuarine areas. In support of Dr Wilson's recommendation that all water quality parameters measured in the receiving environments should be measured in the two retention ponds so that appropriate comparisons can be made, including pH, dissolved oxygen, ammoniacal nitrogen, nitrate, dissolved reactive phosphorus, copper, lead, zinc, total suspended solids, and BOD_5. Requested conditions requiring all stormwater to be routinely monitored using the same parameters as the receiving environment and data should inform ongoing management to protect water quality and support healthy, recreationally suitable ecosystems. ***Summary of relief sought*** F & G took a neutral position and sought the following relief to ensure that potential off-site leachate discharges are appropriately managed to protect ecological and recreational values. - Require strengthened groundwater monitoring, including enforceable water	

	quality thresholds or discharge limits, to ensure progressive improvement in groundwater and receiving-environment quality consistent with achieving healthy, recreationally suitable ecosystems by 2040 in line with the relevant long-term visions. - Ensure that consent conditions support the broader catchment vision by requiring continuous improvement in groundwater quality and measures that reduce cumulative effects over time. - Require routine stormwater monitoring using the same parameters measured in the receiving environment, enabling clear assessment of stormwater effects on downstream wetlands, streams, and estuarine areas. - Ensure monitoring data is used to inform ongoing, adaptive management actions that protect ecological health and maintain safe, recreationally suitable water quality.	
Aukaha on behalf of mana whenua	Requested that conditions of consent implement recommendations of the Cultural Impact Assessment. *Note that the recommendations of the CIA are summarised in the S95A Report and are not repeated here.*	No

4. Description of the Environment

4.1 Description of the Site and Surrounding Environment

A detailed description of the site and the receiving environment is provided in Section 4 of the s95 Report and in the application documents. This description is not repeated here.

5. Status of the Application

A summary of the relevant planning rules are provided below in Table 2:

Table 2: *Planning Rules*

Planning Instrument	Rule and purpose	Activity Status
Regional Plan: Waste for Otago (RPWaste)	• Rule 5.6.1.1 – To disturb a potentially contaminated site • Rule 7.6.1.1 – To discharge contaminants to land from an operating landfill • Rule 7.6.1.2 – To discharge contaminants to air from an operating landfill • Rule 7.6.1.3 – To discharge contaminants to water from an operating landfill *Note: Although the landfill is closed and now in its aftercare period, under the RPWaste the landfill is classified as an 'operating landfill' in the context of the above rules.*	Discretionary for all
Regional Plan: Water for Otago (RPW)	• Rule 12.B.4.1 – To discharge of water (excluding stormwater) or any contaminant from an industrial or trade premises • Rule 10A.3.1A.1 – To take and use groundwater connected surface water • Rule 12.3.4.1 (i) – To divert water • Rule 14.3.2.1 – To alter and extend an existing defence against water	Discretionary for all
National Environmental Standards for Freshwater (NES-FW)	• Regulation 45 (4) – To take and use water within a 100 m setback from a natural inland wetland, and to divert water within a 100 m setback from a natural inland wetland • Regulation 45 (5) – To discharge water into within a 100 m setback from a natural inland wetland	Discretionary for all

Applications involving a number of different activity statuses can be bundled together, so that the most restrictive activity classification is applied to the overall proposal. The bundling approach developed from case law is to enable appropriate consideration of the effects of an activity, or group of activities.

In this instance, the activities in which consent is sought for are intrinsically linked and therefore I consider it appropriate to bundle activity status. In this instance the most restrictive status applies. Overall, the proposal has a ***discretionary activity*** status.

The Council may grant or decline the application and, if granted, may impose conditions under Section 108 of the Act.

6. Section 104 Evaluation

Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. These matters are subject to Part 2, the purpose and principles, which are set out in Sections 5 to 8 of the Act.

The remaining matters of Section 104 to be considered when assessing an application for a resource consent are:

(a) the actual and potential effects on the environment of allowing the activity;

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;

(b) any relevant provisions of a national environmental standard, other regulations, a national policy statement, the Regional Policy Statement (RPS), the Regional Plan: Water (RPW); and

(c) any other matter the Council considers relevant and reasonably necessary to determine the application.

6.1 S104(1)(a) – Actual and potential effects on the environment of allowing the activity

Section 104(1)(a) of the RMA requires the Council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

6.1.1 Positive Effects

The Applicant has stated the replacement consents will have the following positive effects:

- It is anticipated that the discharge of landfill gas and leachate will reduce over time to a point where the discharges no longer occur (and therefore the take of leachate and associated groundwater and connected surface water is no longer required). The Applicant notes that, in time, these discharges to the environment will cease, thereby contributing to improvements in local air and water quality and the values associated with these resources.

- There is the potential for the site to be used to provide access for passive recreation (e.g. walking), while also potentially enabling other recreational activities or low-impact commercial enterprises to be accommodated within the site. In addition, the Applicant notes that following the aftercare period, and subject to any residual risks or liabilities that may remain associated with the site, the land could be transferred to other landowners for an appropriate future land use (e.g. as an area of open space for public use).

I have considered the above and, while I generally agree with the Applicant's statements, I do not consider that they represent significant positive environmental effects arising directly from allowing the continued aftercare activities. This is because the anticipated reduction in discharges reflects the natural stabilisation of a closed landfill and the ongoing requirement to manage its residual effects, rather than any new positive effects generated by the activities. Similarly, the potential future use of the site for recreation or alternative purposes is speculative and not directly enabled by the proposed aftercare activity. Notwithstanding this, I consider that a positive effect of allowing the activities to be the management of the landfill and adverse effects. Recommended conditions will provide for the ongoing operation, maintenance and review of the landfill and aftercare activities, together with continued monitoring of groundwater, surface water, ecology and landfill gas. The recommended

conditions also require investigations and implementation of remedial measures or management actions where issues are identified, supporting the ongoing management of environmental effects.

6.1.2 Adverse Effects

There have been no advancements since the s95A Notification Report that would alter the assessment in the report. No new information has been provided by the Applicant since the application was notified that would change the assessments.

Overall, the level of adverse effects on groundwater quality, surface water quality, aquatic ecology, and the adverse effects of the construction of the defence against water and associated diversion of water could not be determined with certainty due to gaps in the available information and remaining technical uncertainties.

Adverse effects on air quality, amenity values, human health, and water quantity were assessed as being less than minor.

The assessment of effects on cultural values was deferred to mana whenua.

The sections below provide a summary of the assessments concluded in the s95A Notification Report, a discussion on any relevant submissions, outline the recommended conditions of consent, and conclude whether the identified effects are acceptable, subject to the recommended conditions of consent.

For the full Assessment of Environmental Effects refer to Section 6 of the s95A Notification Report.

6.1.2.1 Effects on groundwater quality

The assessment of groundwater quality in the s95A Report concluded that a portion of leachate (estimated to be around 0.6% to 4.6% of the leachate discharge to land) is not being captured by the leachate interception system and is being discharged to groundwater beneath the wetland-estuary complex. Historical monitoring data indicates elevated concentrations of leachate in groundwater beyond the interception drain. In addition, there was insufficient monitoring data for both upgradient and downgradient groundwater of the landfill to accurately determine the extent of any adverse effects attributable to the landfill. Furthermore, the Applicant did not provide conclusions regarding the magnitude of potential effects. As a result, no definitive assessment of the level of impact on groundwater quality was made.

Relevant Submissions

Fish and Game lodged a submission on the application and sought relief on the points set out in Table 1.

The Applicant discussed the submission points with F & G and amended their aftercare management and proposed conditions of consent to address relief sought. The Applicant considers that the proposed monitoring programme and adaptive management framework adequately address the concerns raised in relation to water quality.

In particular, the Applicant proposed a condition requiring the Aftercare Management Plan (ACMP) to include procedures outlining how the purpose of the ACMP will be achieved. This includes provisions to ensure that, over time, improvements in the quality and quantity of landfill discharges contribute to enhancing the health and wellbeing of the area's water and air resources and assist the wider catchment in achieving relevant regulatory direction and environmental outcomes.

F & G confirmed via email dated 31 January 2026 that the relief sought in its submission, in relation to water quality matters, has been resolved by way of the proposed amendment to the ACMP condition.

Recommended Consent Conditions

The consent conditions proposed by the Applicant are generally considered appropriate, and the intent of those proposed conditions has largely been adopted in the suite of recommended conditions attached as Appendix A. There are instances of proposed conditions by the Applicant which have not been adopted, and the reasons for these have been set out below.

The key recommended conditions of consent that will address groundwater quality effects are summarised below:

- Maintenance and inspections of the structural integrity of the landfill, landfill cap and leachate collection system, including associated pipework;
- Investigation of any identified issues with the leachate collection system or leachate management system, including identifying actions and associated implementation timeframes that remedy or mitigate the issues identified;
- Climate change modelling to identify potential mitigation works to prevent or reduce the risk of inundation of the leachate management system and landfill toe instability;
- A slope stability assessment of the Eastern Landfill, at specified intervals, to ensure that climate change considerations and potential seismic effects have been appropriately identified, and implementation of any actions required to manage identified risks;
- Five-yearly reviews of the effectiveness of the leachate management system from an engineering perspective, and implementation of any measures identified through those reviews;
- Monitoring of groundwater and leachate quality;
- Specified trigger levels for groundwater sampling. Where trigger levels are exceeded and the results fall outside the historical data range, the following actions will be required:
    - a re-sample;
    - a Suitably Qualified Professional must investigate the likely cause of the exceedance and provide an investigation report to Council;
    - if the investigation concludes that the exceedance is attributable to landfill leachate from the landfill, the investigation report must identify any additional monitoring, remedial measures, or management actions required (if any are considered necessary), together with implementation timeframes, to mitigate any identified adverse environmental effects; and
    - any outcomes and actions identified through the investigation, together with confirmation of the resolution of those actions, must be recorded in the Complaints and Incidents Register; and

- A reduction in groundwater quality monitoring frequency from three-monthly to six-monthly, provided that:
  - no exceedances of the specified trigger levels occur during the first two years;
  - trend analysis demonstrates that concentrations of total ammoniacal nitrogen, phosphorus, and dissolved reactive phosphorus are stable or decreasing; and
  - confirmation is provided to Council that these requirements have been met.

Conditions not adopted

The Applicant had initially proposed a condition allowing for the cessation of groundwater monitoring requirements following a review of the previous two years of monitoring data and supported by an assessment of environmental effects confirming that the risks associated with landfill leachate generation and migration beyond the site boundary are minimal, as determined by a suitably qualified and experienced person.

Proposed conditions relating to this have not been adopted in the conditions set out in Appendix A, and are not recommended for the following reasons:

- The magnitude and extent of adverse groundwater quality effects associated with the ongoing discharge of leachate have not been fully characterised. Continued groundwater quality monitoring is therefore necessary to identify and manage adverse effects and to inform any remedial measures or management actions required if trigger levels are exceeded; and
- Any cessation of the monitoring regime is more appropriately considered through a change to, or cancellation of, consent conditions under section 127 of the Resource Management Act 1991, where the effects of such changes can be formally assessed.

The Applicant has agreed to the removal of these conditions.

Conclusions

As discussed above, at the time the Section 95A Notification Report was prepared, a definitive assessment of the level of impact on groundwater quality could not be made. Notwithstanding this, subject to the recommended consent conditions being adopted, I am satisfied that adverse effects on groundwater quality can be appropriately managed and will be acceptable.

In reaching this conclusion, I place weight on the fact that the recommended conditions require ongoing groundwater quality monitoring, maintenance and periodic review of the leachate management system, investigation of identified issues, and implementation of any necessary remedial measures or management actions where required. I therefore consider the proposed conditions provide an appropriate framework to manage groundwater quality effects over the duration of the consent.

6.1.2.2 Effects on surface water quality

The assessment of effects on surface water quality in the s95A Notification Report concluded that the existing water quality of the receiving waterbodies is degraded but relatively stable. The North and Weighbridge Ponds, which collect and retain stormwater from the site, contribute water to the wetland–estuary complex; however, recent sampling from the ponds has not been undertaken to

characterise this contribution. The Applicant has advised that this is due to the landfill being closed and now vegetated, and therefore stormwater sediment retention is not required, and given discharges from the ponds are not continuous.

In addition, it was also concluded that migrating leachate is a contributor of contaminants to the wetland complex, although the Applicant has not been able to quantify the extent of this contribution or the resulting level of effect on receiving waterbodies.

The s95A Notification Report additionally noted that the Applicant has proposed a generally appropriate adaptive management framework to address any potential increases in adverse effects. However, in the absence of information quantifying the existing contribution from the landfill, via both stormwater and leachate, Council was unable to make a fully informed assessment of the level of effect on surface water quality.

Relevant Submissions

The submission points raised in section 6.1.2.1 are relevant to this section, as surface water is affected through discharges of leachate into groundwater connected surface water.

F&G's submission also sought routine stormwater monitoring using the same parameters measured in the receiving environment, to enable a clearer assessment of the effects of stormwater discharges on downstream wetlands, streams, and estuarine areas.

The Applicant discussed these matters with F & G. While no specific amendments to the application or additional management measures were proposed to directly address the submission point relating to stormwater monitoring, discussions were held regarding the existing stormwater data available from the ponds. The Applicant has advised that, following these discussions, F&G confirmed (via email) that the relief sought in relation to this matter had been resolved.

As discussed in section 6.1.2.1, the F & G confirmed that the relief sought in its submission, in relation to water quality matters, has been resolved.

Recommended Consent Conditions

The consent conditions proposed by the Applicant are generally considered appropriate, and the intent of those proposed conditions has largely been adopted in the suite of recommended conditions attached as Appendix A.

The key conditions of consent that will address surface water quality effects are summarised below:

- Maintenance of the stormwater system including drainage network, the two retention ponds and discharge outfalls and regular inspections at set intervals;
- Investigation of any issues identified with the stormwater management system, including implementation of actions to remedy or mitigate identified issues;
- Monitoring of surface water quality within the receiving environment;
- Monitoring of stormwater discharged from the North Pond;

- Specified trigger levels for surface water quality monitoring. Where trigger levels are exceeded and the result falls outside the historical range:
  - a re-sample is required;
  - a Suitably Qualified Professional must investigate the likely cause of the exceedance and provide an investigation report to Council;
  - where the exceedance is attributed to landfill-derived contaminants, the investigation report must identify any additional monitoring, remedial measures, or management actions required to mitigate adverse environmental effects; and
  - any actions identified through the investigation and their subsequent resolution must be recorded in the Complaints and Incidents Register;
- Ongoing monitoring of receiving environment locations that reflect estuary mouth open and closed conditions; and
- A reduction in surface water quality monitoring frequency from monthly (when the estuary mouth is open) to three-monthly, provided that:
  - no exceedances of the specified trigger levels occur during the initial monitoring period;
  - trend analysis demonstrates that monitored parameters are stable or improving;
  - no issues are identified through the response and investigation procedures; and
  - confirmation is provided to Council that these requirements have been met.

- A provision to review the surface water quality trigger levels within two years, where available monitoring data indicates that a more appropriate set of trigger levels can be established. Any revised trigger levels must not be less restrictive than the existing trigger levels.

I note that the recommended conditions above in Section 6.1.2.1 will also address effects on water quality given the groundwater and surface water connection.

The Applicant initially proposed a condition allowing for the cessation of surface water monitoring requirements following a review of the previous two years of monitoring data, supported by an assessment of environmental effects confirming that the risks associated with landfill leachate generation and migration beyond the site boundary are minimal, as determined by a suitably qualified and experienced person. Likewise for the proposed conditions for groundwater monitoring, these proposed conditions relating to this have not been adopted in the conditions set out in Appendix A, and are not recommended for the following reasons:

- There remains uncertainty regarding the level of adverse effects associated with adverse effects on surface water. Continued surface water quality monitoring enables the identification and management of adverse effects and supports adaptive management should trigger levels be exceeded. This approach significantly reduces uncertainty by allowing for the active monitoring of environmental effects; and
- Any cessation of the monitoring regime is more appropriately considered through a change to, or cancellation of, consent conditions under section 127 of the Resource Management Act 1991, where the effects of such changes can be formally assessed.

The Applicant has agreed to the removal of these conditions.

In addition to the above, the Applicant considered stormwater monitoring from the two ponds to be unnecessary due to the capped and vegetated nature of the landfill. Given the sensitivity of the receiving wetland environment, the advice obtained from SLR on behalf of Council, and the need to attribute any observed changes in water quality to specific discharge pathways, I consider that routine monitoring of the stormwater discharge is necessary. This will enable early detection of any contaminant mobilisation and ensure that any adverse effects on the receiving environment are appropriately identified and managed.

On this basis, the Applicant came back to Council with a monitoring regime which included stormwater monitoring of total suspended solids, pH, conductivity, BOD_5 and total ammoniacal nitrogen from the North Pond, every six months for the first 5 years and annually thereafter provided conditions are met. I concur with the Applicant's assertion that sampling from the Weighbridge Pond is not considered necessary, on the basis that water in the pond has not been observed for many years, and I consider the proposed monitoring of stormwater from the North Pond to be appropriate.

Conclusions
As discussed above, at the time the Section 95A Notification Report was prepared, Council was unable to make a definitive assessment of the level of effect on surface water quality due to the absence of information quantifying the existing contribution from the landfill via both stormwater and leachate pathways. Notwithstanding this, subject to the recommended consent conditions being adopted, I am satisfied that adverse effects on surface water quality can be appropriately managed and will be acceptable.

In reaching this conclusion, I place weight on the fact that the recommended conditions require ongoing monitoring of surface water quality and North Pond discharges, maintenance and periodic review of the stormwater management system, investigation of identified issues, and implementation of any necessary remedial measures or management actions where required. The conditions also include trigger levels and response procedures to identify and address adverse changes in water quality. I therefore consider the proposed conditions provide an appropriate framework to manage surface water quality effects over the duration of the consent.

6.1.2.3 Effects on water quantity
The s95A Notification Report concluded that adverse effects on water quantity will be less than minor.

Relevant Submissions
There were no relevant submissions that related to effects on water quantity.

Recommended Consent Conditions
The consent conditions proposed by the Applicant are considered appropriate and are included in the suite of recommended conditions attached as Appendix A.

The key conditions of consent that will address water quantity are summarised below:

- Limit of 480 cubic metres per day of groundwater;
- Monitor the average rate (at 15-minute intervals) of groundwater containing leachate;

- Installing or commissioning a SCADA system, or a similar technology, to ensure that the leachate pumping system is operating effectively within 6 months of commencement of the consent;
- Ongoing operation, maintenance and inspection of the leachate collection and management system;
- Investigation of any identified issues with the leachate collection and management system, including implementation of actions and associated timeframes to remedy or mitigate identified issues.

Conclusions

Subject to the recommended consent conditions being adopted, I am satisfied that the adverse effects on water quantity can be managed appropriately and will be acceptable.

6.1.2.4 Effects on ecology

The s95A Notification Report concluded that landfill leachate is likely entering the aquatic environment and contributing to localised water quality degradation. These conditions may be causing chronic, sub-lethal effects on aquatic organisms and may be contributing to shifts in species composition toward more pollution-tolerant communities. The presence of threatened bird and fish species within the receiving environment also highlighted the high ecological value of the area. As a result, even relatively minor discharges of leachate have the potential to adversely affect sensitive habitats.

The s95A Notification Report also concluded that the proposed adaptive management framework to address any increases in adverse effects was generally appropriate. However, the relative contribution from the landfill compared to other sources remained uncertain and in addition, the Applicant had not provided a clear conclusion on the magnitude of ecological effects associated with the ongoing management of the landfill. Consequently, Council was unable to make an informed assessment of the level of effect on ecology.

Relevant Submissions

The submission points from F & G set out in Table 1 are relevant to this section, particularly the request that monitoring data be used to inform ongoing adaptive management actions that protect ecological health and maintain water quality. These matters are directly relevant to the assessment of ecological effects, given the close relationship between water quality and the health of aquatic ecosystems.

The Applicant discussed these matters with F & G and subsequently amended the proposed ACMP and proposed conditions. In particular, the amended conditions require the ACMP to include procedures that ensure improvements in the quality and quantity of landfill discharges contribute to enhancing the health and wellbeing of the area's water and air resources and assist the wider catchment in achieving relevant environmental outcomes.

As discussed in Sections 6.1.2.1 and 6.1.2.2, the recommended conditions include ongoing groundwater and surface water monitoring, together with adaptive management responses, which will also address submission points raised by F & G.

As discussed above, F & G confirmed via email that the relief sought in its submission has been resolved.

Recommended Consent Conditions
The consent conditions proposed by the Applicant are considered appropriate and are included in the suite of recommended conditions attached as Appendix A.

The key conditions of consent that will address ecology effects are summarised below:

- Monitoring of surficial sediments samples, benthic infauna samples and macroinvertebrate samples at set intervals.

In addition, conditions relating to the management and monitoring of groundwater and surface water quality (as outlined in Sections 6.1.2.1 and 6.1.2.2***)***, will ensure that the key pathways for potential ecological effects are appropriately controlled.

Conclusions
As discussed above, at the time the Section 95A Notification Report was prepared, Council was unable to make a definitive assessment of the level of effects on ecology. Notwithstanding this, subject to the recommended consent conditions being adopted, I am satisfied that adverse effects on ecology can be appropriately managed and will be acceptable. In reaching this conclusion, I place weight on the fact that the recommended conditions require ongoing ecological monitoring, including monitoring of surficial sediments, benthic infauna and macroinvertebrate communities, together with ongoing groundwater and surface water quality monitoring. The conditions also require investigation of identified issues and implementation of any necessary remedial measures or management actions where required.

I therefore consider the proposed conditions provide an appropriate framework to monitor and manage effects on ecology over the duration of the consent.

6.1.2.6 Effects on air quality
The s95A Notification Report concluded that adverse effects on air quality will be less than minor.

Relevant Submissions
There were no submissions directly applicable to this activity.

Recommended Consent Conditions
The consent conditions proposed by the Applicant are considered appropriate, and have been generally adopted in the suite of recommended conditions attached as Appendix A.

The conditions for RM24.098.01 provide for:

- Maintenance of the landfill cap and LFG flare system and pipe works;
- Monitoring and inspections requirements;
- Follow up actions to be required where evidence of uncontrolled landfill gas discharges is identified;

- Reduction of monitoring from monthly to three monthly once passive flaring is active; and
- The provision for active LFG flaring to change to passive flaring should the flaring of LFG no longer be a feasible option due to the decreasing LFG over time.

Proposed conditions not adopted by Council included the provision for the Applicant to cease the monitoring requirements provided a review of the last two years of monitoring data, and an associated assessment of adverse effects on the environment confirmed that the risks associated with landfill gas generation and/or migration were minimal as determined by a suitably qualified and experienced person. Council did not adopt these proposed conditions, on the basis that this change to the monitoring regime should be dealt with through a change or cancellation of consent conditions under s127 of the Act, where an assessment of the change can be undertaken.

The Applicant has agreed to the removal of these conditions.

Conclusions
Subject to the recommended consent conditions being adopted, I am satisfied that the adverse effects on air quality can be managed appropriately and that any effects that do occur will be acceptable.

