

BEFORE THE MANAWATU-WANGANUI REGIONAL COUNCIL

UNDER the Resource Management Act 1991

IN THE MATTER OF a review of conditions under section 128(1)(a)(iii) and a change of conditions under section 127 of the Act of the Horowhenua District Council's resource consents for discharges at the Levin Landfill

SUPPLEMENTARY EVIDENCE OF ANDREW BASHFORD

19 September 2016

A. INTRODUCTION

1. My name is Andrew David Bashford.
2. I have the qualifications and experience as set out in my s42A report at paragraphs 2 to 5 and I confirm that this evidence has been prepared in accordance with the Environment Court Practice Note 2014 as set out in paragraph 6 of my s42A report.
3. This supplementary evidence responds to the planning evidence of Mr Hywel Edwards and Mr Greg Carlyon. I also have taken the opportunity to provide further clarifications in respect of the Tatana Drain, now that I have had the benefit of the joint witness statement (JWS) from the water quality experts.

B. TATANA DRAIN

4. At paragraph 53 of my s42A report I have formed the view that the Tatana Drain is a modified watercourse. The water quality experts have examined this issue at question 13 of their JWS, with some disagreement apparent. Dr Ausseil considers the drain to be an artificial watercourse, Mr Brown considers it to be a modified watercourse (bringing within the definition of a river under the RMA) and Ms McArthur notes that based on the available evidence, it is unclear whether it is a modified or artificial watercourse. These opinions are further explained within their respective evidence statements.
5. Dr Ausseil notes, at paragraph 41, that the area would have formed part of a floodplain/wetland complex that would have been hydrologically connected to the Hokio Stream via groundwater and possibly floodwaters from the Hokio Stream. At paragraph 25, Ms McArthur notes that the area would have almost certainly been a wetland.
6. Despite this, there is uncertainty as to whether there would have been a pre-existing surface water channel or flow in the area. In light of the opinions expressed by the water quality experts, I am now uncertain as to whether the Drain is a modified watercourse or an artificial drain. However, I note that in the absence of the drain and adjacent land filling the area would most likely have remained a wetland system as described by Ms McArthur and Dr Ausseil.

C. EVIDENCE OF MR HYWEL EDWARDS

7. At paragraphs 83 to 89. Mr Edwards examines the applicability of the NPSFM to the Tatana Drain and the Hokio Stream. I agree that the NSPFM applies to the Hokio Stream.
8. At paragraph 53 of my s42A report I have stated that the NPSFM applies to freshwater, regardless of whether it is in a river or not. In light of Mr Edwards evidence, I have reconsidered the applicability of the NPSFM to artificial watercourses and find that I agree with his conclusion in that the NPSFM would not apply to an artificial watercourse. While objectives A1 and A2 simply refer to freshwater, the implementation of the NPSFM, through its relevant policies, would exclude limits and targets being applied to artificial watercourses.

D. EVIDENCE OF MR GREG CARLYON

9. At paragraph 50, Mr Carlyon describes that the leachate in the groundwater is discharging into an unauthorised drain and from there is discharging into the Hokio Stream unconsented. I note that Discharge Permit 6010 authorises the discharge of leachate to ground and that it was known at the time the consent was granted that the leachate was entering groundwater. I consider that the discharge of leachate to land where it can enter groundwater is authorised by that permit. I have not found any resource consent for the construction of the Tatana Drain in Council records; however, I am not convinced that it required one either. I note that the One Plan provides for existing and new drainage as a permitted activity, provided certain conditions are met through Rules 16-10 and 16-11.
10. At Paragraph 67, 68 and 112, Mr Carlyon suggests that the Hearing Panel has the ability to cancel the resource consents through section 132(3). In my opinion this option is only available to the Hearing Panel if the review were initiated under section 128(1)(c). As outlined in the Notice of Review¹ this review has been initiated under s128(1)(a). Therefore, I consider that the Panel does not have the ability to cancel the resource consents through this review process.
11. At paragraphs 58 and 77, Mr Carlyon directs criticism at the level of consultation with iwi and the level assessment in respect of iwi rights and interests as a matter of national

¹ See Tab 3, Volume 1 of the Hearing Folders.

importance. As outlined at paragraph 5 of my s42A report, Horizons and HDC staff were present at a meeting at the Ngatokowaru Marae held on 13 October 2015, to discuss the review before it was initiated. Once the review was initiated, and a response was received from HDC, the review was publicly notified and notice served on Ngati Pareraukawa, Ngati Raukawa, Muaupoko and Rangitane as iwi and hapu considered to be affected by the review. Since then, a prehearing meeting was held at the Ngatokowaru Marae and a number of Whakawatea Forum meetings have been held with representatives present as agreed at the pre-hearing meeting.

12. I acknowledge that I have been brief in my assessment of effects on cultural values in my s42A report, with assessment made at paragraphs 60, 74 and 89 of the report. I also acknowledge that Horizons has not sought a cultural impact assessment in respect of the review. I consider it important to remember that these applications are made in respect of a review of conditions and change or cancellation of conditions. The landfill and its associated discharges are already consented activities and no new resource consents are being sought.
13. I consider that there are effects on cultural values from that landfill and particularly the landfill leachate entering the Hokio Stream. Such pollutants will make food gathering from the stream (and potentially the river mouth) and swimming or bathing in the stream undesirable. Whilst a cultural impact assessment would no doubt provide detail as to the nature and scale of effects on local iwi and hapu, this can also be explained directly to the Hearing Panel via submissions at the hearing. It is noted that a number of submitters representing iwi and hapu interests have requested to be heard at the hearing.
14. At paragraph 96, Mr Carlyon refers to a historical prosecution case on the land in which the Tatana Drain is located. The prosecution case did not relate to the land near the Tatana Drain and was located on a site to the west of the landfill site.

Andrew Bashford

19 September 2016

