

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER OF** a review of resource consent  
conditions under 128 of the  
Resource Management Act 1991  
and an application for change of  
consent conditions under section  
127 of the Resource Management  
Act 1991

**BY** **HOROWHENUA DISTRICT  
COUNCIL**

**Consent Holder**

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**STATEMENT OF EVIDENCE OF HYWEL EDWARDS  
(PLANNING) ON BEHALF OF THE CONSENT HOLDER**

**2 September 2016**

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## EXECUTIVE SUMMARY

1. My name is **Hywel David Edwards**.
2. I am an Associate Planner with Beca Limited ("**Beca**").
3. My evidence is given in relation to the review of resource consent conditions initiated by Horizons Regional Council ("**Horizons**") and the application for change of consent conditions by Horowhenua District Council ("**HDC**") in relation to the Levin Landfill located at 665 Hokio Beach Road (the "**Landfill**").
4. This application / review process concerns both an application under Section 127 of the RMA and a review under Section 128 of the RMA.
5. The Section 127 application does not relate to an application for a new resource consent through which all effects of that application (dependent on activity status) would need to be considered. Rather, it is only the effects of the proposed changes that are to be considered.
6. Similarly, the review under Section 128 is limited to the extent that any change of condition must not undermine the on-going viability of the existing Landfill consents, while at the same time having regard to the matters contained in Section 104(1)(b) and being justified subject to Part 2 of the RMA (i.e. purpose and principles).
7. Section 127 and 131 of the RMA stipulate those matters that need to be considered when determining applications to change and review conditions of consent. These matters include the nature of the discharge and the receiving environment and the financial implications for the applicant of including that condition.
8. Critical to the assessment of the application / review is that:
  - (a) the original consent applied for (and granted) enabled a discharge of contaminants (leachate) to land from the old landfill and of odour to air; and
  - (b) it was known and agreed at the time of both the grant of consent and during the 2010 review that leachate was present beyond the Landfill site in groundwater;
9. These two factors establish what the consented and existing environment is, under which the application and review is to be determined. The application /

review decision cannot frustrate the consented activity to the extent the activity it is unviable.

10. Through the review and application for change of conditions process a number of conditions have been proposed by HDC. I consider that the amendments to existing conditions and conditions proposed by HDC will meet the purpose of the RMA and provide for sustainable management.

## **QUALIFICATIONS AND EXPERIENCE**

11. I have 13 years of experience in the planning profession. I have worked for both local and central government in the United Kingdom and private consultancy firms in New Zealand. I have worked in New Zealand since 2006.
12. I have the following qualifications from the University of Wales, Cardiff relevant to the evidence I shall give:
  - (a) Bachelor of Science (Hons) in City and Regional Planning (2000); and
  - (b) Diploma in Town Planning (2002).
13. I have been a full member of the New Zealand Planning Institute since 2008.
14. I have assisted HDC with many resource management related tasks since 2012, including resource consent related projects for community wastewater and water supply schemes. I am familiar with the relevant district and regional level planning documents in effect within the Horowhenua District and Manawatu-Wanganui Region.
15. I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## BACKGROUND AND ROLE

16. At the request of HDC, I have been involved in the Levin Landfill review and change of condition process since August 2016. In determining my own ability to be able to prepare planning evidence on behalf of HDC (i.e. professionally supports its position), and subsequently in preparing my evidence, I have read:

- (a) the Notice of Review, dated 30 October 2015;
- (b) HDC's response to the Notice of Review, dated 25 November 2015;
- (c) HDC's application to change or cancel conditions of consent under Section 127 of the RMA dated 25 November 2015;
- (d) submissions received on the above applications which were publicly notified in December 2015;
- (e) the joint witness statement (JWS) prepared by the air and water quality experts;
- (f) the Section 42A reports prepared Ms Deborah Ryan (Consultant to Horizons, Air Quality), Mr Logan Brown (Environmental Scientist, Water Quality), Mr Stuart Standen (Senior Consents Monitoring Officer) and Mr Andrew Bashford (Team Leader, Consents); and
- (g) the evidence prepared on behalf of HDC by:
  - (i) Mr Gallo Saidu (HDC);
  - (ii) Mr Phil Landmark (MWH);
  - (iii) Dr Olivier Ausseil (Aquanet Consulting);
  - (iv) Mr Stephen Douglass (GHD); and
  - (v) Dr Doug Boddy (MWH).

17. Due to the limited time in which I have been involved in the review / application, I have not yet been to the site of the Levin Landfill. However, I am familiar with the surrounds of the Landfill, including the Hokio Stream as a result of my previous work with HDC. I am scheduled to undertake a site visit over the coming weeks, prior to the scheduled hearing. In the event statements or opinions expressed in my evidence change as a result of my

site visit, I will provide clarity on these matters in supplementary evidence or at the hearing.

## **SCOPE OF EVIDENCE**

18. My evidence addresses the following matters:
- (a) consents currently held by HDC in respect of the Landfill;
  - (b) procedural background and scope;
  - (c) assessment of the review against the relevant statutory requirements of the RMA and other relevant documents;
  - (d) assessment of proposed conditions;
  - (e) response to the section 42A Officer's Reports, in particular the Section 42A report prepared by Mr Andrew Bashford (Planning); and
  - (f) conclusion on the statutory requirements.

## **HISTORY AND CONSENTS CURRENTLY HELD FOR THE LANDFILL**

19. Mr Saidy and Mr Landmark provide an overview of the Landfill, including its history. I refrain from repeating the history set out in that evidence here but note what I consider to be the pertinent points in respect of this review / application.
20. Rubbish appears to have been first dumped in the vicinity of the Landfill (adjacent to the current site) in the 1950s, with a second rubbish dump opened in the 1970s. I understand the construction of these were typical of the day.<sup>1</sup>
21. HDC lodged resource consent applications in 1994 to enable both the closure and on-going discharges from the former landfill, and to replace the old landfill with a new lined landfill. Following consultation with members of the public (inclusive of tangata whenua), a revised application was lodged in 1995.
22. Following appeals against Horizons' decision to grant four of the five revised consents applied for by HDC, resource consents approving the construction of the Landfill were granted via an Environment Court consent order in 2002.

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<sup>1</sup> The Parliamentary Commissioner for the Environment report entitled "Levin landfill: Environmental management review" dated August 2008 when referencing a commissioned Tonkin & Taylor Ltd report.

23. One of the changes that resulted from the consent order was the requirement to form the Neighbourhood Liaison Group ("NLG"). I would describe the role of the NLG as keeping a 'watching brief' on monitoring and compliance matters.
24. The resource consents granted for both the old and new landfills via the 2002 consent order are listed in the Table below.

Permit Reference	Activity
Discharge Permit 6009	Discharge of solid waste to land
Discharge Permit 6010	Discharge of leachate to land
Discharge Permit 6011	Discharge of contaminants to air
Water Permit 6012	Divert stormwater run-off from land filling operations
Discharge Permit 7289	Discharge liquid waste to land

25. In addition to the above consents granted via the 2002 consent order, a further discharge permit (102259) to discharge stormwater to land that may enter groundwater) was granted in May 2002 on a non-notified basis.
26. It is the above referenced "discharge" permits (i.e. not Water Permit 6012) that are the subject of this review / application. These discharge permits expire in 2037.
27. I believe it pertinent to note that the conditions of these discharge permits have been previously reviewed. I understand the sequence of events leading up to the 2010 review were broadly:
- (a) a Parliamentary Commissioner for the Environment (PCE) initiated an investigation into the management of effects of the Landfill in 2004 as a result of complaints from members of the local community expressing concern about the management and environmental effects of the Landfill;
  - (b) a report produced by the PCE in 2008, including a recommendation to review conditions;
  - (c) initiation of a publicly notified consent conditions review by Horizons in 2008 following the PCE recommendation; and
  - (d) agreed outcomes and amended conditions formalised in a decision report issued in May 2010.

28. Between steps (c) and (d), a series of pre-hearing meetings occurred between HDC, Horizons and submitters. An agreed set of conditions was reached during these pre-hearing meetings.

**Key Points of Note**

29. In providing the overview of the consenting history of the Landfill above, I believe it important to be clear on the following matters which have influenced my evidence:
- (a) that the original consent applied for (and granted) enabled a discharge of contaminants (leachate) to land from the old landfill;
  - (b) that as a result of overland stormwater flows and consequential leachate ponding concerns raised by a neighbouring submitter (Mr Ivan Jones, the then owner of the adjacent property now known as "Tatana's property") in the original application, the 'Tatana Drain' was deliberately constructed/intended, in some way as described in Mr Landmark's evidence to intercept overland flow of leachate from the old landfill. I note this is also the view of Mr Standen in his Section 42A report on compliance;
  - (c) I understand it was known and agreed at the time of both the grant of consent and during the 2010 review that leachate was present beyond the Landfill site in groundwater, as referred to in the evidence of Mr Saily and Mr Douglass; and
  - (d) the 'Tatana Drain' was constructed and intended for stormwater over-flow mitigation purposes on land not owned by HDC.

**PROCEDURAL BACKGROUND AND SCOPE**

30. Mr Bashford provides a brief summary of procedural elements up to this review / application<sup>2</sup> while Mr Saily provides an account of events between the 2010 review and the current review / application.

31. In broad terms, I understand the following has occurred:
- (a) On 30 October 2015 a Notice of Review under section 128 of the RMA, including Horizons' proposed conditions, was served on HDC. The primary reason for the review initiation was that "*It is a requirement of the applicable review conditions of each discharge permit that MWRC shall initiate a publicly notified review of the conditions*", although I understand that this requirement is subject to NLG agreement;

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<sup>2</sup> Paragraph 17 onwards



- (b) HDC responded (in accordance with Section 129(1)(d) of the RMA) to the Notice of Review with proposed amendments to the conditions proposed by Horizons, and proposed a number of additional changes to the consent conditions within the scope of the review. HDC's response to the Notice of Review confirmed its opinion that:
  - (i) the reasons for the review failed to provide any rationale for the proposed changes or new conditions being proposed; and
  - (ii) Horizons had not provided HDC with the information set out in Section 131(2) of the RMA; and
  - (iii) HDC had complied with its conditions of consent in respect of odour and leachate, thereby rendering them invalid matters for initiating a review.
- (c) Concurrently, HDC also applied to change or cancel a number of conditions under Section 127 of the RMA which it considered to be outside the scope of the review process (as proposed by Horizons);
- (d) HDC agreed to publicly notify the Section 127 application at the same time as the Section 128 review, thereby allowing all of the proposed amendments to be comprehensively considered; and
- (e) The Section 128 review and Section 127 change of conditions were bundled together and publicly notified on 10 December 2015. The submission period closed on 29 January 2016 with 169 submissions received. I briefly address the content of these submissions later in my evidence.

32. Consequently, the conditions being reviewed by Horizons and those that HDC has applied to change and cancel, can be confirmed as those listed in **Annexure A** of my evidence.

### **ASSESSMENT OF THE REVIEW AGAINST THE RELEVANT STATUTORY REQUIREMENTS OF THE RMA AND OTHER RELEVANT DOCUMENTS**

33. This review / application process concerns both an application under Section 127 of the RMA and a review under Section 128 of the RMA. The review / application process is to be determined under Part 6 of the RMA, and in particular Sections 131, 104 and 104B. Part 6 is subject to the over-riding purpose and principles of the RMA i.e. "Part 2".

34. I note that since the granting of the discharge permits for the Landfill, the planning context has changed. In accordance with Section 104 of the RMA, "regard" must be had to a regional policy statement (Section 104(1)(b)(v)) and a plan (Section 104(1)(b)(vi)). Regard must also be had for national policy statements under Section 104(1)(b)(i). I comment on these further in my evidence below.

***Sections 127, 128 and 131 of the RMA***

**127 Change or cancellation of consent condition on application by consent holder**

35. This application does not relate to an application for a new resource consent through which all effects of that application (dependent on activity status) would need to be considered. Rather, it is only the effects of the proposed changes that are to be considered.
36. Section 127 of the RMA allows a consent holder who already holds a consent to apply to change or cancel conditions of the consent. Section 127 applies when the changes sought will not fundamentally alter the activity originally applied for and granted consent. A new resource consent would be required if a proposed change to a consented activity was fundamentally different to that consented.
37. When considering an application under Section 127, the following features apply:
- (a) such an application to vary or cancel conditions of consent is to be assessed as if it were a discretionary activity (Section 127(3)(a)); and
  - (b) when assessing the environmental effects - both beneficial and adverse - of a proposal to change or cancel an existing condition of consent, it is only the effects of the change that are relevant.
  - (c) While "regard" is to be to provisions in planning documents listed in Section 104(b), the consent as granted cannot be undermined by a change in planning context.
38. Having considered the original consent, the nature of the changes now sought by HDC, as well as the potential adverse effects of the varied proposal compared to the original proposal, I am of the opinion that this application is appropriately being considered under Section 127 of the RMA as opposed to a new, and fundamentally different, application.

39. On this basis, I am of the opinion that it is only the effects of the proposed change of conditions over and above those which have already been taken into account in the granting of the original Landfill consents that are to be considered in determining this change of conditions application.

**128 *Circumstances when consent conditions can be reviewed***

40. A consent authority may, in accordance with Section 129 of the RMA, serve notice on a consent holder of its intention to review the conditions of a consent under section 120 of the RMA. When considering Section 128 of the RMA, the following features apply:
- (a) while the ability to review conditions is broad, the review does not extend to challenging the consents themselves. Section 128 does not allow consents to be terminated or cancelled. The review process is a mechanism enabling a consent authority to ensure conditions do not become outdated, irrelevant or inadequate as opposed to preventing the consented activity occurring e.g. by making the consent unworkable; and,
  - (b) a review condition cannot be imposed solely to allow achievement of consistency with a future planning provision or performance standard.
41. On this basis, I am of the opinion that any change of condition must not undermine the on-going viability or workability of the Landfill consents, while at the same time having regard to the matters contained in Section 104(1)(b) and being justified subject to Part 2 of the RMA (i.e. purpose and principles).

**131 *Matters to be considered in review***

42. Section 131(1) and (2) of the RMA provide guidance on the matters that consent authorities are to have regard to when reviewing the conditions of a resource consent. Of relevance to the current review, Section 131(1) requires the consent authority to have regard to:
- (a) the matters in section 104 and to whether the activity allowed by the consent will continue to be viable after the change; and
  - (b) the manner in which the consent has been used.
43. Section 131(2) lists matters that a consent authority shall have regard to in the particular circumstances of the review adopting a best practicable option when satisfying itself that including the relevant condition is the most efficient and

effective means of removing or reducing the adverse effect in question. These matters are:

- (a) the nature of the discharge and the receiving environment;
- (b) the financial implications for the applicant of including that condition; and
- (c) other alternatives, including a condition requiring the observance of minimum standards of quality of the receiving environment.

44. In my opinion, neither the nature of the discharge nor the receiving environment has changed from that assessed in the granting of the original consent and during the 2010 review process.
45. Mr Saidy provides an overview of the financial implications of including conditions proposed by Horizons.
46. I acknowledge that the planning framework has evolved since granting of the original consent. The National Policy Statement for Freshwater Management 2014 came into effect on 14 August 2014, while the One Plan is now in effect with a differing policy and rule framework. I discuss these later on in my evidence but note here in the context of this section of my evidence that in accordance with Section 131 of the RMA, regard must also be had to whether the consent will continue to be viable after the change. I consider that provisions in these documents cannot be imposed to frustrate the consent or simply be applied to achieve consistency with the new provisions.

#### ***Section 104 and 104B***

47. Sections 127 and 131 of the RMA stipulate those matters that need to be considered when determining applications to change and review conditions of consent. Section 104 of the RMA sets out the matters, subject to Part 2, to which the decision maker must have regard to in considering this application / review and any submission received.
48. Section 104B provides that a consent authority may grant or refuse a consent application relating to a discretionary activity, and may impose conditions. In the context of Section 128, the current consent cannot be terminated.

