

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of decision on applications for resource consents made by Horowhenua District Council

The Applications

1. Horowhenua District Council applied for five resource consents for activities associated with the Levin Landfill. The landfill is located on Hokio Beach Road west of Levin, 3 kilometres from the coast and 6 kilometres from State Highway 1. The majority of the site is low productive farm land with some pine plantations. The site area is 72 hectares.
2. Resource consents are sought by Horowhenua District Council for the continuation of landfilling in the present area of the site and for the authorisation of new landfilling in one new area on the site.

The specific resource consents applied for are:

- 6009 to discharge solid waste to land (discharge permit);
- 6010 to discharge leachate to land (discharge permit);
- 6011 to discharge contaminants to air (discharge permit);
- 6012 to divert stormwater runoff from landfilling operations (water permit); and
- 7289 to discharge liquid waste onto land (discharge permit).

The term of consent sought for these applications is 35 years from the date of granting.

3. Resource Consent applications 6009, 6010, 6011 and 6012 were originally notified in 1994, withdrawn for consultation with tangata whenua and re-notified on 30 September 1995. The submission period closed on 30 October 1995. After submissions were received the Manawatu-Wanganui Regional Council undertook its own iwi consultation to better understand the cultural issues surrounding the applications.
4. Resource consent application 7289 was lodged to correct a perceived deficiency in application 6009 and was notified on 16 September 1997.

Submissions

5. A total of 15 submissions were received in response to the public notification of all five applications.

Submissions to the applications were from:

6. **The Horowhenua Lake Domain Board, Levin** who have concerns about landfilling particularly relating to the potential adverse effects that this activity could have on the quality of the public's recreational activities and enjoyment of the Hokio Stream. The Domain Board's concerns relate specifically to the water quality of the Hokio Stream catchment and associated wetlands, and in particular to the potential for leachate to enter water. Leachate disposal from the synthetic liner is also a matter that the Domain Board wishes to be addressed.
7. **The Wirihana Whanau Trust** on behalf of Muaupoko Iwi opposes the applications for landfilling activity. Their submission explains that there is a lack of understanding and sensitivity for the values of Muaupoko Iwi and local community at Hokio Beach, and that the Hokio Stream is the Muaupoko iwi life line and must not be put at risk. The Wirihana Whanau Trust is concerned that contaminated groundwater will discharge to the Hokio Stream and that alternative landfill sites have not been investigated. They request that the applications be declined.
8. **E I & D G Grange** who have made their submission on behalf of their family living adjacent to The landfill site. The family have concerns about groundwater contamination and rain water contamination.

To address their concerns Mr and Mrs Grange request that the landfill be moved to another site.

9. **The Lake Horowhenua Trustees** who oppose the granting of the applications of the Horowhenua District Council. Their opposition relates to the damage to archaeological sites caused by landfilling operations, pollution effect and long term environmental and cultural problems. The trustees have requested that the application be declined.
10. **R Jacob, M A Jacob, I Morgan, Benton Family and Ngata Kowaru Marae Committee** who own property close to the Hokio Landfill. They explained that they consider the Manawatu-Wanganui Regional Council determined to ignore previous objections they have made to landfilling operations of the Horowhenua District Council and that the Regional council shall have regard to Section 8 of the Resource Management Act 1991 and to Ngati Raukawa and Muaupoko who are the owners most affected by the landfill. They state that their environment is being polluted, their health and safety threatened, their water and food chain endangered and land de-valued.
11. **A G Wilcox** highlights the effects of landfill gas emissions and comments that the landfill will generate a substantial amount of gas that will be determined on the health of surrounding residents and have adverse effect on the environment. He requests that in this event nearby property owners are compensated and any consent granted include gas capture provisions.

Mr Wilcox is also concerned about the potential for leachate to contaminate toheroa and surf clam beds in the Hokio Stream, and the potential for leachate contamination at Hokio Beach.

Mr Wilcox comments that the applications do not make provision to divert contaminated groundwater from the Hokio Stream and that water and sediment testing on neighbouring properties has been insufficient.