6.1.2.7 Effects due to the diversion of water and the defence against water
The Applicant has identified that climate change and rising sea levels pose risks to landfill slope stability and potential inundation of the leachate management system. In recognition of these risks, the Applicant intends to complete an assessment and / or modelling to assess these various risks and identify any mitigations measures that are to be implemented. The Applicant has identified that one option to mitigate such risk may be to increase the height of the existing perimeter access road, which functions as a defence against water. This will reduce the likelihood of inundation of the leachate system, provide increased protection to the landfill toe, and improve overall slope stability. If this option is to be implemented by the Applicant, resource consents would be required for:

- A land use consent to alter an existing defence against water; and
- A water permit to divert surface water flows associated with that defence structure.

It is noted that the Applicant originally did not apply for these resource consents, however, Council considered that these additional consents were required on the basis that the proposed perimeter road alteration was used a mitigation measure and was included in the application documents. On this basis, a request for these additional consents were requested via section 91 (1) of the RMA.

The Applicant initially did not agree that these additional consents were required but did respond to the s91 request and apply for the consents.

It is noted that the Applicant did not provide further information under section 92(1) relating to this activity. Requested information included modelling of the diverted surface water flows that would occur as a result of any increase in the height of the landfill perimeter access road, together with an updated assessment of effects based on the modelling results. The Applicant did not provide this information on the basis that no detailed design or final engineering solution has been developed. The Applicant considered that the potential alteration of the perimeter access road represents only one

possible mitigation response to future climate change and natural hazard risks and that the preferred mitigation option will not be known until further assessment and modelling have been completed. As a result, the Applicant considered that it is not currently possible to undertake detailed modelling of diverted flows or prepare a reliable assessment of effects for any specific design solution.

The Section 95A Notification Report concluded that such modelling was necessary to enable a fully informed assessment of the potential effects of the proposed alteration to the defence against water and associated diversion of surface water on the receiving environment.

While no additional information has been provided since notification, I acknowledge that the Applicant's position is that the final form of any mitigation works has not yet been determined and that an assessment of effects will be undertaken once a preferred mitigation option has been identified. Notwithstanding this, the absence of the requested modelling means that a detailed assessment of the potential effects of any future alteration to the defence against water and associated diversion of surface water cannot presently be undertaken.

Recommended Consent Conditions

In response to this uncertainty, the Applicant proposed a range of consent conditions. These conditions were considered appropriate, and have been generally adopted in the suite of recommended conditions attached as Appendix A.

The key conditions addressing potential adverse effects arising from the alteration of the existing defence against water and diversion of water under RM24.098.05 include:

- Submission of detailed design for certification by the Consent Authority prior to works commencing, including construction methodology and timeframes;
- Requirement that the design be prepared by a suitably qualified professional and informed by modelling of diverted surface water flows;
- Submission of a Construction Management Plan outlining how works will be undertaken;
- Ongoing inspections to confirm the structural integrity of the defence against water;
- Implementation of investigations and corrective actions where issues are identified;
- Requirements to ensure the structure is kept in a condition that ensures its structural integrity and flood protection function and does not pose an undue risk to human life, property, or the natural environment.

Conclusions

Subject to the recommended consent conditions being adopted, I am satisfied that the adverse effects associated with the proposed alteration of the defence against water and diversion of surface water can be appropriately managed.

In reaching this conclusion, I acknowledge the Applicant's position that no detailed design has been developed and that raising the perimeter access road represents only one potential mitigation response to future climate change and natural hazard risks. The Applicant has advised that the preferred mitigation option will be identified following further assessment and modelling and that any detailed design and effects assessment will be completed before any mitigation works are implemented.

While detailed flow modelling has not yet been provided, the recommended conditions require any future design to be informed by modelling undertaken by a suitably qualified professional and certified by the Consent Authority prior to works commencing. The conditions also require submission of detailed design information, implementation of a Construction Management Plan, ongoing inspection of the defence against water, and implementation of remedial measures where issues are identified.

Given the Applicant has not yet identified a preferred mitigation option or detailed design, I consider the proposed conditions provide an appropriate framework to ensure that the effects of any future alteration to the defence against water and associated diversion of surface water are assessed and appropriately managed before works are undertaken.

6.1.2.10 Effects on mana whenua

The assessment of effects on mana whenua set out in the s95A Notification Report concluded that the Kaikorai Estuary, wetland, and associated waterways hold significant cultural value to mana whenua. While the Applicant had proposed a number of responses to the issues and recommendations identified in the CIA, no written approval had been obtained from Aukaha to indicate that these responses were agreed to or that the concerns raised had been adequately addressed. It was also considered that the recommendations within the CIA had only been partially addressed at that time.

In addition, the technical information available indicated that effects on water quality and ecology had not been fully characterised. Given the close relationship between cultural values and the health of the receiving environment, it was recognised that mana whenua had not had the opportunity to consider whether the unresolved water quality and ecological matters would alter their assessment of effects on cultural values. Accordingly, the s95A Notification Report largely deferred to the position of mana whenua in relation to cultural effects.

No information has been provided by the Applicant since the application was notified, nor was any information requested relating to effects on cultural values.

Relevant Submissions

Aukaha on behalf of mana whenua submitted on the application and requested that conditions have been adopted to an extent.

As discussed in the s95A Notification Report, the Applicant had reviewed the CIA prior to notification of the application and had undertaken consultation with Aukaha on behalf Te Rūnanga o Ōtākou (Te Rūnanga) including discussions with Te Rūnanga representatives during a site visit and hui. The Applicant had provided Council with follow up actions to the recommendations in the CIA and based on these discussions. These recommendations are not repeated here, but generally include enhanced receiving environment monitoring, adaptive management, five-yearly leachate management and climate change reviews, establish a Memorandum of Understanding with Te Rūnanga o Ōtākou, and participate in collaborative actions aimed at improving the health of the Kaikarae Wetland, Estuary and tributaries.

The Applicant has advised that these actions were developed following discussions with Aukaha and Te Rūnanga o Ōtākou. While no formal written confirmation has been provided to Council confirming agreement to the proposed actions, I understand that the document titled *'Waste Management NZ Limited – Fairfield Closed Landfill – Renewal of Regional Resource Consents (RM24.098) - Cultural Impact Assessment Recommendations – Proposed Approach / Response (FINAL – 31 January 2025)'* was developed jointly with both Te Rūnanga o Ōtākou and the Applicant agreeing to its content. On this basis, I consider that the majority of the recommendations contained within the CIA have been addressed through the proposed consent conditions, including enhanced receiving environment monitoring, adaptive management, five-yearly reviews of the leachate management system, climate change review requirements, and ongoing engagement with Te Rūnanga o Ōtākou.

However, some recommendations are not directly reflected in the proposed consent conditions and are intended to be addressed through the proposed Memorandum of Understanding and ongoing engagement processes. These include:

- Riparian enhancement, contaminant mitigation and pest management measures intended to offset effects on mauri and whakapapa;
- Restoration of the biodiversity values of the Kaikarai Estuary, Wetland and tributaries;
- Development and implementation of a Restoration Plan in partnership with mana whenua;
- Collaborative restoration initiatives involving Dunedin City Council and other parties; and
- Measures relating to the enhancement and restoration of wāhi tūpuna values, including cultural interpretation, traditional place names, and future co-design opportunities associated with restoration of the landscape.

Recommended Consent Conditions

The consent conditions proposed by the Applicant incorporate, to a significant extent, the recommendations of the CIA. I consider the recommended conditions are appropriate to manage adverse effects on cultural values and appropriately reflect the recommendations that are directly relevant to the activities for which consent is sought.

I also consider that the CIA recommendations not incorporated into the recommended conditions generally relate to broader restoration, enhancement or collaborative initiatives that fall outside the scope of the activities requiring consent.

Conclusions

Subject to the recommended consent conditions being adopted, I am satisfied that adverse effects on mana whenua values and cultural values can be appropriately managed and will be acceptable.

6.1.2.11 Effects on human health and amenity

The s95A Notification Report concluded that adverse effects on human health and amenity would be less than minor. No submissions were received specifically in relation to these matters, and no specific consent conditions are recommended to address effects on human health and amenity. However, the recommended conditions relating to the management and monitoring of landfill gas, leachate, groundwater, surface water and stormwater will assist in managing any associated effects. I am satisfied that adverse effects on human health and amenity can be appropriately managed and will be acceptable.

Summary – Actual and Potential Effects

Given the residual uncertainties regarding the contribution of the landfill to observed environmental effects, and the existing nature of the landfill, I consider an adaptive management approach to be appropriate. Having regard to the assessments above, I am satisfied that the actual and potential effects of the proposal can be appropriately managed, subject to the recommended conditions of consent. The recommended conditions provide for ongoing monitoring, maintenance, investigation, review, and the implementation of remedial measures or management actions where required. On this basis, I consider that the environmental effects associated with the ongoing aftercare of the Fairfield Closed Landfill are acceptable.

6.2 S104(1)(ab)

Section 104(1)(ab) requires the Council to have regard to any measure proposed to or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

The Applicant has not proposed or agreed to any offsetting or compensation measures, and I do not consider such measures to be required. While the overall level of effects was not able to be determined in the s95A Notification Report due to uncertainties, I consider that adverse effects can be appropriately managed through the recommended conditions of consent, in particular the monitoring regime and adaptive management framework discussed throughout this report. Further, I do not consider that the information before Council demonstrates that residual adverse effects will be more than minor following the implementation of the proposed conditions, particularly given that leachate generation and associated effects are anticipated to reduce over the duration of the consents.

Accordingly, I do not consider that offsetting or compensation measures are required in this instance.

6.3 S104(1)(b) Relevant Planning Documents

The relevant planning documents in respect of this application are:

- The National Policy Statement for Natural Hazards 2025
- The New Zealand Coastal Policy Statement 2010
- The National Environmental Standards for Air Quality Regulations 2004
- The National Environmental Standard for Sources of Human Drinking Water
- Resource Management (National Environmental Standards for Freshwater) Regulation 2020
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and Amendment Regulations 2020
- The National Policy Statement for Freshwater Management 2020
- The Operative Regional Policy Statement 2021
- The Regional Plan: Water for Otago
- The Regional Plan: Air for Otago
- The Regional Plan: Waste for Otago

6.3.1 National Policy Statement for Natural Hazards 2025 (NPS-NH)

The NPS-NH came into effect on 15 January 2026 and is relevant to the assessment of natural hazard risks associated with sought land use consents. It manages natural hazard risks (flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami) associated with the subdivision, use and development of land. The NPS-NH does not apply to activities related to infrastructure or primary production. While the site contains infrastructure associated with the management of the closed landfill, including pumps, pipework, landfill gas infrastructure and leachate collection infrastructure, the activities for which consent is sought are not infrastructure activities.

The NPS-NH 2025 has one objective:

"Natural hazard risk to people and property associated with subdivision, use and development is managed using a risk-based proportionate approach."

The NPS-NH 2025 has 6 policies, which are set out below:

- *Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.*
- *Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.*
- *Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.*
- *Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.*
- *Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.*
- *Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.*

I note that the NPS-NH came into effect after the application was lodged and, as a result, the Applicant has not provided a specific assessment against the NPS-NH, including an assessment of risk using the NPS-NH risk matrix. However, I do not consider this to be determinative in the circumstances. The application recognises the potential effects of sea level rise, inundation and slope instability on the closed landfill and includes measures directed at managing those risks. In particular, the recommended conditions require climate change assessments, slope stability assessments, ongoing monitoring of landfill infrastructure, certification of the proposed defence against water, and implementation of mitigation measures where risks are identified.

On this basis, I consider the application is consistent with the relevant objective and policy direction of the NPS-NH. In particular, the application adopts a proportionate approach to the management of natural hazard risk, recognises the potential impacts of climate change over the long term, and includes mechanisms to assess and manage natural hazard risks using the best information available.

6.3.2 The New Zealand Coastal Policy Statement 2010 (NZCPS)

The NZCPS came into force in December 2010 and replaced the earlier 1994 coastal policy statement.

It was also amended in 2025.

In this instance the Kaikorai Lagoon Swamp adjoins the Estuary which is located within the Coastal Marine Area. In accordance with Policy 1 of the NZCPS, this is considered to be a part of the coastal environment.

The following objectives and policies are most relevant to this application:

- *Objective 1,* which seeks to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems by maintaining or enhancing its biological and physical processes, including water quality.
- *Policy 3*, which requires a precautionary approach to be adopted where the effects of activities on the coastal environment are uncertain, unknown or little understood, but potentially significantly adverse.
- *Policy 4*, which seeks the integrated management of natural and physical resources in the coastal environment, including recognition of interconnections between land use, water quality, ecosystems, coastal hazards and the coastal environment.
- *Objective 3 and Policy 2,* which directs to take into account the principles of the Treaty of Waitangi and ensure that Māori values are provided for and that tangata whenua are involved in the management of the coastal environment.
- *Objective 5*, which seeks to ensure coastal hazard risks, including those arising from climate change, are appropriately managed;
- *Objective 6 and Policy 6*, which recognise that the protection of coastal values does not preclude appropriate use and development.
- *Policy 11,* which seeks to protect indigenous biodiversity of the coastal environment.
- *Policy 21,* which directs that Where water quality has deteriorated, prevent further degradation of water quality and restoring it to a state that can support ecosystems, natural habitats and activities taking place in the coastal environment.
- *Policy 23,* which seeks to manage the discharge of contaminants to water in the coastal environment such that the sensitivity of the receiving environment, its capacity to assimilate the contaminants and the nature of the contaminants being discharged is considered to ensure that the smallest mixing zone is necessary to achieve required water quality.

The Kaikorai Lagoon Swamp and Kaikorai Estuary form part of the coastal environment and are therefore relevant to the assessment of this application.

In relation to Objectives 1 and 6 and Policies 11, 21 and 23, I acknowledge that contaminants derived from the closed landfill continue to enter the receiving environment, including the wetland-estuary complex. However, the proposal provides for the ongoing aftercare and management of the closed landfill through maintenance of the leachate collection system, monitoring of groundwater, surface water and ecological values, implementation of trigger levels, investigation of identified issues, and implementation of remedial measures or management actions where required. The recommended conditions therefore provide a framework to monitor and manage the potential effects of the landfill on coastal water quality and ecological values.

In relation to Policies 3 and 4, I acknowledge that some aspects of the effects on the receiving environment have not been fully characterised and that the groundwater, surface water, ecological and cultural values of the receiving environment are closely interconnected. The proposal adopts a precautionary and integrated management approach through ongoing monitoring, periodic reviews, adaptive management measures, and investigation and response requirements where trigger levels are exceeded.

In relation to Objective 3 and Policy 2, I note that the Kaikorai Estuary, wetland and associated waterways are of significant cultural value to mana whenua. The Applicant commissioned a Cultural Impact Assessment and the recommended conditions incorporate, to a significant extent, recommendations arising from that process, together with provisions for ongoing engagement with Te Rūnanga o Ōtākou.

In relation to Objective 5, the application recognises the potential effects of sea level rise, inundation and erosion on the closed landfill and associated infrastructure. The recommended conditions require ongoing assessment of climate change risks, review of landfill stability and implementation of mitigation measures where required. These measures will assist in managing coastal hazard risks and reducing the potential for adverse effects on the coastal environment associated with the landfill.

Overall, I consider the proposal is generally consistent with the relevant objectives and policies of the NZCPS.

6.3.3 Resource Management (National Environmental Standards for Air Quality) Regulations 2004

In October 2004 the New Zealand Government introduced a set of National Environmental Standards for Ambient Air Quality (NES-AQ). This NES was subsequently amended in 2005 and 2011. These standards replace the previous Ambient Air Quality Guidelines (NZAAQG) for PM_{10}, SO_2, NO_2, O_2 and CO. In effect, the new standards convert the ambient air quality guidelines into standards and stipulate a maximum number of allowable exceedances of the concentration limits.

The application includes the discharge of contaminants to air, including landfill gas, odour and products of landfill gas combustion, within Airshed 2, which is deemed to be polluted.

Regulation 17 of the NES-AQ restricts the granting of discharge permits where a discharge is likely to cause or contribute to a breach of the ambient PM_{10} standard within a polluted airshed. Dispersion modelling undertaken by the Applicant and reviewed by Mr Iseli of SES Consulting on behalf of Council indicated that Regulation 17 does not restrict the granting of consent.

I have also considered Regulations 20 and 21 relating to discharges of carbon monoxide, oxides of nitrogen, volatile organic compounds and sulphur dioxide. Mr Iseli on behalf of Council considered that dispersion modelling of nitrogen oxides, sulphur dioxide and carbon monoxide was not required due to the very low level of discharge and expected negligible off-site effects. Based on the information before me, I am satisfied that Regulation 20 and 21 do not restrict the granting of consent.

This application is consistent with the relevant regulations of the NES-AQ.

6.3.4 National Environmental Standard for Sources of Human Drinking Water

Regulations 7 and 8 of the National Environmental Standard for Sources of Human Drinking Water (NES) need to be considered when assessing water permits that have the potential to affect registered drinking water supplies that provide 501 or more people with drinking water for 60 or more calendar days each year.

There are no registered drinking water supplies within 500 metres of the landfill activities, and no registered drinking water supplies have been identified that are likely to be affected by the activities authorised by the proposed consents. Accordingly, I consider the application to be consistent with the National Environmental Standard for Sources of Human Drinking Water.

6.3.5 Resource Management (National Environmental Standards for Freshwater) Regulation 2020 (NESFW)

The NESFW 2020 regulations came into force on 3 September 2020. They impose standards on a range of activities relating to freshwater. They also set out a framework for consenting certain activities if the standards are not met.

This application requires resource consent under the NES-FW under Regulation 45B part 4 and 5. Part 6 of the Regulation states that must not be granted unless the consent authority has first—

(a)satisfied itself that 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.

The Applicant has provided an assessment against part 6 of this regulation in the application documents. I have adopted this assessment where I consider applicable and have made further comments below.

Part (a)
While the Fairfield Landfill is no longer operational, the Applicant has stated it is recognised that the landfill provided significant regional benefits during its period of operation, as it enabled the safe and efficient disposal of waste generated in Dunedin and surrounding communities. The ongoing management of this closed landfill remains directly connected to those regionally significant functions and ensures that legacy effects are appropriately managed. Accordingly, I consider the application is considered consistent with Part (a).

Part (b)
The Applicant has provided an assessment of alternatives, including alternative locations for the waste to be moved to. The assessment outlines that while it may be feasible on a theoretical basis, to remove the waste material contained in the site's closed landfills and relocate this material elsewhere, the Applicant considers that this alternative is fanciful. I concur with this assessment and note that the if the waste was removed from the site, it would require a significant cost and would require substantial disturbance and will result in the creation of new adverse effects at any receiving site. I consider that the application is consistent with this clause.

Part (c)
The effects management hierarchy is set out in Clause 3.21 of the NPS-FM 2020. The clause states:

In relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

a) adverse effects are avoided where practicable; then
b) where adverse effects cannot be avoided, they are minimised where practicable; then
c) where adverse effects cannot be minimised, they are remedied where practicable; then
d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; then
e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; then
f) if aquatic compensation is not appropriate, the activity itself is avoided.

The Applicant has stated that the continued effects of the activities are not able to be avoided but are being effectively managed so that adverse effects on the receiving environment are minimised, in accordance with the second step of the effects management hierarchy. Additionally, the Applicant notes that over the term of the resource consents, decomposition of the waste in the landfill will slow and will ultimately cease, meaning that in that point in time, adverse effects from the landfill will be avoided.

I have considered this assessment provided by the Applicant and agree that adverse effects cannot be avoided given the landfill already exists. I agree that some adverse effects will be minimised through measures such as leachate collection management, maintenance of the landfill cap, and stormwater management, however I do not consider that all adverse effects can be minimised.

Where adverse effects cannot be avoided or minimised, the recommended conditions provide for remedial measures. In particular, the conditions require ongoing monitoring of groundwater quality, surface water quality, ecological values and landfill gas, together with investigations where issues are identified, implementation of remedial measures or management actions, climate change assessments, slope stability assessments, engineering reviews and corrective actions where required. I therefore consider that adverse effects are remedied to the extent practicable through the proposed monitoring and management framework.

Having regard to my assessment under section 104(1)(a), I do not consider that the information before Council demonstrates that residual adverse effects will be more than minor following the implementation of the recommended conditions. Accordingly, I do not consider that offsetting or compensation measures are required. On this basis, I consider the application to be consistent with Part (c).

Based on the above assessments, I am satisfied that Part 6 of Regulation 45B is met, and the granting of the consents sought is not restricted by this regulation. The application is therefore considered to be consistent with the NES-FW.

6.3.5 National Policy Statement Freshwater Management 2020 (NPS-FM)

The National Policy Statement for Freshwater Management 2020 (NPS-FM) provides direction to local authorities and resource users regarding activities that affect the health of freshwater and sets out objectives and policies for freshwater management under the RMA.

The NPS-FM came into force on 3 September 2020, replacing the previous 2014 NPS-FM. Although it retains some of the same principles as the NPS-FM 2014, including a strengthened focus on Te Mana o te Wai, the NPS-FM 2020, amongst other things:

- Sets out a framework of objectives and policies to manage activities affecting freshwater in a way that prioritises first, the health and well-being of water bodies and freshwater ecosystems, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- Requires regional councils to develop long-term visions for freshwater in their region and include those long-term visions as objectives in their regional policy statement.
- Requires every local authority to actively involve tangata whenua in freshwater management.
- Sets out a more expansive National Objectives Framework, and Freshwater Management Unit, environmental flows and levels setting, and take limit setting processes. This includes 13 new attribute states for ecosystem health, including national bottom lines and national targets.
- Specific requirements to protect streams and wetlands and to provide for fish passage – including new policies which must be included in all regional plans.

Part 2 of the NPS-FM sets out the national objective for future freshwater management and 15 separate policies that support this objective.

Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- *(a) first, the health and well-being of water bodies and freshwater ecosystems*
- *(b) second, the health needs of people (such as drinking water)*
- *(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

Note: Section 104 of the RMA has been amended to include section 104(2F) which provides that when considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020). Subsection (2F) applies despite subsection (1)(b)(iii) and any other provision of the RMA.

As a result, clause 1.3(5) and clause 2.1 (the objective) of the NPSFM 2020 has not been assessed.

The relevant policies of the NPS-FM 2020 are considered and assessed against below:

- *Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

  "Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community."

Monitoring indicates that leachate from the closed landfill is entering groundwater and the Kaikorai Stream and wetland–estuary complex. Leachate contains contaminants that have the potential to adversely affect the health, mauri, and integrity of freshwater ecosystems, and is therefore directly relevant to Te Mana o te Wai.

Measures have been implemented to reduce leachate generation and capture contaminants, including landfill capping, stormwater management, and leachate collection. Over time, leachate generation is expected to decline as decomposition processes reduce within the closed landfill.

Recommended consent conditions require ongoing monitoring and maintenance of the leachate collection system, with adaptive management to address identified problems with the system which may affect water quality.