#### ***Section 104(1)(a) Effects of the Proposal***

49. In my opinion, and noting that I am in agreement with Mr Bashford's assessment in his Section 42A report regarding the scope of a review /a

application, the assessment of effects in respect of this application / review is limited to the purpose and scope of the review and changes to the conditions proposed in HDC's application. In my opinion, air quality / odour, water quality and cultural effects are within scope of this application and review. I discuss these below in my evidence.

### ***Air Quality / Odour***

50. I have referred to the JWS prepared by the air quality experts<sup>3</sup> and relied on the evidence of Dr Doug Boddy in respect of this section of my evidence on air quality and odour effects. As explained by Dr Boddy, odour from the Landfill was always anticipated, hence why consent was sought, and subsequently obtained.
51. The respective experts (Dr Boddy, Ms Wickham and Ms Ryan) are in agreement on the principle sources of odour at the Landfill, being the uncapped intermediate cover areas (e.g. Stage 2) and the leachate collection manhole, and that LFG emissions from these sources are likely to be the main component of odour detected beyond the boundary (at Mr and Mrs Grange's property).
52. The experts also agree that odours from the working face and leachate pond are likely to be minor components of odour detected beyond the boundary of the Landfill.
53. Overall, Dr Boddy draws the following conclusions in his evidence pertaining to odour and air quality effects:
- (a) *there is the potential for odour nuisance effects to have occurred beyond the boundary of the Landfill and to continue to occur from time-to-time unless additional odour control (or mitigation) measures are implemented by HDC and the landfill operator at the Landfill; and*
  - (b) *provided these mitigation measures are implemented, it is unlikely that there will be any further odour nuisance effects arising in the community as a result of odour emissions at the Landfill.*
54. The evidence of Mr Saidy explains the steps HDC has taken to implement Dr Boddy's recommendations and their cost.

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<sup>3</sup> Mr Doug Boddy, Ms Louise Wickham and Ms Deborah Ryan dated

### ***Water Quality - Surface Water***

55. I have referred to the JWS prepared by the water quality experts<sup>4</sup> and relied on the evidence of Dr Olivier Ausseil in respect of this section of my evidence on surface water quality effects.
56. I also wish to reconfirm here the following points which I consider are of relevance in the determination of this review / change of conditions application under Sections 127, 128 and 131 of the RMA:
- (a) the original consent applied for (and granted) enabled a discharge of contaminants (leachate) to land from the old landfill,
  - (b) it was known and agreed at the time of both the grant of consent and during the 2010 review that leachate was present beyond the Landfill site in groundwater; and
  - (c) the 'Tatana Drain' was deliberately constructed/intended to intercept overland flow of stormwater containing leachate from the old landfill - it provides mitigation for overland flows of leachate (but has drawn leachate from shallow groundwater as a consequence).
57. In his Section 42A report, Mr Standen (Compliance) notes that all water quality samples collected from Tatana Drain show that leachate is continuing to discharge to the drain, indicating that the 'day-lighting' issue (which I interpret to mean leachate entering the drain via shallow groundwater) is an on-going issue and not one currently adequately addressed by conditions of discharge permit 6010. I note there is agreement from the water quality experts on the presence of leachate in Tatana Drain.
58. The evidence of Mr Logan Brown outlines the actual and potential effects of the leachate on both Tatana Drain and the Hokio Stream which is hydrologically connected to the drain. He identifies the values associated with these waterbodies under the One Plan and notes that the current conditions (currently ANZECC guidelines for Livestock Watering) for water quality do not provide for all of the One Plan values. Mr Brown contends that standards in the Hokio Stream and its tributaries (i.e. the Tatana Drain) would be more appropriately set in line with ANZECC guidelines for the level of protection of 95% of Aquatic Ecosystems.

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<sup>4</sup> Ms McArthur, Mr Brown and Dr Ausseil

59. Both Mr Brown and Mr Bashford<sup>5</sup> are of the opinion that the Tatana Drain meets the definition of 'river' in terms of the RMA, thereby rendering the One Plan water quality targets applicable. Mr Bashford further comments that the Tatana Drain is located in a 'natural low lying wet area of land'.
60. The RMA definition of 'river' means "a continually or intermittently flowing body of fresh water and includes a stream and modified watercourse; but does not include any artificial water course (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canal)".
61. In the JWS for water quality and in his evidence, Dr Ausseil has confirmed his opinion that the Tatana Drain is an artificial watercourse and therefore not a 'river'. I discuss this further in my evidence below but conclude that the Tatana Drain is not a 'river'.
62. The above commentary provides important context for the consideration of this review / application to the extent that, whether the Tatana Drain is a river or not is an important fact to establish in terms of the application of the One Plan provisions as they generally apply to water in rivers (Policy 5-2(a) of the One Plan). I note Mr Bashford shares this opinion and I refer to this issue later in my evidence.
63. Turning to potential and actual effects, Mr Brown concludes the daylighting (of groundwater) in the Tatana Drain is resulting in significantly elevated ammonia concentrations that are likely to be having significant adverse effects on the life supporting capacity of this waterway.<sup>6</sup> I note Dr Ausseil agrees with Mr Brown's assessment to the extent that what aquatic life may be present in Tatana Drain would likely be exposed to toxic effects from ammonia. However, as previously confirmed, this activity is already consented and forms part of the existing environment.
64. In respect of the Hokio Stream, and while noting that the monitoring regime may adversely affect the ability to detect changes, Mr Brown acknowledges that monitoring within the Hokio Stream is showing no measureable difference in the monitoring parameters at the sites measured along the Hokio Stream. I note Dr. Ausseil concurs with the evidence presented by Mr Brown in his S42A report. Essentially the monitoring data available does not indicate any measurable effects on the concentrations of key contaminants between the upstream and downstream monitoring sites.

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<sup>5</sup> Mr Bashford's s42 Report, Paragraph #53

<sup>6</sup> Paragraph #7

65. Overall Mr Ausseil concludes that based on the information available, there is no evidence that more than minor effects are occurring, or are at risk of occurring, on aquatic life in the Hokio Stream as a result of the discharge of leachate, via surface and groundwater pathways, including cumulatively with any effects of current land use and any residual effects from historical activities (including discharges) on the land traversed by the Tatana Drain.

#### ***Water Quality - Groundwater***

66. I have relied on the evidence of Mr Stephen Douglass in respect of this section of my evidence on groundwater quality effects.
67. Monitoring data confirms the presence of leachate in shallow groundwater down-gradient of the closed Landfill which is capped and unlined. The effects of the unlined Landfill were known at the time of the original consent decision, and also the 2010 review process.
68. Shallow groundwater flows in a northerly direction towards the Hokio Stream. The Tatana Drain is located along this flowpath and intercepts the groundwater system resulting in contaminated groundwater entering the drain.
69. Mr Douglass notes that contaminant mass load modelling presented in the most recent annual reports indicates that the mass of contaminants entering the Hokio Stream is unlikely to result in adverse effects. He also notes that the discharge to the Stream was also considered during the original consent hearing.
70. Notwithstanding this, Mr Douglass considers that the modelling is based on conservative assumptions with natural attenuation processes not taken into account. He recommends additional monitoring be undertaken adjacent to the Hokio Stream.
71. In summary, Mr Douglass considers that the Tatana Drain is affected by contaminated groundwater discharging to the drain. He recommends that additional monitoring and modelling be undertaken to assist all parties to better understand the significance of the effects and the potential management options. This approach is already provided for in the Conditions.

#### ***Monitoring of Water Quality***

72. HDC support the monitoring proposed in the evidence of Dr. Ausseil and Mr Douglass. I consider that a condition could be developed to require a report on that monitoring and on cost effective potential mitigation options. Further information on such a condition will be provided at the hearing.



73. It is my understanding that HDC is in agreement with the imposition of such a condition.

### ***Cultural Effects***

74. To the extent that water quality and the mauri of water are intertwined, I consider that cultural effects are within scope of this application, as well as being a consideration under Part 2 of the RMA.
75. As a result of the status of the Tatana Drain (i.e. not a river or modified watercourse, but rather an artificial watercourse not subject to the One Plan Schedule B values and water quality targets), I am of the opinion that in the context of this application / review, it is in the Hokio Stream at which cultural effects are to be managed and mitigated (Hokio 1b). This being the case, while leachate is evidently present in the Tatana Drain, there is no discernible difference of water quality upstream or downstream of the Landfill in the Hokio Stream.
76. This is therefore a case of there being no bio-physical effect. Submitters however have raised potential cultural effects. However, it was always anticipated that leachate from the Landfill would reach Hokio Stream and this was explicitly addressed in the 1999 decision granting consent.
77. There is of course a broader assessment to be made in respect of cultural values and matters under Part 2 of the RMA. I deal with those matters later in my evidence.

### ***Other Effects***

78. I have not specifically assessed potential and actual adverse effects other than air quality / noise, water quality (and associated potential cultural effects). This is because I believe it is only these effects that are within scope and subject to the application / review.

### ***Section 104(1)(b) - Relevant Statutory Provisions***

79. In my opinion, statutory documents which must be had regard to in the context of this application / review are the National Policy Statement for Freshwater Management 2014 (NPSFM) and the operative One Plan 2014 - the combined Regional Policy Statement and Regional Plan. While this is the case, my opinion is that provisions in these documents cannot be applied to the review /

application to the extent that they 'frustrate' the granted consent, or in other words make it unviable.

80. Mr Bashford's evidence provides that "*Whether the Tatana Drain is a river, or not is an important fact to establish in terms of the application of the one plan objectives, policies and water quality targets, as they generally only apply to water in rivers (as defined in the RMA). It is noted that the NPSFM simply applies to freshwater regardless of whether it is in a river or not*". I agree with this statement.
81. Mr Brown and Mr Bashford conclude that the Tatana Drain is a 'river',<sup>7</sup> meaning that the One Plan provisions apply in respect of objectives, policies and water quality targets. Further, Mr Bashford notes that the NPSFM simply applies to freshwater regardless of whether or not it is in a river.
82. Based on the evidence of Dr Ausseil, I differ in my opinion as to the status of the Tatana Drain and do not consider it to be a 'river', but rather an 'artificial watercourse' and not subject to the provisions of the objectives, policies and water quality targets of the One Plan. Further, I do not consider that Tatana Drain can be identified as a freshwater management unit under the NPSFM for which Horizons can impose water quality and quantity limits. I explain my rationale for this below in the respective sections of my evidence.

### ***National Policy Statement for Freshwater Management***

83. The RMA definition of freshwater is '*all water except coastal water and geothermal water*'. This would by definition include the Tatana Drain. Importantly however, the setting of environmental standards for water quality and quantity under the NPSFM is limited to only 'freshwater management units'
84. 'Freshwater management unit' is defined in the NPSFM as meaning '*the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes*.'
85. 'Water body' is defined in the RMA as '*fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof that is not located within the coastal marine area*.'

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<sup>7</sup> Paragraph #53.

86. Tatana Drain would not fall within the definition of a waterbody because it does not fall within the RMA definition of river (as I discuss below) and could not be said to fall within the definition of the other waterbodies listed. In my opinion, Tatana Drain cannot therefore be identified as a freshwater management unit for which Horizons can impose water quality and quantity limits. This makes practical sense as it would otherwise apply across all artificial waterways in New Zealand.
87. Objectives A1 and A2 set out what the NPSFM is seeking to achieve while Policies A1-A4 set out how those objectives are to be achieved. Policies A1 and A2 both specifically relate to freshwater management units while Policy A3 relates to limits and targets specified for those units. I note Policy A4, which was incorporated into the One Plan via Plan Change 1 in April 2016, relates to any application for a new discharge or a change or increase in any discharge. This application / review does not seek a new discharge nor an increase in the discharge activity and therefore Policy A4 does not apply.
88. This means that although regard is to be had to the NPSFM under section 104 of the RMA in respect of the review and application to change conditions, it does not apply in respect of the Tatana Drain. It must not be forgotten that this is a review of conditions only. The consents, with their associated effects, have already been granted. Therefore, in my opinion, enhancement of Tatana Drain is not an option as expressed by Mr Bashford at paragraph 81 of his evidence.
89. My comments above are specific to the Tatana Drain. The NPSFM applies in respect of the Hokio Stream because that is a waterbody and would therefore fall within the definition of a freshwater management unit. However, as noted in Mr Brown's s42A report,<sup>8</sup> and the evidence of Dr Ausseil, there is no discernible difference between upstream and downstream of the unlined landfill area, albeit based on minimal monitoring data.

### ***One Plan***

90. The RMA definition of 'river' means "*a continually or intermittently flowing body of fresh water and includes a stream and modified watercourse; but does not include any artificial water course (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation and farm drainage canal)*".

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<sup>8</sup> Paragraph #41

91. In the JWS for water quality and in his evidence, Dr Ausseil has confirmed his opinion that the Tatana Drain is an artificial watercourse.
92. Based on Dr Ausseil's evidence, I therefore consider Mr Bashford is incorrect to hold that the Tatana Drain meets the definition of 'river' under the RMA, and consequentially also incorrect to state the One Plan objectives, policies and water quality targets apply to Tatana Drain.
93. I note however that the One Plan objectives, policies and targets would apply to the Hokio Stream because it is clearly a 'river'. It is however important to note that the One Plan provisions should only be applied if unanticipated adverse effects on Hokio Stream are evidenced and require the imposition of these future One Plan standards to avoid, remedy or mitigate these unanticipated effects.

## ***Chapter 2 - Te Ao Maori***

94. I note the Te Ao Maori policies contained in the One Plan are largely directed at Horizons as opposed to applicants and consent holders. That said, Issue 2-1 specifically references the Hokio Stream in the context of lakes and streams suffering degradation which continues and is culturally unclean. Objective 2-1a) is to have regard to the mauri of natural and physical resources to enable hapu and iwi to provide for their social, economic and cultural well-being. Objective 2-1b) is that kaitiakitanga must be given particular regard and the relationship of hapu and iwi with their ancestral lands, water, sites, waahi tapu and other taonga must be recognised and provided for through resource management processes.
95. I acknowledge that iwi and hapu have a long history with Lake Horowhenua and surrounds, including the Hokio Stream. I also acknowledge that iwi and hapu who have submitted on the application / review have expressed support for efforts to protect and improve the Hokio Stream, and are also concerned with potential contamination of the stream.
96. I believe that the NGL, which is provided for as a condition of the current consent and is proposed to be continued by HDC, provides a platform for iwi and hapu to exercise kaitiakitanga in the context of this application / review. As noted in the section 42A report prepared by Mr Brown and the evidence of Dr Ausseil, while leachate exists in the Tatana Drain, there is currently no discernible evidential difference between upstream and downstream of the unlined landfill area. Furthermore, and importantly, the scope of this

application / review needs to be put in perspective in that this process cannot require enhancement of water quality. Consent has already been granted. It is specifically related to reviewing the conditions of a consented activity. In light of the above, I consider that the conditions proposed by HDC relating to water quality in the application / review are consistent with the objectives and policies in Chapter 2 of the One Plan.

### ***Chapter 3 - Infrastructure, Energy, Waste, Hazardous Substances and Contaminated Land***

97. Objective 3-1 is to have regard to the benefits of infrastructure of regional or national importance and provide for their establishment, operation, maintenance and upgrading.
98. The Landfill is recognised by the One Plan as a physical resource of regional or national importance by Policy 3-1(b)(i) while Policy 3-1(c) requires the Horizons to have regard to the benefits derived from those activities in relation to their establishment, operation, maintenance or upgrading. The benefits derived from the operation of the Landfill are significant to the economic and social well-being of not only the Horowhenua District, but also the wider region.
99. Policy 3-3 is very directive to the extent that in managing any adverse environmental effects arising from the operation of infrastructure of regional or national significance, Horizons must recognise and provide for the operation of such activities once they have been established. In my opinion, the conditions proposed by Horizons as part of the review, and in particular condition 2A (Discharge Permit 6010 – discharge landfill leachate onto and into land) are not consistent with Policy 3-3.
100. Condition 2A as included in Horizons Notice of Review and recommended by Mr Bashford in his Section 42A Report, seeks to cease the discharge of landfill leachate to the Tatana Drain within 6 months of the granting of consent. This discharge activity is consented and within the known parameters of the original consent as well as the 2010 review. Therefore, to require the discharge to cease does not recognise nor provide for the established activity, and would be inconsistent with Policy 3-3.