12. **Ivan Herbert Jones** who opposes the applications due to the effects of water contamination on his property, the use of the road, height of the landfill and vermin and litter around the site.
13. **Mr P Everton** of Everton Farms Limited who objects to the applications. He suggests that Horowhenua District Council be given no more than 4 years at the existing landfill site before an alternative must be found. Mr Everton has concerns about the ongoing demands on Hokio Beach Road and suggests Laws Hill near Shannon as a more appropriate site. Mr Everton is specifically concerned with groundwater contamination, the increase in noxious weeds on the landfill site, vermin and birds. He also experiences effects of noise, traffic and littering.
14. **George Paton** who objects to the applications and wishes to be heard. Mr Paton is concerned about trade waste dumping at the site and the volume of refuse being dumped. Mr Paton would be happy to allow the granting of the applications subject to his concerns being appropriately answered.
15. **Natural Gas Corporation of New Zealand** did not oppose the applications, but did wish that the following condition be included on any applications granted. "A gas pipeline crosses the site in the north east corner of the site, well clear of any operations. There is an easement 12 metres wide and 157 metres long. Prior to any work in this vicinity the Natural Gas Corporation, should be advised."
16. **Charles Rudd** who opposed the applications because of the effects of the landfilling operation on the road, cultural and historical perspectives, the environment, human health and Te Mauri. Mr Rudd requested that the applications be refused and an alternative site found for the operation.
17. **The Public Health Unit, MidCentral Health** that submitted neither in support or opposition to the applications. The Public Health unit recommended conditions relating to waste disposal, leachate, stormwater and sewage sludge to be attached to any applications granted.
18. **Norris Everton for Lakeview Farm Fresh Limited** wishes to ensure that there is a clear definition of liquid waste.
19. **Ruanga Ki Mua-Upoko** opposes the discharge of liquid waste because of concerns about the effect of leachate on the Hokio Stream.
20. **Te Warena Kerehi Trust** opposes the discharge of liquid waste because of concerns that the Hokio Stream, as a food source, is being contaminated.

The Hearings

July 1997 Hearing

21. Hearing of resource consent applications 6009, 6010, 6011 and 6012 commenced on 7 July 1997. At this hearing the Hearing Committee granted the request of the Applicant for an adjournment. The Applicant believed that there was insufficient time to respond to the technical matters raised in the Officer's reports. In granting the request for an adjournment the Hearing Committee did not formally consider the resource consent applications.

22. The Hearing Committee made the following decision at the 7 July Hearing of the applications.

That the Hearing of resource consents 6009, 6010, 6011 and 6012 is adjourned on the following conditions:

- a. That on or before 21 November 1997 the Applicant shall provide the Manawatu-Wanganui Regional Council with information addressing the matters raised in the staff reports.
- b. That the applicant shall provide the Regional Council with fortnightly updates on the progress made toward supplying the information referred to in (a) above. The first update shall be made on Monday 21 July and at fortnightly intervals thereafter.

The decision notice also stated the following:

“It is the Committee’s wish to formally hear the resource consent application in the second week of December 1997. Formal notice of such hearing will be made in accordance with Section 101 of the Resource Management Act.”

Also following the 7 July 1997 Hearing the Applicant lodged resource consent 7289.

23. Prior to the December 1997 Hearing the Applicant provided further reports on the landfill entitled:
- Levin Landfill Groundwater Investigation and Monitoring for Leachate Effects.
 - Levin Landfill Continued Use of the Existing Site.
 - Levin Landfill Extension Development Plan.

December 1997 Hearing

24. The applications were formally heard at a hearing pursuant to Section 100 of the Resource Management Act on 15 and 16 December 1997 at the Kowhai Reception Lounge, Levin. The Committee consisted of Cr John Blaikie (Chairman), Mrs Lorraine Stephenson and Mr John Hogg. The Hearing Committee possessed the delegated authority, to hear and decide resource consent applications 6009, 6010, 6011, 6012 and 7289. With the exception of Cr John Blaikie the Committee was the same as that which granted the request for an adjournment in July 1997.