Overall, the application recognises the importance of maintaining the health and integrity of freshwater systems and is considered to be generally consistent with Policy 1 of the NPS-FM 2020.

- *Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*

Aukaha, acting on behalf of mana whenua, has been involved throughout the processing of this application. Engagement occurred early, with the Applicant commissioning a CIA to identify cultural

values and potential effects on the receiving environment from a mana whenua perspective. The Applicant also met directly with local rūnanga to discuss the proposal and to provide opportunities for input into the proposed management responses to address effects on cultural values. Further involvement occurred during the notification stage, where Aukaha, on behalf of mana whenua, was provided with an additional opportunity to review and comment on the application.

This engagement demonstrates that tangata whenua were meaningfully involved and that their values, particularly relating to freshwater health, cultural identity, and the mauri of the Kaikorai catchment, have been identified and appropriately considered. The information provided through the CIA and further consultation informed the assessment and contributed to the recommended conditions of consent. On this basis, I consider the application is considered consistent with Policy 2.

- *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 landfill sits within the Kaikorai catchment, where groundwater, the Kaikorai Stream, and the Kaikorai wetland–estuary are hydrologically connected. Monitoring has shown that leachate from the landfill is entering groundwater and eventually reaches downstream environments. This demonstrates that the effects of the closed landfill extend beyond the site itself and need to be considered across the whole catchment.

The Applicant's proposed management approach reflects this interconnected system. Measures to reduce leachate entering the groundwater system, and monitoring receiving environments will ensure that potential impacts are managed from the source through to the Kaikorai Stream, and the Kaikorai wetland–estuary. For these reasons, I consider the application is considered consistent with Policy 3.

- *Policy 5: Freshwater is managed through a National Objectives Framework to improve degraded water bodies and maintain or improve all other water bodies and freshwater ecosystems.*

Within the Kaikorai catchment, both groundwater and surface water monitoring show that the receiving environment is already degraded, with elevated TAN, zinc, boron, and locally low dissolved oxygen and pH. These conditions are likely to be influenced by multiple historic sources, including the Fairfield Landfill, the Green Island Landfill, past mining activity, and wider catchment inputs. The monitoring record indicates that while degraded, the system is relatively stable over time, with some improving trends in certain parameters.

A small proportion of leachate continues to migrate beyond the interception system and enters groundwater and, ultimately, the Kaikorai Stream and wetland estuary complex. The Applicant has proposed a management approach which includes maintaining and, where applicable, enhancing the leachate collection system and implementing a comprehensive monitoring and adaptive management framework. Over time, as decomposition slows and the landfill stabilises, leachate generation is expected to further decline, supporting improvement of degraded water bodies. On this basis, I consider the application is considered generally consistent with Policy 5.

- *Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*

In the case of the Fairfield Landfill, the receiving environment includes the Kaikorai Lagoon Swamp which is a natural inland wetland and is influenced by groundwater discharges originating from the

landfill. Monitoring data confirms that a portion of leachate is entering groundwater and migrating into the wetland environment, however, the activity does not involve any physical works within the wetland, nor does it result in the loss of wetland extent, nor the drainage or removal of wetland habitat.

The Applicant has proposed measures that help reduce the potential for further adverse effects on wetland values, including reducing leachate input to groundwater, improving the reliability of the leachate collection system, and implementing monitoring and adaptive management. These actions support avoiding further decline in wetland health and provide mechanisms to respond if monitoring indicates increasing impacts. Over time, the expected reduction in leachate generation as decomposition slows will reduce the contaminant load entering the wetland and is likely to contribute to gradual improvement of conditions. This aligns with the protective intent of Policy 6 and therefore I consider the application is generally considered consistent with Policy 6.

- *Policy 9: The habitats of indigenous freshwater species are protected.*

In this case, monitoring data has shown that a portion of leachate from the closed Fairfield Landfill is entering groundwater and discharging into the Kaikorai Stream and Kaikorai wetland–estuary complex, an environment that supports indigenous freshwater species. Recognising this, the Applicant has implemented measures to reduce the amount of leachate generated and to capture the majority of leachate before it reaches groundwater. These measures help limit contaminant loading into the stream and its associated habitats.

Ongoing conditions of consent will require the Applicant to continue monitoring groundwater and surface water quality, and ecology monitoring which will assist in assessing the performance of the leachate collection system and corrective actions if required. Over time, as leachate production decreases, the potential for adverse effects on indigenous freshwater species is expected to reduce. Based on the mitigation measures, monitoring requirements, and adaptive management framework, the application is considered generally 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 proposed take consists mainly of leachate, with a smaller portion of groundwater, and because the groundwater is hydraulically connected to the Kaikorai Stream and wetland–estuary complex, the take will be allocated as surface water take. The surface water has available allocation, meaning the water take does not contribute to over-allocation. The take is also efficient, as it only takes water for the purpose of removing collected leachate. On this basis, the application is consistent with Policy 11.

- *Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.*

The application includes measures that support the direction of Policy 12 through maintaining and improving the leachate collection system, reducing leachate input, ongoing monitoring of groundwater and surface water quality, and implementing remedial measures or management actions where issues are identified. As leachate generation declines, the contaminant load entering the receiving

environment is expected to reduce over time. I consider the proposal supports the long-term improvement of water quality and is therefore generally consistent with Policy 12.

- *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 Applicant operates a long-standing groundwater, leachate, and surface water monitoring regime with datasets extending back more than two decades. These data show that the receiving environment is degraded but generally stable, with some gradual improvements in certain parameters. Technical reviews by independent experts confirm that the monitoring programme is sufficient to detect trends and identify contaminant movement.

The proposed consent conditions include an upgraded monitoring system, continuous data capture, trigger levels, and adaptive response actions when triggers are exceeded. This ensures that deterioration in groundwater or surface water will be detected early and responded to in specified timeframes. These measures directly align with the intent of Policy 13.

- *Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.*

Under the recommended consent conditions, groundwater, leachate, and surface water monitoring results must be compiled, reviewed, and reported to the Council on a scheduled basis. These reports provide information on trends, exceedances, and environmental risks. Council will continue to receive routine monitoring results, ensuring compliance with these conditions. The proposal is considered to be consistent with Policy 14.

- *Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.*

The ongoing management of the Fairfield Closed Landfill supports the well-being of the community by reducing risks to human health, preventing further contamination of freshwater, and ensuring that historic waste is responsibly managed. The proposal is considered to be generally consistent with Policy 15.

Conclusion

The proposal provides for the ongoing management of an existing source of contaminants through a robust monitoring and adaptive management framework. It provides for ongoing monitoring of freshwater and ecological values, protection of indigenous species habitat and wetland values, and supports improvements in water quality over time through the expected reduction in landfill-derived contaminant loadings. Taking these matters into account, I consider the proposal is generally consistent with the intent and direction of the relevant policies of the NPS-FM 2020.

6.3.6 Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and Amendment Regulations 2020

These Regulations apply to holders of water permits that enable freshwater to be consumptively taken at a rate of 5 litres/second or more. Permit holders are required to, in a manner specified by the Regulations, measure their water use at a specific location, verify their water measuring device, keep records, and provide records to Council. The 2020 amendments to the Regulations introduced telemetry measuring and reporting requirements, which are to be implemented in a staged fashion starting with larger water takes.

The minimum requirements in the Regulations apply directly to the holders of qualifying water permits and override any less stringent consent conditions. While these Regulations do not require Council to impose specific conditions on a qualifying water permit, Council is required to enforce the Regulations. To ensure that the Consent Holder is clear about their water metering and reporting obligations, consent conditions that reflect the minimum requirements are applied to resource consents and have been recommended for this water permit.

The proposal is consistent with these regulations.

6.3.7 Operative Regional Policy Statement 2021

As of 9 July 2026, the Regional Policy Statement 2021 became operative. Table 3 identifies all the relevant objectives and policies of the decisions versions of the 2021 RPS.

Table 3: *Assessment of the relevant objectives and policies in the Operative RPS*

Proposed RPS 2021	Assessment
IM-O1 – Long term vision *The management of natural and physical resources, by and for the people of Otago, in partnership with Kāi Tahu, achieves a healthy and resilient natural environment, including the ecosystem services it provides and supports the well-being of present and future generations.*	The replacement consents sought provide for the ongoing management of a closed landfill in a manner that protects the natural environment over the long term. Through continued monitoring, maintenance, and adaptive management, the activity will manage and reduce further effects and thereby contributing to the well-being of present and future generations. The application is consistent with this Objective.
IM-O3 –Sustainable impact *Otago's communities provide for their social, economic, and cultural well-being by using, developing or protecting natural and physical resources in ways that support or restore the life-supporting capacities of air, water, soil, and ecosystems for future generations.*	The proposal enables the continued management of historic waste, supporting the social and environmental well-being of the community by reducing risks to human health and the environment. Adverse effects are expected to reduce over time and are managed through conditions that support the life-supporting capacity of

Proposed RPS 2021	Assessment
	water and ecosystems over time. The application is consistent with this Objective.
IM-P3 – Providing for mana whenua cultural values in achieving integrated management *Recognise and provide for the relationship of Kāi Tahu with natural resources by:* *1) enabling mana whenua to exercise rakatirataka and kaitiakitaka,* *2) facilitating active participation of mana whenua in resource management processes and decision making,* *3) incorporating mātauraka Māori in processes and decision-making, and* *4) ensuring resource management provides for the connections of Kāi Tahu to wāhi tūpuna, wai māori (including awa [rivers] and roto [lakes] and wai tai (including te takutai moana [coastal marine area]) and mahika kai and habitats of taoka species*	The application recognises the interconnected nature of groundwater, surface water, and the coastal environment within the Kaikorai catchment. The proposed monitoring framework, including monitoring from the source to receiving environment, reflects a ki uta ki tai approach. The application is consistent with this Policy.
IM-O2 – Ki uta ki tai *The management of natural and physical resources embraces ki uta ki tai, recognising that the environment is an interconnected system which depends on its connections to flourish and must be managed as an interdependent whole.* ***IM-P5 – Managing environmental interconnections*** *Manage the use and development of interconnected natural and physical resources by recognising:* *(1) situations where the value and function of a natural or physical resource extends beyond the immediate, or directly adjacent, area of interest* *(2) situations where effects of an activity extend to a different part of the environment, and*	The application recognises that effects from the landfill extend beyond the site via groundwater pathways to the Kaikorai Stream and wetland–estuary complex. The recommended conditions of consent require monitoring and adaptive responses which will ensure that these interconnections are appropriately managed. The application is consistent with these Policies and Objectives.

Proposed RPS 2021	Assessment
(3) the impacts of management of one natural or physical resource on the values of another, or on the environment. ***LF-WAI-P3 – Integrated management/ki uta ki tai*** *Manage the use of fresh water and land, using an integrated approach that is consistent with tikaka and kawa, that:* *(1) sustains and, to the greatest extent practicable, restores or improves:* *(a) the natural connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),* *(b) the natural connections and interactions between land and water, from the mountains to the sea,* *(c) the habitats of mahika kai and indigenous species, including taoka species associated with the water bodies,* *(4) manages the effects of the use and development of land to maintain or enhance the health and well-being of freshwater, coastal water and associated ecosystems,* *(5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,* *(6) has regard to foreseeable climate change risks, and the potential effects of climate change on water bodies, including on their natural functioning,* *(7) has regard to cumulative effects, and* *(8) applies a precautionary approach where there is limited available information or uncertainty about potential adverse effects, in accordance with IM-P6.*	

Proposed RPS 2021	Assessment
MW-O1 – Principles of Te Tiriti o Waitangi *The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and papatipu rūnaka to ensure that what is valued by mana whenua is actively protected in the region.* ***MW-P2 – Treaty principles*** *Local authorities exercise their functions and powers in accordance with the principles of Te Tiriti o Waitangi, by:* *(1) recognising the status of Kāi Tahu as mana whenua and facilitating Kāi Tahu involvement in decision-making as a partner under Te Tiriti o Waitangi,* *(2) including Kāi Tahu in resource management processes, implementation and decision-making to the extent desired by mana whenua,* *(3) recognising and providing for Kāi Tahu values and addressing resource management issues of significance to Kāi Tahu, as identified by mana whenua, in resource management decision-making processes and plan implementation,* *(4) recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, and waters, encompassing wai māori and wai tai, significant sites, wāhi tūpuna, wāhi tapu and wāhi taoka, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them….*	The principles of Te Tiriti o Waitangi have been recognised through engagement with Aukaha and consideration of mana whenua values. The CIA has informed conditions of consent, ensuring cultural values are identified and provided for. The application is consistent with these Policies and Objectives.
MW-P3 – Supporting Kāi Tahu hauora *The natural environment is managed to support Kāi Tahu hauora by:* *(1) recognising that Kāi Tahu hold an ancestral and enduring relationship with all whenua, wai māori and coastal waters within their takiwā,* *(2) protecting customary uses, Kāi Tahu values and relationships as identified by Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities,*	The proposal includes measures to reduce contaminant discharges and protect freshwater health, which supports Kāi Tahu values and relationships with water. While some effects will remain, these are managed and expected to reduce over time. The application is generally consistent with this Policy.

Proposed RPS 2021	Assessment
(3) safeguarding the mauri and life-supporting capacity of natural resources, recognising the whakapapa connections of Kāi Tahu with these resources as taoka, and the connections to practices such as mahika kai, and *(4) working with Kāi Tahu to incorporate mātauraka into resource management processes and decision-making.*	
HCV-WT-P2A – Management of wāhi tūpuna *Wāhi tūpuna are protected by:* *(3) managing identified wāhi tūpuna in accordance with tikaka Māori, and* *(5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tūpuna.* ***HCT-WT-P1 – Recognise and identify wāhi tūpuna*** *Sustain the enduring Kāi Tahu relationship with wāhi tūpuna, including by:* *(1) enabling Kāi Tahu to identify as wāhi tūpuna any sites and areas of significance to mana whenua, along with the cultural values that contribute to each wāhi tūpuna being significant,* *(2) recognising the rakatirataka of mana whenua over wāhi tūpuna and providing for their ability to exercise their role as kaitiaki within these areas,* *(3) recognising and providing for connections and associations between different wāhi tūpuna, and* *(4) recognising and using traditional place names.* ***HCV-WT-P2 – Management of effects on wāhi tūpuna*** *Wāhi tūpuna are protected by:* *(1) avoiding significant adverse effects on the cultural values of identified wāhi tūpuna,* *(1A) avoiding, as the first priority, other adverse effects on the cultural values of identified wāhi tūpuna,* *(2) where other adverse effects demonstrably cannot be completely avoided, then either remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna*	While the site is not identified as a specific wāhi tūpuna, the receiving environment has cultural significance. Effects on these values have been considered, and conditions are included to manage and minimise adverse effects. The application is consistent with these policies.

Proposed RPS 2021	Assessment
AIR-O2 – Discharges to air *The localised adverse effects of discharges to air do not compromise human health, amenity values, mana whenua values and the life-supporting capacity of ecosystems.* ***AIR-P3 – Providing for discharges to air*** *Provide for discharges to air that do not adversely affect human health, amenity values, mana whenua values and the life supporting capacity of ecosystems.* ***AIR–P4 – Managing certain discharges*** *Manage the adverse effects of discharges to air by:* *(1) avoiding noxious or dangerous effects,* *(2) ensuring discharges to air do not cause offensive or objectionable effects,* *(3) avoiding, remedying or mitigating other adverse effects from discharges to air, including but not limited to discharges arising from:* *(a) outdoor burning of organic material,* *(b) agrichemical and fertiliser applications,* *(c) primary production activities,* *(d) activities that produce dust, and* *(e) industrial and trade activities.* *(4) locating new sensitive activities to avoid potential reverse sensitivity effects from existing consented or permitted discharges to air, unless these can be appropriately managed.*	Landfill gas is managed through a maintained collection and flaring system, with monitoring and response requirements in place. These measures ensure that adverse effects on human health, amenity, and ecosystems are avoided or minimised. The air discharges are not expected to cause noxious, offensive or objectionable effects.
LF-WAI-O1 – Te Mana o te Wai *Otago's water bodies and their health and well-being are protected, and restored or improved where they are degraded, so that the mauri of those water bodies is protected, and the management of land and water recognises and reflects that:* *(1) water is the foundation and source of all life – nā te wai ko te hauora o kā mea katoa,* *(2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,* *(3) each water body has a unique whakapapa and characteristics,* *(4) fresh water, land, and coastal water have a connectedness that supports and perpetuates life,*	The proposal recognises the importance of freshwater health and includes measures to minimise adverse effects and support gradual improvement over time. The recommended conditions of consent and adaptive management framework ensures that freshwater values are protected to the extent practicable, and any effects that are occurring are expected to reduce over time as leachate generation reduces. The application is generally consistent with this Policy. *It is noted that Section 104(2F) of the RMA only directs that consent authorities must*

Proposed RPS 2021	Assessment
(5) *protecting the health and well-being of water protects the wider environment,* (6) *Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports, and* (7) *all people and communities have a responsibility to exercise stewardship, care, and respect in the management of fresh water.*	*not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020). However, it does not otherwise direct that consent authorities must not have regard to provisions of other planning documents, such as regional policy statements. For completeness, Policy LF-WAI-P1 (Decision priorities) has been given regard to for the purposes of this proposal, but in any case, consideration of this policy, or not, does not have any substantial impact on the recommendation in respect of the proposal.*
LF-WAI-P1 – Prioritisation *In all decision-making affecting fresh water in Otago, prioritise:* (1) *first, the health and well-being of water bodies and freshwater ecosystems (te hauora o te wai) and the exercise of mana whenua to uphold this,* (2) *second, the health needs of people, (te hauora o te tangata) interacting with water through: (a) ingestion (such as drinking of water and consuming resources harvested from the water body), (b) immersive activities (such as harvesting resources and primary contact), and (c) personal hygiene activities (such as food preparation, utensil washing, oral hygiene, showering and flushing the toilet), and* (3) *third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.*	The proposal prioritises the health and well-being of water bodies through leachate management, monitoring, and adaptive response measures. The activity manages an existing landfill and does not introduce new discharges.
LF-FW-O1A– Visions set for each FMU and rohe *In each FMU and rohe in Otago and within the timeframes specified in the freshwater visions in LF-FWO2 to LF-FW-O6:* (1) *healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption,* (2) *the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised,*	The proposal aligns with the vision for improved freshwater and estuarine health in the Dunedin & Coast FMU by managing existing contaminant sources and supporting gradual environmental improvement over time.

Proposed RPS 2021	Assessment
(3) *fish passage within and between catchments is provided for except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats,* (4) *the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable,* (5) *the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained,* (6) *the health of the water supports the health of people and their connections with water bodies,* (7) *sustainable land and water management practices: (a) support food and fibre production and the continued social, economic, and cultural wellbeing of Otago's people and communities, and (b) improve the resilience of communities to the effects of climate change, and (c) ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure,* (8) *direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and* (9) *freshwater is managed as part of New Zealand's integrated response to climate change and renewable electricity generation activities are provided for.* ***LF-FW-O5– Dunedin & Coast FMU vision*** *By 2040 in the Dunedin & Coast FMU, and in addition to the matters in LF-FW-O1A:* (1) *healthy riparian margins, wetlands, estuaries and lagoons support the health of downstream coastal ecosystems, and* (2) *opportunities to restore the natural form and function of water bodies are promoted wherever practicable.*	
LF-FW-P8 – Fresh water *Environmental outcomes, attribute states (including target attribute states), environmental flows and levels, and limits ensure that:* (1) *the health and well-being of water bodies and freshwater ecosystems is maintained or, if degraded, improved,*	The proposal includes measures to maintain or improve water quality, including leachate collection management, monitoring and adaptive management. While baseline conditions are degraded, the activity is not expected to worsen these conditions and will support gradual improvement. Should any worsening of

Proposed RPS 2021	Assessment
(2) *the habitats of indigenous species with life stages dependent on water bodies are protected and sustained,* (3) *the habitats of trout and salmon are protected insofar as this is consistent with (2),* (4) *fish passage is provided for, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats,* (5) *specified rivers and lakes are suitable for primary contact within the following timeframes:* (a) *by 2030, 90% of rivers and 98% of lakes, and* (b) *by 2040, 95% of rivers and 100% of lakes, and* (6) *resources harvested from water bodies including mahika kai and drinking water are safe for human consumption.*	conditions be observed through specified thresholds, the Applicant will be required to undertake remedial actions. The application is generally consistent with this Policy.
LF-FW-P10A – Managing wetlands Otago's wetlands are managed: (1) *in the coastal environment, in accordance with CE – Coastal Environment, and* (2) *by applying clause 3.22(1) to (3) of the NPSFM to natural inland wetlands, and* (3) *to improve the ecosystem health, hydrological functioning and extent of wetlands that have been degraded or lost by promoting: (a) an increase in the extent and condition of habitat for indigenous species, (b) the restoration of hydrological processes, (c) control of pest species and vegetation clearance, and (d) the exclusion of stock, except where stock grazing is used to enhance wetland values, and* (4) *to sustain and enhance Māori freshwater values.*	The proposal does not result in loss of wetland extent and includes measures to minimise contaminant inputs, such as an effective leachate collection system. Over time, reduced leachate generation is expected to support improvements in wetland health and improve the condition of habitat for indigenous species. The application is generally consistent with this Policy.
LF–FW–P16 – Discharges containing animal effluent, sewage, greywater and industrial and trade waste *Minimise the adverse effects of direct and indirect discharges of wastewater, animal effluent, sewage, greywater and industrial and trade waste to fresh water by:* (1) *phasing out existing discharges of wastewater, sewage or industrial and trade waste directly to freshwater to the extent practicable,* (2) *requiring:*	The discharge is not directly to freshwater, but results in landfill leachate entering groundwater and surface water. As the landfill is an existing closed landfill, the discharge cannot be entirely avoided. However, the proposal includes measures to minimise adverse effects to the extent practicable, including ongoing operation, maintenance and review of the landfill cap and leachate collection system, which act

Proposed RPS 2021	Assessment
a) *new discharges of wastewater, sewage or industrial and trade waste to be to land, unless: (i) the adverse effects associated with a discharge to land are demonstrably greater than a discharge to fresh water, or (ii) the adverse effects associated with a discharge to water are significantly less than, and replace, an existing discharge(s), or (iii) the discharge is to a constructed water body from which there is no discharge of water or contaminants, and,* b) *discharges of animal effluent from land-based primary production to be to land,* c) *that all discharges containing sewage or industrial and trade waste are discharged into a reticulated wastewater system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for fresh water, 149* d) *implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring from reticulated wastewater systems,* e) *on-site wastewater systems and animal effluent systems to be designed and operated in accordance with best practice standards,* f) *that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe,*	as source control measures by reducing leachate generation and maximising leachate capture. The leachate that is collected is discharged to the Dunedin City Council wastewater network for treatment and disposal. The recommended conditions also require ongoing review of the effectiveness of the leachate management system and identification of improvements where appropriate. On this basis, I consider the proposal is consistent with this Policy.