### ***Chapter 5 & 14 - Water Quality***

101. For reasons set out earlier in my evidence, I do not consider water quality targets apply to the Tatana Drain. Objective 5-1 sets a framework for

managing surface water bodies which safeguard their life supporting capacity and recognises and provides for the Values in Schedule B for each water management unit. Objective 5-2 is to manage surface water quality to support the values in Schedule B. Based on the evidence of Dr. Ausseil, I consider the Tatana Drain to be an 'artificial' watercourse and therefore not subject to the Schedule B values and associated targets.

102. In my opinion, there is no ability to impose a requirement for HDC to enhance water quality. Firstly, the Tatana Drain is not subject to water quality targets, and secondly this application relates to an application to change conditions of consent and a review of consent as opposed to a new discharge consent - the effects created by the activity have already been deemed acceptable via the granting of consent.
103. Turning to the Hokio Stream, I consider Schedule B Values and water quality targets do apply. Dr. Ausseil concludes<sup>9</sup> that:
- (a) Ammoniacal nitrogen concentrations meet the One Plan targets at all three sites, and no significant differences were detected between sites; and,
  - (b) SIN and DRP concentrations largely exceed the One Plan targets at all three sites, but no significant differences were detected between sites.
104. Policy 5-4 of the One Plan confirms that where water quality targets are not met, water quality in the relevant sub-zone must be managed in a manner that enhances existing water quality related to the water quality targets not met, being SIN and DRP concentrations in this case.
105. However, in light of the nature of the process at hand i.e. the fact that any change in conditions cannot make the consent unviable, it is not appropriate to require enhancement in this context. The activity is unchanged from what has been consented and assessed through a consent application process, through which water quality effects have an integral part.

### ***Chapter 7 & 15 - Air Quality***

106. Objective 7-1 seeks a standard of ambient air quality that is not detrimental to amenity values, human health, property or life supporting capacity of air. Policy 7-2 sets regional standards for ambient air quality and for odour specifies that a discharge must not cause any offensive or objectionable odour beyond the property boundary. I consider that with the recommended

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<sup>9</sup> Paragraph #54

conditions of consent imposed as outlined in Dr Boddy's evidence, the application / review will be consistent the relevant objectives and policies of the RPS and Regional Plan.

### ***Part 2 of the RMA***

107. As noted previously in my evidence, the consideration of effects and planning instruments under Section 104 of the RMA to which the decision maker must have regard to are subject to Part 2 of the RMA – the purpose and principles.
108. As noted above, a review and application to change conditions under sections 128 and 127 of the RMA respectively limit the scope of changes that can be made under these processes. In considering a review or change of conditions it is the effects of the proposed change that are relevant, not the effects of the activities already authorised by the consent. A review and application for change of conditions cannot result in the imposition of conditions that would render the consented activity unviable. In addition there are other statutory requirements, such as financial implications that must be considered by this panel. These limitations must be at the forefront of considering Part 2 matters and all other statutory instruments.

### *Section 6 Matters of National Importance*

109. Section 6 of the RMA sets out matters of national importance that must be recognised and provided for in considering this review /change of conditions application. Of most relevance to this proposal are the provisions discussed below.
110. Section 6(a) provides for the preservation of the natural character of wetlands, rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. Being an artificial watercourse that has been physically constructed pursuant to a condition of consent, I do not believe the Tatana Drain exhibits natural character. Furthermore the Hokio Stream and wider environs have also been subjected to much land use activity, including the construction and operation of the Levin Landfill and agricultural land uses.
111. Importantly after having specifically considered section 6(a) the 1998 Committee granted the original consents for the Landfill activities including the discharge of leachate into Tatana Drain. In light of this earlier decision and given that there is no evidence of unanticipated adverse effects of the Landfill on the surrounding natural character. This review / application process is not an opportunity to re-litigate the effects of the Landfill on natural character. Furthermore, it is important to note that section 6(a) does not require the enhancement but the protection of wetlands, rivers and their margins so conditions should not be imposed on the basis that they are required to

enhance the natural character of the area surrounding the Landfill (especially on a consented activity).

112. Section 6(e) recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga was given "serious consideration by the Committee" as part of the original application, and also the conditions review in 2010. The discharge of leachate to land, as well as the construction of the Tatana Drain to mitigate stormwater run-off (containing leachate) formed part of those deliberations.
113. From an effects perspective, Tatana Drain is not a river or modified watercourse and there is currently no discernible difference in water quality from the Landfill when considering upstream and downstream monitoring in the Hokio Stream. This means that there is no evidence of biophysical effects of leachate on the Hokio Stream. However, Dr Ausseil and Mr Douglass propose greater monitoring requirements which I consider will help to better recognise potential cultural effects.
114. Further, it is noted that the continued involvement of iwi and hapu in the NLG recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
115. As above, this review / application process is not an opportunity to re-litigate the effects of the Landfill on 6(e) matters. In my opinion the proposed changes by HDC will appropriately provide for cultural issues in this context.

#### Section 7 Other Matters

116. Section 7 of the RMA provides a list of further matters that particular regard must be given to in relation to managing the use, development and protection of natural and physical resources. The most relevant matters are identified and assessed below. It is to be noted that the Committee in the original consent decision considered these matters in concluding that consent should be granted. None of the conditions proposed by HDC in the review / application will adversely affect matters provided for in section 7. This process cannot therefore provide an opportunity to re-litigate these matters.
117. Section 7(a) and (aa) provide opportunities through kaitiakitanga and the ethic of stewardship to be involved in managing the use, development and protection of resources. I believe the NLG provides a forum for adequate ongoing consultation.
118. Section 7(b) concerns the efficient use and development of natural and physical resources. This proposal makes efficient use of HDC's existing infrastructure and utilises it to continue to meet community demand (and beyond) for waste in an affordable way. As explained in Mr Saidy's evidence



the Landfill is a significant physical resource for the Horowhenua District, and wider regions.

119. Sections 7(c) and 7(f) concern the maintenance and enhancement of amenity values and quality of the environment. The current overall amenity values and quality of the Tatana Drain and Hokio Stream will not be adversely affected by by effects over and above those that were anticipated in the original consent decision. While I acknowledge that Sections 7(c) and (f) refer to enhancement, I believe the ability to have regard to this is limited due to the nature of the process at hand i.e. a change and cancellation of conditions and review. With the recommended conditions related to odour management and mitigation in place and the proposed changes to water quality monitoring as proposed by HDC, I consider that overall, amenity values and quality of the environment will be managed more effectively, to the extent that the resultant effects will be within the thresholds originally consented and determined through the 2010 review process.
120. Section 7(d) concerns the intrinsic values of ecosystems. In my opinion, the effects of this proposal on aquatic and terrestrial ecosystems will be within the parameters originally consented and determined through the 2010 review process. The additional monitoring proposed by HDC will provide greater information in the future on which to base any potential mitigation options.

#### Section 8 Treaty of Waitangi

121. Section 8 of the RMA requires that the principles of the Treaty of Waitangi be taken into account. For the reasons I give above in respect of section 6(e) and 7(a), I believe the principles of the Treaty of Waitangi are provided for. It must be understood that the activity is consented and the change and cancellation of conditions / review will not result in an activity to that which is fundamentally different to that consented. The inclusion of iwi and hapu in the NLG will continue to promote kaitiakitanga.

#### Section 5 Purpose and Principles

122. Section 5 of the RMA sets out the overall purpose of the RMA which is to promote the sustainable management of natural and physical resources. Sustainable management is defined in section 5(2) as:

*“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while —*

- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

- b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

123. The Landfill is a significant physical asset that provides for the social and economic wellbeing of the Horowhenua District and for its health. It provides a facility that is fundamental to the daily operations of HDC and the communities of the district.
124. In my opinion, any Part 2 assessment must reflect the fact that this is a consented activity while having regard to planning framework and implementing the statutory framework. The focus of Part 2 is on the conditions being reviewed or changed and whether they achieve the purpose of the RMA. HDC has accepted and proposed many changes to the conditions on odour and water quality that will reduce potential effects and enable better understanding of potential effects in the future better achieve sustainable management.
125. I consider that the conditions accepted and proposed by HDC through its experts under this process in relation to odour and groundwater promote sustainable management.

#### **PROPOSED CONDITIONS**

126. Similar to the approach applied by Mr Bashford in his section 42A report, the table included in Appendix A of my evidence provides a comparison of the different versions of conditions that have been proposed including those in the Notice of Review, HDC's response and the Section 127 application. Included in the table are Mr Bashford's recommended conditions as well as the conditions proposed by HDC.
127. I agree with those conditions proposed by HDC.

#### **RESPONSE TO THE COUNCIL REPORTS**

128. I have reviewed the Section 42A report prepared by Mr Bashford and have some measure of agreement with the contents of that report. I also disagree on certain matters raised by Mr Bashford.
129. In terms of those aspects I agree with, these can be summarised as:
- (a) the limitations of reviews under Section 128-132 of the RMA which cannot cause the activity allowed by the consent to become unviable (nor change the duration of the consent), albeit that I believe

Mr Bashford does propose conditions which would make the consent unviable;

- (b) the limited scope of a Section 127 application to the extent that it cannot change or cancel a condition related to duration, and that such applications are limited to the scope of the matters included in the original consent;
- (c) that the Tatana Drain was originally constructed to mitigate stormwater run-off (including leachate) from the Landfill ponding onto adjacent land;
- (d) that the application and review is subject to Part 2 of the RMA, and that regard must be had to Section 104;
- (e) that from an effects perspective, there is currently no discernible difference in water quality in the Hokio Stream upstream and downstream of the Landfill;
- (f) that there is leachate in the Tatana Drain, a contributor of which is the Landfill although it is difficult to single out the Landfill as the sole contributor; and
- (g) the Hokio Stream and environs has a long history of association with iwi and hapū.

130. While I have a measure of agreement with Mr Bashford on many matters, I also disagree with some of his conclusions or consider important matters have failed to be assessed. These can be summarised as:

- (a) the recommendation of conditions which would make the consent unviable namely to cease the discharge of landfill leachate to the Tatana Drain within six months of commencement of the consent Condition 2A;
- (b) the status of the Tatana Drain as a 'river' which subsequently renders the One Plan water quality targets applicable to the discharge, and requires 'enhancement of water quality' in that degraded waterbody. I am of the opinion that Tatana Drain is an artificial watercourse and not subject to Schedule B values and further that enhancement of water quality is not within the scope of this application / review; and
- (c) the lack of assessment of the financial implications and practicalities of HDC including a condition to cease a discharge of leachate to the Tatana Drain.

## **CONCLUSION ON THE STATUTORY TESTS**

131. As described in my evidence, the statutory tests relevant to this application to change conditions of consent and review conditions of consent relate to Sections 127, 128 and 131 of the RMA.
132. The Section 127 application does not relate to an application for a new resource consent through which all effects of that application (dependent on activity status) would need to be considered. Rather, it is only the effects of the proposed changes that are to be considered.
133. Similarly, the review under Section 128 is limited to the extent that any change of condition must not undermine the on-going viability of the existing Landfill consents, while at the same time having regard to the matters contained in Section 104(1)(b) and being justified subject to Part 2 of the RMA (i.e. purpose and principles).
134. I consider that with the amendments to existing conditions and conditions proposed by HDC in place, the currently consent discharge activities associated with the Landfill will remain viable, thereby not frustrating the consent.
135. I consider that the amendments to existing conditions and conditions proposed by HDC have regard to Section 104 of the RMA, and will meet the purpose of the RMA and provide for sustainable management.

**Hywel David Edwards**

**2 September 2016**

**ANNEXURE A**

**Conditions of Consent Proposed by HDC**

**CONDITIONS**

1. Comparison table of the different versions of conditions that have been proposed, including those proposed in the Notice of Review, HDCs response and the s127 application, conditions as recommended in the section 42A reports (based on the HDC response, submissions and JWS) taken from Andrew Bashford's section 42A report.
2. HDC has added two columns setting out the condition as proposed by the Planning section 42A report and HDC's response to the section 42A report, including where necessary conditions that the HDC recommends be inserted into the conditions of consent.

**Discharge Permit 6010 – discharge landfill leachate onto and into land**

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
Condition 2			<del>Landfill leachate shall not contaminate adjoining land.</del>	I consider that this condition is still relevant to the overall management of leachate on the site and recommend that it be retained. As outlined by Mr Standen, at paragraph 31 of his report, there are potential situations where the condition may be required to avoid or mitigate effects on the environment.	Landfill leachate shall not contaminate adjoining land.	HDC disagrees with Condition 2 as per the Officer's Report and submits that this should be deleted in its entirety.  As discussed in the evidence of Mr Olivier Ausseil, Stephen Douglass and Gallo Saidy condition 2 (as interpreted by Horizons) and condition 2A discussed below: <ol style="list-style-type: none"> <li>Fail to reflect the history of the consents and the conditions</li> <li>Leachate discharge beyond the site into Tatana Drain was an anticipated effect (and an actual effect) of the original consent and its conditions</li> <li>There are no measurable effects of leachate on Hokio Stream</li> <li>Avoidance as required is impossible, as agreed by the water quality experts in their conferencing, and the condition as interpreted by Horizons nullifies the grant of consent.</li> </ol> For these reasons Condition 2 should be deleted.
New Condition	<u>Within six months of the</u>	<del>Within six months of the</del>		It is noted that Submitter 160 suggested a	<u>Within six months of the</u>	HDC disagrees with proposed

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
2A	<u>commencement date of the decision of the 2015 review of conditions, the consent holder shall cease the discharge of landfill leachate to the Tatana Drain.</u>	<del>commencement date of the decision of the 2015 review of conditions, the consent holder shall cease the discharge of landfill leachate to the Tatana Drain.</del>		<p>change to this proposed new condition as follows:</p> <p><i>Within six months of the commencement date of the decision of the 2015 review of conditions, the consent holder shall cease the discharge of <u>any</u> landfill leachate <del>to</del> from the Tatana Drain <u>into the Hokio Stream</u>.</i></p> <p>The suggested condition does not take into account the effects on the water quality and aquatic life in the Tatana Drain itself. The quality of water within the drain is severely compromised and it is considered that efforts are required to rectify this issue. It is not unusual for unlined landfills to have cutoff drains installed to intercept leachate and for that leachate to be disposed of through a means where it has less impact on the environment.</p> <p>I recommend that the condition as proposed in the Notice of Review be inserted into the Permit.</p>	<u>commencement date of the decision of the 2015 review of conditions, the consent holder shall cease the discharge of landfill leachate to the Tatana Drain.</u>	<p>condition 2A as per the Officer's Report for the reasons discussed above and submits that this proposed condition be deleted.</p> <p>Despite suggested changes in his report the officer has not made these changes to the proposed condition.</p> <p>The changes suggested in the officer's report (but not the conditions) are also opposed for the reasons above, especially that there is no evidence of adversely effects on the stream associated with any discharge of leachate from the drain.</p>
Condition 3H and 3p	<p>Proposed change to Table C to include a new surface water monitoring location called '<u>Tatana Drain (TD1)</u>'.</p> <p>Proposed change to Table D to include a new surface water monitoring location called '<u>TD1</u>' having location '<u>Tatana Drain</u>'.</p>	<p>HDC agrees with the proposed and also proposes various minor changes to Tables A, B, C and D under condition 3:</p> <ul style="list-style-type: none"> <li>Amend the frequency description for the Deep Aquifer (Table A), Shallow Aquifer (Table B) Monitoring Wells, and Water Monitoring Locations (Table C) since the "2 year" and "1 year" periods were completed following the 2010 review.</li> <li>Include the sampling of bore G2s in Table B since this is currently occurring.</li> <li>Include for sampling of a second new surface monitoring location called '<u>TD2</u>' within</li> </ul>		<p>I agree with the changes that HDC has proposed in its first bullet point.</p> <p>Mr Brown has recommended more frequent monitoring so that it is undertaken on a monthly basis between November to April (inclusive). I recommend that changes are made to Table C to accommodate this, and have included such changes in the condition schedule in Appendix 2.</p> <p>I agree with the proposed changes as outlined in the second, third and fourth bullet points, and recommend that those changes be made to the relevant tables in Condition 3.</p>	The Permit Holder shall commence the following monitoring programme: [tables A-F]	<p>HDC agrees with extra monitoring as agreed in the water quality experts joint statement and set out in the evidence of Dr Ausseil and Mr Douglass. However, HDC does not agree to the monitoring being set between November and April as 20 years data would have picked this up, it is at the lowest flow events only and the flow of the Hokio Stream is controlled by a weir at the exit of Lake Horowhenua.</p> <p>HDC agrees with the recommendations of Olivier Ausseil as follows:</p> <p>(a) A new "upstream"</p>