Procedural Matters

25. At the beginning of the Hearing several submitters raised concern that they had insufficient time to respond to the further information supplied by the Applicant and the Manawatu-Wanganui Regional Council staff reports. A formal request for more time to consider these reports was raised by several submitters.

In addition several submitters believed that the information was still lacking and the Committee was not in a position to consider the applications fully. Other submitters sought technical assistance or funding from the Horowhenua District Council or Manawatu-Wanganui Regional Council to help prepare technical evidence for the Hearing.

26. The Committee briefly adjourned to consider the request raised by submitters. The Committee was satisfied that the requirement for notification of the hearing under Section 101(3) as was the circulation of regulatory officer reports under Section 42A of the Act was correct. The Committee also advised that it was not in a position to assist the submitters financially in order to assist them in preparing technical evidence.
27. In relation to the matter of adequacy of information the Committee stated that it would hear the applications before determining whether there was sufficient information to make a decision on the applications. If the information was inadequate the Committee may either adjourn the Hearing or discharge the consent applications.

Applicants Evidence

28. Mr Andrew Cameron, Counsel for the Applicant, advised that evidence would be presented on the significant issues by four (4) expert witnesses, Mr Greg Boyle, Operations Manager with the Horowhenua District Council, Mr Ian Rowden, Consultant Engineer, Mr Martin Robertson, Environmental Scientist with Montgomery Watson Consultants and Mr Paul Thomas, Consultant Planner.
29. Mr Cameron provided comprehensive legal submissions on the primary issues surrounding applications and how the Committee should deal with conflicting conditions with Section 5. In this regard he referred the Committee to the Environment Court case Philp and Philp and Others versus TRC and NPDC (W186/96). Mr Cameron cited case law on the question of adequacy of the consent information. He was of the view that the Applicant had done all it can do to provide sufficient information.
30. Mr Cameron reminded the Committee that the site is designated in the Transitional and Proposed District Plan as a 'rubbish dump'. The proposed designation has not been challenged by way of submission. Mr Cameron held the view that whether the site should be used as a landfill is not an issue for the Committee, rather the issue is **how** the discharges associated with the landfill activity should be undertaken.
31. On the matter of information adequacy the Affco NZ Ltd versus Far North District Council (No:2)[1994] NZRMA 224 was cited and Mr Cameron referred to the Tribunal's view that, sufficient particulars are to be given with an application to ensure those who might wish to make a submission on it to be able to assess the effects on the environment, and on their own interests, of the proposed activity. He believed that this test had been satisfied by the Applicant.
32. Mr Cameron was of the opinion that to require further information would amount to a full design proposal which he believed would be unnecessary and inappropriate given the significance of the receiving environment.
33. Mr Cameron gave a full analysis of Section 5 matters with particular emphasis on how the activities proposed met the requirements of Section 5 of the Act. With reference to Philp and Philp and Others versus TPC and NPDC (W186/96) Mr Cameron emphasised the of the landfill as an important resource in its own right and it is the Applicant's view that the consents sought will not have an unacceptable effect upon the sustainable management of environment.
34. Again by way of reference to several case law examples, Mr Cameron advised the Committee that the maori cultural concerns and consultation obligations has been the subject of extensive consideration by the Environment Court (Planning Tribunal).

35. In terms of these consent applications Mr Cameron was of the opinion that there had been intensive consultation with maori and as a consequence the Applicant is mindful of the significance of the site to maori. Mr Cameron stated that the Applicant is prepared to commit itself to protocols agreed with tangata whenua to ensure that any wahi tapu are treated with appropriate respect, and that any archaeological remains encountered will be dealt with to a professional standard with good archaeological practice.