Proposed RPS 2021	Assessment
(3) *to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and* (4) *promoting source control as a method for reducing contaminants in discharges.*	
ECO-O1 – Indigenous biodiversity *Otago's indigenous biodiversity is healthy and thriving and, at a minimum, any overall decline in condition, quantity and diversity is halted.*	The recommended conditions provide for the groundwater, surface water and ecology monitoring, will support the maintenance of indigenous biodiversity value, and it is expected to contribute to improved environmental outcomes over time as leachate generation reduces. The application is generally consistent with this objective.
AZ-NH-O1 – Natural hazards *Activities do not exacerbate natural hazard risks within Otago, and are managed to reduce significant natural hazard risk.*	Proposed consent conditions requiring assessments and modelling to be undertaken, and any identified mitigation measures implemented, to mitigate natural hazard risks form part of the suite of conditions. Any mitigation measures that are implemented, including the potential alteration of the road perimeter, will need to ensure that any natural hazard risks that may exist are not exacerbated. The landfill is existing and closed, and the ongoing aftercare activities are not expected to exacerbate any natural hazard risks. The application is consistent with this objective.
HAZ-CL-O3 – Contaminated land *Contaminated land and waste materials are managed to protect human health and do not harm Kāi Tahu values and the environment in Otago* ***HAZ-CL-P13 – Identifying contaminated land*** *Identify sites of known or potentially contaminated land in Otago.*	The activity directly addresses the management of contaminated land by ensuring that landfill contaminants are contained, monitored, and managed to protect the environment and human health.
IM-P6 – Managing uncertainties *In resource management decision-making, manage uncertainties by using the best information available at the time, including scientific data and mātauraka Māori, and:* *1) taking all practicable steps to reduce uncertainty, and (a) in the absence of complete*	There is recognised uncertainty regarding groundwater and surface water effects. The proposal adopts a precautionary approach through monitoring, trigger levels, and adaptive management, which is consistent with this policy.

Proposed RPS 2021	Assessment
and scientifically robust data, using information obtained from modelling, reliable partial data, and local knowledge, with preference for sources of information that provide the greatest level of certainty, and (b) avoiding unreasonable delays in making decisions because of uncertainty about the quality or quantity of the information available, and *2) adopting a precautionary approach towards activities whose effects are uncertain, unknown, or a little understood, but potentially significantly adverse, which may include the use of adaptive management where appropriate.*	
IM-P8 – Effects of climate change *Recognise and provide for the effects of climate change by:* *(1) identifying the effects of climate change in Otago, including from the perspectives of Kāi Tahu as mana whenua,* *(2) assessing how the effects are likely to change over time, and* *(3) taking into account those changes in resource management processes and decisions.*	Climate change risks, including sea level rise and increased inundation, have been identified and addressed through a range of proposed consent conditions which include climate change effects assessments / modelling (and subsequent implementation of identified mitigation measures) and management responses such as regular inspections and monitoring of the landfill and leachate collection system. The proposal is consistent with this Policy.
IM-P13 – Managing cumulative effects *In resource management decision-making, recognise and manage the impact of cumulative effects on the form, functioning and resilience of Otago's environment (including resilience to climate change) and the opportunities available for future generations.*	The proposal recognises that the receiving environment is influenced by multiple contaminant sources, most notably is the adjacent Green Island Landfill. The monitoring programme allows cumulative effects to be understood and managed over time. The proposal is consistent with this Policy.

Assessment against the Regional Policy Statement

Overall, the proposal is considered to be generally consistent with the RPS. The activity provides for the ongoing management of a closed landfill in a manner that recognises the long-term protection of natural and physical resources, while supporting community well-being. It adopts an integrated ki uta ki tai approach, recognising the connections between land, groundwater and surface water, and includes monitoring and adaptive management measures to identify and respond to adverse effects over time. The proposal aligns with the intent of freshwater policies by avoiding further degradation and supporting gradual improvement in water quality, while managing an existing contaminant source. Mana whenua values and Treaty principles have been recognised through engagement with mana whenua and incorporation recommendations of CIA, and potential effects on cultural values will be

managed. A precautionary approach has been adopted through monitoring, trigger levels, and the requirement to undertake investigation and appropriate remedial actions where adverse changes are detected.

6.3.7 Regional Plan: Water for Otago (RPW)

The relevant objectives and policies of the RPW are provided below in Table 4.

Table 4: *The relevant objectives and policies of the RPW to this application*

Plan Provisions		***Assessment***
Policies relating to the discharge of leachate to land and groundwater, and discharge of water to the Kaikorai Stream		
Objective 7.A.1	*Maintain water quality, and enhance water quality where it is degraded*	This proposal seeks to maintain existing water quality and promote the improvement of water quality of the wetland-estuary complex over time, through proposed monitoring, adaptive management and the reduction of leachate generation and therefore discharge volume over time. The proposal is generally consistent with the intent of this Policy.
Objective 7.A.2	*To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.*	This proposal includes the discharge of leachate contaminants to land and water and also includes the direct discharge of water from two retention ponds to the Kaikorai Stream. These discharges are not expected to result in any further degradation of groundwater quality, the Kaikorai Stream, or the wetland-estuary complex. Rather, water quality is expected to be maintained, with gradual improvement anticipated over time as leachate generation and input into groundwater declines. Monitoring, together with investigation and remedial responses, will assist in ensuring that adverse changes are investigated and addressed where applicable. While the ongoing discharge of leachate is unlikely to actively support natural and human use values, including Kāi Tahu values, at the present time, the proposal provides for the continued management and reduction of leachate entering the receiving environment. As leachate generation declines over time, I consider

		the proposal will better support the maintenance of water quality and the restoration of natural, human use and Kāi Tahu values. Accordingly, I consider the proposal is generally consistent with this objective.
Policy 7.B.2	*Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu values, of fresh water.*	The discharge of leachate is not considered to be objectionable. In any case, full avoidance of the discharge of the leachate is not possible, however measures have been implemented to significantly reduce the volume that is discharged. The application is consistent with this policy.
Policy 7.B.3	*Allow discharges of water or contaminants to Otago lakes, rivers, wetlands and groundwater that have minor effects or that are short term discharges with short term adverse effects.*	The proposal relates to ongoing discharges associated with the aftercare of an existing closed landfill. In particular, the discharge of leachate to land in manner that results in contaminants to enter groundwater, which is not a short-term discharge and will not result in short-term effects. Accordingly, the proposal is not consistent with Policy 7.B.3. However, the recommended conditions provide for ongoing monitoring, maintenance and review of the leachate collection system, ecology and water quality monitoring, and adaptive management responses where adverse effects are identified. These measures, along with further time, will assist in managing and reducing adverse effects over time.
Policy 7.B.4	*Matters to have regard to when considering the discharge of any contaminant to land.*	The relevant matters under this policy, including effects on water quality, have been considered in the s95A Notification Report and supporting technical assessments.
Policy 7.C.2	*Matters to have regard to when considering applications for resource consents to discharge contaminants to water, or onto or into land in circumstances which may result in any contaminant entering water, have regard to:* *(a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;*	The nature of the discharge and the sensitivity of the receiving environment have been considered in the assessment reports. There are no practicable alternative discharge methods, given the existing landfill and established leachate management infrastructure. The proposed approach is a widely accepted method for managing landfill leachate.

	(b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means; and *(c) The current state of technical knowledge and the likelihood that the proposed method of discharge can be successfully applied.*	The application is consistent with this policy.
Policy 7.C.3	*When considering any resource consent to discharge a contaminant to water, to have regard to any relevant standards and guidelines in imposing conditions on the discharge consent.*	Trigger levels have been established for groundwater and surface water monitoring. Where these trigger levels are exceeded, investigation and appropriate remedial actions will be implemented where required, and therefore relevant standards and guidelines are reflected in the consent conditions.
Policy 7.C.4	The duration of any new resource consent for an existing discharge of contaminants will take account of the anticipated adverse effects of the discharge on any natural and human use value supported by an affected water body, and: (a) Will be up to 35 years where the discharge will meet the water quality standard required to support that value for the duration of the resource consent; (b) Will be no more than 15 years where the discharge does not meet the water quality standard required to support that value but will progressively meet that standard within the duration of the resource consent; (c) Will be no more than 5 years where the discharge does not meet the water quality standard required to support that value; and (d) No resource consent, subsequent to one issued under will be issued if the discharge still does not meet the water quality standard required to support that value.	This proposal is for a new resource consent for an existing discharge and, therefore, Policy 7.C.4 is directly applicable. In this case, monitoring indicates that surface water quality indicators within parts of the receiving environment do not currently achieve all relevant water quality objectives, including NPS-FM 2020 attribute states for ammoniacal nitrogen. However, the proposal involves a diffuse discharge of contaminants to land and groundwater rather than a direct point source discharge to a waterbody. Monitoring also indicates that the leachate interception system captures the vast majority of leachate generated by the landfill, with only a relatively small proportion estimated to enter the groundwater system (approximately 0.4-6%). In addition, contaminants entering groundwater are subject to dilution prior to reaching the wetland-estuary complex and the Kaikorai Stream. The characterisation of the landfill's contribution to observed surface water quality exceedances is also difficult, as the receiving environment is influenced by multiple contaminant sources, including

		the Green Island Landfill, and the extent of Fairfield Landfill's contribution has not been quantified. Accordingly, while the landfill is considered to contribute contaminants to the receiving environment, there is no clear evidence demonstrating that the discharge, after dilution within the receiving environment, is responsible for the observed exceedances of the relevant surface water quality standards. The application also demonstrates that contaminant loading is expected to reduce over time as leachate generation declines and the landfill progressively stabilises. This conclusion is supported by long-term monitoring showing a declining trend in leachate generation volumes and reductions in key leachate indicators following closure and capping of the landfill. On this basis, I do not consider there is sufficient evidence to conclude that clause (a) could not be achieved. In reaching this conclusion, I place significant weight on the fact that the discharge arises from the ongoing aftercare of an existing closed landfill, that contaminant generation is expected to continue to decline over time, that the landfill's contribution to observed exceedances is difficult to isolate, and that the proposed conditions include extensive monitoring, adaptive management, and review conditions. Accordingly, I consider the proposal to be generally consistent with Policy 7.C.4.
Objective 9.3.3	To maintain the quality of Otago's groundwater.	The ongoing management and operation of the leachate collection system, and 5 yearly reviews of the effectiveness, along with adaptive management measures is expected to maintain the existing water quality. The application is consistent with this policy.
Objective 10.3.1	*Otago's wetlands and their individual and collective values and uses will be*	The Kaikorai Lagoon Swamp Wetland is a Regionally Significant Wetland which

	maintained or enhanced for present and future generations.	supports a range of ecological and cultural values. The proposal relates to the ongoing aftercare and management of an existing closed landfill and does not involve any further reclamation, modification or reduction in the extent of the wetland. Recommended conditions provide for ongoing groundwater, surface water and ecology monitoring, maintenance and improvement of the leachate management system, and adaptive management responses where adverse effects are identified. These measures are intended to maintain the values and uses of the wetland and support improvements in environmental quality over time as leachate generation reduces. Accordingly, I consider the proposal is generally consistent with Objectives 10.3.1 and 10.3.2.
Objective 10.3.2	*Otago's Regionally Significant Wetlands and their values and uses are recognised and sustained*	
Policy 10.4.2	*Avoid the adverse effects of an activity on a Regionally Significant Wetland or a regionally significant wetland value, but allow remediation or mitigation of an adverse effect only when the activity…*	The ongoing discharge of leachate is likely contributing to adverse effects on the Kaikorai Lagoon Swamp Wetland and its associated values, and the proposal does not fall within the exclusions set out in parts (a) and (b) of this policy. However, as discussed throughout this report, the extent of the landfill's contribution to those effects remains uncertain due to the presence of multiple contaminant sources within the receiving environment. I also note that the proposed conditions provide for ongoing monitoring, maintenance and improvement of the leachate management system, together with adaptive management responses where adverse effects are identified. Accordingly, I consider the proposal is not consistent with Policy 10.4.2, as adverse effects on the Regionally Significant Wetland cannot be fully avoided. However, I place weight on the fact that the proposal relates to the ongoing aftercare of an existing closed landfill, that

		contaminant loading is expected to reduce over time, and that the recommended conditions provide a framework to manage and reduce adverse effects on the wetland and its values over the duration of the consent.
Policies relating to the water take		
Policy 10A.2.2	*Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes and uses of freshwater, where this activity was not previously authorised by a Deemed Permit or by a water permit expiring prior to 31 December 2025, for a duration of no more than six years.*	A consent duration of six years has been applied for the water permit to take water. The application is consistent with this policy.
Policy 6.4.1A	*A groundwater take is allocated as:* *(a) Surface water, subject to a minimum flow, if the take is from any aquifer in Schedule 2C; or* *(b) Surface water, subject to a minimum flow, if the take is within 100 metres of any connected perennial surface water body; or* *(c) Groundwater and part surface water if the take is 100 metres or more from any connected perennial surface water body, and depletes that water body most affected by at least 5 litres per second as determined by Schedule 5A; or* *(d) Groundwater if (a), (b) and (c) do not apply.*	While it is acknowledged that part of the proposed take is sourced more than 100 metres from the Kaikorai Stream and Kaikorai Lagoon Swamp, and that not all of the water taken may be hydraulically connected to those surface water bodies, no information has been provided to distinguish the proportion of groundwater from the proportion of surface water depletion. In the absence of this information, I consider it appropriate for all of the water to be allocated as surface water under this policy. It is also noted that the aquifer in this location is not identified as a mapped aquifer in Schedule 2C. Accordingly, allocation limits do not apply case, and therefore no allocation limits apply. The water take is consistent with this policy.
Policy 6.4.10A	Where an application is received to take groundwater by a person who already holds a resource consent to take that water, grant no more water than has been taken under the existing consent, in at least the preceding five years, when: (a) The take is from an aquifer where the assessed maximum annual take exceeds its maximum allocation limit; or (b) The take results in the assessed maximum annual take of an	As discussed above, the water take will be allocated as surface water and therefore no allocation limits of an aquifer apply. The water take is consistent with this policy.

	aquifer exceeding its maximum allocation limit, except in the case of a registered community drinking water supply where an allowance may be made for growth that is reasonably anticipated.	
Policy 6.4.10B	*In managing the taking of groundwater, to have regard to avoiding adverse effects on existing groundwater takes, unless the approval of affected persons has been obtained.*	Effects on existing water users have been considered in the s95A Notification Report. The proposal is considered consistent with this Policy.

Regional Plan: Water for Otago Assessment

On balance, I consider the proposal is generally consistent with the relevant objectives and policies of the RPW, particularly those relating to maintaining and improving water quality, protecting wetland values, and enabling the ongoing management of existing discharges. The proposal provides for the continued management of leachate associated with a closed landfill through an established leachate collection system, extensive monitoring programmes, adaptive management measures, periodic reviews, and implementation of remedial actions where required.

I also acknowledge that the proposal is not fully consistent with all provisions of the Plan. In particular, the proposal is not consistent with Policy 7.B.3, as the discharge of leachate is not a short-term discharge and will not result in short-term effects. In addition, the proposal is not fully consistent with Policy 10.4.2, as adverse effects on the Regionally Significant Wetland cannot be entirely avoided and the proposal does not fall within the exceptions provided by that policy.

Notwithstanding these areas of inconsistency, when the objectives and policies of the RPW are considered as a whole, I consider the proposal is generally consistent with the overall direction of the Plan. In particular, the proposal provides a framework for the ongoing management and reduction of leachate-related effects, supports maintenance and gradual improvement of water quality over time, and provides for the continued protection and monitoring of the values of the Kaikorai Lagoon Swamp Wetland. Accordingly, I consider the proposal is generally consistent with the relevant objectives and policies of the RPW.

6.3.8 Regional Plan: Air for Otago (RPA)

The relevant objectives and policies of the RPA are provided below in Table 5.

Table 5: *The relevant objectives and policies of the RPA to this application*

Plan Provisions		***Assessment***
Policies relating to the discharge of landfill gas, odour, and products of combustion		
Objective 6.1.1	*To maintain ambient air quality in parts of Otago that have high air quality and enhance ambient air*	This proposal seeks to maintain existing ambient air quality. The s95A Notification Report concluded that discharges associated with the ongoing aftercare of

	quality in places where it has been degraded.	the closed landfill are not anticipated to result in adverse effects on ambient air quality. The application is consistent with this Policy.
Objective 6.1.2	*To avoid adverse localised effects of contaminant discharges into air on:* *(a) Human health;* *(b) Cultural, heritage and amenity values;* *(c) Ecosystems and the plants and animals within them; and* *(d) The life-supporting capacity of air.*	No objectionable or offensive odour effects are likely to occur beyond the site boundary. The landfill is closed and capped, landfill gas is collected and flared in accordance with good practice. Adverse effects on human health, cultural and amenity values, ecosystems and the life-supporting capacity of air will be acceptable. The application is consistent with this policy.
Policy 8.2.3	*In the consideration of any application to discharge contaminants into air, Council will have:* *(a) Particular regard to avoiding adverse effects including cumulative effects on:* *(i) Values of significance to Kai Tahu;* *(ii) The health and functioning of ecosystems, plants and animals;* *(iii) Cultural, heritage and amenity values;* *(iv) Human health; and* *(v) Ambient air quality of any airshed; and* *(b) Regard to any existing discharge from the site, into air, and its effects.*	Particular regard has been had to the potential effects of the discharge on mana whenua values, ecosystems, amenity values, human health and ambient air quality. The application seeks replacement consents for an existing closed landfill, and the recommended conditions require continued monitoring and management of landfill gas to minimise potential adverse effects. The application is consistent with this policy.

Regional Plan: Air for Otago Assessment

Having regard to the objectives and policies of the RPA, I consider the proposal is consistent with the relevant provisions. There will be no changes to ambient air quality, and adverse effects on human health, cultural and amenity values, ecosystems and the life-supporting capacity of air will be acceptable as a result of the discharge to air.

6.3.8 Regional Plan: Waste (RPWaste)

The following objective and policies are relevant to this application to disturb a potentially contaminated site, and the ongoing aftercare of the landfill:

Table 5: *The relevant objectives and policies of the RPWaste to this application*

Plan Provisions	***Assessment***
Policies relating to land disturbance	

Objective 5.3.1	*Requires that any adverse effects of contaminated sites are avoided, remedied or mitigated.*	The proposal includes a small amount of land disturbance associated with the installation of an additional landfill gas monitoring well within an existing closed landfill. Given the limited scale of the disturbance and the recommended conditions relating to the management of the site and ongoing monitoring, I am satisfied that any adverse effects associated with the disturbance of contaminated land can be appropriately avoided, remedied or mitigated.
Policy 5.4.2	*Requires that contaminated sites in Otago are located and investigated.*	The Fairfield Closed Landfill is a known contaminated site. The application is consistent with this Policy.
Policies and objectives relating to landfill management		
Objective 7.3.1	*To avoid, remedy or mitigate the adverse environmental effects arising from the discharge of contaminants at and from landfills.*	While contaminants associated with the landfill continue to be discharged to the environment, the proposal includes measures directed at avoiding, remedying and mitigating adverse effects through the operation and maintenance of the landfill cap, leachate collection system, landfill gas management system, ongoing environmental monitoring, and implementation of remedial measures or management actions where issues are identified. Accordingly, I consider the proposal is consistent with this objective.
Policy 7.4.4	*To monitor discharges to land, water, and air from new, operating and closed landfills, and from silage production and composting.*	The proposal includes a comprehensive monitoring programme for discharges associated with the closed landfill. The recommended conditions require ongoing monitoring of leachate, groundwater quality, surface water quality, stormwater discharges, ecology and landfill gas. The conditions also include trigger levels, investigation requirements and implementation of remedial measures or management actions where issues are identified. Accordingly, I consider the application is consistent with this policy.
Policy 7.4.6	*To require that all new, operating, and closed landfills are managed in compliance with approved management and post closure procedures.*	The proposal seeks replacement consents for the ongoing aftercare of a closed landfill and includes a robust Aftercare Management Plan. The application is consistent with this policy.

Policy 7.4.7	*To upgrade where possible or close those existing landfill sites causing adverse effects.*	The landfill is already closed and the proposal relates to its ongoing aftercare and management. In addition, the proposed conditions require ongoing review of the effectiveness of the leachate management system, consideration of improvements and technological developments, and implementation of measures where necessary to manage adverse effects. Accordingly, I consider the proposal is generally consistent with this policy.

Regional Plan: Waste for Otago Assessment

Overall, I consider the proposal is consistent with the relevant objectives and policies of the Regional Plan: Waste for Otago. The proposal provides for the ongoing aftercare and management of a closed landfill through approved management procedures, environmental monitoring, maintenance of landfill infrastructure, and implementation of remedial measures or management actions where required. In addition, the proposed land disturbance associated with installation of landfill gas monitoring infrastructure is minor in scale and will assist in the ongoing investigation and monitoring of the contaminated site.

6.4 Section 104(1)(c) - Any other matters

6.4.2 The Kai Tahu ki Otago Natural Resource Management Plan 2005

The Kai Tahu ki Otago Natural Resource Management Plan 2005 (NRMP) is considered to be a relevant other matter for the consideration of this application. This is because the RPW is yet to be amended to take into account this Plan and this Plan expresses the attitudes and values of the four Papatipu Rūnaka: Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga. The following objectives and policies are of most relevance to this application:

Overall Objectives

- *The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.*
- *Ki Uta Ki Tai management of natural resources is adopted within the Otago Region.*
- *Kāi Tahu ki Otago have effective participation in resource management activities.*

Wai Māori

- *The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.*
- *The waters of Otago are healthy and support Kāi Tahu ki Otago customs.*
- *Contaminants being discharged directly or indirectly to water are reduced.*
- *Flow regimes and water quality standards are consistent with Kāi Tahu ki Otago cultural values.*

Wai Māori

- *To protect and restore the mauri of all water.*
- *To require consideration of alternatives and new technology for discharge renewal consents.*
- *To encourage identification of non-point source pollution and avoid, remedy or mitigate adverse effects on Kāi Tahu ki Otago values.*
- *To encourage Kāi Tahu ki Otago input into the development of monitoring programmes.*
- *To require monitoring of all discharges on a regular basis and make monitoring information available to Kāi Tahu ki Otago.*
- *To require all discharge systems be well maintained and regularly serviced.*
- *To require groundwater monitoring for all discharges to land.*
- *To require resource consent applicants seek only the amount of water actually required for the purpose specified in the application.*
- *To require all water takes are metered and reported on.*
- *To oppose the granting of water take consents for 35 years.*

Mahika Kai and Biodiversity

- *Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected.*
- *Indigenous plant and animal communities and the ecological processes that ensure their survival are recognised and protected.*
- *To require that all assessments of environmental effects include an assessment of effects on mahika kai.*
- *To protect and enhance existing wetlands and support the reinstatement of wetlands.*

Landfills

- *To require site rehabilitation plans for land contaminated by landfills.*

Air and Atmosphere

- *Kāi Tahu ki Otago sites of significance are free from odour, visual and other pollutants.*
- *The life-supporting capacity and mauri of air is maintained for future generations.*
- *To require earthworks and discharges to air consider the impact of dust and other airborne contaminants on health, mahika kai, cultural landscapes, indigenous flora and fauna, wāhi tapu and taoka.*

Engagement with Aukaha and consideration of the CIA has enabled Kāi Tahu values to be identified and considered throughout the assessment process, which is consistent with the NRMP objectives relating to rakātirataka, kaitiakitaka, and effective participation in resource management. The application also recognises the ki uta ki tai relationship between the landfill, groundwater, the Kaikorai Stream and the wetland-estuary complex. While contaminants associated with the landfill continue to enter groundwater and surface water, leachate input is expected to decrease over time, and recommended conditions will ensure that the leachate collection system is maintained and improved where applicable, and that contaminant loadings do not increase. This is consistent with NRMP objectives seeking to reduce contaminants entering water and protect and restore the mauri of water.