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
		<p>Tatana Drain in Table C.</p> <ul style="list-style-type: none"> <li>In Table D, amend the locations for bores G1s and G1d, and include bore G2s and surface water monitoring locations of Tatana Drain.</li> </ul>				<p>monitoring site should be added on the Hokio Stream. This site should be located upgradient of any groundwater influx from the closed landfill area. This site should be monitored at the same frequency and for the same analytes as the other surface water monitoring sites;</p> <p>(b) One regular surface water quality monitoring site should be added on the Tatana Drain, at the Southeast corner of the drain (i.e. where it angles away from the fenceline and towards the road/Hokio Stream), as recommended in the JWS;</p> <p>(c) SVOC/VOC analysis of the groundwater bores located downgradient of the landfill should be undertaken annually as a matter of course (as opposed to triggered by previous results), and full results reported in the quarterly/annual reports;</p> <p>(d) Mercury should be added to the list of analytes in surface water samples; and</p> <p>(e) Surface water monitoring should be maintained at the</p>



Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
						current frequency (quarterly).
Condition 5			The results of monitoring under Conditions 3 and 4 of this Permit shall be reported to the Regional Council by <del>31 August</del> <u>30 September</u> each year for the duration of this Permit.	Agreed. Mr Standen has reviewed this proposed change and is satisfied that it will not cause any concerns to the compliance monitoring of the consent. I recommend that the proposed change be accepted.	The results of monitoring under Conditions 3 and 4 of this Permit shall be reported to the Regional Council by <del>31 August</del> <u>30 September</u> each year for the duration of this Permit.	HDC agrees with the condition as per the Officer's Report.
Condition 9			The Permit Holder shall report the results of the monitoring to the Neighbourhood Liaison Group by <del>31 August</del> <u>30 September</u> each year for the duration of the Permit.	Agreed. Mr Standen has reviewed this proposed change and is satisfied that it will not cause any concerns to the compliance monitoring of the consent. I recommend that the proposed change be accepted.	The Permit Holder shall report the results of the monitoring to the Neighbourhood Liaison Group by <del>31 August</del> <u>30 September</u> each year for the duration of the Permit.	HDC agrees with the condition as per the Officer's Report.
Condition 10			<del>10—If a laboratory is used for water quality analyses which do not have independent accreditation for the parameters measured, then on each sampling occasion duplicate samples from a least one sampling location shall be analysed by a laboratory with independent accreditation for the parameters measured. Continued—analysis by the unaccredited laboratory shall be at the discretion of the Regional Council.</del>	Mr Standen has reviewed this proposed change and discussed it at paragraphs 34 to 36 of his report. I agree with his analysis and recommend that the condition be replaced with the following:  <i>All analyses on water quality samples shall be carried out by an IANZ accredited laboratory.</i>	<del>If a laboratory is used for water quality analyses which do not have independent accreditation for the parameters measured, then on each sampling occasion duplicate samples from a least one sampling location shall be analysed by a laboratory with independent accreditation for the parameters measured. Continued analysis by the unaccredited laboratory shall be at the discretion of the Regional Council. All analyses on water quality samples shall be carried out by an IANZ accredited laboratory.</del>	HDC disagrees with the condition as per the Officer's report.
Condition 11(a)	Should any shallow aquifer groundwater <del>and surface water</del> parameters tested for under Condition 3 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result	Should any shallow aquifer groundwater <del>and surface water</del> parameters tested for under Condition 3 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result		In his report, Mr Brown has observed that the ANZECC guidelines for Livestock Watering do not provide for the values assigned to the Hokio Stream its tributaries (including the Tatana Drain). He states that more appropriate standards would be the ANZECC guidelines for the level of protection of 95% of species. This is consistent with the changes to the conditions as recommended in the Notice of Review and I recommend that the words "and surface water" be removed from the condition.	Should any shallow aquifer groundwater <del>and surface water</del> parameters tested for under Condition 3 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result and, where the change can be attributed to landfill leachate, consult with the	HDC disagrees with the condition as per the Officer's Report.

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
	and, where the change can be attributed to landfill leachate, consult with the Regional Council to determine if further investigation or remedial measures are required.	and, where the change can be attributed to landfill leachate, consult with the Regional Council to determine if further investigation or remedial measures are required.			Regional Council to determine if further investigation or remedial measures are required.	
New Condition 11(aa)	<u>Should any surface water parameters tested for under Condition 3 of this consent, including the Tatana Drain location, exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for 95 per cent protection levels for Aquatic Ecosystems the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result. Where the change can be attributed to landfill leachate the Consent Holder shall consult with the Regional Council to determine if further investigation or remedial measures are required.</u>	<del>Should any surface water parameters tested for under Condition 3 of this consent, including the Tatana Drain location, exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for 95 per cent protection levels for Aquatic Ecosystems the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result. Where the change can be attributed to landfill leachate the Consent Holder shall consult with the Regional Council to determine if further investigation or remedial measures are required.</del>		As per the above, it is considered that the ANZECC guidelines for the level of protection of 95% of species is the appropriate standard to apply to the Hokio Stream and Tatana Drain. I recommend that this condition be incorporated into the consent.	<u>Should any surface water parameters tested for under Condition 3 of this consent, including the Tatana Drain location, exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for 95 per cent protection levels for Aquatic Ecosystems the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result. Where the change can be attributed to landfill leachate the Consent Holder shall consult with the Regional Council to determine if further investigation or remedial measures are required</u>	HDC disagrees with the condition as per the Officer's Report.  As discussed above and in the evidence of Olivier Ausseil, this condition should not apply to the Tatana Drain and should be worded as follows:  For toxicants measured in surface water samples of the Hokio Stream, the median concentration of the samples taken over the preceding 24 months shall be compared with the trigger values for toxicants at the 95% species protection level provided in the 2000 ANZECC Guidelines table 3.4.1 (page 3.4-5). Should the median concentration of any toxicant exceed the relevant trigger value, Permit Holder shall assess whether the change can be attributed to landfill leachate. Where the change can be attributed to landfill leachate the Consent Holder shall consult with the Regional Council to determine if further investigation or remedial measures are required.  The results of the above investigations shall be reported in the annual monitoring report required.
Condition 15(f)			The Permit holder shall submit an annual report to the Regional Council by <del>31 August</del> <u>30</u>	Agreed	The Permit holder shall submit an annual report to the Regional Council by <del>31 August</del> <u>30</u>	HDC agrees with the condition as per the Officer's Report

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
			<p><u>September</u> each year for the duration of this Permit documenting the condition of the unlined landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 15(a) to (e) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year. [The annual report can be written in conjunction with the annual report required as part of Condition 14 for Consent Number 6009].</p>		<p><u>September</u> each year for the duration of this Permit documenting the condition of the unlined landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 15(a) to (e) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year. [The annual report can be written in conjunction with the annual report required as part of Condition 14 for Consent Number 6009].</p>	
Condition 18			<p><del>The rate of application of leachate irrigated to land shall not exceed 200 kg Nitrogen/hectare per year.</del></p>	<p>Mr Standen has considered the proposed deletion of conditions 17 through to 24 and conditions 26 and 27 relating to the irrigation of leachate on the landfill site. Mr Standen notes that HDC has not irrigated to the site for approximately five years. HDC states that leachate has been treated at the Levin WWTP since about 2009.</p> <p>Mr Standen has recommended a condition to prohibit the discharge of leachate onto or into land. I agree that a condition limiting discharges to land on the site is required. Discharge Permit 6010 authorises the discharge of leachate to land, and the cancellation of conditions 17 to 24 and 26 and 27 will mean that there are no controls to any future discharges of leachate to land. It is noted that the irrigation of leachate can only apply to leachate collected from the lined landfill. Therefore I recommend a condition be imposed to replace the cancelled conditions that states:</p> <p>The Permit Holder shall ensure that no leachate from the lined landfill is irrigated or otherwise discharged to land.</p>	<p><del>The rate of application of leachate irrigated to land shall not exceed 200 kg Nitrogen/hectare per year. The Permit Holder shall ensure that no leachate from the lined landfill is irrigated or otherwise discharged to land.</del></p>	<p>HDC agrees with the change. This reflects HDC's section 127 application to delete discharge of leachate to ground conditions as per the evidence of Phillip Landmark that no leachate has been irrigated to land since 2009 and HDC does not intend to do so in the future.</p>
Condition 19			<p><del>There shall be no ponding or</del></p>	As above	<p><del>There shall be no ponding or</del></p>	HDC agrees with the deletion of

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
			<del>runoff of leachate on or beyond the irrigation areas.</del>		<del>runoff of leachate on or beyond the irrigation areas.</del>	the condition as per the Officer's Report.
Condition 20			<del>Subject to Condition 19 of this permit, application of leachate on to soil shall not exceed 50 millimetres per day. Notwithstanding, the maximum rate of application shall not exceed 5 millimetres per hour.</del>	As above	<del>Subject to Condition 19 of this permit, application of leachate on to soil shall not exceed 50 millimetres per day. Notwithstanding, the maximum rate of application shall not exceed 5 millimetres per hour.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.
Condition 21			<del>There shall be no discharge of offensive or objectionable odour at or beyond the legal boundary of the Levin Landfill property as shown on Figure 1 resulting from leachate.</del>	As above	<del>There shall be no discharge of offensive or objectionable odour at or beyond the legal boundary of the Levin Landfill property as shown on Figure 1 resulting from leachate irrigation.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.
Condition 22			<del>Should the quality of leachate being irrigated exceed the STV parameters set out in the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for metals in Irrigation Water the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result and in consultation with the Regional Council determine if further investigation or remedial measures are required.</del>	As above	<del>Should the quality of leachate being irrigated exceed the STV parameters set out in the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for metals in Irrigation Water the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result and in consultation with the Regional Council determine if further investigation or remedial measures are required.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.
Condition 23			<del>The daily volume of leachate irrigated to land shall be metered and recorded.</del>	As above	<del>The daily volume of leachate irrigated to land shall be metered and recorded.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.
Condition 24			<del>The Permit Holder shall make regular and at least weekly, inspections of the irrigation system, including pumps, pipes, irrigators and vegetation to ensure that the system is operating efficiently and that vegetation is in good health.</del>	As above	<del>The Permit Holder shall make regular and at least weekly, inspections of the irrigation system, including pumps, pipes, irrigators and vegetation to ensure that the system is operating efficiently and that vegetation is in good health.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.
Condition 26			<del>A plan of the leachate irrigation system shall be prepared to the</del>	As above	<del>A plan of the leachate irrigation system shall be prepared to the</del>	HDC agrees with the deletion of the condition as per the Officer's

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
			<p><del>satisfaction of the Regional Council's Environmental Protection Manager nine months prior to placement of refuse on the lined landfill. The plan shall include:</del></p> <p><del>a. A map showing areas to be irrigated;</del></p> <p><del>b. Design of the recirculation, treatment and irrigation systems;</del></p> <p><del>c. Contingency measures in case of failures in the irrigation system;</del></p> <p><del>d. Criteria for installing aerators in the leachate pond;</del></p> <p><del>e. Assessment of options for recirculating leachate over the lined landfill;</del></p> <p><del>f. Assessment of groundwater profile beneath the irrigation area and effects leachate irrigation will have on groundwater;</del></p> <p><del>g. Groundwater and soil monitoring programme, including a map showing sampling locations; and</del></p> <p><del>a. Any other relevant matter.</del></p>		<p>satisfaction of the Regional Council's Environmental Protection Manager nine months prior to placement of refuse on the lined landfill. The plan shall include:</p> <p>a. A map showing areas to be irrigated;</p> <p>b. Design of the recirculation, treatment and irrigation systems;</p> <p>c. Contingency measures in case of failures in the irrigation system;</p> <p>d. Criteria for installing aerators in the leachate pond;</p> <p>e. Assessment of options for recirculating leachate over the lined landfill;</p> <p>f. Assessment of groundwater profile beneath the irrigation area and effects leachate irrigation will have on groundwater;</p> <p>g. Groundwater and soil monitoring programme, including a map showing sampling locations; and</p> <p>h. Any other relevant matter.</p>	Report.
Condition 27			<p><del>The Permit Holder shall keep a log of:</del></p> <p><del>a. The dates and times of leachate irrigation;</del></p> <p><del>b. The total volume of leachate irrigated daily;</del></p> <p><del>c. The volumes of leachate irrigated to specific areas;</del></p> <p><del>d. Weather and ground conditions during irrigation;</del></p> <p><del>e. Observations made during the weekly inspections of the pump, irrigation system and irrigation areas; and</del></p> <p><del>f. Repairs and maintenance carried out on the irrigation system.</del></p>	As above	<p>The Permit Holder shall keep a log of:</p> <p>a. The dates and times of leachate irrigation;</p> <p>b. The total volume of leachate irrigated daily;</p> <p>c. The volumes of leachate irrigated to specific areas;</p> <p>d. Weather and ground conditions during irrigation;</p> <p>e. Observations made during the weekly inspections of the pump, irrigation system and irrigation areas; and</p> <p>f. Repairs and maintenance carried out on the irrigation system.</p>	HDC agrees with the deletion of the condition as per the Officer's Report.