Witnesses

36. Mr Greg Boyle's evidence provided the background to the site, the importance of the landfill and outlined the consultation undertaken and further waste disposal options.
37. Mr Boyle advised the Committee that the existing landfill site became operational in May 1975, and has continued to operate on a full time basis ever since. The landfill has been operated under contract since July 1977. This contract provides for the total site management including access road maintenance, litter control, maintenance of tipping head, compaction, covering, composting and recycling at the site.
38. In June 1981, the Borough Council purchased the site. Mr Boyle stated that the purchase of the landfill site represented a major step forward for the Levin Borough Council through providing the opportunity to develop a purpose built facility on a site he considered to be remote from incompatible land uses and available for the long term needs of the community.
39. In 1989, the Levin landfill became the responsibility of the new Horowhenua District Council following Local Government Reform. At the same time, the District Council also inherited four other refuse tips at Tokomaru, Shannon, Foxton and Foxton Beach, all of which were at the end of their useful life and were in early need of closure.
40. In 1992 The Horowhenua District Council initiated and published a discussion document outlining a solid waste disposal strategy for the District. This document promoted the concept of integrated solid waste management. Following consultation on this discussion document with the local communities and interest groups the Horowhenua District Council 1992/1993 Annual Plan was used as a formal consultation document to advertise Council's intention to cease operations at four unsatisfactory landfills. The intention being that the Levin landfill be developed as the single district landfill site. Mr Boyle said that the public submissions received in response to the proposals generally supported the concept, and Council embarked on an extensive capital works programme for implementation of the adopted waste management strategy.
41. Resource consents subsequently obtained for the "tips" at Shannon, Foxton and Foxton Beach dictated the timetable for closure of these sites. In addition, the application for designation of the proposed Foxton transfer station attracted a submission in support of the overall waste management strategy from the Regional Council.
42. By 1996 Council completed closure and reinstatement of four out of five landfills in existence in 1989, construction of two modern waste transfer stations (one at Shannon and one at Foxton) and had lodged resource consent applications for the continued operation and development of the Levin landfill as the single solid waste disposal facility available in the District.

Consultation

43. Mr Boyle outlined the iwi consultation undertaken in relation to these resource consent applications. A hui was held at Kowai Marae on 5 February 1995. As a result of consultation the Applicant made changes to the consent application including:
- provision of a synthetic membrane liner beneath the new landfill areas;
 - provision for investigation of alternative landfill sites/disposal facilities with progress reviews at 5 yearly intervals;
 - establishment of a working party to oversee and participate in the investigation and review of alternative sites for the purposes of the above item;
 - an assessment of the significance of the perceived (wetland) area in the application;
 - provision for upgrading the approach road to Levin landfill including landscaping improvements and improvements to the road alignment;
 - sealing access road to the tipping head over its full length;
 - provision for landscaping and planting of the land fill upon completion of the filling operations; and
 - an assessment of liquefaction potential.
44. Mr Boyle advised the Committee that an invitation to be part of the working party was extended to interest groups such as DOC as well as local iwi.
- A second hui was held on 7 October 1995 to report back on matters raised at the February hui.
45. In respect to the archeological significance of the site, Mr Boyle advised that according to Horowhenua District Council records there has never been any discovery of items of wahi tapu of archeological significance. He also expressed the Applicants commitment to put in place appropriate procedures to deal with wahi tapu or archaeological artifacts if found.
46. Mr Ian Rowden's, a Consultant Engineer with Montgomery Watson Consultants Ltd, evidence addressed the landfill design and operation including the actual and potential environmental effects. Mr Rowden covered the sequence of the proposed landfilling and the proposed closure of the existing landfill.
47. Mr Rowden displayed overheads which illustrated the proposed future landfilling areas and the disposal areas for greenwastes offal and hazardous substances. Mr Rowden outlined the nature of waste brought to the site and the estimated capacity of the current landfill.
48. Mr Rowden believed that the abundance of cover material (sand) within the site is of advantage to the landfilling management. He explained the method of landfilling and rehabilitation. Mr Rowden believed that there are two environmental features of concern with the activity. The first is the exposure to wind of the landfill face, or tipping area, and the second is the exposure to view of the completed landfill from Hokio Beach Road. Mr Rowden indicated that a 5m high wind cloth fence will be erected to minimise the impact of wind blown waste and dust from the site. He also indicated that the Applicant intends to plant trees along the northern boundary of the landfill to screen the site
49. Mr Rowden provided a proposed development plan for the new landfill area. He stated that the day to day operation will be similar to the current operation but, in response to tangata whenua's concerns, the Applicant has agreed to provide a

synthetic liner for of the new disposal area. As a result, leachate will be contained, controlled, collected and treated in a pond before being pumped to trickle irrigation pipelines lying on the surface of sand dunes. The treatment and disposal system is similar to one recently consented by the Regional Council and installed at the Bonny Glen landfill near Marton.