The proposed monitoring programme, including groundwater, surface water, ecology and landfill gas monitoring, is consistent with NRMP policies requiring regular monitoring of discharges, groundwater monitoring for discharges to land, and the availability of monitoring information. Similarly, the ongoing operation, maintenance and review of the landfill's management systems is consistent with the policy direction that discharge systems be appropriately maintained and serviced.

The proposal also recognises the importance of mahika kai, biodiversity and wetland values through the ongoing monitoring and management of effects on the receiving environment. The continued management of the existing source will facilitate the maintenance and potential improvement of these values.

The Applicant initially sought a 35-year duration for Water Permit RM24.098.04, which was inconsistent with the NRMP policy opposing 35-year water take consents. The subsequent reduction of the requested consent duration to six years is more consistent with the intent of that policy.

Overall, I consider the proposal to be generally consistent with the relevant objectives and policies of the Kai Tahu ki Otago Natural Resource Management Plan 2005.

7. Section 104(2A) Value of Investment

When considering an application affected by Section 124 of the Act, the Council must have regard to the value of the investment of the existing consent holder.

The Applicant has provided evidence regarding the value of its investment in the site and associated aftercare infrastructure. The Applicant states that, as the Fairfield Landfill is a closed landfill, the value of investment is not associated with ongoing landfill operations, but rather with meeting long-term aftercare obligations. The Applicant advises that investment in the landfill closure works and the ongoing operation of the landfill gas and leachate management systems has been, to date, in the order of $600,000. In addition, Waste Management NZ Limited has an ongoing commitment to fund operational and maintenance activities, including environmental monitoring, inspections, maintenance of the landfill cap, leachate management infrastructure, landfill gas collection systems, and specialist contractor services required to comply with consent conditions. The Applicant also notes that the capital value of the site is approximately $2.03 million.

I have had regard to this investment and consider the replacement consents sought through this application will enable the continued operation of aftercare activity including the maintenance and monitoring, and improvement of this infrastructure, and thereby supporting the ongoing management of potential adverse effects associated with the closed landfill.

8. Section 104(2EA) and 104(6A)

On 21 August 2025 the RMA Resource Management (Consenting and Other System Changes) Amendment Act 2025 came into force. This act amends s104 of the RMA in the following ways:

Insertion of a new section 104(2EA):
When considering a resource consent application, a consent authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, or convictions under this Act received by the applicant, if the applicant is not a natural person or, if the applicant is a natural person, received by the applicant within the previous 7 years.

Insertion of a new section 104(6A):
A consent authority may decline an application for a resource consent if the applicant has a record of significant non-compliance with a requirement of this Act—
(a) that is ongoing or repeated; and
(b) that, if the applicant is not a natural person, has been or is the subject of an enforcement order or a conviction under this Act or, if the applicant is a natural person, has been or is the subject of an enforcement order or a conviction under this Act within the previous 7 years.

Council is not aware of any previous or current abatement notices, enforcement orders, infringement notices, or convictions received by the Applicant under this Act, nor is Council aware of any record of significant non-compliance with the Act. These sections do not justify declining the resource consents sought by this application.

9.Section 104(6)

Section 104(6) provides discretion for the consent authority to decline an Application on the grounds that there is inadequate information to determine the application.

Throughout the processing of the application, several information gaps were identified, including information relevant to characterising the magnitude of groundwater quality, surface water quality and ecological effects, and information relating to the design and potential effects of the proposed defence against water. While further information was subsequently provided by the Applicant, not all of the information requested by Council was supplied.

Notwithstanding this, I do not consider these information gaps to warrant the application being declined under section 104(6). This is because sufficient information is available to understand the nature of the proposal, the pathways by which adverse effects may occur, and the measures required to manage those effects. In addition, the recommended conditions require ongoing monitoring, certification of the design of the defence against water prior to construction, investigations where issues are identified, and implementation of remedial measures or management actions where required. I am therefore satisfied that the application can be appropriately determined and that section 104(6) does not warrant declining the application.

10. Sections 105 and 107

Section 105(1) states for a discharge permit that the Consent Authority shall have regard to:

- *the nature of the discharge, the sensitivity of the receiving environment, and the applicant's reasons for the proposed choice; and*

- *any possible alternative methods of discharge including discharge into any other receiving environment.*

The requirements of section 105 have been considered and assessed in the s95A Report and elsewhere in this report. The Applicant's reasons for the proposed choice are considered appropriate in the circumstances and there are no alternative methods of discharge applicable in this case.

Section 107(1) of the Act restricts the granting of discharge permits where, after reasonable mixing, the discharge is likely to give rise to any of the effects:

- *The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended material; or*
- *Any conspicuous change in the colour or visual clarity; or*
- *Any emission of objectionable odour; or*
- *The rendering of fresh water unsuitable for consumption by farm animals; or*
- *Any significant adverse effects on aquatic life.*

This restriction applies both to direct discharges to water and to discharges of contaminants to land in circumstances where those contaminants may enter water. Accordingly, section 107 is relevant to both the discharge from the sediment retention ponds to the Kaikorai Stream, and the discharge of leachate to land that may enter groundwater and surface water.

Stormwater Retention Pond Discharges

The only direct discharge to water proposed by this application is the discharge of water from the stormwater retention ponds. These ponds receive runoff from the capped Eastern Landfill and provide attenuation and sediment settlement prior to discharge.

Historic monitoring has primarily focused on the receiving environment rather than quality of water from the ponds themselves. However, long-term monitoring of groundwater, surface water and the wider receiving environment indicates that environmental conditions are generally stable. The available information before me does not demonstrate that discharges from the retention ponds are causing conspicuous oil or grease films, scums, foams, floatable materials, conspicuous changes in colour or visual clarity, objectionable odours, water unsuitable for stock consumption, or significant adverse effects on aquatic life after reasonable mixing.

Leachate Discharge to Land

The Applicant acknowledges that leachate enters the groundwater system with a small portion of leachate contaminated groundwater migrating beyond the interception drain, with some discharge ultimately reaching the Kaikorai Stream and wetland-estuary complex.

The available information before me does not demonstrate that the discharge of leachate, after reasonable mixing, is likely to result in the adverse effects identified in section 107(1). The recommended conditions require ongoing monitoring of groundwater quality, surface water quality and ecological values, together with investigations and remedial actions where issues are identified.

In addition, a recent (in force from 25 October 2024) amendment to s107 (insertion of subsection 2A) has been made which provides that:

> *(2A) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or 15A that may allow the effects described in subsection (1)(g) if the consent authority—*
> *(a) is satisfied that, at the time of granting, there are already effects described in subsection (1)(g) in the receiving waters; and*
> *(b) imposes conditions on the permit; and*
> *(c) is satisfied that those conditions will contribute to a reduction of the effects described in subsection (1)(g) over the duration of the permit.*

Considering this amendment, if there is any uncertainty regarding section 107(1)(g), I consider that the requirements of section 107(2A) are met. Existing adverse effects on aquatic life are already present within the receiving environment, and the recommended consent conditions require ongoing monitoring and adaptive management that will contribute to reducing adverse effects over the duration of the consent.

In summary, consent can be granted in regard to the matters in s105(1) and 107(1) of the Act.

11. Part 2 of the RMA

Under Section 104(1) of the RMA, a consent authority must consider resource consent applications "subject to Part 2" of the RMA, specifically, sections 5, 6, 7 and 8.

Section 5 identifies the purpose of the RMA as the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6, 7 and 8 outline the principles of the Act. Section 6 sets out a number of matters of national importance which need to be recognised and provided for, section 7 identifies a number of “other matters” to be given particular regard by the council, and section 8 requires the council to take into account the principles of the Treaty of Waitangi.

The Court of Appeal has clarified how to approach the assessment of “subject to Part 2” in section 104(1). In *R J Davidson* the Court of Appeal found that decision makers must consider Part 2 when making decisions on resource consent applications, where it is appropriate to do so. The extent to which Part 2 of the RMA should be referred to depends on the nature and content of the planning documents being considered.

Where the relevant planning documents have been prepared having regard to Part 2 of the RMA, and with a coherent set of policies designed to achieve clear environmental outcomes, consideration of Part 2 is not ultimately required. In this situation, the policies of these planning documents should be implemented by the consent authority. The consideration of Part 2 "would not add anything to the evaluative exercise" as "genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome". However, the consideration of Part 2 is not

prevented, but Part 2 cannot be used to subvert a clearly relevant restriction or directive policy in a planning document.

In the context of this application, I am satisfied that the relevant statutory planning documents were prepared having regard to Part 2 of the RMA and contain a coherent set of objectives and policies directed towards achieving the sustainable management purpose of the Act. Those provisions provide a comprehensive framework for assessing the proposal and its effects. Having assessed the application against those provisions, I am satisfied that all relevant planning considerations have been addressed. Accordingly, I do not consider it necessary to undertake any further analysis under Part 2, as such an exercise would not add anything to the evaluation undertaken above.

13 Section 108 and 108AA of the RMA

Should the decision maker decide to grant the application, the conditions attached to RM24.098.01 to RM24.098.06 and Schedule 1 are recommended pursuant to sections 108 and 108AA of the Resource Management Act 1991.

The recommended conditions are necessary to avoid, remedy, mitigate and manage the actual and potential adverse effects associated with the ongoing aftercare of the Fairfield Closed Landfill.

The recommended conditions address, amongst other matters:

- The consents to commence 1 November 2026 to give the Applicant adequate time to prepare for the change in monitoring requirements.
- The operation, maintenance and monitoring of the landfill gas management system.
- The operation, maintenance and monitoring of the leachate collection and management system.
- Monitoring of groundwater quality, surface water quality and ecological health.
- A staged response framework requiring investigation of confirmed trigger level exceedances and implementation of any necessary remedial measures, management actions, and additional monitoring to mitigate adverse environmental effects.
- The continued effectiveness of the landfill cap and associated infrastructure.
- The design, construction, monitoring and maintenance of the proposed defence against water and associated diversion of surface water.
- The implementation of recommendations arising from the Cultural Impact Assessment and ongoing engagement with mana whenua.

I consider the recommended conditions to be directly connected to the activities for which consent is sought, are reasonably necessary to manage the identified actual and potential effects and are proportionate to the nature and scale of those effects. A number of the recommended conditions have been offered by the Applicant and have generally been adopted where they are considered necessary and appropriate to manage adverse effects. In several instances, amendments have been made to improve certainty, strengthen monitoring requirements, provide for adaptive management responses, and ensure that the conditions are enforceable and effective.

Review conditions have also been recommended pursuant to section 128 of the RMA. These review conditions will enable the Consent Authority to review monitoring, reporting, management and

performance requirements where monitoring results indicate that adverse effects are greater than anticipated, where new information becomes available, or where changes are required to ensure that adverse environmental effects continue to be appropriately managed.

The full set of recommended conditions is attached as Appendix A to this report.

13.1 Lapse Period (Section 125) and Cancellation of Consent (Section 126)

In this instance, the default lapse period of five years under section 125 and the default cancellation period of five years under section 126 of the RMA are considered appropriate. No site-specific circumstances have been identified that would justify imposing an alternative lapse or cancellation period.

13.3 Review Condition (Section 128)

The RMA provides for the Council to review conditions at any time or times specified for that purpose in the consent where there are any adverse effects that may arise from the exercise of the consent, or in relation to a coastal, water or discharge permit where a regional plan or NES has changed. In addition, the council can review other conditions without having to set out in a condition the timeframes within which it will review them.

A review condition on Schedule 1 has been recommended.

The reasons for this are:

- In the case of Water Permit RM24.098.04, to vary the quantities, monitoring, operating and reporting requirements, and performance standards in order to take account of information, including the results of previous monitoring and changed environmental knowledge.
- To deal with any adverse effects on the environment that may arise, or potentially arise, from the exercise of the consents and which it is appropriate to address at a later stage, particularly adverse effects on groundwater quality, surface water quality and ecology.
- To enable consent conditions relating to monitoring, reporting, trigger levels, adaptive management responses, and performance standards to be reviewed in light of information obtained through ongoing monitoring programmes.

14. Recommendation

Under section 104B, it is recommended that this consent application is approved subject to recommended conditions, for the following reasons:

- In accordance with sections 104(1)(a) and 104(1)(ab), the actual and potential effects of the proposal are acceptable, subject to the recommended conditions of consent. While adverse effects on groundwater quality, surface water quality, ecology, cultural values, and the receiving wetland-estuary complex have been identified, I am satisfied that these effects can be appropriately managed through the proposed monitoring and adaptive management framework. The proposal will also result in positive environmental effects through the continued monitoring and

management of the closed landfill and its residual effects. Offsetting or compensation measures are not proposed, and I do not consider them to be necessary, as the recommended conditions provide an appropriate framework to avoid, minimise and remedy adverse effects to the extent practicable.

- In accordance with section 104(1)(b), I consider the proposal is broadly consistent with the relevant statutory planning documents. While I acknowledge inconsistencies with certain provisions of the RPW, particularly Policies 7.B.3 and 10.4.2, I do not consider these to outweigh the broader policy support for the ongoing management of an existing closed landfill, the reduction of contaminant loadings over time, and the protection and improvement of freshwater values through ongoing management and monitoring, and that the plan application is generally consistent with the other relevant statutory documents.

- In accordance with section 104(1)(c), I have had regard to the Kai Tahu ki Otago Natural Resource Management Plan 2005 and consider the proposal is generally consistent with the relevant objectives and policies of that document. In particular, I consider the proposal recognises mana whenua values, adopts a ki uta ki tai approach, provides for ongoing monitoring and management of discharges, and supports the ongoing management of effects on wai Māori, mahika kai and biodiversity values.

- I have had regard to section 104(2A) and the value of the Applicant's investment in the landfill, the after-care management and associated infrastructure. I consider the replacement consents will enable the continued operation, maintenance and improvement of that infrastructure and support the ongoing management of the landfill's legacy effects.

- I have had regard to sections 104(2EA) and 104(6A), and the evidence before me does not warrant the application to be declined under section 104(6A).

- I have considered section 104(6) and do not consider the information available is inadequate to determine the application. While not all information requested by Council was provided, sufficient information is available to understand the nature of the activities, the pathways by which adverse effects may arise, and the measures required to manage those effects. Furthermore, the recommended conditions require ongoing monitoring, investigations, certification requirements and implementation of remedial measures or management actions where required.

- I am satisfied that the requirements of section 105 have been appropriately addressed and that there are no practicable alternative methods of discharge available, having regard to the nature of the existing closed landfill and associated infrastructure.

- I am satisfied that section 107 does not preclude the granting of the discharge permits. The available information before me does not demonstrate that the discharges are likely to result in the adverse effects identified in section 107(1) after reasonable mixing. In any event, I am satisfied that the requirements of section 107(2A) are met.

- There is no need to undertake any further assessment under Part 2 of the Act. The relevant statutory planning documents were prepared having regard to Part 2 and provide a coherent framework for assessing the proposal. Having undertaken that assessment, I am satisfied that all relevant planning considerations have been addressed, and a further Part 2 evaluation would not add anything to the analysis.

Overall, I consider the sought replacement consents are an appropriate approach to the ongoing aftercare and management of the Fairfield Closed Landfill. Subject to the recommended conditions, the proposal will provide for the continued management of adverse effects, while supporting the long-term reduction of contaminant loadings and protection of environmental values. Accordingly, I recommend that consent be granted.

14.1 Term of Consent (Section 123)

The Applicant seeks a term of 35 years for consents RM24.098.01, RM24.098.02, RM24.098.03, RM24.098.05 and RM24.098.06 because this time period reflects the expected aftercare time period for the closed landfill, in that the discharges associated with the decomposition of waste material in the landfill is likely to continue, albeit on a diminishing and thus improving basis, during this time period.

It is considered that a duration of 35 years is appropriate. In reaching this recommendation the following relevant factors as distilled from case law have been considered:

- The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
- Whether adverse effects would be likely to increase or vary during the term of the consent;
- Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
- Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
- That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
- Whether review conditions are able to control adverse effects;
- Whether the relevant plan addresses the question of the duration of a consent;
- The life expectancy of the asset for which consents are sought;
- Whether there was significant capital investment in the activity/asset; and
- Whether a particular period of duration would better achieve administrative efficiency.

I consider that a 35-year consent duration for consents RM24.098.01, RM24.098.02, RM24.098.03, RM24.098.05 and RM24.098.06 to be appropriate for the reasons set out in below:

- I consider that a consent duration of 35 years is consistent with the purpose of sustainable management under the Act. The long-term nature of the landfill's aftercare requirements, together with the proposed monitoring, adaptive management and review conditions, will

ensure that any adverse effects continue to be appropriately managed throughout the consent term.

- The proposal relates to the ongoing management of an existing closed landfill and the evidence before me indicates that the environmental effects associated with the landfill are long-term in nature and are expected to continue for many decades, albeit reducing over time as the landfill progressively stabilises. Accordingly, the duration sought aligns with the long-term nature of the activity and its effects.

- I am satisfied that adverse effects are unlikely to increase over the duration of the consent. The evidence indicates that contaminant generation and leachate input into groundwater are expected to reduce over time. In addition, the recommended consent conditions require ongoing monitoring and adaptive management, providing a mechanism to identify and respond to any increase in monitored effects.

- While improved information regarding landfill aftercare and contaminant management may become available over time, I do not consider this to warrant a shorter consent duration. The recommended review conditions provide the consent authority with an appropriate mechanism to revisit consent conditions should monitoring identify a need for additional mitigation measures or management responses. In addition, conditions require 5 yearly reviews of the existing leachate management system from an engineering perspective to consider the effectiveness and new technologies.

- I do not consider that a 35-year consent duration would hinder the implementation of future statutory provision, particularly as the recommended review conditions provide a mechanism to ensure conditions are consistent with any national environmental standards, relevant regional plans and/or regional policy statements.

- The Applicant has demonstrated that there has been significant capital investment of approximately $2.03 million in the landfill and its associated aftercare management. In my view, a 35-year consent duration appropriately recognises the long-term nature of that investment and the ongoing commitment required to manage the site.

- I consider that a longer consent duration promotes administrative efficiency. The Applicant has committed considerable resources to this application, including extensive technical investigations, environmental monitoring, responses to technical review comments, preparation of management plans, and engagement with submitters and Council officers. Requiring the Applicant to repeat the consenting process within a shorter timeframe would duplicate significant consenting costs and administrative effort for both the Applicant and Council, without any clear corresponding environmental benefits.

- I have considered whether the relevant planning framework addresses the duration of consent. In this regard, Policy 7.C.4 of the RPW is directly relevant, as it provides guidance on the duration

of resource consents for existing discharges. As discussed earlier in this report, while some water quality indicators within parts of the receiving environment do not currently achieve all relevant surface water quality objectives, the proposal involves a diffuse discharge to land and groundwater rather than a direct point source discharge to a waterbody. The available information before me does not demonstrate that the discharge itself, following dilution within the receiving environment, is responsible for the observed exceedances, and the contribution of Fairfield Landfill to those effects has not been quantified. I also place significant weight on the fact that the leachate interception system captures the vast majority of leachate generated by the landfill and that contaminant loading is expected to reduce over time. I also place weight on the fact that proposed conditions include extensive monitoring, adaptive management and review provisions. On this basis, I consider there is insufficient evidence to conclude that clause (a) could not be achieved and, accordingly, I consider the recommended 35-year consent duration is generally consistent with the intent of Policy 7.C.4.

- I have also considered whether climate change and natural hazard risks justify a shorter consent duration. While conditions may change over the duration of the consent due to sea level rise, inundation and other climate-related effects, the recommended conditions require ongoing assessment of those risks, including climate change modelling, periodic slope stability assessments, and implementation of mitigation measures where risks are identified. On this basis, I am satisfied that climate change and natural hazard risks can be appropriately managed over the duration of the consent and do not warrant a shorter consent term.

The Applicant seeks a consent duration of 6 years for Water Permit RM24.098.04 and I consider this appropriate. This is because Section 127B of the RMA 1991 directs that applications for the take and use of water in the Otago Region be granted consent terms that are no greater than 6 years.

The Applicant seeks a consent duration of 1 year for Land Use Consent RM24.098.07 and I consider this term to be appropriate.

Prepared by:

Brittany Watson

Senior Consents Planner

1 September 2026

Otago Regional Council

Appendix A: Recommended Conditions of Consent

Otago Regional Council

DECISION ON RESOURCE CONSENT APPLICATION

Section 113 of the Resource Management Act 1991

Date: 8 September 2026

Application No: RM24.098

Subject: Decision on publicly notified resource consent application under delegated authority

Notification and Submissions

Council made a decision on 3 November 2025 that the application would be publicly notified. Public notice was given on Saturday, 8 November 2025.

Two submissions were received; one from Otago Fish and Game Council and the other from Aukaha on behalf of mana whenua. Aukaha sent in a neutral submission on 3 December 2025 and did not wish to be heard. Otago Fish and Game Council sent in a neutral submission on 5 December 2025 and did not wish to be heard.

Decision and Reasons for Decision

I have considered the information provided, along with the reasons and recommendation in the above report prepared by Ms Brittany Watson, Senior Consents Planner. I agree with those reasons and her recommendation to approve the application. Accordingly, I adopt them as the reasons for decision under Section 113(1) to (3). This recommendation, and any accompanying letter are the written decision under Section 113(4).

Conditions (section 108)

Pursuant to sections 108 and 108AA of the RMA, this consent is issued subject to the appended conditions.