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
			<p><del>Copies of this log shall be forwarded to the Regional Council's Environmental Protection Manager on 28 February and 31 August of each year that the irrigation system is operated.</del></p>		<p><del>Copies of this log shall be forwarded to the Regional Council's Environmental Protection Manager on 28 February and 31 August of each year that the irrigation system is operated.</del></p>	
Condition 30			<p>The Regional Council <del>shall</del> <b>may</b> initiate a <del>publicly notified</del> review of Conditions 3, 4, 11 (a) – (e), 12, 13, 14, 24, 27, 28 and 29 of this permit <b>at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April, 2015, 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</b> The reviews shall be for the purpose of:....."</p>	<p>A number of submitters have expressed their objection to the changes proposed by HDC to the review conditions. I understand that the conditions were imposed on the various consents during the last review in 2010, by agreement between the parties, including the Regional Council.</p> <p>There are three elements to the proposed change. First is to remove the compulsory and publicly notified nature of the review and to replace it with a discretionary element. The second is to amend the possible frequency of the review and the third is related to the first and seeks to remove the discretionary powers granted to the NLG.</p> <p>Even though the condition was introduced into the consents by way of agreement, there is now an application before Horizons to amend it. In my opinion, s128 provides a discretion to the consenting authority as to whether it will review the conditions of consent or not. Section 128 does not require that a review take place. Reviews of conditions can be costly and are often seen to derogate the rights of the consent. Therefore, it is appropriate that a discretion remains in place as to whether to initiate a review or not. With regards to notification, s130(3) of the RMA specifies that s95 to 95G (which set out the notification decision process) apply to reviews. Whether to review the conditions of consent or to notify a review should rely on the provisions provided for that purpose in the RMA and not be overridden by a consent condition. In this respect, I agree with the proposed change to replace the word "shall" with</p>	<p>The Regional Council <del>shall</del> <b>may</b> initiate a <del>publicly notified</del> review of Conditions 3, 4, 11 (a) – (e), 12, 13, 14, <del>24, 27,</del> 28 and 29 of this Permit in October 2015 and April 2020, 2025, 2030 and 2035, <del>unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</del> The reviews shall be for the purpose of:...</p>	<p>HDC disagrees with the condition as per the Officer's Report.</p>

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position
				<p>"may" and to remove the words "publicly notified".</p> <p>I do not agree with the requested change to ten yearly intervals for when a review can take place. In my view the current issues of odour and the daylighting of leachate only seem to have come to light since the previous review in 2010. The landfill site is an active site and things can change within a short time period. I consider that five years continues to be an appropriate for potential reviews.</p> <p>With the removal of the compulsory nature of the review, the discretionary power provided to the NLG becomes redundant. As such I agree with its removal.</p>		

**Discharge Permit 6009 – discharge solid waste to land**

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report
Condition 8			<p>The Permit Holder shall develop and implement a procedure for the landfill operator, such that potentially hazardous material, as listed in Annex 1 attached to and forming part of this permit, will not be accepted for disposal at the Levin landfill without specific authorization. The Operations Manager of the Horowhenua District Council, or some other designated person, is able at their discretion to accept quantities of such wastes. The waste shall be accompanied by a Hazardous Waste Manifest, as listed in Annex 1, which will form part of the permanent record and shall be reported <del>by</del> to the Regional Council by <del>31 August</del> <b>30 September</b> each year for the term of this Permit.</p>	<p>Agreed – same reasons as discussed in relation to conditions 5 of Discharge Permit 6010.</p>	<p>The Permit Holder shall develop and implement a procedure for the landfill operator, such that potentially hazardous material, as listed in Annex 1 attached to and forming part of this permit, will not be accepted for disposal at the Levin landfill without specific authorization. The Operations Manager of the Horowhenua District Council, or some other designated person, is able at their discretion to accept quantities of such wastes. The waste shall be accompanied by a Hazardous Waste Manifest, as listed in Annex 1, which will form part of the permanent record and shall be reported <del>by</del> to the Regional Council by <del>31 August</del> <b>30 September</b> each year for the term of this Permit.</p>	<p>HDC agrees with the condition as per the Officer's Report.</p>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report
Condition 14	The Permit Holder shall update the Landfill Management Plan in respect of the operations on the lined landfill to the satisfaction of the <del>Environmental Protection Regulatory</del> Manager at the Regional Council within six months <del>of the completion of the review of the consents of the commencement date of the decision of the 2015 review of conditions of consent.</del> The Landfill Management Plan shall include, but not be limited to:...	Agreed		Recommend that the proposed changes are made to the condition.  The air quality experts have agreed that an odour management plan (OMP) should be prepared and referenced in the consent conditions. It would be logical to have the OMP incorporated into the Landfill Management Plan. As such, I recommend an additional clause to be added to condition 14 to require the inclusion of an OMP.	The Permit Holder shall update the Landfill Management Plan in respect of the operations on the lined landfill to the satisfaction of the <del>Environmental Protection Regulatory</del> Manager at the Regional Council within six months <del>of the completion of the review of the consents of the commencement date of the decision of the 2015 review of conditions of consent.</del> The Landfill Management Plan shall include, but not be limited to:...	HDC agrees with the condition as per the Officer's Report.
Condition 14(m)		<del>The feasibility of carrying out greenwaste composting operations on top of the closed landfill shall be assessed. Where it is deemed to be feasible, the composting operations shall be incorporated into the Closed Landfill Aftercare Management Plan'</del>		Agreed. Mr Standen has assessed this request at paragraph 37 of his report, and has noted that the feasibility study has been completed which concluded that the composting is not feasible. Therefore I recommend that the condition be cancelled as requested.	<del>The feasibility of carrying out greenwaste composting operations on top of the closed landfill shall be assessed. Where it is deemed to be feasible, the composting operations shall be incorporated into the Closed Landfill Aftercare Management Plan. An Odour Management Plan.</del>	HDC agrees with deletion of the the condition as per the Officer's Report.
Condition 14			".....The Permit holder shall submit an annual report to the Regional Council by <del>31 August</del> <b>30 September</b> each year for the duration of this Permit documenting the condition of the unlined landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 14(n) to 14(r) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year related to Condition 14(q)	Agreed – same reasons as discussed in relation to conditions 5 of Discharge Permit 6010.	.....The Permit holder shall submit an annual report to the Regional Council by <del>31 August</del> <b>30 September</b> each year for the duration of this Permit documenting the condition of the unlined landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 14(n) to 14(r) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year related to Condition 14(q) [The annual report can be written in conjunction with the annual report required as part of Condition 15 (f) for Consent Number 6010]	HDC agrees with the condition as per the Officer's Report.



Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report
			[The annual report can be written in conjunction with the annual report required as part of Condition 15 (f) for Consent Number 6010]			
Condition 28(d)		'A protective layer of sand 100 mm thick on the base overlain by a 300 mm thick gravel drainage layer, and on the sides <del>a protective layer of sand 300 mm thick that will be placed progressively as the landfill rises</del> slopes a confining layer of gravel 300 mm thick, lain on top of a protective geofabric and geogrid, appropriately designed for the site conditions'		Agreed. Mr Standen addresses this requested change at paragraph 38 of his report. He states that the change has already been implemented, with Horizons approval. Therefore I recommend that the change to the condition be made as proposed.	A protective layer of sand 100 mm thick on the base overlain by a 300 mm thick gravel drainage layer, and on the sides <del>a protective layer of sand 300 mm thick that will be placed progressively as the landfill rises</del> slopes a confining layer of gravel 300 mm thick, lain on top of a protective geofabric and geogrid, appropriately designed for the site conditions.	HDC agrees with this condition as per the Officer's Report.
Condition 29		<del>'Nine months prior to the placement of refuse on the lined landfill, the Permit Holder shall present a Management Plan to the Regional Council including the same items as those described in Condition 14 (a) to (m)'</del>		This condition has been complied with and is now redundant. I recommend that it be cancelled as requested.	<del>Nine months prior to the placement of refuse on the lined landfill, the Permit Holder shall present a Management Plan to the Regional Council including the same items as those described in Condition 14 (a) to (m)</del>	HDC agrees with the deletion of this condition as per the Officer's Report.
Condition 31			The Regional Council <del>shall</del> may initiate a <del>publicly notified</del> review of Conditions 2, 8, 14 (a) to (m), 28, 29, 32, 33, and 34 of this permit <del>at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April 2015, , 2025, and 2035,</del> . The reviews shall be for the purpose of:...	Agreed for the same reasons as discussed in relation to condition 30 of Discharge Permit 6010. In addition, I note that the HDC request in relation to this particular review condition has omitted part of the condition. I recommend that the reference to the NLG also be removed from the condition in a similar fashion to that recommendation for condition 30 of discharge permit 6010.	The Regional Council <del>shall</del> may initiate a <del>publicly notified</del> review of Conditions 2, 8, 14 (a) to (m), 28, 29, 32, 33, and 34 of this permit <del>in October 2015 and April 2020, 2025, 2030 and 2035</del> <del>unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</del> The reviews shall be for the purpose of:...	HDC disagrees with the condition as per the Officer's Report.
Condition 32		'The Permit Holder shall <del>re-establish, chair, manage and conduct a Neighbourhood Liaison Group (NLG) in 2016.</del> The following shall <del>each</del> be eligible to <del>be members</del> have one representative: a. <del>Representation from The Lake Horowhenua Trustees</del>		Conditions 32 to 34 establish a community liaison group (NLG) outlining membership, frequency of meetings and roles and responsibilities. HDC have proposed to amend these conditions to rationalise membership of the group and to define a purpose for the group. A number of submitters are opposed to the changes to these conditions and see the changes as	<del>32. The Permit Holder shall establish a NLG. The following shall be eligible to be members: a. Representation from Lake Horowhenua Trustees and Ngati Pareraukawa; b. The owners and occupiers of those properties adjoining the Levin Landfill property described as A</del>	HDC agrees with this condition as per the Officer's Report with the following exceptions:  HDC may have one representative but the condition needs to be clear that at the meeting, as the consent holder, it may have its relevant staff and

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report
		<p>and Ngati Pareraukawa;</p> <p>b. <del>The owners and occupiers of those properties adjoining the Levin Landfill property described as A through to N on Drawing 2181 attached;</del></p> <p>c. <u>A technical advisor as appointed by the Permit Holder. Other parties who are invited from time to time as agreed by the Permit Holder and/or the NLG, including but not limited to original submitters; and</u></p> <p>d. <u>A representative from each of The Horowhenua District Council and the Regional Council, being consent authorities.</u></p> <p>e. <u>The Permit Holder (in addition to the representative nominated under 32(d)).</u></p>		<p>an erosion of rights and as an attempt to exclude the community voice from the decision making process.</p> <p>In my experience, for such liaison groups to functionally operate they do need clear terms of reference that outline the groups purpose, membership and the respective roles and responsibilities of the members.</p> <p>With respect to Condition 32, I note that the Lake Horowhenua Trustees and Ngati Pareraukawa are different entities and should be listed separately to make it clear that each entity is entitled to membership of the NLG. I disagree with the proposed exclusion of occupiers of properties adjacent to the landfill from the NLG. Owners and occupiers need to be considered when assessing effects of activities on people and I do not see why occupiers cannot be involved in the on-going consultation processes available through an NLG. I consider that the group should be set up for the members and that technical representation could be on a 'when and as needed' basis as agreed by the group members. I consider that HDC and Horizons ought to be listed separately as they are separate organisations. I agree that the permit holder should have representation, but only if the permits are not held by HDC.</p> <p>Amended wording to reflect the above is included in the condition schedules attached in Appendix 2.</p>	<p><del>through to N on Drawing 2181 attached;</del></p> <p><del>e. Other parties who are invited from time to time as agreed by the Permit Holder and/or the NLG, including but not limited to original submitters; and</del></p> <p><del>d. A representative from each of the Horowhenua District and the Regional Council, being consent authorities.</del></p> <p><u>The Permit Holder shall re-establish, chair, manage and conduct a Neighbourhood Liaison Group (NLG) in 2016. Representation on the NLG shall be available to all owners and occupiers of the properties adjoining the Levin Landfill property, described as A through to N on Drawing 2181. In addition, the following entities shall each be eligible to have one representative on the NLG:</u></p> <p><u>a. The Lake Horowhenua Trust,</u></p> <p><u>b. Ngati Pareraukawa,</u></p> <p><u>c. Manawatu-Wanganui Regional Council</u></p> <p><u>d. Horowhenua District Council</u></p> <p><u>e. The Permit Holder (if a different entity from HDC)</u></p> <p><u>Technical advisors may be invited to NLG meetings if deemed necessary, and only by agreement from the active members of the NLG.</u></p>	<p>contractors attend. It is important that the discussions of the NLG are heard directly by staff involved in the management and operation of the landfill.</p> <p>New condition 32 entitling all adjacent owners and occupiers NLG membership.</p> <p>New condition 32 – Requiring agreement of NLG to invite technical advisors to NLG meetings. Experts should be present to the meeting as required and appropriate. Parties should bear the cost of such technical advisors; HDC will make its advisors available to talk to the NLG as reasonable. It is likely to prevent the attendance of technical advisors at NLG meetings and therefore the dissemination of information that can make an invaluable contribution toward resolving issues. The proposed s42A wording of NLG "agreement" of "active members" is uncertain and is likely to increase disputes.</p> <p>As discussed in the evidence of Mr Gallo Saidy the challenges in resolving issues through the NLG will continue if large numbers of people attend NLG meetings. The experience of the Whakawatea Forum is that a smaller group of people, reporting back to the community, works much better.</p> <p>Condition 32 should be worded</p>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report
						<p>as follows:</p> <p>The Permit Holder shall re-establish, chair, manage and conduct a Neighbourhood Liaison Group (NLG) in 2016. The following shall each be eligible to have one representative:</p> <ul style="list-style-type: none"> <li>a. The Lake Horowhenua Trustees;</li> <li>b. Ngati Pareraukawa;</li> <li>c owners of the properties adjoining the Levin Landfill property, described as A through to N on Drawing 2181.</li> <li>d. a technical advisor as appointed by the Permit Holder</li> <li>e. Manawatu-Wanganui Regional Council</li> <li>f. Horowhenua District Council</li> <li>g. The Permit Holder (if a different entity from HDC)</li> </ul> <p>Technical advisors as appointed by the Permit Holder may be invited to NLG meetings if the Permit Holder considers it would assist the discussion with the NLG.</p> <p>The permit holders staff and contractor shall be able to attend and watch the NLG meetings and assist on the invitation of the permit holder's representative.</p> <p>The representatives on the NLG are responsible for reporting back to their members and interested parties. The permit holder will make (unless confidential) the reports and information provided to the NLG, and the minutes of the NLG available on its website.</p>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report
						The permit holder is responsible solely for the reasonable costs of administering the NLG, such as providing a venue and drafting up minutes.
Condition 33		<p><u>The purpose of the NLG is solely to review and provide comment to the Permit Holder on environmental and monitoring results in relation to environmental mitigations at the Levin landfill in accordance with the conditions of consent. The Permit Holder may accept or reject any comments with reasons to be provided to the NLG. The Permit Holder shall:</u></p> <p>a. <del>Convene one meeting one month after the commencement of the consent;</del></p> <p>b. <del>Thereafter at intervals of six months for the first 18 months after the date of exercising the consent; and</del></p> <p>c. <del>Thereafter</del> Hold meetings at intervals of no more than 12 months unless 80% of the people attending a meeting agree that changes to the intervals are acceptable.'</p>		<p>Condition 33, as it currently stands, specifies the meeting frequency. HDC have proposed to include a defined purpose for the NLG and to delete two existing provisions that requires meetings on a more frequent basis for the first 18 months of establishment.</p> <p>In my opinion, the purpose for the NLG is likely better placed in Condition 34, which currently defines roles and responsibilities. In addition the purpose of the NLG as proposed is very limited and, in my view, unlikely to achieve outcomes of any significance.</p> <p>I also consider that it will likely be beneficial for the NLG members to meet more frequently than once per year, especially during the period of time after the commencement of this review when it is likely that there will be a reasonable amount of activity in bedding in to the amended condition of consent. I recommend that conditions 33(a) and (b) remain, but with amendments to require meetings to be held at those frequencies after the commencement of this Review.</p> <p>Recommended wording is included in the condition schedules attached in Appendix 2.</p>	<p>33. The Permit Holder shall:</p> <p><u>a. Convene one meeting one month after the commencement of the consents 2015 review of conditions;</u></p> <p><u>b. Thereafter at intervals of six months for the first 18 months after the date of exercising the consent commencement of the 2015 review of conditions; and</u></p> <p><u>c. Thereafter at intervals of no more than 12 months unless 80% of the people attending a meeting agree that changes to the intervals are acceptable.</u></p>	<p>HDC disagrees with this condition as per the Officer's Report.</p> <p>Condition 33 should be worded as follows:</p> <p>The Permit Holder shall hold meetings of the NLG at intervals of no more than 12 months.</p>
Condition 34		<p>'The Permit Holder shall:</p> <p>a. Supply notes of each meeting to the Group Members;</p> <p>b. Forward an annual report to</p>		<p>As discussed above, I consider that the purpose of the NLG should be expressed in this condition. The purpose as proposed by HDC is limited. I consider that for the NLG to be successful, open discussion of issues that concern the community members of</p>	<p>34. The purpose of the NLG is to <u>provide a forum where:</u></p> <p><u>a. members can raise matters of concern regarding the landfill and its operation for discussion with the Permit Holder.</u></p>	<p>HDC agrees with this condition as per the Officer's Report with the following exceptions:</p> <p>Disagree with conditions 34(a) and (b). This purpose is too</p>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report
		<p>members <del>and as sent to the Regional Council and the District Council;</del></p> <p>c. Forward any other information to the Group Members, in accordance with the conditions of the consents; and</p> <p>d. The Permit Holder shall ensure the NLG members are:</p> <p>i. <del>Able to advise the Permit Holder of potential members of the NLG.</del></p> <p>ii. Given the opportunity to inspect the operations on site on the occasion of NLG meetings, and/or on such other occasions as are agreed by the Permit Holder <u>and Landfill Operator</u>. The Permit Holder shall not unreasonably withhold such agreement. The Permit Holder shall grant the NLG members access to the landfill property, during working hours, subject to relevant health and safety regulations and the Management Plan.</p> <p>iii. Consulted by the Permit Holder as a group prior to any review of the resource consents or any change of conditions pursuant to section 127 of the Resource Management Act 1991 (and/or any consequential amendments).</p> <p>iv. Provided by the Permit Holder with a copy of all monitoring reports</p>		<p>the group is required. In that respect the purpose should be widened to allow discussions of matters such as that provided for under conditions 34 (d)(v).</p> <p>I recommend that the purpose of the NLG is inserted into this condition and includes matters such as that listed under (v).</p> <p>I agree with the changes proposed to (b), and (d)(i). The changes to (b) do not change the intention of the condition and simply make to clearer. Condition 34(d)(i) is no longer required because the proposed changes to condition 32 have defined the membership of the group.</p> <p>The change to (d)(ii) is unnecessary as the permit holder ought to have ultimate control over the site. In my view, arrangements for visitor entry to the site are a matter to be agreed between the permit holder and the landfill operator and not the NLG.</p> <p>Recommended wording is included in the condition schedules attached in Appendix 2.</p>	<p><u>b. members can raise any matter the NLG member believes the Permit Holder could address in order to meet the conditions of the consent(s).</u></p> <p><u>c. the Permit Holder can provide feedback as to any proposed changes and amendments to the consents.</u></p> <p><u>d. the Permit Holder can provide and discuss recent compliance assessments and monitoring results</u></p> <p>To facilitate the above the Permit Holder shall:</p> <p>a. Supply notes of each meeting to the Group Members;</p> <p>b. Forward an annual report to members <del>and as sent to the Regional Council and the District Council;</del></p> <p>c. Forward any other information to the Group Members, in accordance with the conditions of the consents; and</p> <p>d. The Permit Holder shall ensure the NLG members are:</p> <p><del>i. Able to advise the Permit Holder of potential members of the NLG.</del></p> <p>ii. Given the opportunity to inspect the operations on site on the occasion of NLG meetings, and/or on such other occasions as are agreed by the Permit Holder. The Permit Holder shall not unreasonably withhold such agreement. The Permit Holder shall grant the NLG members access to the landfill property, during working hours, subject to relevant health and safety regulations and the Management Plan.</p> <p>iii. Consulted by the Permit Holder as a group prior to any review of the resource consents or any change of conditions pursuant to</p>	<p>broad allowing the NLG to raise any matter of concern. These provisions are even broader than the current provisions. Without clearer guidance on what matters can be raised, the difficulties with the NLG as discussed in the evidence of Mr Gallo Saidy will continue.</p> <p>Disagrees with conditions 34(v) and (vi). This gives the NLG wide ambit to raise any issue and requires the HDC to respond. Without refinement of the matters that can be raised by the NLG and refinement of the circumstances in which the HDC is required to respond to issues raised, the difficulties with the NLG as discussed in the evidence of Mr Gallo Saidy will continue.</p> <p>Condition 34 should be worded as follows:</p> <p>The purpose of the NLG is solely to review and provide comment to the Permit Holder on environmental and monitoring results in relation to environmental mitigations at the Levin landfill in accordance with the conditions of consent. The Permit Holder may accept or reject any comments with reasons to be provided to the NLG representatives.</p> <p>The Permit Holder shall:</p> <p>a. Supply notes of each meeting to the NLG representatives;</p> <p>b. Forward an annual report to NLG representatives as sent to the Regional Council;</p> <p>c. Forward any other information</p>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report
		<p>and other documentation relating to the non-commercially sensitive, environmental operation of the landfill, at the same time as such reports are provided to the Regional Council in accordance with the resource consents.</p> <p>v. <del>Able to raise with the Permit Holder, as necessary, any matter which the NLG member believes the Permit Holder should address in order to meet the conditions of the consent(s).</del></p> <p>vi. <del>Formally acknowledged and considered by the Permit Holder, with respect to NLG member's written suggestions to the Permit Holder on possible improvements to, or concerns about, the landfilling operations. Given reasons for any comments from the NLG at the annual meeting on environmental and monitoring results in relation to environmental mitigations at the Levin Landfill being rejected.</del></p> <p>vii. <del>Kept informed by the Permit Holder as to whether or not progress is being made towards a regional landfill.</del></p>			<p>section 127 of the Resource Management Act 1991 (and/or any consequential amendments).</p> <p>iv. Provided by the Permit Holder with a copy of all monitoring reports and other documentation relating to the non-commercially sensitive, environmental operation of the landfill, at the same time as such reports are provided to the Regional Council in accordance with the resource consents.</p> <p>v. Able to raise with the Permit Holder, as necessary, any matter which the NLG member believes the Permit Holder should address in order to meet the conditions of the consent(s).</p> <p>vi. Formally acknowledged and considered by the Permit Holder with respect to NLG member's written suggestions to the Permit Holder on possible improvements to, or concerns about, the landfilling operations.</p> <p>vii. <del>Kept informed by the Permit Holder as to whether or not progress is being made towards a regional landfill.</del></p>	<p>to the NLG representatives, in accordance with the conditions of the consents; and</p> <p>d. The Permit Holder shall ensure the NLG representatives are:</p> <p>i. Given the opportunity to inspect the operations on site on the occasion of NLG meetings, and/or on such other occasions as are agreed by the Permit Holder and Landfill Operator. The Permit Holder shall not unreasonably withhold such agreement. The Permit Holder shall grant the NLG representatives access to the landfill property, during working hours, subject to relevant regulations, including health and safety regulations, and the Management Plan.</p> <p>ii. Consulted prior to any review of the resource consents or any change of conditions pursuant to section 127 of the Resource Management Act 1991 (and/or any consequential amendments).</p> <p>iii. Provided with a copy of all monitoring reports and other documentation relating to the non-commercially sensitive, environmental operation of the landfill, at the same time as such reports are provided to the Regional Council in accordance with the resource consents.</p> <p>v. Given reasons for any comments from the NLG representatives at the annual meeting on environmental and monitoring results in relation to environmental mitigations at the Levin Landfill being rejected.</p>