50. He advised that there will be three stages of development. The proposed development plan indicates that the southern stage (Stage 1) will be developed first, but if it is likely that only one stage is to be used before the site is closed, it may be decided to develop the eastern stage (Stage 2). Mr Rowden believed that the total life of the landfill is between 20 and 30 years depending on the amount of green waste disposed. This is based on a solid waste discharge volume of 30000m³ per annum.
51. Screen planting will be established around the landfill area and its approaches. *Pinus radiata* or some other commercial tree will be used. The planting will be carried out prior to commencement of the new landfilling. Landfill capping will be undertaken in a manner that allows landfill gases to be vented to the atmosphere.
52. In relation to wetland ecology, which was an issue raised in submissions and during consultation, Mr Rowden referred to work commissioned from Mr David Cameron, a Groundwater Biologist with Montgomery Watson. Mr David Cameron concluded "that no significant wetlands exist immediately to the north and south of the proposed landfill." Mr David Cameron was not in attendance at the Hearing
53. Mr Rowden concluded by commenting on the recommended conditions contained in the officers reports. Mr Rowden stated that he was reasonably happy with the conditions put forward but did however make some suggested alterations to conditions recommended.
54. Martin Robertson an Environmental Scientist with Montgomery Watson Consultants Ltd addressed the actual and potential adverse effects on groundwater. Mr Robertson advised that eleven monitoring bores and hand augeried piezometres were installed at the landfill site in 1994.
55. He confirmed that groundwater samples taken within 50m of the existing landfill indicate the presence of leachate but the levels of metals are generally low. The bores have been sampled at regular intervals since 1994. Bores further from the site did not indicate any significant effects from the landfill. The shallow groundwater system has poor natural water quality and discharges downstream of the site to Hokio Stream.
56. The flow of deeper groundwater is considered by Mr Robertson to be in a westerly direction from the landfill. The deeper groundwater is used for stockwater and potable supply but still has elevated levels of iron.
57. Mr Robertson told the Committee that there is some impact from the landfill on shallow groundwater in close proximity to the landfill but this is not considered to be significant in the context of the poor natural water quality and limited potential for use of the groundwater. Further Mr Robertson advised that supply of water in the Hokio Stream did not detect leachate indicators and he believed that the landfill is having no impact on the Stream.
58. Mr Robertson stated that the investigation shows that the new landfill area has similar characteristics to the existing landfill area. He told the Committee that the original

assessment adopted a conservative approach and assessed the potential effects based on a robust conceptual model and sound scientific reasoning. The November 1997 'Levin' Landfill Assessment of Leachate Effects document provided additional supporting evidence but did not introduce any new issues into the report assessment.

Accordingly he believed the effects of the new landfill on groundwater would be no more significant than the acting landfill. In fact the lining of the new landfill will reduce the potential contamination of groundwater.

59. Mr Robertson believed that the ANZEC Stockwatering Standards would best fit the threshold between adverse and significant adverse effects in this case.
60. Mr Paul Thomas, Director of Environmental Management Services concluded the Applicants opening address with the presentation of planning evidence.
61. Mr Thomas outlined the statutory requirements for the resource consent applications related to the existing and proposed landfill. He also highlighted the existence of the designation of the site as 'rubbish dwelling' in the Transitional and Proposed District Plans.

It was his opinion that

"this hearing is not about WHETHER the site can be used as a landfill, that is authorised by the District Plan, but is about HOW the site is used in relation to the effects of the discharges to land, air and water and the controls necessary to ensure that the effects of these discharges are avoided, remedied or mitigated and promote the sustainable management of the natural and physical resources of the district".