Decision under delegated authority

Under delegated authority, this resource consent application is granted by the Otago Regional Council by:

Allan Cubitt
Independent Decision Maker for Otago Regional Council

Otago Regional Council

Consent No. RM24.098.01

DISCHARGE PERMIT

Pursuant to section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Waste Management NZ Limited

Address: 381 East Tamaki Road, Auckland

To discharge landfill gas, odour, and products of combustion to air for the purpose of operating a closed landfill

For a 35 year consent duration

This consent does not commence until 1 November 2026

Location of consent activity:	125/127 Old Brighton Road, Dunedin
Legal description of consent location:	Lot 2 Deposited Plan 566541, Part Lot B Deposited Plan 685 and Part Section 41 Block VII Dunedin & East Taieri Survey District and Deposited Plan 7227
Map Reference (NZTM2000):	Eastern Landfill: E1398718 N4913050 Western Landfill: E139833 N4912851

Conditions

Specific

1. The discharge of landfill gas, odour, and products of combustion to air must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all reference by the Consent Authority as consent number RM24.098:

    a) Application titled: *Waste Management NZ Limited Fairfield-Closed Landfill – Renewal of Regional Resource Consents*, prepared by Planz Consultants Limited and dated February 2024, including:
        i. Appendix 1: Existing Resource Consents;
        ii. Appendix 2: Fairfield Aftercare Management Plan (draft) dated 27 February 2024
        iii. Appendix 3: Letter from Aukaha dated 20 February 2024;
        iv. Appendix 4: Air Quality Assessment, prepared by Tonkin & Taylor and dated February 2024;

v. Appendix 5: Technical Assessment of Effects on Groundwater, Surface Water and Ecology, prepared by PDP and dated February 2024;
vi. Appendix 6: Natural Hazard and Climate Risk Assessment and Management Plan, prepared by PDP and dated February 2024;
vii. Appendix 7: Record of Consultation;
viii. Appendix 8: Proposed Consent Conditions; and
ix. Appendix 9: Records of Title.

b) Cultural Impact Assessment Fairfield Landfill Aftercare, prepared by Aukaha and dated 4 November 2024;
c) Memorandum titled: *Cultural Impact Assessment Recommendations – Proposed Approach / Response (FINAL – 31 January 2025)*, dated 31 January 2025;
d) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 91 Deferral Pending Application for Additional Resource Consents*, prepared by Planz Consultants Limited and dated 10 March 2025, including:
    i. Attachment A: Updated Resource Consent Application Form.
e) Fairfield Landfill Ecological Assessment, prepared by PDP and dated March 2025;
f) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 92 Request for Further Information,* prepared by Planz Consultants Limited and dated 6 June 2025, including:
    i. Attachment A - Updated (v2) Resource Consent Application Form;
    ii. Attachment B – Landfill Monitoring Results (post February 2024).
g) Updated proposed Consent Conditions (Appendix 8), dated 13 June 2025;
h) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to Technical Reviews*, prepared by PDP and dated 1 October 2025, including:
    i. Appendix 1: Aftercare Management Plan - Proposed Adaptive Monitoring and Response Action Procedure.
i) Memorandum titled: *WM New Zealand Limited - Fairfield Closed Landfill Application (RM24.098) - Relief Sought in Otago Fish and Game Council's Submission (dated 3 December 2025) – Online Meeting on 19 January 2026 (and subsequent post-meeting outcomes).*

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. The discharge of odour shall not cause a noxious, dangerous, offensive or objectionable effect beyond the site boundary.

Advice Note: *For the purposes of this consent, whether an odour is objectionable and has, or is, causing an adverse effect is determined by a Council Officer, or delegated Council Officer, having regard to the frequency, intensity, duration, nature, location of the odour, and any previous odour complaints relations to the subject site.*

3. This consent must be exercised in conjunction with resource consents RM24.098.02, RM24.098.03, RM24.098.04, RM24.098.05 and RM24.098.06.

4. Until written notice has been provided to the Consent Authority in accordance with Condition 5, the Consent Holder must operate and maintain the gas management system associated with the Eastern Landfill. The key components of the landfill gas management that must be maintained in accordance with this condition include, but are not limited to:
    a) The landfill cap.
    b) The landfill gas conveyance pipe network.
    c) The landfill gas well/s and flare/s.
    d) Any passive venting system, following the decommissioning of the flare/s, as provided for by Condition 5.

Performance Monitoring

5. The Consent Holder may change to a passive landfill gas management system where the landfill gas at the Eastern Landfill is no longer flared, provided:

    a) A suitably qualified and experienced person has prepared a report which confirms that flaring of the landfill gas is no longer a feasible option; and

    b) Written notice of the intended change has been given to the Consent Authority, in the form of a report, at least one month prior to changing to a passive landfill gas management system.

    Advice Note: *The flaring of landfill gas is considered to be 'no longer feasible' when the volume of landfill gas being generated at the landfill is not sufficient for the effective and efficient operation of the flare/s.*

6. The Consent Holder must inspect the landfill site for evidence of uncontrolled landfill gas discharges and maintain a record of the inspections that have been carried out. The inspections are to be carried out in conjunction with the monitoring, at the following frequency:

    a) While flaring of the landfill gas is occurring, at least monthly;

    b) Thereafter, at least every three months.

    Where evidence of uncontrolled landfill gas discharges is identified during these inspections, the Consent Holder must register the discharge as an incident in the Complaints and Incidents Register in accordance with Conditions 4 and 5 of Schedule 1.

    The Consent Holder must also investigate the uncontrolled landfill gas discharge, as soon as practicable and no later than 20 working days after the identification of the incident, unless otherwise agreed upon by the Consent Authority. As part of the investigation the Consent Holder must identify actions and associated implementation timeframes, that remedies or mitigates the uncontrolled landfill gas discharge. The

Consent Holder must then implement the identified action/s in accordance with the timeframes identified during the investigation. These actions and outcomes must be recorded in the Complaints and Incidents Register required by Conditions 4 and 5 of Schedule 1.

Advice Note: *Evidence of uncontrolled discharges may include, but is not limited to, the presence of landfill gas odours, gas bubbling within puddles and/or the leachate cut-off drain and from the development of fissures in the landfill cap.*

7. While landfill gas is being flared at the Eastern Landfill, the Consent Holder must have in place a system, or systems, to monitor and record the flow rate of the landfill gas generated from the site. At a minimum, the landfill gas flow rate must be measured at least monthly.

8. The Consent Holder must monitor the composition of the landfill gas within the gas conveyance pipe network to the landfill gas flares/s and/or the passive vent/s at the following frequency:

    a) While flaring of the landfill gas is occurring, at least monthly;

    b) Thereafter, at least every three months, during January, April, July and October each year, and only from the landfill gas well embedded in the landfill.

    The landfill gas parameters to be monitored are methane, carbon dioxide, oxygen, carbon monoxide and hydrogen sulphide.

9. The Consent Holder must monitor the composition of the landfill gas at wells LGS1, LD5, LGS7, LS21A, LS22, LGS27, LGS29, LS31, LS32, G34, G35, G36, G37, G38, G39 (new well), MW1, MW2 and MW3, as identified on the monitoring plan attached to this consent as Appendix 1, at least every three months, during January, April, July and October each year, unless Condition 5 applies.

    The landfill gas parameters to be monitored are methane, carbon dioxide, oxygen, carbon monoxide and hydrogen sulphide.

10. The results of all monitoring carried out in accordance with Conditions 6 to 9 must be provided to the Consent Authority annually as part of the annual report required by Condition 6 of Schedule 1, and at all other times must be available for inspection upon request by the Consent Authority.

11. a) The Consent Holder must notify the Consent Authority within five working days of the Consent Holder becoming aware of any sudden adverse change in gas levels, or if a trend of increasing gas concentrations of flow rates is indicated.

    b) The Consent Holder must also register such events as an incident in the Complaints and Incidents Register in accordance with Conditions 4 and 5 of Schedule 1.

c) The Consent Holder must investigate any changes or trends identified under Condition 11 (a), as soon as practicable and no later than 20 working days after the identification of the incident, unless otherwise agreed upon by the Consent Authority. As part of the investigation the Consent Holder must identify actions and associated implementation timeframes, that remedies or mitigates the incident. The Consent Holder must then implement the identified action/s in accordance with the timeframes identified during the investigation. These actions and outcomes must be recorded in the Complaints and Incidents Register required by Conditions 4 and 5 of Schedule 1 and must also be reported to the Consent Authority within one month of the incident being resolved by the Consent Holder.

Advice Note: *Sudden adverse change is where there is a significant increase in gas concentrations or flow rates which is inconsistent with previous monitoring data and/or the results are unexpected as determined by a suitably qualified and experienced person. A trend of increasing gas concentrations means a sustained increase in one or more monitored landfill gas parameters over at least four consecutive monitoring events, which is not attributable to normal seasonal variation, atmospheric conditions, monitoring error or changes in monitoring methodology, and which is considered by a suitably qualified and experienced person to indicate a deterioration in landfill gas management performance, or an increasing risk of adverse environmental effects.*

Advice notes

1. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*

2. *The Consent Holder is reminded that they may apply at any time under section 127 of the Act to have any condition of this consent changed except that which specifies the expiry date of this consent.*

3. *The Consent Holder will be required to pay the Consent Authority an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with section 36 of the Resource Management Act 1991.*

Otago Regional Council

Schedule 1 – General Conditions

Appendix 1 – Monitoring Plan

Otago Regional Council

Consent No. RM24.098.02

DISCHARGE PERMIT

Pursuant to section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Waste Management NZ Limited

Address: 381 East Tamaki Road, Auckland

To discharge leachate onto land in a manner that may result in contaminants entering groundwater for the purpose of operating a closed landfill

For a 35 year consent duration

This consent does not commence until 1 November 2026

Location of consent activity:	125/127 Old Brighton Road, Dunedin
Legal description of consent location:	Lot 2 Deposited Plan 566541, Part Lot B Deposited Plan 685 and Part Section 41 Block VII Dunedin & East Taieri Survey District and Deposited Plan 7227
Map Reference (NZTM2000):	Eastern Landfill: E1398718 N4913050 Western Landfill: E139833 N4912851

Conditions

Specific

1. The discharge of landfill leachate to land in a manner that may enter groundwater by seepage, through the 21-hectare base of the Fairfield closed landfill, which is bounded by the leachate interception drain and annotated in Appendix 1, must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all reference by the Consent Authority as consent number RM24.098:

    a) Application titled: *Waste Management NZ Limited Fairfield-Closed Landfill – Renewal of Regional Resource Consents*, prepared by Planz Consultants Limited and dated February 2024, including:
        i. Appendix 1: Existing Resource Consents;
        ii. Appendix 2: Fairfield Aftercare Management Plan (draft) dated 27 February 2024

iii. Appendix 3: Letter from Aukaha dated 20 February 2024;
iv. Appendix 4: Air Quality Assessment, prepared by Tonkin & Taylor and dated February 2024;
v. Appendix 5: Technical Assessment of Effects on Groundwater, Surface Water and Ecology, prepared by PDP and dated February 2024;
vi. Appendix 6: Natural Hazard and Climate Risk Assessment and Management Plan, prepared by PDP and dated February 2024;
vii. Appendix 7: Record of Consultation;
viii. Appendix 8: Proposed Consent Conditions; and
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b) Cultural Impact Assessment Fairfield Landfill Aftercare, prepared by Aukaha and dated 4 November 2024;
c) Memorandum titled: *Cultural Impact Assessment Recommendations – Proposed Approach / Response (FINAL – 31 January 2025)*, dated 31 January 2025;
d) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 91 Deferral Pending Application for Additional Resource Consents*, prepared by Planz Consultants Limited and dated 10 March 2025, including:
    i. Attachment A: Updated Resource Consent Application Form.
e) Fairfield Landfill Ecological Assessment, prepared by PDP and dated March 2025;
f) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 92 Request for Further Information,* prepared by Planz Consultants Limited and dated 6 June 2025, including:
    i. Attachment A-Updated (v2) Resource Consent Application Form;
    ii. Attachment B – Landfill Monitoring Results (post February 2024).
g) Updated proposed Consent Conditions (Appendix 8), dated 13 June 2025;
h) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to Technical Reviews*, prepared by PDP and dated 1 October 2025, including:
    i. Appendix 1: Aftercare Management Plan - Proposed Adaptive Monitoring and Response Action Procedure.
i) Memorandum titled: *WM New Zealand Limited - Fairfield Closed Landfill Application (RM24.098) - Relief Sought in Otago Fish and Game Council's Submission (dated 3 December 2025) – Online Meeting on 19 January 2026 (and subsequent post meeting outcomes).*

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. This consent must be exercised in conjunction with resource consents RM24.098.01, RM24.098.03, RM24.098.04, RM24.098.05 and RM24.098.06.

Structural integrity, leachate management and effects from climate change assessments and follow up actions

3. The Consent Holder must ensure that the closed landfill is maintained in a manner that ensures that the structural integrity of the closed landfill is maintained, and that ensures leachate generation is being effectively controlled. The key components of the site that must be maintained in accordance with this condition, include, but are not limited to:

    a) Structurally sound landfill cap on the Eastern Landfill, and landfill surface over both the Western and Eastern Landfills, including ensuring there is no evidence of surface cracks, slope instability, erosion, seepages, inundation and/or flooding.

    b) Appropriate vegetation coverage of the landfill surface, which includes ensuring that trees and shrubs are not present on the landfill surface.

    Appropriate drainage systems, including surface drains and the stormwater management system (where required).

4. The Consent Holder must inspect the site to confirm that structural integrity of the closed landfill is being maintained and that leachate generation is being effectively controlled. The inspections are to be carried out at the following frequency:

    a) No less than every six months; and

    b) No less than five working days after any significant storm / rainfall event, significant seismic event or inundation from a tsunami or storm surge.

    The Consent Holder must maintain a record of the inspections that have been carried out. A record of these inspection must be included in the annual report required by Condition 6 of Schedule 1 and made available at any time upon request by the Consent Authority.

5. Where issues are identified in relation to the structural integrity of the closed landfill or the systems that control leachate generation during these inspections, the Consent Holder must:

    a) register the issue as an incident in the Complaints and Incidents Register in accordance with Conditions 4 and 5 of Schedule 1;

    b) investigate no later than 20 working days after the identification of the incident, unless otherwise agreed upon by the Consent Authority. As part of the investigation the Consent Holder must identify actions and associated implementation timeframes, that remedies or mitigates the issues identified during the inspection. The Consent Holder must then implement the identified action/s in accordance with the timeframes identified during the investigation. These actions and outcomes must also be recorded in the Complaints and Incidents Register required by Conditions 4 and 5 of Schedule 1 and must also be

reported to the Consent Authority within one month of the incident being resolved by the Consent Holder.

6. Within two years of the commencement of this resource consent, and every five years thereafter, the Consent Holder must reassess the slope stability of the Eastern Landfill. The purpose of this reassessment is to ensure that climate change considerations and potential seismic effects have been appropriately identified, considered and assessed. At a minimum, the reassessment must consider:

    a) Update peak ground accelerations in line with the most recent guidance and New Zealand standard documents;

    b) The static stability of the slopes assuming elevated groundwater within the landfill mass and the associated risks from increased or upward seepage;

    c) The static performance of the slope from inundation of the toe of the landfill slope by a range of flood inundation levels and residence times;

    d) Any identified risks to slope stability; and

    e) Actions or recommendations to address any identified risks, including timeframes for the implementation of the actions or recommendations.

    This assessment must be provided to the Consent Authority within one month of the completion of the assessment required by this condition.

7. Where a risk, or risks, are identified from the reassessment in accordance with Condition 6, the Consent Holder must register the risk as an incident in the Complaints and Incidents Register in accordance with Conditions 4 and 5 of Schedule 1.

8. The Consent Holder must implement any actions or recommendations identified under the assessment required by Condition 6, that remedies or mitigates the risk identified, in accordance with the timeframes identified within the assessment undertaken in accordance with Condition 6 (e). These actions, recommendations or outcomes must be recorded in the Complaints and Incidents Register required by Conditions 4 and 5 of Schedule 1.

9. Within two years of the commencement of this consent, the Consent Holder must complete an assessment and/or modelling to assess the risks arising from the effects of climate change. The purpose of this assessment and/or modelling is to identify the need, or otherwise, for mitigation works to prevent or reduce the risk of the leachate management system becoming inundated and the risk of landfill toe instability which in turn can affect landfill stability.

10. Where risks from the effects of climate change have been identified as a result of the assessment and / or modelling carried out in accordance with Condition 9, the Consent Holder must:

a) Register the issue as an incident in the Complaints and Incidents Register in accordance with Conditions 4 and 5 of Schedule 1; and

b) Investigate mitigation measures or actions that remedies or mitigates the risk identified; and

c) Provide any structural design of the investigated mitigation measures (if applicable), or the details of any other feasible mitigation measure or action identified, within three months of completion of the assessment required by Condition 9. The Consent Holder must also notify the Consent Authority the timeframes for completing the construction of the design and / or mitigation measure or action identified by the assessment.

d) Any mitigation measures identified necessary by the assessment required in Condition 10(c) must be implemented in accordance with the identified timeframes.

Advice Note: *At the time this resource consent was processed, an identified solution for the mitigation works is to increase the level of the site's perimeter access road and put in place associated protection/armouring works. An alternative solution/s, that achieves the purpose of this condition, maybe identified as part of the assessment and/or modelling required by this condition. For this reason, a specific solution has not been identified within this condition.*

Advice Note: *Additional resource consents for the construction works (i.e., soil disturbance and/or earthworks) may be required to authorise the proposed works. If this is the case, the resource consents will need to be in place prior to construction works commencing.*

Effectiveness and Technology Review

11. The Consent Holder must, at 5-yearly intervals, with the first interval commencing during the 5-year anniversary of the commencement of this consent, undertake an assessment which:

a) reviews the effectiveness of the leachate management system from an engineering perspective, with this assessment based on the findings of the monitoring carried in accordance with Conditions 12 to 20 of this consent;

b) reviews any proven and practical technological developments in the previous 5-years that are potentially relevant to the site's leachate management system, and the costs and benefits of the implementation of these developments at the site; and

c) details any measures that have been implemented in the previous 5-years, or that are planned to be implemented within the next five years in response to the findings in relation to (a) and (b) above.

The assessment required by this condition must be undertaken by a Suitably Qualified and Experienced Professional.

The Consent Holder must provide a copy of this assessment to the Consent Authority in the annual report required by Condition 6 of Schedule 1 of the year that assessment is undertaken.

Water and leachate level monitoring

12. Discrete water/leachate level monitoring must be carried out at least every three months, during January, April, July and October, at the following monitoring locations identified on the monitoring plan attached in Appendix 1 of this consent:

    a) Leachate interception drain wells (LS23, LS24, LS25, LS26, LGS27, LS28, LGS29, LS30, LS31, LS32 and LS33); and

    b) Leachate pumping chamber (EPS42).

13. a) Discrete water level monitoring must be carried out, at the frequency stated in Part (b) of this condition, at the following monitoring locations identified on the monitoring plan attached in Appendix 1 of this consent:

    i. Groundwater wells within the landfill footprint (LGS1, LS2, LS6, LS9, LS14 and LD5);

    ii. Groundwater wells outside the landfill footprint (LGS7, LS10, LS13, LS15, LS19, LS21A, LS22, LD8, LD11, LD17 and LD20); and

    iii. Surface water locations (SP1, SP2, SP3 and SP5).

    b) Monitoring, in accordance with this condition, is to be undertaken at the following frequency:

    i. For at least the first two years following the commencement of this consent, water level monitoring must be carried out at least every three months during January, April, July and October; and

    ii. Thereafter, provided that monitoring data demonstrates that groundwater levels remain within the range of seasonal variability observed over the previous 10 years and no sustained rising or declining trend is identified, and provided confirmation that the requirement of this condition has been met is provided in the annual report required by Condition 6 of Schedule 1, water level monitoring at any of the monitoring locations listed in Part (a) of this consent may be reduced and be carried out at least every six months during January and July.

Leachate monitoring

14. The Consent Holder must collect samples, at least every six months during January and July, from the leachate interception drain wells, at sampling locations LS24, LS26, LS28, LS30 and LS32 (on the monitoring plan attached in Appendix 1 of this consent). The samples must be analysed for pH, conductivity, temperature, total ammoniacal nitrogen, phosphorus, dissolved reactive phosphorus, chloride.

15. The Consent Holder must collect a sample, annually in July, from the leachate pumping chamber (EPS42 as identified on the monitoring plan attached in Appendix 1 of this consent). The sample must be analysed for COD, BOD_5, total ammoniacal nitrogen, temperature, conductivity, pH, calcium, magnesium, sodium, potassium, chloride, alkalinity, bicarbonate, sulphate, nitrate, phosphorus, dissolved reactive phosphorus, iron, zinc, copper, lead and cation/anion ratio.

Groundwater quality

16. a) The Consent Holder must monitor the quality of groundwater from samples collected from wells LGS1, LGS7, LS10, LS13, LS15, LS19, LS22, LD8, LD11, LD17 and LD20, as identified on the monitoring plan attached in Appendix 1 of this consent. The samples must be analysed for pH, conductivity, temperature, total ammoniacal nitrogen, phosphorus, dissolved reactive phosphorus and chloride.

b) Monitoring, in accordance with this condition, is to be undertaken at the following frequency:

i. For at least the first two years following the commencement of this consent, groundwater quality monitoring must be carried out at least every three months, during January, April, July and October each year; and

ii. Thereafter, provided that there are no exceedances of the trigger levels specified in Condition 19, and provided that a Mann-Kendall trend analysis (or similar trend assessment tool approved by the Consent Authority) shows that concentrations of total ammoniacal nitrogen, phosphorus, dissolved reactive phosphorus are either stable or decreasing, and provided confirmation that the requirement of this condition has been met is provided in the annual report required by Condition 6 of Schedule 1, groundwater quality monitoring may be reduced and be carried out at least every six months during January and July.

iii. Any time after the ten year anniversary of the commencement of this consent, provided that there are no exceedances of the trigger levels specified in Condition 19, and provided that a Mann-Kendall trend analysis (or similar trend assessment tool approved by the Consent Authority) shows that concentrations of total ammoniacal nitrogen, phosphorus, dissolved reactive phosphorus are either stable or decreasing, and provided confirmation that the requirement of this

condition has been met is provided in the annual report required by Condition 6 of Schedule 1, groundwater quality monitoring may be reduced and be carried out annually in July.

17. The Consent Holder must monitor the quality of deep groundwater from samples collected from wells LD5, LD8, LD11, LD17 and LD20, as identified on the monitoring plan attached in Appendix 1 of this consent, at the following frequency:

    a) At least annually, in July each year;

    b) The samples must be analysed for COD, BOD_5, total ammoniacal nitrogen, temperature, conductivity, pH, calcium, magnesium, sodium, potassium, chloride, alkalinity, sulphate, nitrate, phosphorus, dissolved reactive phosphorus, iron, zinc, lead.

