

3 March 2010



Private Bag 11025
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Palmerston North 4442

File ref: 1/4/HDC
Consent Nos: 6009/1 etc
DM:MET

P 06 952 2800
F 06 952 2929

www.horizons.govt.nz

«Name»
«Address»

Dear «Salutation»

REVIEW OF RESOURCE CONSENTS HELD BY HOROWHENUA DISTRICT COUNCIL RELATING TO THE LEVIN LANDFILL, HOKIO BEACH ROAD, LEVIN

Further to the meeting held on Thursday 17 December 2009 at Horowhenua District Council and the associated minutes as circulated on 23 December 2009, this letter serves to provide a formal update on the review of conditions pertaining to the Levin Landfill.

The minutes from that December meeting are attached again for your reference, and in particular I draw your attention to the conclusions on Page 5, which included confirmation that independent planning advice would be sought with respect to the wording proposed for a new condition 11 (e) (viii) as suggested in the meeting.

Mr Dave Moule, Environmental Management Services Limited was asked to review the proposed wording to ensure that it was the most appropriate means to address those concerns raised. Mr Moule has undertaken this review, and with technical advice from Mr Brett Sinclair, Golder Associates, a number of amendments to the proposed conditions have been recommended.

It is important to note that Mr Moule and Mr Sinclair have had ongoing dialogue with Horowhenua District Council (HDC) and their representatives, who have confirmed their agreement with respect to the amendments.

Please find attached an updated copy of the final draft conditions which have evolved through the course of several pre-hearing meetings and on-going discussions between Horowhenua District Council (HD), Horizons Regional Council (Horizons), and submitters.

The red text within the document depicts those amendments to the original conditions of consent which have previously been agreed to as a result of the pre-hearing meetings. The text highlighted in yellow depicts those further amendments recommended as a result of the independent review referred to above. This version supercedes that document entitled "FINAL Draft Conditions of Consent 10 November 09", as circulated on the 7 December 2009 in preparation for the meeting held on the 17 December 2009.

While those amendments made are aimed to address those concerns raised by submitters in relation to Horizons Regional Council (Horizons) having the sole power to decide whether any adverse effects on the water quality of the Hokio Stream would be minor or not, there are some amendments that have been recommended to address minor drafting issues such as condition

Kairanga

Marton

Palmerston North

Taihape

Taumarunui

Wanganui

Woodville

numbering references, structural flow, typographic and grammatical errors and the like.

It is the view of Horizons, HDC and their respective representatives that this revised set of conditions adequately deals with all relevant concerns and issues raised by submitters through the course of this process to date, and will effectively avoid, remedy, and mitigate any adverse effects on the environment.

While the process to get to this point has been lengthy and somewhat unorthodox with respect to the number of pre-hearing meetings, Horizons feel confident that the review of conditions has resulted in a positive outcome for all parties, while at the same time has established a highly robust mitigation framework for the future management and operation of the landfill.

It is also important to recognise that following this particular review process there will remain additional opportunities for engagement and dialogue on any issues that present themselves in the future. The Neighbourhood Liaison Group provides a clear vehicle for ongoing consultation and resolution of issues, including a critical role in the decision as to whether further formal reviews are necessary. It is also noted that the Resource Management Act also contains provisions to vary or cancel conditions of consent, if for example and unforeseen circumstance or event arises.

Bearing this mind, can you please undertake one final review of the attached proposed conditions of consent and confirm whether or not you still wish to be heard in respect of your submission.

Should you no longer wish to be heard in respect of your submission, you must fill in and sign the attached confirmation form and return it to Mr Dave Moule, Environmental Management Services Limited, P O Box 149, Napier.

Should any party still wish to be heard, then a full hearing will have to be scheduled without delay. Any agreement to these final draft conditions can only be confirmed if there is full agreement by all submitters. Until such time, this document should be considered on a without prejudice basis within the parameters of this pre-hearing process. All parties will be able to revert to the position they choose to pursue at any hearing that will otherwise be required if an agreement cannot be reached at this juncture.

It is important to acknowledge that concessions made by parties on a without prejudice basis to progress this pre-hearing process may not necessarily be carried through into any hearing, as the scope of any full hearing will be more constrained than this process given the jurisdiction (permissible scope) of the specific review conditions to be considered.

A period of two weeks will be provided from the date of this letter for you to consider the documentation and make a decision. As such, please confirm your position **no later than 4.00 pm Wednesday 17 March 2010.**

If you have any questions about the process or the draft conditions please feel free to contact Dave Moule on DDI 06 834 4630, via email dave.moule@emslimited.co.nz, or via Environmental Management Services Limited, P O Box 149, Napier or myself via 0508 800 800.

Yours sincerely



Richard Munneke
POLICY AND CONSENTS MANAGER

Encls Final draft conditions of consent 3 March 2010
Confirmation of not wishing to be heard form

Copy to
Braden Austin
Horowhenua District Council
Private Bag 4002
LEVIN 5540

Andrew Cameron
Brookfields Lawyers
P O Box 25-306
Panama Street
WELLINGTON 6145

11 March 2010

Tena koe Dave

Thank you for your patience on this issue, I know it has been a fair haul for you and indeed us.

Please find enclosed the sign-off forms from my father and I. We have had our sign-off endorsed and minuted by the Ngatokowaru Marae Committee (acting body for the hapu of Ngati Pareraukawa) so you can take this as final.