**Discharge Permit 6011 – discharge landfill gas, odour and dust to air**

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
New Condition 3(c)	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must place daily cover over the entire operational fill area by the end of each operating day. Daily cover may be 150mm of soil or clay generated on site or imported, but may also be one of a number of non-soil alternative daily cover options of an appropriate thickness where it can be demonstrated that they achieve a comparable level of control with respect to odour discharges, vermin, birds and litter. Raw sand cannot be used as daily cover.</u>	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must place daily cover over the entire operational fill area by the end of each operating day. <del>Daily cover may be 150mm of soil or clay generated on site or imported, but may also be one of a number of non-soil alternative daily cover options.</del> Daily cover shall be of an appropriate thickness where it can be demonstrated that they achieve a comparable level of control with respect to such that odour discharges, vermin, birds and litter are kept to a practicable minimum. Raw sand cannot be used as daily cover.</u>		<p>The air quality experts have agreed on the following condition in respect of daily cover.</p> <p><i>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must place daily cover over the entire operational fill area to a depth of at least 150 millimetres by the end of each operating day. Daily cover material may comprise of sand, soil or mulched woody material and should be applied to ensure effective odour control.</i></p> <p>I note that this wording may allow for the sole use of sand for daily cover. However, whatever the material used, it will be required to ensure effective odour control.</p> <p>I recommend that the above wording be inserted as new condition 3(c).</p>	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must place daily cover over the entire operational fill area to a depth of at least 150 millimetres by the end of each operating day. Daily cover material may comprise of sand, soil or mulched woody material and should be applied to ensure effective odour control.</u>	HDC agrees with this condition as per the Officer's Report.
New Condition 3(d)	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must ensure that intermediate cover is placed over daily cover to close-off a fill area that will not receive additional lifts of waste or final cover for more than three months. The combined depth of cover, including daily cover, over the waste shall be a minimum of 300 millimetres. Raw sand can not be used as intermediate cover. Intermediate cover shall be stabilised within 20 working days of completion.</u>	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must ensure that intermediate cover is placed over daily cover to close off a fill area that will not receive additional lifts of waste or final cover for more than three months. The combined depth of cover, including daily cover, over the waste shall be a minimum of 300 millimetres. <del>Raw sand cannot be used as intermediate cover.</del> Intermediate cover shall be stabilized within 20 working days of completion.</u>		<p>The air quality experts do not appear to have proposed any alternative wording in respect of intermediate cover. However, they have agreed that the use of raw sand is not a suitable material for intermediate capping.</p> <p>Therefore, I recommend that the wording proposed in the Notice of Review be inserted into the consent as new condition 3(d).</p>	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must ensure that intermediate cover is placed over daily cover to close-off a fill area that will not receive additional lifts of waste or final cover for more than three months. The combined depth of cover, including daily cover, over the waste shall be a minimum of 300 millimetres. Raw sand can not be used as intermediate cover. Intermediate cover shall be stabilised within 20 working days of completion.</u>	<p>HDC agrees with this condition as per the Officer's Report with the exception that raw sand should not be excluded as a material that can be used as intermediate cover, and that the condition should contain a differentiation between the terms 'intermediate cover', 'temporary cap' and 'final cap'.</p> <p>HDC does however agree with the position of the experts agreed at expert conferencing that sand alone does not provide adequate intermediate cover.</p> <p>HDC agrees with condition 3(d) as proposed in the evidence of Doug Boddy as follows:</p>

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						<p>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must ensure that intermediate cover is placed over daily cover to close-off a fill area that will not receive additional lifts of waste or final cover for more than three months. The combined depth of cover, including daily cover, over the waste shall be a minimum of 300 millimeters. Intermediate cover material should be applied to ensure effective odour control and should comprise of uncontaminated soil and mulched woody material, and include a clay layer on top of the intermediate cover. It is noted that this is likely to result in both partially-capped (temporary cap) and permanently-capped (final cap) areas. Intermediate cover shall be stabilized within 20 working days of completion, <u>and shall include a temporary or permanent cap on top of the intermediate cover.</u></p> <p><u>[Advice Note: The purpose of the temporary or permanent cap is to: reduce water and air ingress; reduce fugitive odour emissions; improve the aesthetics of the landfill; improve the management of litter, vermin and birds; and improve the efficiency of the gas collection system.]</u></p>
New Condition 3(e)	<p><u>The Consent Holder must carry out monthly surface emission testing for all areas of the landfill with final or intermediate cover, and the bio-filter bed. The monitoring of surface emissions shall be undertaken utilising emission</u></p>	<p><u>The Consent Holder must carry out monthly surface emission testing for all areas of the landfill with final or intermediate cover, and the bio-filter bed. The monitoring of surface emissions shall be</u></p>		<p>Ms Ryan has discussed this proposed condition at paragraphs 37 to 42 of her report She agrees with HDC in that there will be practical difficulties in achieving the ideal weather conditions and agrees with the following wording, provided an advice note is attached to outline the preferable weather conditions.</p>	<p><u>The Consent Holder must carry out monthly surface emission testing for all areas of the landfill with final or intermediate cover, and the bio-filter bed. The monitoring of surface emissions shall be undertaken utilising emission testing methods that</u></p>	<p>HDC agrees with this condition as per the Officer's Report with the exception that the first sentence of the condition should distinguish between the landfill cells with daily cover, intermediate cover, temporary capping and final capping as proposed by Doug</p>



Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
	<u>testing methods that have been given prior written certification as to their appropriateness by the Manawatu-Wanganui Regional Council's Regulatory Manager. The monitoring of surface emissions shall be undertaken following 72 hours with no rain and on any day where the average wind speed is less than 15 kilometres per hour.</u>	undertaken utilizing emission testing methods that have been given prior written certification as to their appropriateness by the Manawatu-Wanganui Regional Council's Regulatory Manager. The monthly monitoring of surface emissions shall only be undertaken following a 72 hour period with <del>no less</del> <u>than 75mm of rainfall</u> and on any day where the average wind speed is less than 15 kilometres per hour.		<p><i>The Consent Holder must carry out monthly surface emission testing for all areas of the landfill with final or intermediate cover, and the bio-filter bed. The monitoring of surface emissions shall be undertaken utilizing emission testing methods that have been given prior written certification as to their appropriateness by the Manawatu-Wanganui Regional Council's Regulatory Manager. The monitoring of surface emissions shall not be undertaken during or immediately after heavy rainfall or during strong wind speed conditions, and the meteorological conditions at the time of the monitoring shall be provided in the monitoring report.</i></p> <p>I have recommended the above wording and drafted an advice note based on paragraph 42 of Ms Ryans report.</p>	<p>have been given prior written certification as to their appropriateness by the Manawatu-Wanganui Regional Council's Regulatory Manager. The monitoring of surface emissions shall not be undertaken during or immediately after heavy rainfall or during strong wind speed conditions, and the meteorological conditions at the time of the monitoring shall be provided in the monitoring report. Page 28 of 37</p> <p>[Advice Note: Favourable meteorological conditions for emission testing include those where weather and ground conditions are dry with less than 0.5 mm of rain having fallen for at least two days, and wind speed should be less than 25 km per hour ideally 5 – 10 km/hour.]</p>	<p>Boddy as follows:</p> <p>The Consent Holder must carry out monthly <u>monitoring for methane surface emission testing</u> <del>for across</del> all areas of the landfill with <u>intermediate cover, temporary capping, final capping or intermediate cover</u>, and <u>onsite buildings and structures bio-filter bed</u>.</p> <p>HDC agrees with amendment to the Advice Note to Condition 3E as proposed in the evidence of Doug Boddy as follows:</p> <p>[Advice Note: Favourable meteorological conditions for emission testing include those where weather and ground conditions are dry with less than 0.5 mm of rain having fallen for at least two days, and instantaneous wind speed should be less than 25 km per hour ideally 5 – 10 km/hour.]</p>
New Condition 3(f)	<u>Surface emissions of methane, as determined by testing carried out by condition 3(e) shall not exceed 5,000 parts per million (ppm) in any single location. An exceedance of the 5,000 ppm requires remedial action to be undertaken within 24 hours and retesting within 24 hours of remediation being completed. If the second testing results in a continued exceedance at the same location then an action plan shall be developed and implemented to reduce methane concentrations below 5,000 ppm and details</u>	Agreed		<p>Even though this condition was agreed, the air quality experts have noted that the 5000ppm level is a health and safety limit based on the Lower Explosion Level rather than an environmental or odour based limit. The experts agree that lower trigger levels for methane should be incorporated as conditions of consent and have proposed the following:</p> <ul style="list-style-type: none"> <li>• 100 ppm for 'final cap' areas;</li> <li>• 200 ppm for 'intermediate cover' areas;</li> </ul> <p>and,</p> <ul style="list-style-type: none"> <li>• 5,000 ppm for onsite buildings and structures.</li> </ul> <p>The JWS directs one to Attachment A of the statement for a recommended condition. However, the levels in that document do not appear to align with that expressed above. As such, I have adapted the wording proposed in</p>	<p>Surface emissions of methane, as determined by testing carried out by condition 3(e) shall not exceed the following:</p> <ul style="list-style-type: none"> <li>100 parts per million (ppm) for final capped areas</li> <li>200 ppm for intermediate capped areas</li> <li>5,000 ppm for onsite buildings and structures.</li> </ul> <p>An exceedance of the above limits requires remedial action to be undertaken within 24 hours and retesting within 24 hours of remediation being completed. If the second testing results in a continued exceedance at the same location then an action plan shall be developed and implemented to reduce methane</p>	<p>HDC agrees with this condition as per the Officer's Report, subject to the following minor amendments as proposed in the evidence of Doug Boddy:</p> <p>Surface emissions of methane, as determined by <u>monitoring testing</u> carried out by condition 3(e) shall not exceed the following trigger levels:</p> <ol style="list-style-type: none"> <li>100 parts per million (ppm) for final capped areas;</li> <li>200 ppm for <u>intermediate cover and temporary capped</u></li> </ol>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
	<a href="#">provided to the Manawatu-Wanganui Regional Council advised within 48 hours of the retest.</a>			the notice of review to incorporate the levels noted above, acknowledging that further input will likely be required on the details of this condition.	<a href="#">concentrations below the specified limits and details provided to the Manawatu-Wanganui Regional Council advised within 48 hours of the retest.</a>	<p><del>areas intermediate capped areas;</del></p> <p>iii. 5,000 ppm for onsite <del>buildings</del> buildings and structures.</p> <p>An exceedance of the above limits requires remedial action to be undertaken within 24 hours and retesting within 24 hours of remediation being completed. If the second <u>round of</u> testing results in a continued exceedance at the same location then an action plan shall be developed and implemented to reduce methane concentrations below the specified limits and details provided to the Manawatu-Wanganui Regional Council <del>advised</del> within 48 hours of the retest.</p>
New Condition 3(g)	<a href="#">Records of surface emission testing must be included in the Annual Report and provided to Manawatu-Wanganui Regional Council on request.</a>	Agreed		This has been agreed by HDC and I recommend that it be inserted into the consent as new condition 3(g).		<p>HDC agrees with this condition as per the Officer's Report, subject to the minor amendment proposed in the evidence of Doug Boddy for clarification and consistency as follows:</p> <p>Records of surface emission <del>testing</del> <u>monitoring for methane</u> must be included in the Annual Report and provided to Manawatu-Wanganui Regional Council on request.</p>
New Condition 3(h)	<a href="#">Within six months of the commencement date of the</a>	Agreed		The air quality experts consider the proposed condition to be appropriate. I recommend that		HDC agrees with this condition as per the Officer's Report:

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	<u>decision of the 2015 review of conditions, the leachate collection chamber must be vented to a bio-filter. The bio-filter must be designed by a suitably qualified and experienced person.</u>			it be inserted into the consent as new condition 3(h).		
New Condition 3(i)	<u>The Consent Holder must employ an appropriately qualified person to undertake a comprehensive assessment of the bio-filter performance on an annual basis. The assessment shall include, but not be limited to, an evaluation of the media size distribution and composition and effectiveness in removing contaminants.</u>	The Consent Holder must employ a suitably qualified person to undertake a comprehensive assessment of the bio-filter performance on <del>an annual</del> a <u>two-yearly</u> basis. The assessment shall include, but not be limited to, an evaluation of the media size distribution and composition and effectiveness in removing contaminants.		The air quality experts have agreed that an annual assessment of the bio-filter is appropriate. I recommend that the wording as proposed in the Notice of Review be inserted into the consent as new condition 3(i).	<u>The Consent Holder must employ an appropriately qualified person to undertake a comprehensive assessment of the bio-filter performance on an annual basis. The assessment shall include, but not be limited to, an evaluation of the media size distribution and composition and effectiveness in removing contaminants.</u>	HDC agrees with this condition as per the Officer's Report:
New Condition 3(j)	<u>The Consent Holder shall measure and record the following parameters:</u>  <ul style="list-style-type: none"> <li>• <u>Continuous display of differential pressure for the bio-filter;</u></li> <li>• <u>Weekly recording of pressure across the bio-filter bed;</u></li> <li>• <u>Weekly general observations of the bio-filter condition, including weed growth, compaction and short circuiting;</u></li> <li>• <u>Quarterly media moisture content of the upper two thirds layer for the first two years of operation and then six-monthly thereafter;</u></li> <li>• <u>Quarterly monitoring of the pH of the bio-filter bed media in the upper two thirds layer for the first two years then six monthly thereafter.</u></li> </ul>	<del>The Consent Holder shall measure and record the following parameters:</del>  <ul style="list-style-type: none"> <li>• <del>Continuous display of differential pressure for the bio-filter;</del></li> <li>• <del>Weekly recording of pressure across the bio-filter bed;</del></li> <li>• <del>Weekly general observations of the bio-filter condition, including weed growth, compaction and short circuiting;</del></li> <li>• <del>Quarterly media moisture content of the upper two thirds layer for the first two years of operation and then six monthly thereafter;</del></li> </ul> <u>Quarterly monitoring of the pH of the bio-filter media in the upper two thirds layer for the first two years and then six monthly thereafter.</u>		The air quality experts have recommended the following wording for proposed condition 3(j):  <i>The Consent Holder shall maintain the biofilter, measure and record the following parameters:</i> <ul style="list-style-type: none"> <li>• <i>Daily visual inspection of the state of the biofilter bed, particularly for signs of any short-circuiting, clogging of the bed, compaction and weed growth.</i></li> <li>• <i>Daily inspection of the inlet gas fan and ductwork and any maintenance;</i></li> <li>• <i>Continuous display of differential pressure for the biofilter;</i></li> <li>• <i>Weekly recording of pressure across the biofilter bed;</i></li> <li>• <i>Weekly inspection to check for odour at the biofilter (i.e. assessment of odour intensity in accordance with the most up to date good practice guidance for assessing and managing odour).</i></li> <li>• <i>Weekly monitoring and recording of the biofilter media moisture content;</i></li> <li>• <i>Monthly monitoring and recording of the pH of the biofilter media;</i></li> <li>• <i>Quarterly raking and loosening of the</i></li> </ul>	<u>The Consent Holder shall maintain the biofilter, measure and record the following parameters:</u> <ul style="list-style-type: none"> <li>• <u>Daily visual inspection of the state of the biofilter bed, particularly for signs of any short-circuiting, clogging of the bed, compaction and weed growth.</u></li> <li>• <u>Daily inspection of the inlet gas fan and ductwork and any maintenance;</u></li> <li>• <u>Continuous display of differential pressure for the biofilter;</u></li> <li>• <u>Weekly recording of pressure across the biofilter bed;</u></li> <li>• <u>Weekly inspection to check for odour at the biofilter (i.e. assessment of odour intensity in accordance with the most up to date good practice</u></li> </ul>	HDC agrees with this condition as per the Officer's Report:

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
				<p><i>biofilter media, or as otherwise required, to reduce the potential for short-circuiting, clogging of the bed, compaction and weed growth.</i></p> <p>I recommend that the above condition be inserted as new condition 3(j).</p>	<p>guidance for assessing and managing odour).</p> <ul style="list-style-type: none"> <li>Weekly monitoring and recording of the biofilter media moisture content;</li> <li>Monthly monitoring and recording of the pH of the biofilter media;</li> <li>Quarterly raking and loosening of the biofilter media, or as otherwise required, to reduce the potential for short-circuiting, clogging of the bed, compaction and weed growth.</li> </ul>	
New Condition 3(k)	<p><u>The Consent Holder must ensure that the bio-filter and bed complies with the following limits at all times:</u></p> <ul style="list-style-type: none"> <li>The air flow rate shall not exceed 100 cubic metres per hour per metre of bed;</li> <li>The pH of the filter material shall be between 6 and 8 pH units;</li> <li>An even distribution of gas flow through the filter bed; and</li> <li>There shall be no short circuits of untreated air through and filter bed.</li> </ul>	<p><del>The Consent Holder must ensure that the bio-filter and bed complies with the following limits at all times:</del></p> <ul style="list-style-type: none"> <li><del>The air flow rate shall not exceed 100 cubic metres per hour per metre of bed;</del></li> <li><del>The pH of the filter material shall be between 6 and 8 pH units;</del></li> <li><del>An even distribution of gas flow through the filter bed; and</del></li> </ul> <p><del>There shall be no short circuits of untreated air through the filter bed.</del></p>		<p>The air quality experts have recommended the following wording for proposed condition 3(k):</p> <p>The Consent Holder must ensure that the biofilter and bed complies with the following limits at all times:</p> <ul style="list-style-type: none"> <li>Pressure drop across the biofilter shall be less than 100 mm water gauge;</li> <li>Biofilter media moisture content shall be between 40-60% moisture content;</li> <li>The air flow rate shall not exceed 100 cubic metres per hour per square metre of biofilter media;</li> <li>The pH of the filter material shall be between 6 and 8 pH units;</li> <li>An even distribution of gas flow through the filter bed; and</li> <li>There shall be no short circuits of untreated air through and filter bed.</li> </ul> <p>I recommend that the above condition be inserted as new condition 3(k).</p>	<p><u>The Consent Holder must ensure that the biofilter and bed complies with the following limits at all times:</u></p> <ul style="list-style-type: none"> <li>Pressure drop across the biofilter shall be less than 100 mm water gauge;</li> <li>Biofilter media moisture content shall be between 40-60% moisture content;</li> <li>The air flow rate shall not exceed 100 cubic metres per hour per square metre of biofilter media;</li> <li>The pH of the filter material shall be between 6 and 8 pH units;</li> <li>An even distribution of gas flow through the filter bed; and</li> <li>There shall be no short circuits of untreated air through and filter bed.</li> </ul>	HDC agrees with this condition as per the Officer's Report:
New Condition 3(l)	<p><u>Within one month of the commencement date of the decision of the 2015 review of conditions, the Consent Holder shall investigate and identify the odour source identified in the MWH report titled Continuous Ambient Air</u></p>	<p><del>Within one month of the commencement date of the decision of the 2015 review of conditions, the Consent Holder shall investigate and identify the odour source identified in the MWH report titled Continuous Ambient</del></p>		<p>Ms Ryan has briefly discussed proposed conditions 3(l), 3(m) and 3(n) at paragraphs 51 to 52 of her report. She has not made any specific recommendations other than to state that she does support the need for further investigation and control of odours. In its response, HDC has proposed to investigate the odour source to the north west of the</p>	<p>If, after 12 months of the commencement date of the 2015 review of conditions, the Manawatu-Wanganui Regional Council determines that odour is causing adverse effects on the environment, the Permit Holder shall investigate and identify the</p>	HDC agrees with this condition as per the Officer's Report subject to the minor amendment proposed in the evidence of Doug Boddy as follows:  Within one month of the commencement date of the

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
	<a href="#">Quality Monitoring for Hydrogen Sulphide – Levin Landfill and dated 10 July 2015.</a>	<a href="#">Air Quality Monitoring for Hydrogen Sulphide – Levin landfill and dated 10 July 2015.</a>		<p>landfill site.</p> <p>Given the mitigation actions that are occurring on the site (installation of bio-filter, more robust capping and re-instatement of the gas flare), I am of the view that any such investigations into an alternative unknown odour source are probably best put aside at this stage. I consider that it is likely more productive and effective to address the known odour sources before being distracted by more investigations into unknown sources of odour.</p> <p>As such, I recommend that proposed conditions 3(l) to 3(n) be inserted into the consent but with amended wording to only require them to be actioned if the odour issue has not been resolved within 12 months after the commencement date of the 2015 review.</p>	<a href="#">odour source identified in the MWH report titled Continuous Ambient Air Quality Monitoring for Hydrogen Sulphide – Levin Landfill and dated 10 July 2015.</a>	decision of the 2015 review of conditions, the Consent Holder shall investigate and identify the <del>odour source identified potential</del> odour source discussed in the MWH report titled Continuous Ambient Air Quality Monitoring for Hydrogen Sulphide – Levin Landfill and dated 10 July 2015.
New Condition 3(m)	<a href="#">The Consent Holder shall remediate the odour source identified in condition 3(l) should the source be located on the Levin Landfill property.</a>	<a href="#">The Consent Holder shall remediate the odour source identified in condition 3(i) should the source be located on the Levin Landfill property.</a>		As above	<a href="#">The Consent Holder shall remediate the odour source identified in condition 3(l) should the source be located on the Levin Landfill property</a>	<p>HDC agrees with this condition as per the Officer's Report subject to the minor amendment proposed in the evidence of Doug Boddy as follows:</p> <p>The Consent Holder shall remediate the odour source identified in condition 3(l) should the source be located on the Levin Landfill property and, in the opinion of a Regional Council Enforcement Officer, there is the potential for the discharge of odour from this source to be noxious, dangerous, offensive, or objectionable beyond the property boundary.</p>
New Condition 3(n)	<a href="#">The Consent Holder shall provide a report to Manawatu-Wanganui Regional Council and the Neighbourhood Liaison Group within 20 working days of condition 3(m) being completed.</a>	<a href="#">The Consent Holder shall provide a report to Manawatu-Wanganui Regional Council and the Neighbourhood Liaison Group within 20 working days of condition 3(m) being completed.</a>		As above.	<a href="#">The Consent Holder shall provide a report to Manawatu-Wanganui Regional Council and the Neighbourhood Liaison Group that outlines the remediation actions taken and outcomes within 20 working days of condition 3(m) being completed.</a>	HDC agrees with this condition as per the Officer's Report:

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
New Condition 3(o)				Although not proposed in the Notice of Review, it has become obvious from reviewing Ms Ryan's s42A report and the air quality expert JWS that the collection and flaring of landfill gas is one of the key components of controlling odour from the site (see paragraph 72 of Ms Ryan's report and question 1 in the JWS). As such I have recommend that a new condition be imposed that requires the installation and use of a landfill gas flare on the site at all times. It is acknowledged that HDC already has a resource consent for a flare However, there is no requirement that it actually be used and the existing consent could well be surrendered if HDC decided they no longer wished to pursue that option.	<p><u>Within 6 months of the commencement date of the 2015 review of conditions, the Permit Holder shall install a landfill gas collection system and flare on the site. The gas collection and flare shall be maintained and utilised at all times.</u></p> <p>[Advice Note: HDC holds Discharge Permit 106798 for discharges from the flare.]</p>	HDC agrees with this condition as per the Officer's Report, but opposes the time frame proposed.
New Condition 3(p)				Again, not proposed in the Notice of Review; however, the air quality experts have agreed that certain matters should be outlined in an Odour Management Plan (OMP) (see question 6 of the JWS). I have recommended a new condition to require the development of an OMP and for it to be incorporated into the overall Landfill Management Plan.	<p><u>Within 2 months of the commencement date of the 2015 review of conditions, the Permit Holder shall prepare an Odour Management Plan (OMP) that includes:</u></p> <p><u>i. Design specifications for daily, intermediate and final capping</u>  <u>ii. Methodology for monthly boundary monitoring</u>  <u>iii. Methodology for monthly surface monitoring for methane</u>  <u>iv. Methodology for biofilter monitoring</u>  <u>v. Odour control practices relating to the leachate pond</u>  <u>vi. Odour control practices for the working face of the landfill</u>  <u>vii. Maintenance and use guidelines for the gas collection system and flare.</u></p>	<p>HDC agrees with this condition as per the Officer's Report, subject to the minor amendments proposed in the evidence of Doug Boddy as follows:</p> <p>...</p> <p><u>i. Design specifications for <del>daily, intermediate and final capping</del> daily cover, intermediate cover, temporary capping and final capping.</u></p> <p>...</p> <p><u>iii. Methodology for <del>monthly surface monitoring</del> monthly field odour monitoring for methane</u></p> <p>...</p> <p><u>vii. <del>Maintenance and use guidelines</del> operational and maintenance procedures for the gas collection system and flare.</u></p> <p>Further HDC disagrees with the proposed timeframe.</p>
New Condition 6A	<u>The Consent Holder shall nominate a liaison person to manage any air quality complaint received. The name and contact details of the liaison person shall be provided to the Manawatu-</u>	Agreed		Given that HDC has agreed to this condition I recommend that it be incorporated as new condition 6A.	<u>The Consent Holder shall nominate a liaison person to manage any air quality complaint received. The name and contact details of the liaison person shall be provided to the Manawatu-Wanganui Regional Council's</u>	<p>HDC agrees with this condition as per the Officer's Report with the following exceptions:</p> <p>As per letter from Doug Boddy to Deborah Ryan dated 4 August 2016 it is recommended that</p>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
	<u>Wanganui Regional Council's Regulatory Manager. The Consent Holder shall ensure a liaison person is available at all times to respond to odour or dust complaints.</u>				<u>Regulatory Manager. The Consent Holder shall ensure a liaison person is available at all times to respond to odour or dust complaints.</u>	condition 6A be amended so that the HDC is not required to have a person available at all times to respond to odour or dust complaints. This is impracticable and unrealistic.  Condition 6A should be inserted as follows:  <u>The Consent Holder shall nominate a liaison person to manage any air quality complaint received. The name and contact details of the liaison person shall be provided to the Manawatu-Wanganui Regional Council's Regulatory Manager. The Consent Holder shall ensure a liaison person is available to respond to odour or dust complaints in a reasonable manner as per Condition 6B.</u>
New Condition 6B	<u>The Consent Holder shall ensure any complaint received from a member of the general public regarding odour or dust is responded as soon as practicable and within 24 hours of the complaint being received, or at a time mutually agreeable with the party making a complaint.</u>	<u>The Consent Holder shall ensure that any complaint received from a member of the general public regarding odour or dust emanating from the landfill site is <del>responded</del> investigated as soon as practicable and within 24 hours of the complaint being received, or at a time mutually agreeable with the party making the complaint.</u>		Ms Ryan has discussed the proposed conditions at paragraph 55 of her report and states that the HDC version provides more clarity.  Therefore I recommend that the HDC wording be inserted into the consent as new condition 6B	<u>The Consent Holder shall ensure any complaint received from a member of the general public regarding odour or dust emanating from the landfill site is investigated as soon as practicable and within 24 hours of the complaint being received, or at a time mutually agreeable with the party making a complaint.</u>	HDC agrees with the condition as per the Officer's Report with the following exceptions:  As per letter from Doug Boddy to Deborah Ryan dated 4 August 2016 it is recommended that condition 6B be amended so that the word "emanating" is replaced with the word "originating".  Condition 6B should be inserted as follows:  <u>The Consent Holder shall ensure any complaint received from a member of the general public regarding odour or dust originating from the landfill site is investigated as soon as practicable and within 24 hours of the complaint being received, or at a time mutually agreeable with the party making a complaint.</u>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
New Condition 6C	<u>The Consent Holder shall notify a Manawatu-Wanganui Regional Council Consents Monitoring Officer as soon as practicable after becoming aware of any offensive or objectionable odour, or any complaint from a member of the public regarding odour.</u>	<u>The Consent Holder shall notify a Manawatu-Wanganui Regional Council Consents Monitoring Officer as soon as practicable after becoming aware of any offensive or objectionable odour emanating from the landfill, or any complaint from a member of the public regarding odour. An explanation as to the cause of the incident and details of any remedial and follow-up actions taken shall also be provided to the Regional Council Consents Monitoring Officer.</u>		<p>Ms Ryan has discussed the proposed conditions at paragraph 55 of her report and states that the HDC version provides more clarity.</p> <p>Submitter 160 (MidCentral District Health Board) have requested that the Medical Officer of Health be notified of complaints at the same time as the Regional Council so as to enable the DHB to be better informed to communicate with the public if required. I do not see any particular issue with this.</p> <p>Therefore I recommend that the HDC wording be inserted, with an amendment referencing to the Medical Officer of Health, into the consent as new condition 6C</p>	<u>6C. The Consent Holder shall notify a Manawatu-Wanganui Regional Council Consents Monitoring Officer and the Midcentral District Health Board's Medical Officer of Health as soon as practicable after becoming aware of any offensive or objectionable odour emanating from the landfill. An explanation as to the cause of the incident and details of any remedial and follow-up actions taken shall also be provided to the Regional Council Consents Monitoring Officer.</u>	<p>HDC agrees with the condition as per the Officer's Report with the following exceptions:</p> <p>As per letter from Doug Boddy to Deborah Ryan dated 4 August 2016 it is recommended that condition 6C be amended so that the word "emanating" is replaced with the word "originating".</p> <p>Condition 6C should be inserted as follows:</p> <p><u>6C. The Consent Holder shall notify a Manawatu-Wanganui Regional Council Consents Monitoring Officer and the Midcentral District Health Board's Medical Officer of Health as soon as practicable after becoming aware of any offensive or objectionable odour originating from the landfill. An explanation as to the cause of the incident and details of any remedial and follow-up actions taken shall also be provided to the Regional Council Consents Monitoring Officer.</u></p>
New Condition 6D	<u>The Consent Holder must undertake monthly odour surveys around the boundary of the site, particularly those sections of the boundary that are between the landfill and residential houses, until such time as discharges of refuse to the landfill ceases. Thereafter, the frequency on inspection shall be determined in consultation with the Manawatu-Wanganui Regional Council. The monitoring shall be undertaken using a method that is consistent with the</u>	<u>The Consent Holder must undertake monthly odour surveys around the boundary of the site, particularly those sections of the boundary that are between the landfill and residential houses, until such time as discharges of refuse to the landfill ceases. Thereafter, the frequency on inspection shall be determined in consultation with the Manawatu-Wanganui Regional Council. The monitoring shall be undertaken using a method</u>		<p>The air quality experts have discussed boundary monitoring in question 6 of the JWS. There is agreement that such monitoring is required at multiple locations, upwind and downwind of the landfill. They also note that applying the German VDI standard 3940 in full is not practicable and that the method is generally adapted in NZ.</p> <p>As such, I recommend wording similar to that as proposed in the Notice of Review, but referencing an amended VDI 3940 method as certified by Horizons Regulatory Manager. I acknowledge that the wording of this condition may require some further edits.</p>	<u>6D. The Consent Holder must undertake monthly odour surveys around the boundary of the site, particularly those sections of the boundary that are between the landfill and residential houses, until such time as discharges of refuse to the landfill ceases. Thereafter, the frequency on inspection shall be determined in consultation with the Manawatu-Wanganui Regional Council. The monitoring shall be undertaken using a modified German VDI standard 3940 method as agreed by Horizons Regulatory Manager, or subsequent method.</u>	<p>HDC agrees with the condition as per the Officer's Report with "agreed" being changed to "certified" Subject to the amendment proposed in the evidence of Doug Boddy as follows:</p> <p>The Consent Holder must undertake monthly odour surveys field odour investigations at the working face, at the areas with intermediate cover, temporary capping and final capping and around the boundary of the site, particularly those sections of the boundary that are between the</p>



Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
	<a href="#">German VDI standard 3940 or subsequent method.</a>	that is consistent with the German VDI standard 3940 or subsequent method.				landfill and residential houses, until such time as discharges of refuse to the landfill ceases. Thereafter, the frequency of <u>investigations</u> <del>on inspection</del> shall be determined in consultation with the Manawatu-Wanganui Regional Council. The monitoring shall be undertaken using a modified German VDI standard 3940 method as agreed by Horizons Regulatory Manager, or subsequent method.
New Condition 6E	<a href="#">The Consent Holder must carry out a weekly walk-over survey of all the landfill surfaces, including the area around the bio-filter and leachate pond. The purpose of the walk-over survey is to check for odour, cracks in the landfill cap surface and integrity of any gas collection or leachate pipework.</a>	<del>The Consent Holder must carry out a weekly walk-over survey of all of the landfill surfaces, including the area around the bio-filter and leachate pond. The purpose of the walk-over survey is to check for odour, cracks in the landfill cap surface and integrity of any gas collection or leachate pipework.</del>		Ms Ryan discusses this condition at paragraph 58 of her report and notes that HDC initially opposed the condition. However, HDC has since agreed to the condition with some minor amendments, primarily to replace the work survey with site inspection. Ms Ryan agrees with those amendments.  As such, I recommend that the following wording is inserted into the consent as new condition 6E.  <i>The Consent Holder must carry out a weekly walk over site inspection of all the landfill surfaces, including the area around the bio-filter and leachate pond. The purpose of the walk over site inspection is to check for odour, cracks in the landfill cap surface and integrity of gas collection or leachate pipework.</i>	<del>6E. The Consent Holder must carry out a weekly walk over site inspection of all the landfill surfaces, including the area around the bio-filter and leachate pond. The purpose of the walk over site inspection is to check for odour, cracks in the landfill cap surface and integrity of gas collection or leachate pipework.</del>	HDC disagrees with the condition as per the Officer's Report.
New Condition 6F	<a href="#">The Consent Holder shall maintain a log of all inspections, investigations and actions taken in accordance with all monitoring and odour inspection conditions of this consent. The log shall be made available to the Manawatu-Wanganui Regional Council on request and submit a summary of all results and assessments</a>	Agreed		Given that HDC has agreed to this condition I recommend that it be incorporated as new condition 6F.	<del>6F. The Consent Holder shall maintain a log of all inspections, investigations and actions taken in accordance with all monitoring and odour inspection conditions of this consent. The log shall be made available to the Manawatu-Wanganui Regional Council on request and submit a summary of all results and assessments presented in the Annual Report.</del>	HDC agrees with the condition as per the Officer's Report.

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report
	<u>presented in the Annual Report.</u>					
Condition 7			The Regional Council <del>shall</del> <u>may</u> initiate a <del>publicly notified</del> review of Conditions 3 and 6 of this permit <u>at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April, 2015, 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</u> The reviews shall be for the purpose of:....."	Agreed. For the same reasons as discussed for condition 30 of Discharge Permit 6010.	The Regional Council shall <u>may</u> initiate a <del>publicly notified</del> review of Conditions 3 and 6 of this permit in October 2015 and April 2020, 2025, 2030 and 2035, <del>unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</del> The reviews shall be for the purpose of	HDC disagrees with the condition as per the Officer's Report.

#### Discharge Permit 7289 – discharge liquid waste onto and into land

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42 Officer's Report
Condition 5		<p>The Permit Holder shall notify the Regional Council's <del>Environmental Protection Regulatory Manager and the Neighbourhood Liaison Group</del> as soon as practicable after receiving notification of the intention to dispose of waste at the landfill under the terms of this consent, or as soon as practicable following urgent disposal in accordance with Condition 3.</p> <p>The Permit Holder shall detail the reason for the discharge, volume of discharge and timing of the discharge.</p> <p><del>Each nominated representative of the Neighbourhood Liaison Group shall be notified in writing by post.</del></p>		<p>The changes update reference to Horizons Regulatory Manager to reflect a change to the role title and remove the requirement to notify the NLG members of such discharges. HDC have stated that this is an operational matter and that the NLG will be informed of such waste disposal in an annual report.</p> <p>I agree that there appears to be little need to be notifying members of the NLG for such matters when the consent conditions clearly authorise the disposal of liquid waste in contingency conditions.</p> <p>I recommend that the changes be made as requested.</p>	<p>The Permit Holder shall notify the Regional Council's <del>Environmental Protection Regulatory Manager and the Neighbourhood Liaison Group</del> as soon as practicable after receiving notification of the intention to dispose of waste at the landfill under the terms of this consent, or as soon as practicable following urgent disposal in accordance with Condition 3.</p> <p>The Permit Holder shall detail the reason for the discharge, volume of discharge and timing of the discharge.</p> <p><del>Each nominated member of the Neighbourhood Liaison Group shall be notified in writing by post.</del></p>	HDC agrees with the condition as per the Officer's Report.

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42 Officer's Report
Condition 19			The Regional Council shall may initiate a publicly notified review of Conditions 5, 9, 12 and 17 of this permit at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April 2015, 2025, and 2035. The reviews shall be for the purpose of...	Agreed. For the same reasons as discussed for condition 30 of Discharge Permit 6010.	The Regional Council shallmay initiate a publicly notified review of Conditions 5, 9, 12 and 17 of this permit in October 2015 and April 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary. The reviews shall be for the purpose of:	HDC disagrees with the condition as per the Officer's Report.

#### Discharge Permit 102259 – discharge stormwater to land and potentially to groundwater via ground soakage

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42 Officer's Report
Condition 5		'The Permit Holder shall ensure that the inspect the stormwater system on a fortnightly basis, including all drains and ponds, <del>is</del> kept and clear it of refuse at all such times '.		Mr Standen has assessed this proposed change at Paragraph 39 of his report. He does not agree with the changes as they would effectively permit refuse in the stormwater system for most of the time. I agree with Mr Standen in that it is important to keep the stormwater system clear of refuse. I also agree with the practical approach to compliance assessments for this condition. As such I recommend that his proposed change to condition 5 be rejected.	The Permit Holder shall ensure that the stormwater system, including all drains and ponds, is kept clear of refuse at all times.	HDC disagrees with the condition as per the Officer's Report.  As discussed in the evidence of Phillip Landmark it is impractical, hence the proposed changes. This is an absolute requirement that fails to reflect the nature of the landfill operation. The key environmental issue is not that there is no refuse but that what refuse may collect is cleared on a regular basis.  Condition 5 should be worded as follows:  The Permit Holder shall inspect the stormwater system on a fortnightly basis, including all drains and ponds, and clear it of refuse at such times.
Condition 7	<del>There shall be no ponding in the stormwater soakage areas 12 hours after the last rain event.</del>	Agreed		Stormwater soakage areas are low lying areas where water may sit after heavy rain. It is unlikely that any effects on the environment arise from such ponding of stormwater. As such I recommend the removal of this condition.	Condition 7 removed	Agree with removal of condition 7 as per Officer's Report.
Condition 9		'As far as practically possible, the Permit Holder shall ensure that all stormwater from the		Mr Standen has assessed this proposed change in his report and note that his reflects the current layout of the landfill. Therefore I recommend that this condition be changed as	As far as practically possible, the Permit Holder shall ensure that all stormwater from the existing landfill area is directed to the centralised	HDC agrees with the condition as per the Officer's Report.

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42 Officer's Report
		existing landfill area is directed to <del>a the centralised</del> soakage areas <del>to the south of the existing fill,</del> as shown on <del>Plan C 102259</del> the latest version of the Stormwater Plan'.		requested.	soakage areas <del>to the south of the existing fill,</del> as shown on <del>Plan C 102259</del> the latest version of the Stormwater Plan.	
Condition 18	Should any groundwater <del>and surface water</del> parameters tested for under Condition 14 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to horizons.mw's Team Leader Compliance as soon as practicable on the significance of the result, and where the change can be attributed to the landfill operation, consult with horizons.mw's Team Leader Compliance to determine if further investigation or remedial measures are required.	No response or comment made.		This condition relates to groundwater sample collected under condition 14. Condition 14 does not require any surface water samples to be collected so the reference to surface water in this condition is unnecessary. I recommend that the condition be amended as proposed.	Should any groundwater <del>and surface water</del> parameters tested for under Condition 14 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to horizons.mw's Team Leader Compliance as soon as practicable on the significance of the result, and where the change can be attributed to the landfill operation, consult with horizons.mw's Team Leader Compliance to determine if further investigation or remedial measures are required.	HDC disagrees with the condition as per the Officer's Report
Condition 19		'The Regional Council <del>shall</del> <del>may</del> initiate a <del>publicly notified</del> review of all conditions of this Permit in April 2015, <del>2020, 2025, 2030 and 2035</del> and thereafter at ten yearly intervals (2025 and 2035) unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary. The reviews shall be for the purpose of:...'		Agreed. For the same reasons as discussed for condition 30 of Discharge Permit 6010.	The Regional Council <del>shall</del> <del>may</del> initiate a <del>publicly notified</del> review of all conditions of this Permit in October 2015 and April 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary. The reviews shall be for the purpose of:	HDC disagrees with the condition as per the Officer's Report.