62. Mr Thomas discussed the relevant provisions of the Proposed Regional Policy Statement and Proposed Regional Air Plan.
63. In relation to the existence or otherwise archaeological sites at the landfill Mr Thomas advised that he has consulted the NZ Heritage Places Trust Register and NZ Archaeological Association Site Recording Scheme. He told the Committee that **no** sites are recorded in either of these publications in the immediate vicinity of the landfill or on the site itself.

However Mr Thomas believed that it is important to put in place a agreement or protocol to establish the process to be followed in the event that any cultural or historical material is found.

64. Notwithstanding the apparent non-existence of registered sites Mr Thomas advised the Committee that there are special provision for protection of archaeological sites contained in the Historic Places Act 1993. Where such a site exists the consent of the Historic Places Trust is required to destroy, damage or modify the site. The Applicant accepts this legal requirement and will abide by it if proven necessary.
65. Mr Thomas' evidence concluded with an assessment of Part II of the Act. Based on the technical evidence presented by the Applicant he believed that, the technical design and management together with appropriate monitoring will safeguard the life supporting capacity of air, water, soil and ecosystems and also ensure appropriate avoidance and mitigation of adverse effects. Further the relationship of Maori with any material of cultural and historic value found during development of the site will be protected through an agreed protocol. However he also stated that the operation of

the landfill must be subject to robust monitoring and update of the management plan as the needs arise.

66. In Mr Thomas' opinion the continued development of this site in a manner appropriate to avoid any actual adverse effects on the environment is entirely in accordance with the sustainable management of the natural and physical resources of the district and consents should be granted subject to appropriate conditions.

Submitters Presentations

67. Ms Susan Forbes, a Principal Consultant of an ecological and archeological company based in Wellington, presented evidence in support of the Horowhenua Lake Trustees. Due to other commitments Ms Forbes requested to speak during the Applicants opening presentation. The Applicant agreed with this request and Ms Forbes spoke after the evidence of Mr Greg Boyle.

68. Ms Forbes expressed concern that she had not been treated as an individual submitter and thereby had not received formal notice of the hearing. Upon viewing the file the Committee was of the opinion that the submission of Ms Forbes was received in tandem with the submission from the Horowhenua Lake Trustees. The Horowhenua Lake Trustees submission was submitted on the prescribed form and made special reference to the attached report from Ms Forbes.

Ms Forbes also advised the Committee that the Historic Places Trust should have been formally notified.

69. Ms Forbes stated that an archeological site was recorded in the landfill site NZ Historic Places Trust Register (reference S25/69). Further she believed that at least one site had already been destroyed by the existing landfill. When asked to identify site S25/69 on a map Ms Forbes gave a general indication of the possible location of the site. No formal record of site S25/69 registered in the New Zealand Historic Places Trust Register was tabled.

70. Ms Forbes expressed concern that at no time has the Applicant sought an archeological investigation of the site.

71. In response to questions from the Committee, Mr Cameron emphasised the extensive consultation undertaken as part of the Proposed District Plan which contained the unchallenged designation of the site as a landfill.

72. Mrs Jacob, a resident in the vicinity of the landfill, tabled written evidence in support of her submission. She expressed concern regarding scavenging gulls, traffic hazards and rubbish falling off vehicles. Mrs Jacobs said that she had lived near the landfills for many years and it was time someone else had a turn.

73. Vivienne Taueki presented evidence in support of the submission by Runanga Ki Mua Poko who made a submission opposing resource consent 7289.

Mrs Taueki expressed concern regarding lack of information and notice of hearing. However the Committee advised that based on the file records Runanga Ki Mua Poko had correctly received all information and notices in accordance with the requirements of the Act.

74. Mrs Taueki highlighted the provisions of Part II of the Act regarding maori cultural matters. She believed that both the Applicant and consent authority did not have

appropriate consultation measures in place and had consequently ignored their own policies and objectives in relation to iwi matters surrounding this resource consent.