Surface water quality

18. The Consent Holder must monitor the quality of surface water as follows:

    a) When the estuary mouth is open, and thus when sampling locations are accessible, as follows:

        i. surface water samples are to be collected from SW2b, SW3b, SW4, SW5 and SW7 as identified on the monitoring plan attached in Appendix 1 of this consent:

        ii. in-situ monitoring for conductivity, pH, temperature and dissolved oxygen must be undertaken at each sample location;

        iii. the surface water samples are to be analysed for BOD_5, salinity, alkalinity, calcium, sodium, chloride, potassium, sulphate, nitrate-nitrogen, nitrite-nitrogen, total ammoniacal-nitrogen, dissolved reactive phosphorus, total phosphorus, total nitrogen, magnesium (total and dissolved), iron (total and dissolved), lead (total and dissolved) and zinc (total and dissolved);

        iv. for the first two years following the commencement of this consent, and should the frequency and duration when the mouth is open allow, samples are to be collected at least monthly.

    b) When the estuary mouth is closed, and thus when some sampling locations are not accessible, as follows:

        i. surface water samples are to be collected from SW2b and SW3b and from the edge of wetland / estuary near SW4 and SW7, as identified on the monitoring plan attached in Appendix 1 of this consent;

        ii. in-situ monitoring for conductivity, pH, temperature and dissolved oxygen must be undertaken at each sample location;

iii. the surface water samples are to be analysed for BOD_5, salinity, alkalinity, calcium, sodium, chloride, potassium, sulphate, nitrate-nitrogen, nitrite-nitrogen, total ammoniacal-nitrogen, dissolved reactive phosphorus, total phosphorus, total nitrogen, magnesium (total and dissolved), iron (total and dissolved), lead (total and dissolved) and zinc (total and dissolved); and

iv. for the first two years following the commencement of this consent and should the frequency and duration of mouth closures allow, three-rounds of monitoring in the 12-month period from 1 November to 31 October each year, with each round of monitoring being at least one-month apart.

c) Following the first two years of monitoring, surface water monitoring must occur as follows:

i. samples are to be collected at least every three-months, regardless of whether the mouth is open or closed, during January, April, July and October each year;

ii. the state of the mouth, whether open or closed, is to be recorded during every monitoring event;

iii. for the parameters and sites listed in Part (a)(i) to(iii) of this condition when the mouth is open; and

iv. for the parameters and sites listed in Part (b)(i) to (iii) of this condition when the mouth is closed.

Adaptive Monitoring and Response Action Procedure, including contaminant trigger levels

19. The Consent Holder must have in place an Adaptive Monitoring and Response Action Procedure (AMRAP), within the AMP required by Conditions 1 to 3 of Schedule 1, which:

a) Establishes TAN based contaminant trigger levels, for relevant groupings of the groundwater and surface water sampling locations as identified on the monitoring plan attached in Appendix 1 of this consent. The purpose of contaminant trigger levels are:

i. To identify where the landfill's aftercare activities are causing a decline of the quality of the environment, beyond the established baseline condition; and

ii. To trigger the requirement to undertake investigative actions, when the monitoring carried out in accordance with Conditions 16 to 18 of this consent, if trigger levels are exceeded.

b) The groundwater contaminant trigger levels that apply to any individual sampling location, are as follows:

Groundwater Sampling Locations / Groupings	***TAN Trigger Level (mg/L)***
Groundwater Group A (LD11, LD17)	35.9
Groundwater Group B (LD20, LGS7)	1.6
Groundwater Group C (LD8, LS10, LS15, LS19, LS22)	5.4

c) For the first two years following the commencement of this consent, the surface water contaminant trigger levels are as follows:

Surface Water Sampling Locations / Groupings	***TAN Trigger Level (mg/L)***
Surface Water Location SW3B	3.6
Surface Water Location SW5	2.2

Thereafter, the surface water contaminant trigger levels and associated sampling locations and groupings, may be re-calculated, by a suitably qualified and experienced person, to ensure that the contaminant trigger levels are fit for purpose and reflect the most up to monitoring data. Any re-calculated surface water contaminant trigger level must not exceed the above surface water trigger levels.

Where amendments to the surface water trigger levels are proposed by the suitably qualified and experienced person, the Consent Holder is to ensure that:

i. The assessment prepared by the suitably qualified and experienced person, and associated recommendations, is provided in the annual report required by Condition 6 of Schedule 1 of this consent; and

ii. the AMRAP is amended in the AMP required by Conditions 1 to 3 of Schedule 1, with the AMP provided to the Consent Authority for re-certification.

Advice Note: *The trigger levels in Part (c) of this Condition will still apply after the two year period, if a new trigger level under has not been certified by Council.*

d) Where contaminant trigger levels under Condition 19(b) or 19(c) are exceeded, the exceedances are to be recorded as an incident in the Complaints and Incidents Register required by Conditions 4 and 5 of Schedule 1 of this consent, and the Consent Holder must also undertake the following actions:

i. Within 5 working days of receiving the laboratory report identifying the exceedance/s, review the exceedance against the past 10 years of data to ascertain if the exceedance falls within the range of historical data. If

the exceedance does not exceed the range of historical data, as assessed by a suitably qualified and experienced person, no further action is required with this outcome recorded in the Complaints and Incidents Register and reported in the annual report required by Condition 6 of Schedule 1.

ii. If the exceedance exceeds the range of historical data based on the review required by Part (d)(i) of this consent, then:

- within 15 working days of receiving the laboratory report identifying the exceedance/s, the Consent Holder must collect an additional sample, from the relevant site/s, and analyse the sample/s for the same suite parameters as the original sample; and
- if the additional sample reconfirms the exceedance/s, an investigation must be carried out by a Suitably Qualified Professional to determine the likely cause of the exceedances, with an associated investigation report completed and provided to the Consent Authority no later than 30 working days after receiving the laboratory report reconfirming the exceedance/s, unless otherwise agreed upon by the Consent Authority.
- if the investigation concludes that the exceedance/s is attributed to landfill leachate from the landfill, the investigation report must also identify any additional monitoring and / or remedial measures or actions to be implemented (if any are deemed necessary), along with timeframes for their completion, to mitigate any identified adverse environmental effects.
- Any outcomes and actions identified within the investigation report, and associated resolution of identified actions, must also be recorded in the Complaints and Incidents Register required by Conditions 4 and 5 of Schedule 1

Ecology monitoring

20. The Consent Holder must monitor the ecology of nearby surface water features as follows:

a) Samples are to be collected as follows:

i. Surficial sediments samples are to be collected from SW2b, SW3b, SW4, SW5 and SW7, as identified on the monitoring plan attached in Appendix 1, and analysed for total phosphorus, total nitrogen, total organic carbon, total recoverable iron, lead and zinc; and

ii. Benthic infauna samples are to be collected from SW4, SW5 and SW7 and analysed for benthic community composition and abundance; and

iii. Macroinvertebrate samples are to be collected, via a kicknet and at low tide, from SW2b and SW3 with a Macroinvertebrate Community Indices assessment completed for the samples collected.

b) The benthic infauna and macroinvertebrate sampling required by part (a) of this condition is to occur at the same time as the surficial sediment sampling; and

c) Annually (if sample locations are accessible), between the months of October to March.

Advice notes

1. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*

2. *The Consent Holder is reminded that they may apply at any time under section 127 of the Act to have any condition of this consent changed except that which specifies the expiry date of this consent.*

3. *The Consent Holder will be required to pay the Consent Authority an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with section 36 of the Resource Management Act 1991.*

Otago Regional Council

Schedule 1 - General Conditions

Appendix 1 - Monitoring Plan

Otago Regional Council

Consent No. RM24.098.03

DISCHARGE PERMIT

Pursuant to section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Waste Management NZ Limited

Address: 381 East Tamaki Road, Auckland

To discharge water from two retention ponds to the Kaikorai Stream for the purpose of operating a closed landfill

For a 35 year consent duration

This consent does not commence until 1 November 2026

Location of consent activity:	125/127 Old Brighton Road, Dunedin
Legal description of consent location:	Lot 2 Deposited Plan 566541, Part Lot B Deposited Plan 685 and Part Section 41 Block VII Dunedin & East Taieri Survey District and Deposited Plan 7227
Map Reference:	Eastern Landfill: E1398718 N4913050 Western Landfill: E139833 N4912851

Conditions

Specific

1. The discharge of discharge stormwater runoff diverted from the Eastern Landfill into the Kaikorai Stream and Kaikorai Lagoon Swamp, after treatment through the stormwater treatment ponds as annotated on Appendix 1, must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all reference by the Consent Authority as consent number RM24.098:

    a) Application titled: *Waste Management NZ Limited Fairfield-Closed Landfill – Renewal of Regional Resource Consents*, prepared by Planz Consultants Limited and dated February 2024, including:

        i. Appendix 1: Existing Resource Consents;
        ii. Appendix 2: Fairfield Aftercare Management Plan (draft) dated 27 February 2024
        iii. Appendix 3: Letter from Aukaha dated 20 February 2024;
        iv. Appendix 4: Air Quality Assessment, prepared by Tonkin & Taylor and dated February 2024;

v. Appendix 5: Technical Assessment of Effects on Groundwater, Surface Water and Ecology, prepared by PDP and dated February 2024;
vi. Appendix 6: Natural Hazard and Climate Risk Assessment and Management Plan, prepared by PDP and dated February 2024;
vii. Appendix 7: Record of Consultation;
viii. Appendix 8: Proposed Consent Conditions; and
ix. Appendix 9: Records of Title.

b) Cultural Impact Assessment Fairfield Landfill Aftercare, prepared by Aukaha and dated 4 November 2024;
c) Memorandum titled: *Cultural Impact Assessment Recommendations – Proposed Approach / Response (FINAL – 31 January 2025)*, dated 31 January 2025;
d) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 91 Deferral Pending Application for Additional Resource Consents*, prepared by Planz Consultants Limited and dated 10 March 2025, including:
    i. Attachment A: Updated Resource Consent Application Form.
e) Fairfield Landfill Ecological Assessment, prepared by PDP and dated March 2025;
f) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 92 Request for Further Information,* prepared by Planz Consultants Limited and dated 6 June 2025, including:
    i. Attachment A - Updated (v2) Resource Consent Application Form;
    ii. Attachment B – Landfill Monitoring Results (post February 2024).
g) Updated proposed Consent Conditions (Appendix 8), dated 13 June 2025;
h) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to Technical Reviews*, prepared by PDP and dated 1 October 2025, including:
    i. Appendix 1: Aftercare Management Plan - Proposed Adaptive Monitoring and Response Action Procedure.
i) Memorandum titled: *WM New Zealand Limited - Fairfield Closed Landfill Application (RM24.098) - Relief Sought in Otago Fish and Game Council's Submission (dated 3 December 2025) – Online Meeting on 19 January 2026 (and subsequent post meeting outcomes).*

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. This consent must be exercised in conjunction with resource consents RM24.098.01, RM24.098.02, RM24.098.04, RM24.098.05 and RM24.098.06.

3. The Consent Holder must operate and maintain the site's stormwater system at the site in a manner that ensures the effective control and treatment of the site's stormwater. The key components of the stormwater management system that must be maintained in accordance with this condition include, but are not limited to:

a) Stormwater drainage network;

b) The two stormwater retention / treatment ponds; and

c) The discharge outfalls.

Performance monitoring

4.

a) The Consent Holder must monitor the quality of stormwater in the North Pond from samples collected:

i. from the discharge outlet, if the discharge is occurring; or

ii. if there is no discharge, from near the discharge point from the pond.

The location of sample collection and whether or not it has rained in the past 24 hours are to be recorded at the time of sample collection.

b) The samples must be analysed for total suspended solids, pH, conductivity, BOD_5 and total ammoniacal nitrogen.

c) Monitoring, in accordance with this condition, is to be undertaken, at the following frequency:

i. For at least the first five years following the grant of this consent, stormwater quality monitoring must be carried out at least every six months, during January and July each year; and

ii. Thereafter, provided the annual mean concentration of pH-adjusted Total Ammoniacal Nitrogen does not exceed 1.3 mg/L, consistent with the upper limit of Attribute State C under the National Policy Statement for Freshwater Management 2020, and provided confirmation that the requirements of this condition have been met is included in the annual report required by Condition 6 of Schedule 1, stormwater quality monitoring may be reduced and be carried out annually in July.

5. The Consent Holder must inspect the site to ascertain that site's stormwater management system is operating as required, and the Consent Holder must maintain a record of the inspections that have been carried out. The inspections are to be carried at least every three months.

A record of all inspections must be provided with the annual report required by Condition 6 of Schedule 1.

6. Where evidence of issues with the site's stormwater management system is identified during these inspections, the Consent Holder must register the issue as an incident in

the Complaints and Incidents Register in accordance with Conditions 4 and 5 of Schedule 1.

The Consent Holder must also investigate the issue, as soon as practicable and no later than 20 working days after the identification of the issue, unless otherwise agreed upon by the Consent Authority. As part of the investigation the Consent Holder, must identify actions and associated implementation timeframes, that remedies or mitigates the issue with the stormwater management system. The Consent Holder must then implement the identified action/s in accordance with the timeframes identified during the investigation. These actions and outcomes must be recorded in the Complaints and Incidents Register required by Conditions 4 and 5 of Schedule 1 and must also be reported to the Consent Authority within one month of the incident being resolved by the Consent Holder.

Advice notes

1. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*

2. *The Consent Holder is reminded that they may apply at any time under Section 127 of the Act to have any condition of this consent changed except that which specifies the expiry date of this consent.*

3. *The Consent Holder will be required to pay the Consent Authority an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with Section 36 of the Resource Management Act 1991.*

Otago Regional Council

Schedule 1 – General Conditions

Appendix 1 – Monitoring Plan

Otago Regional Council

Consent No. RM24.098.04

WATER PERMIT

Pursuant to section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Waste Management NZ Limited

Address: 381 East Tamaki Road, Auckland

To take and use groundwater and connected surface water from the Kaikorai Stream through a leachate collection trench for the purpose of operating a closed landfill

For a 6 year consent duration

This consent does not commence until 1 November 2026

Location of Point of Abstraction:	125/127 Old Brighton Road, Dunedin
Legal Description of land at point of abstraction:	Lot 2 Deposited Plan 566541, Part Lot B Deposited Plan 685 and Part Section 41 Block VII Dunedin & East Taieri Survey District and Deposited Plan 7227
Map Reference (NZTM2000):	Eastern Landfill: E1398718 N4913050 Western Landfill: E139833 N4912851

Conditions

Specific

1. The take of groundwater containing leachate, other groundwater and connected surface water, for the purpose of controlling landfill leachate and to maintain groundwater within the area bounded by the Fairfield closed landfill's leachate interception drain, must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all reference by the Consent Authority as consent number RM24.098:

    a) Application titled: *Waste Management NZ Limited Fairfield-Closed Landfill – Renewal of Regional Resource Consents*, prepared by Planz Consultants Limited and dated February 2024, including:
        i. Appendix 1: Existing Resource Consents;
        ii. Appendix 2: Fairfield Aftercare Management Plan (draft) dated 27 February 2024

iii. Appendix 3: Letter from Aukaha dated 20 February 2024;
iv. Appendix 4: Air Quality Assessment, prepared by Tonkin & Taylor and dated February 2024;
v. Appendix 5: Technical Assessment of Effects on Groundwater, Surface Water and Ecology, prepared by PDP and dated February 2024;
vi. Appendix 6: Natural Hazard and Climate Risk Assessment and Management Plan, prepared by PDP and dated February 2024;
vii. Appendix 7: Record of Consultation;
viii. Appendix 8: Proposed Consent Conditions; and
ix. Appendix 9: Records of Title.

b) Cultural Impact Assessment Fairfield Landfill Aftercare, prepared by Aukaha and dated 4 November 2024;
c) Memorandum titled: *Cultural Impact Assessment Recommendations – Proposed Approach / Response (FINAL – 31 January 2025)*, dated 31 January 2025;
d) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 91 Deferral Pending Application for Additional Resource Consents*, prepared by Planz Consultants Limited and dated 10 March 2025, including:
    i. Attachment A: Updated Resource Consent Application Form.
e) Fairfield Landfill Ecological Assessment, prepared by PDP and dated March 2025;
f) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 92 Request for Further Information,* prepared by Planz Consultants Limited and dated 6 June 2025, including:
    i. Attachment A-Updated (v2) Resource Consent Application Form;
    ii. Attachment B – Landfill Monitoring Results (post February 2024).
g) Updated proposed Consent Conditions (Appendix 8), dated 13 June 2025;
h) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to Technical Reviews*, prepared by PDP and dated 1 October 2025, including:
    i. Appendix 1: Aftercare Management Plan - Proposed Adaptive Monitoring and Response Action Procedure.
i) Memorandum titled: *WM New Zealand Limited - Fairfield Closed Landfill Application (RM24.098) - Relief Sought in Otago Fish and Game Council's Submission (dated 3 December 2025) – Online Meeting on 19 January 2026 (and subsequent post-meeting outcomes).*

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. This consent must be exercised in conjunction with resource consents RM24.098.01, RM24.098.02, RM24.098.03, RM24.098.05 and RM24.098.06.

Limits

3. The take of groundwater containing leachate, other groundwater and connected surface water, authorised by this consent must not exceed 480m^3 per day.

Performance Monitoring

4. Within six months of the commencement of this consent, the Consent Holder must have installed and commissioned a SCADA system, or a similar technology, to ensure that the leachate pumping system (at EPS42 as identified on the monitoring plan as attached as Appendix 1), is operating effectively. The SCADA system, or similar, must:

    a) Monitor water/leachate levels at 15-minute intervals;

    b) Monitor the average rate (at 15-minute intervals) of groundwater containing leachate that is taken and disposed of to the Dunedin City Council's wastewater network;

    c) Have in place an alarm system which immediately notifies the Consent Holder when there are any operational issues at the pump station/s, or when the pump station/s switches off; and

    d) Record all data required by Conditions 4 (a) and (b) to within an accuracy of +/- 5, with all data collected and held for at least 12-months and provided to the Consent Authority:

        i. once daily to the Consent Authority, via telemetry, with the data provided in a manner that is compatible with the Consent Authority's time series database and conforms with the Consent Authority's data standards; and

        ii. in the annual report required by Condition 6 of Schedule 1.

    The Consent Holder must provide written confirmation to the Consent Authority, signed by a suitably qualified person certifying that the system has been installed, commissioned and is operating in accordance with the manufacturer's specifications and the above requirements, within one month of the system having been commissioned, and every five years thereafter.

5. The Consent Holder must operate and maintain the leachate management system associated with the site in a manner that ensures the effective control of landfill leachate and to maintain the groundwater level depression within the interception drain system. The key components of the leachate management system that must be maintained in accordance with this condition including, but are not limited to:

    a) Lateral drainage network, and the networks effective and efficient connection to the interception drainage trench;

    b) Interception drainage trench;

    c) Sumps and pumping station;

    d) Water level monitoring within the interception drainage trench, sumps and pumping station;

e) The SCADA, or similar, system required by Condition 4, including alarm systems notifying of any operations issues or when the pump station/s switches off; and

f) Connection to the Dunedin City Council's wastewater network for disposal of the groundwater containing leachate.

Advice Note: *Maintenance of the leachate management system to achieve the purpose of this condition includes maintaining a groundwater level depression in the phreatic zone (zone of saturation). The depression of the phreatic surface must be sufficient to cause the drain to intercept phreatic groundwater which would, ordinally, have flowed outward from the drain to adjacent groundwater and the Kaikorai Stream / Kaikorai Lagoon Swamp. The slope of the phreatic groundwater level must be inward towards the interception drain/trench.*

6. The Consent Holder must inspect the site to ascertain that site's leachate management system is operating as required. The Consent Holder must maintain a record of the inspections that have been carried out, and these must be included in the annual report required by Condition 6 of Schedule 1.

7. The inspections required by Condition 6, are to be carried out weekly until a SCADA system, or similar, has been installed and commissioned in accordance with Condition 4. Inspections of the leachate management system may reduce to three monthly, during January, April, July and October, once the system outlined in accordance with Condition 4 has been installed and commissioned.

8. a) Where evidence of uncontrolled leachate discharges beyond the site boundary is identified during the inspections required by Condition 6, the Consent Holder must register the discharge as an incident in the Complaints and Incidents Register in accordance with Conditions 4 and 5 of Schedule 1, and must notify the Consent Authority within five working days of becoming aware of the uncontrolled leachate discharge.

b) The Consent Holder must also investigate the uncontrolled leachate discharge/s, as soon as practicable and no later than 20 working days after the identification of the incident, unless otherwise agreed upon by the Consent Authority. As part of the investigation the Consent Holder must identify actions and associated implementation timeframes, that remedies or mitigates the uncontrolled leachate discharge, The Consent Holder must then implement the identified action/s in accordance with the timeframes identified during the investigation. These actions and outcomes must be recorded in the Complaints and Incidents Register required by Conditions 4 and 5 of Schedule 1, and must be reported to the Consent Authority within one month of the incident being resolved by the Consent Holder.

Advice notes

1. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise*

this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).

2. *The Consent Holder is reminded that they may apply at any time under section 127 of the Act to have any condition of this consent changed except that which specifies the expiry date of this consent.*

3. *The Consent Holder will be required to pay the Consent Authority an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with section 36 of the Resource Management Act 1991.*

Otago Regional Council

Schedule 1 – General Conditions

Appendix 1 – Monitoring Plan

Consent No. RM24.098.05

LAND USE CONSENT

Pursuant to section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Waste Management NZ Limited

Address: 381 East Tamaki Road, Auckland

To alter and use an existing defence against water for the purpose of flood mitigation

For a 35 year consent duration

Location of consent activity:	125/127 Old Brighton Road, Dunedin
Legal description of consent location:	Lot 2 Deposited Plan 566541, Part Lot B Deposited Plan 685 and Part Section 41 Block VII Dunedin & East Taieri Survey District and Deposited Plan 7227
Map Reference:	Eastern Landfill: E1398718 N4913050 Western Landfill: E139833 N4912851

Conditions

Specific

1. The alteration and use of the existing perimeter access road (the existing defence against water) that runs along the eastern and southern side of the Eastern Landfill and which adjoins the Kaikorai Stream and Kaikorai Lagoon Swamp as shown on the plan attached as Appendix 1, must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all reference by the Consent Authority as consent number RM24.098:

    a) Application titled: *Waste Management NZ Limited Fairfield-Closed Landfill – Renewal of Regional Resource Consents*, prepared by Planz Consultants Limited and dated February 2024, including:

        i. Appendix 1: Existing Resource Consents;
        ii. Appendix 2: Fairfield Aftercare Management Plan (draft) dated 27 February 2024
        iii. Appendix 3: Letter from Aukaha dated 20 February 2024;
        iv. Appendix 4: Air Quality Assessment, prepared by Tonkin & Taylor and dated February 2024;
        v. Appendix 5: Technical Assessment of Effects on Groundwater, Surface Water and Ecology, prepared by PDP and dated February 2024;

vi. Appendix 6: Natural Hazard and Climate Risk Assessment and Management Plan, prepared by PDP and dated February 2024;
vii. Appendix 7: Record of Consultation;
viii. Appendix 8: Proposed Consent Conditions; and
ix. Appendix 9: Records of Title.

b) Cultural Impact Assessment Fairfield Landfill Aftercare, prepared by Aukaha and dated 4 November 2024;
c) Memorandum titled: *Cultural Impact Assessment Recommendations – Proposed Approach / Response (FINAL – 31 January 2025)*, dated 31 January 2025;
d) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 91 Deferral Pending Application for Additional Resource Consents*, prepared by Planz Consultants Limited and dated 10 March 2025, including:
    i. Attachment A: Updated Resource Consent Application Form.
e) Fairfield Landfill Ecological Assessment, prepared by PDP and dated March 2025;
f) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 92 Request for Further Information,* prepared by Planz Consultants Limited and dated 6 June 2025, including:
    i. Attachment A-Updated (v2) Resource Consent Application Form;
    ii. Attachment B – Landfill Monitoring Results (post February 2024).
g) Updated proposed Consent Conditions (Appendix 8), dated 13 June 2025;
h) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to Technical Reviews*, prepared by PDP and dated 1 October 2025, including:
    i. Appendix 1: Aftercare Management Plan - Proposed Adaptive Monitoring and Response Action Procedure.
i) Memorandum titled: *WM New Zealand Limited - Fairfield Closed Landfill Application (RM24.098) - Relief Sought in Otago Fish and Game Council's Submission (dated 3 December 2025) – Online Meeting on 19 January 2026 (and subsequent post-meeting outcomes).*

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. This consent must be exercised in conjunction with resource consents RM24.098.02, RM24.098.03, RM24.098.04, and RM24.098.06.
3. The alterations specified under Condition 1:

    a) Must be for the purpose of minimising inundation of the leachate management system and to protect the landfill toe and landfill stability from the adverse climate change effects associated with the increased occurrence of high estuary levels and/or wave generated erosion; and
    b) Must only include the raising of the road perimeter in the location shown on plan attached as Appendix 1.