Thanks again for your availability to us throughout the review and your professional attitude to what might have seemed like some unusual approaches to getting things settled.

I appreciate that things need to run efficiently, but we can't say enough for the extra time that all parties have taken to get this review completed.

It has been a pleasure working with you.

Na matou o Ngāti Pareraukawa (from us at Ngati Pareraukawa).

David Moore & Pātaka Moore

A handwritten signature in cursive script, appearing to read 'Pātaka Moore', written in dark ink.


CONFIRMATION OF NOT WISHING TO BE HEARD

I, PATAKA MOORE
(Name)

As a person who made a submission in respect of the publically notified review of consent conditions relating to the Levin Landfill, I hereby advise that I no longer wish to be heard in respect of my submission.

I understand that in accordance with Section 100 of the Resource Management Act 1991, a hearing does not need to be held where either the applicant or those persons who made submissions no longer wish to be heard.

Full Name: PATAKA JACOB GIFFORD MOORE

Signed: 

Date: 08.03.10

CONFIRMATION OF NOT WISHING TO BE HEARD

I, DAVID WILSON GIFFORD MOORE
(Name)

As a person who made a submission in respect of the publically notified review of consent conditions relating to the Levin Landfill, I hereby advise that I no longer wish to be heard in respect of my submission.

I understand that in accordance with Section 100 of the Resource Management Act 1991, a hearing does not need to be held where either the applicant or those persons who made submissions no longer wish to be heard.

Full Name: DAVID WILSON GIFFORD MOORE

Signed: DWG Moore

Date: 9-3-2010

CONFIRMATION OF NOT WISHING TO BE HEARD

I, PETER EVERTON of LAKEVIEW FARM LTD
EVERTON FARM LTD
(Name)

As a person who made a submission in respect of the publically notified review of consent conditions relating to the Levin Landfill, I hereby advise that I no longer wish to be heard in respect of my submission.

I understand that in accordance with Section 100 of the Resource Management Act 1991, a hearing does not need to be held where either the applicant or those persons who made submissions no longer wish to be heard.

subject to written confirmation from Ngati Pareraukawa
Full Name: PETER EVERTON that they do not
wish to be heard.

Signed: P. Everton

Date: 9/10/09

CONFIRMATION OF NOT WISHING TO BE HEARD

I, OLWEN BURBERY
(Name)

As a person who made a submission in respect of the publically notified review of consent conditions relating to the Levin Landfill, I hereby advise that I no longer wish to be heard in respect of my submission.

I understand that in accordance with Section 100 of the Resource Management Act 1991, a hearing does not need to be held where either the applicant or those persons who made submissions no longer wish to be heard.

subject to written confirmation from Ngati Pareraukawa
Full Name: OLWEN BURBERY (WFLA) inc. that they do not
wish to be heard.

Signed: Burbery

Date: 9-10-09

CONFIRMATION OF NOT WISHING TO BE HEARD

I, Albert Stephen Judd
(Name)

As a person who made a submission in respect of the publically notified review of consent conditions relating to the Levin Landfill, I hereby advise that I no longer wish to be heard in respect of my submission.

I understand that in accordance with Section 100 of the Resource Management Act 1991, a hearing does not need to be held where either the applicant or those persons who made submissions no longer wish to be heard.

subject to written confirmation from Ngati Pareraukawa
Full Name: Albert Stephen Judd that they do not
wish to be heard.

Signed: W S Judd (Best) WBCA Inc

Date: 9/10/09

CONFIRMATION OF NOT WISHING TO BE HEARD

I, Charles Rudd
(Name)

As a person who made a submission in respect of the publically notified review of consent conditions relating to the Levin Landfill, I hereby advise that I no longer wish to be heard in respect of my submission.

I understand that in accordance with Section 100 of the Resource Management Act 1991, a hearing does not need to be held where either the applicant or those persons who made submissions no longer wish to be heard.

subject to written confirmation from Ngati Pareraukawa
Full Name: Charles Rudd that they do not
Signed: Charles Rudd wish to be heard.
Date: 09/10/09

CONFIRMATION OF NOT WISHING TO BE HEARD

I, Malcolm Hadlum
(Name)

As a person who made a submission in respect of the publically notified review of consent conditions relating to the Levin Landfill, I hereby advise that I no longer wish to be heard in respect of my submission.

I understand that in accordance with Section 100 of the Resource Management Act 1991, a hearing does not need to be held where either the applicant or those persons who made submissions no longer wish to be heard.

subject to written confirmation from Ngati Pareraukawa
Full Name: Malcolm Hadlum that they do not
Signed: [Signature] wish to be heard.
Date: 9/10/09

CONFIRMATION OF NOT WISHING TO BE HEARD

I, Kristina Paton AND on behalf of Water & Environmental Care Assn. Inc.
(Name)

As a person who made a submission in respect of the publically notified review of consent conditions relating to the Levin Landfill, I hereby advise that I no longer wish to be heard in respect of my submission.

I understand that in accordance with Section 100 of the Resource Management Act 1991, a hearing does not need to be held where either the applicant or those persons who made submissions no longer wish to be heard.

Full Name: Kristina Paton

Signed: K. Paton

Date: 17 March 2010.

Please post hard copy of final document to:
6 Warren St
Foyton Beach 4815.

Thankyou. K.P.