

26 August 2025

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Tēnā koe

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987: REQUEST FOR INFORMATION

Thank you for your email requesting information under the Local Government Official Information and Meetings Act 1987 (LGOIMA). A decision has now been made on your request pursuant to section 13 of the LGOIMA, and to provide the information requested.

In your request, you asked for information about the testing and removal of soil, specifically how the soil that was removed for the construction of the Hub Shopping Complex Whakatane was disposed of and to where. You also asked if the Council tests or requires testing for contamination on proposed subdivisions within the area of known landfill sites, covering an area including Whakatane, Ōhope, Thornton and White Pine Bush.

The earthworks and site preparation for the Hub site was consented under Land Use Consent RC24.2.06.193 on 20 December 2006. That consent allowed for:

- The importation of clean fill to build up the required building platform.
- The removal of vegetative matter, after removal of the soil, by burning.
- The removal of sleepers and similar items to approved landfill sites.
- The containment and capping of all contaminated soil, stockpiled contaminated material, rubble and building material.

No contaminated soil was removed from the site; it was redistributed through the site. The containment was achieved through a stabilisation and solidification process which used cement binder to immobilise the material. All of the retained material was encapsulated under the carpark, internal access ways and buildings creating an impermeable surface.

Part of the assessment for any subdivision is to determine whether or not the subject site is subject to the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS). Where a site is determined to be a piece of land under

the NESCS, either through information available to processing staff or inclusion on the HAIL (Hazardous Activities and Industries List) register held by the Ministry for the Environment, then a Preliminary Site Investigation is required. This will determine the activity status under the NESCS and also whether a Detailed Site Investigation is required. Whether or not consent can be granted is determined by the results of such further investigation.

The Bay of Plenty Regional Council also has specific functions for managing the discharge of contaminants to the environment (land, air or water) which they do through regional plans and rules. Regional rules may allow a discharge as a permitted activity, or through a resource consent, if the requirements of a permitted activity cannot be met. There are rules managing the active remediation of contaminated land and the remediation or disturbance of contaminated land.

If you are not satisfied with my response, you are entitled to request a review by the Ombudsman. Further information can be obtained from the following website www.ombudsman.parliament.nz.

Please note that this response may be published on our website. All personal information will be removed.

Nāku noa, nā



Steven Perdia
CHIEF EXECUTIVE