4. The Consent Holder must not commence the works authorised under this consent, until the Consent Authority has certified the information requirements under Condition 5.

Performance Monitoring

5. No less than one month prior to commencing the works authorised under this consent, the Consent Holder must send the following information to the Consent Authority for Certification.

    a) The design of the proposed alterations. The design must be:

        i. Designed by a Suitably Qualified Professional;

        ii. Designed based on modelling of diverted surface water flow which has been completed by a Suitably Qualified Professional; and

        iii. Within the scope of this consent.

    b) A description of the construction methodology and timeframes, which at a minimum must include:

        i. A brief summary of the works to be undertaken in accordance with the approved consent;

        ii. Timing and duration of construction and operation of control works; and

        iii. An appropriate Construction Management Plan.

6. Any amendments to the information sent to the Consent Authority under Condition 5 must be resubmitted to the Consent Authority for recertification.

7. The Consent Holder must notify the Consent Authority within 10 working days of completing the works authorised under this consent.

8. The Consent Holder must undertake inspections to confirm that the structural integrity of the defence against water. Inspections are to occur at the same time as inspections of the structural integrity of the landfill (as outlined in Condition 4 of Resource Consent RM24.098.02). Records of the inspections must be kept and made available at any time upon request by the Consent Authority.

9. Where inspections required under Condition 8 identify issues with the structural integrity of the defence against water, the issue is to be registered as an incident in the complaints and incident register in accordance with Conditions 4 and 5 of Schedule 1. Any such structural integrity issues identified as a result of inspections must be investigated, as soon as practicable and no later than 20 workings days after the identification of the incident, unless otherwise agreed upon by the Consent Authority. As part of the investigation the Consent Holder must identify actions and implementation timeframes, that remedies or mitigates the issue identified during the

inspection. The Consent Holder must implement the identified action/s in accordance with timeframes identified during the investigation.

10. The results of all inspections carried out in accordance with Conditions 8 must be provided to the Consent Authority annually as part of the annual report required by Condition 6 of Schedule 1, and at all other times must be available for inspection upon request by the Consent Authority.

General

11. In accordance with section 125(1)(a) of the Resource Management Act, this consent will lapse after a period of 10 years after the date of commencement unless it is given effect to or an application is made to extend the lapse period before the consent lapses.

12. The defence against water must be maintained in accordance with the certified design and in a condition that ensures its structural integrity and flood protection function and does not pose an undue risk to human life, property, or the natural environment.

Advice notes

1. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*

2. *The Consent Holder is reminded that they may apply at any time under Section 127 of the Act to have any condition of this consent changed except that which specifies the expiry date of this consent.*

3. *The Consent Holder will be required to pay the Consent Authority an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with Section 36 of the Resource Management Act 1991.*

Otago Regional Council

Schedule 1 – General Conditions

Appendix 1 – Map of Road Perimeter

Consent No. RM24.098.06

WATER PERMIT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Waste Management NZ Limited

Address: 381 East Tamaki Road, Auckland

To permanently divert surface water flows via a defence against water for the purpose of flood mitigation

For a 35 year consent duration

Location of consent activity:	125/127 Old Brighton Road, Dunedin
Legal description of consent location:	Lot 2 Deposited Plan 566541, Part Lot B Deposited Plan 685 and Part Section 41 Block VII Dunedin & East Taieri Survey District and Deposited Plan 7227
Map Reference (NZTM2000):	Eastern Landfill: E1398718 N4913050 Western Landfill: E139833 N4912851

Conditions

Specific

1. The diversion of water via the existing perimeter access road (the existing defence against water) that runs along the eastern and southern side of the Eastern Landfill and which adjoins the Kaikorai Stream and Kaikorai Lagoon Swamp as shown on the plan as attached as Appendix 1, must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all reference by the Consent Authority as consent number RM24.098:

    a) Application titled: *Waste Management NZ Limited Fairfield-Closed Landfill – Renewal of Regional Resource Consents*, prepared by Planz Consultants Limited and dated February 2024, including:

        i. Appendix 1: Existing Resource Consents;
        ii. Appendix 2: Fairfield Aftercare Management Plan (draft) dated 27 February 2024
        iii. Appendix 3: Letter from Aukaha dated 20 February 2024;
        iv. Appendix 4: Air Quality Assessment, prepared by Tonkin & Taylor and dated February 2024;
        v. Appendix 5: Technical Assessment of Effects on Groundwater, Surface Water and Ecology, prepared by PDP and dated February 2024;

vi. Appendix 6: Natural Hazard and Climate Risk Assessment and Management Plan, prepared by PDP and dated February 2024;
vii. Appendix 7: Record of Consultation;
viii. Appendix 8: Proposed Consent Conditions; and
ix. Appendix 9: Records of Title.

b) Cultural Impact Assessment Fairfield Landfill Aftercare, prepared by Aukaha and dated 4 November 2024;
c) Memorandum titled: *Cultural Impact Assessment Recommendations – Proposed Approach / Response (FINAL – 31 January 2025)*, dated 31 January 2025;
d) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 91 Deferral Pending Application for Additional Resource Consents*, prepared by Planz Consultants Limited and dated 10 March 2025, including:
    i. Attachment A: Updated Resource Consent Application Form.
e) Fairfield Landfill Ecological Assessment, prepared by PDP and dated March 2025;
f) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to the section 92 Request for Further Information,* prepared by Planz Consultants Limited and dated 6 June 2025, including:
    i. Attachment A-Updated (v2) Resource Consent Application Form;
    ii. Attachment B – Landfill Monitoring Results (post February 2024).
g) Updated proposed Consent Conditions (Appendix 8), dated 13 June 2025;
h) Letter from Applicant titled: *Waste Management NZ Limited – Fairfield Closed Landfill Application (RM24.098) - Response to Technical Reviews*, prepared by PDP and dated 1 October 2025, including:
    i. Appendix 1: Aftercare Management Plan - Proposed Adaptive Monitoring and Response Action Procedure.
i) Memorandum titled: *WM New Zealand Limited - Fairfield Closed Landfill Application (RM24.098) - Relief Sought in Otago Fish and Game Council's Submission (dated 3 December 2025) – Online Meeting 19 January 2026 (and subsequent post-meeting outcomes).*

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. This consent must be exercised in conjunction with resource consents RM24.098.01, RM24.098.02, RM24.098.03, RM24.098.04, and RM24.098.05.

3. The conditions of consent set out under RM24.098.05 also apply to this resource consent.

Advice notes

1. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent.*

Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).

2. *The Consent Holder is reminded that they may apply at any time under section 127 of the Act to have any condition of this consent changed except that which specifies the expiry date of this consent.*

3. *The Consent Holder will be required to pay the Consent Authority an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with section 36 of the Resource Management Act 1991.*

Otago Regional Council

Schedule 1 – General Conditions

Appendix 1 – Map of Road Perimeter

Otago Regional Council

Consent No. RM24.098.07

LAND USE CONSENT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Waste Management NZ Limited

Address: 381 East Tamaki Road, Auckland

To drill over a contaminated site for the purpose of installing a new monitoring well

For a 1 year consent duration

Location of consent activity:	125/127 Old Brighton Road, Dunedin
Legal description of consent location:	Lot 2 Deposited Plan 566541, Part Lot B Deposited Plan 685 and Part Section 41 Block VII Dunedin & East Taieri Survey District and Deposited Plan 7227
Map Reference (NZTM2000):	E1398617 N4913212

Conditions

Specific

1. The disturbance of contaminated land to construct a monitoring well shown as G39 on the monitoring plan attached as Appendix 1, must be carried out in accordance with the plans and all information submitted with the application documents and all reference by the Consent Authority as consent number RM24.098.

   If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. The Consent Holder must ensure:

   a) the well is located outside of the footprint of the Eastern Landfill, to the north of the well MW1 and on the southern side of the site boundary; and

   b) The monitoring well is screened from 1m to at least 3 m below ground level or to a depth that intercepts the groundwater table at all times.

   c) The well is to be immediately sealed/grouted and backfilled to prevent the ingress of contaminants to the bore holes, any land, groundwater, or surface water bodies.

Performance Monitoring

3. Within 20 working days of completing the well, the Consent Holder must provide to the Consent Authority:
    a) photographs of the completed and sealed monitoring which must include the bore tag number/s of the drill hole. Photographs must be in colour and minimally consist of 900*1600 pixels in JPG format between 0.5 and 1Mb.
    b) The location of the monitoring well in NZTM 2000 GPS coordinates; and
    c) The bore log.

Advice Notes

4. *The Consent Holder will be required to pay the Consent Authority an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with section 36 of the Resource Management Act 1991.*

Otago Regional Council

Appendix 1 - Monitoring Plan
(Location of new well marked as 'MW1')

Schedule 1 – General Conditions to RM24.098.01, RM24.098.02, RM24.098.03, RM24.098.04, RM24.098.05, RM24.098.06.

Aftercare Management Plan

1. Within three months of the commencement of this consent and thereafter following any amendments to the After Care Management Plan (AMP) made in accordance with Condition 3(c)(i) of this Schedule, the Consent Holder must submit an AMP to the Consent Authority for certification. If the Consent Holder has not received a response from the Consent Authority either certifying the AMP or refusing to certify the AMP within two months from the date of submission of the AMP, the AMP is deemed to be certified.

2. The Consent Holder is to ensure that all activities and operations at the closed landfill site are carried in accordance with the certified AMP required by Condition 3 of this Schedule.

3. The AMP must be based on the AMP submitted as part of the application and must apply to all aspects of the closed landfill as authorised by resource consents RM24.098.01-0.6.

a) The purpose of the AMP is to ensure that procedures are in place that will ensure that the closed landfill, during the aftercare period~~;~~

i. is appropriately managed so that adverse effects on the environment arising from the activities authorised by resource consents RM24.098.01-0.6. are avoided, remedied or mitigated; and
ii. that over time, improvements in the quality and quantity of landfill discharges contribute to the improving the health and well-being of the area's water and air resources and assist the catchment in achieving relevant regulatory direction or outcomes.

b) The AMP must contain procedures that, as a minimum, address:

i. How the purpose of the AMP, as outlined in (a) (i) and (ii) above, are to be achieved.
ii. Compliance with the conditions of Consents resource consents RM24.098.01-0.6.
iii. The roles and responsibilities of parties with management and operational responsibilities at the site, including relevant contact details.
iv. Site maintenance and inspection requirements, including during the different phases of the aftercare period.
v. The performance of the site infrastructure and environment monitoring requirements, including during the different phases of the aftercare period.
vi. An Adaptive Monitoring and Response Action Procedure that identifies trigger levels, and subsequent investigation and corrective actions to be taken when monitoring identifies that an adverse change, in terms of adverse effects on the environment from landfill leachate, is occurring. If the Adaptive Monitoring and Response Action Procedure is triggered, it must be registered and treated as an environmental incident in accordance with Conditions 4 and 5 of this Schedule.
vii. Implementation of a strategy that requires regular reviews, at least every 5-years, of the risks to the site arising from climate change, and where risks are identified, the procedures to be implemented by the Consent Holder for addressing the risks.

viii. Emergency management and contingency procedures, including, but not limited to, from natural hazards such as site flooding.

ix. Recording and responding to complaints and incidents at the site.

x. The future use and management of the site, including, but not limited to, the basis for providing access to site by third parties.

c) Reviews of the AMP, which at a minimum, must occur:
   i. within six months of identifying any management actions, methods or policies that are to be implemented, as identified by the process undertaken in accordance with Conditions 4 and 5 of this Schedule, to avoid matters detected by complainants or incidents occurring in the future.
   ii. at least every two years during the first 10 years of this consent, and thereafter at least every five years; and
   iii. whenever there is a significant change in the nature of site operations, which includes, but is not limited to, when the site changes from active to passive management of the landfill leachate and landfill gas.
   iv. Any amendments to the AMP arising as a result of a review carried out in accordance with the requirements of part (i) of this condition, are to be submitted to the Consent Authority for re-certification before being implemented at the closed landfill site.

Complaints and Incidents Register

4. The Consent Holder must maintain a record of complaints and incidents in relation to all activities at the closed landfill site authorised by resource consents RM24.098.01-0.6, including complaints received and incidents that have occurred in relation to the activity authorised by this consent. The register must include, but not be limited to:

   a) The location where the complainant detected the matter that is the subject of the complaint or where the incident occurred, and the associated date and time that the matter was detected, or the incident occurred.

   b) A description of the nature of matter detected by the complainant or the nature of the incident that occurred.

   c) The name, phone number and address of the complainant, unless the complainant elects not to supply this information.

   d) In relation to discharges to air, a description of the weather conditions, including approximate wind speed and direction when the discharge was detected by the complainant or when the incident occurred.

   e) Action taken by the Consent Holder to avoid, remedy or mitigate the matter detected by the complainant or the incident that occurred, and any policies or methods put in place to avoid the matter or incident occurring again.

5. The complaints and incident record must be:

   a) Provided to the Consent Authority annually as part of the annual report required by Condition 6 of this Schedule;
   b) At all other times the complaints and incident record must be available for inspection upon request by the Consent Authority; and

c) Individual incidents must be provided to the Consent Authority where required by conditions of resource consents RM24.098.01-0.6 and in accordance with any timeframes specified.

Advice Note: *An incident may include, but is not limited to, operational failures, natural hazard effects and environmental incidents where monitoring has identified that the landfill's aftercare activities are adversely affecting the environment.*

Annual Report

6. By 30 November each year, the Consent Holder must prepare and have submitted to the Consent Authority, an annual report related to the closed landfill activities authorised by resource consents RM24.098.01-0.6. The annual report must include, but is not limited to:

a) The results of all inspections and monitoring undertaken over the preceding 12 months;

b) An assessment of the current state of effects on the receiving environment;

c) An evaluation of progress towards passive management practices at the site, including any stages or steps associated with this change, in the context of the criteria, or trigger levels, for changing from active management of the site's landfill leachate, or landfill gas, to a passive system as described in the AMP required by Condition 3 of this Schedule;

d) Proposed amendments to the monitoring programme; and

e) All complaints and incidences logged in the Complaints and Incidents Register over the preceding 12 months, and the actions in response to the complaint or incident.

Review

7. The Consent Authority may, in accordance with sections 128 and 129 of the RMA, serve notice on the Consent Holder of its intention to review the conditions of this consent each year, during the three month period either side of the date of granting this consent, or within two months of any enforcement action by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purpose of:

a) Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the consent;

b) Ensuring conditions of this consent are consistent with any national environmental standards, relevant regional plans and/or regional policy statements;

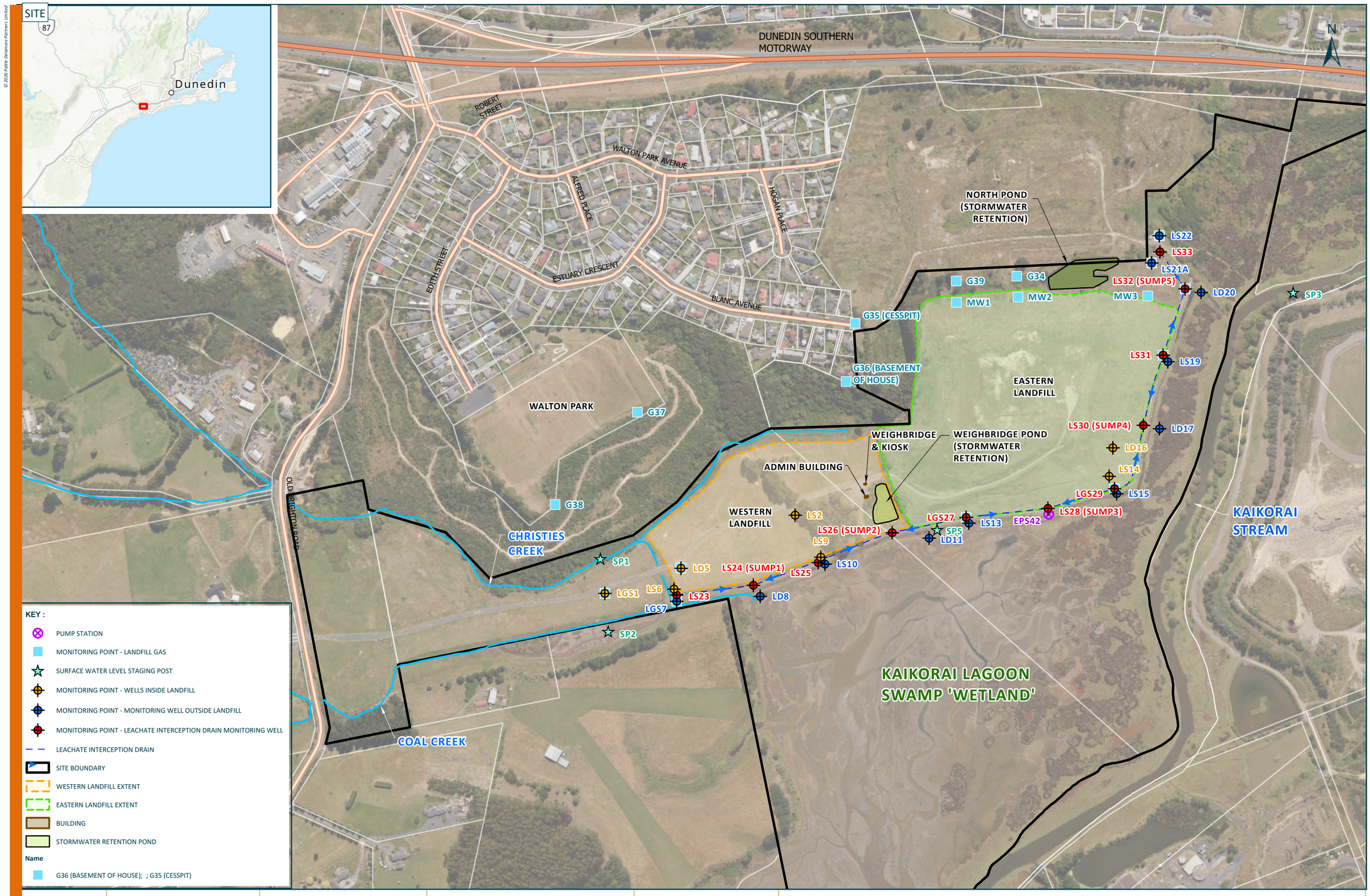
c) Reviewing the frequency of monitoring or reporting required under this consent. Amending the monitoring programme set out in accordance with Conditions;

d) Requiring the Consent Holder to adopt the best practicable option, in order to prevent or minimise any adverse effect on the environment arising as a result of the exercise of this consent.

Information to Council

8. Where information is required to be provided to the Consent Authority in conditions, this is provided in writing to compliance@orc.govt.nz, and the email heading is to reference the relevant consent number and the condition/s the information relates to.

Appendix 1 to RM24.098 Consents - Monitoring Plan



KEY :

- PUMP STATION
- MONITORING POINT - LANDFILL GAS
- SURFACE WATER LEVEL STAGING POST
- MONITORING POINT - WELLS INSIDE LANDFILL
- MONITORING POINT - MONITORING WELL OUTSIDE LANDFILL
- MONITORING POINT - LEACHATE INTERCEPTION DRAIN MONITORING WELL
- LEACHATE INTERCEPTION DRAIN
- SITE BOUNDARY
- WESTERN LANDFILL EXTENT
- EASTERN LANDFILL EXTENT
- BUILDING
- STORMWATER RETENTION POND

Name

G36 (BASEMENT OF HOUSE); ; G35 (CESSPIT)

0 100 200
METRES
SCALE : 1:5,000 (A3)

NO.	REVISION	DATE	BY
E	UPDATED	FEB 26	CB
D	UPDATED	FEB 24	JR
C	UPDATED	AUG 23	JR
B	UPDATED	MAY 23	BR
A	ISSUED	AUG 22	BR

SOURCE:
1. AERIAL IMAGERY (FLOWN 2017 - 2020) SOURCED FROM THE LINZ DATA SERVICE www.linz.govt.nz/about-linz/linz-data-service/help/using-linz-data/attributing-aerial-imagery-data AND LICENCED FOR RE-USE UNDER THE CREATIVE COMMONS ATTRIBUTION 4.0 INTERNATIONAL LICENCE.
2. CADASTRAL/TOPOGRAPHICAL INFORMATION AND INSET DERIVED FROM LINZ DATA.
3. ALL DATA DERIVED FROM CADASTRAL DRAWINGS (MAY NOT BE SPATIALLY ACCURATE).

CLIENT
WASTE MANAGEMENT NZ LTD

FIGURE
PROPOSED SAMPLING LOCATIONS

PROJECT
FAIRFIELD LANDFILL RECONSENTING

C0218702_Landfill_Figures.aprx - C0218700_GIS0012

Appendix 1 to RM24.098 Consents - Monitoring Plan (continued)

C021870002.aprx - C021870002GIS201

0 150 300
METRES
SCALE : 1:12,479 (A3)

NO.	REVISION	DATE	BY
A	FINAL	MAR 25	MS
A	ISSUED FOR REVIEW	JAN 25	MS

SOURCE:
1. AERIAL IMAGERY (FLOWN 2023-2024) SOURCED FROM THE LINZ DATA SERVICE www.linz.govt.nz AND LICENCED FOR RE-USE UNDER THE CREATIVE COMMONS ATTRIBUTION 4.0 INTERNATIONAL LICENCE.
2. CADASTRAL/TOPOGRAPHICAL INFORMATION AND INSET DERIVED FROM LINZ DATA.
3. WETLAND DATA DERIVED FROM OTAGO REGIONAL COUNCIL DATA AVAILABLE AT: https://maps.orc.govt.nz/arcgis/rest/services/WaterPlan/MapServer/5

CLIENT
WASTE MANAGEMENT NZ LTD

FIGURE
FIG 1: FAIRFIELD LANDFILL WATERWAYS AND MONITORING SITES

PROJECT
FAIRFIELD LANDFILL RECONSENTING

Appendix 1 to RM24.098 Consents - Map of Road Perimeter