75. On behalf of Ruanga Ki Muaupoho, Mrs Taueki requested that the hearing Committee delay making a decision on all the resource consent applications until such time as tangata whenua of the district have been provided with **all** relevant information (including consultants reports) regarding the applications and that consultation with the tangata whenua is undertaken to ensure a proper understanding of this information.
76. Mr Ivan Jones an adjacent landowner submitted against all the resource consent applications. Of particular concern to Mr Jones was the water ponding on his property adjoining the existing landfill. He considered that the water ponding was due to the discharge of leachate from the landfill. Mr Jones also believed that the presence of the landfill had devalued his property by \$13,000.00. To address part of Mr Jones concern the Applicant indicated a willingness to install a drain on the landfill site adjacent to boundary with Mr Jones property.
77. Ms Rebecca Fox spoke of the submission made by MidCentral Health which neither supported or opposed the applications. Ms Fox commented on the health hazards associated with sea gulls particularly in relation to fouling potable rain water supply.

Ms Fox sought the inclusion of specific mitigation measures relating to controlling wind blown litter, covering offfal, hazardous substances and management of leachate.
78. Mr Broughton spoke on behalf of the Lake Horowhenua Trustees who were submitters opposing resource consents 6009, 6010, 6011 and 6012. Mr Broughton referred to the strong opposition to the landfill expressed at both tribal hui in 1995. As guardians of the Lake and Hokio Stream the Trustees are very concerned about the potential impact on these resources. Of particular concern was the apparent failure of the Applicant to adequately consider alternative sites for the landfill.
79. Mr Broughton emphasised that there is a strong desire to get the mana and maori back for both Lake Horowhenua and Hokio Stream. Contamination from source such as the landfills undermines this objective.
80. When questioned by the chairman about participation in a future working party Mr Broughton said that he would be willing to participate but still remained opposed to the landfill.
81. Mr Kopa spoke in support of Mr Broughton. He referred to the potential of the area for tourism (eco-tourism) and the clam export potential of the coastal area. Mr Kopa also expressed concern regarding the lack of consideration of alternative landfill sites.
82. Mr Huia did not specify which submission he was speaking to. He did however state that he represented 2500 landowners who were shareholders in 850 acres of land in the vicinity of the landfill. He supported comments by Messrs Broughton and Kopa, particularly the reference made to the 1995 hui where strong opposition to the landfill were expressed. He stated that the landfill is abhorrent to iwi.
83. Mr Huia who had some engineering experience disagreed with the technical evidence of Mr Robertson. He believed that the Tararua Ranges provided a hydraulic load or pressure that would push contaminated groundwater toward Hokio Beach (1 km away). He also was concerned with potential ground liquification and rupturing of the

liner for the new landfill resulting in further leaching to groundwater. Mr Huia stated that the landfill posed an unacceptable threat.

84. Mr Trevor Wilson and Mr Dyson spoke in support of the submission by the Whanau Trust. Mr Wilson, a Regulatory Services Bylaw Inspector with the Palmerston North City Council, is the Chairman of the Whanau Trust.
85. Mr Dyson reiterated earlier comments regarding the opposition to the landfill expressed at earlier hui. He was particularly concerned with the disposal of hazardous substances. Mr Dyson sought an undertaking by the Applicant to upgrade water supply lines to the area in order to provide potable water. He also expressed concern regarding the 35 year term sought. Also Mr Wilson was of the view that there was a real potential for the proposed liners to leak. He sought clarification whether the landfill meets CAE guidelines.
86. Mr Everton a landowner adjacent to the landfill site spoke to his submission lodged in opposition to resource consents 6009, 6010, 6011 and 6012.
87. Mr Everton advised the Committee of the right of way over the landfill site by tabling a survey plan of the right of way.
88. In Mr Everton's written evidence he expressed concern regarding the hazardous nature of wastes disposed at the site and the inability to monitor what hazardous wastes are being disposed to the landfill.
89. Mr Everton believed that liquid waste should be treated and disposed of at the sewerage plant at Mako Mako Road.
90. He also questioned the Applicants consultation process and the failure to adequately consider alternative sites for the landfill. He felt that the Horowhenua District Council should combine with the Palmerston North District Council to establish a landfill that has suitable soil in an area that is central to both districts.
91. Charles Rudd spoke in support of his submission which opposed all the consent applications. Mr Rudd tabled additional evidence which emphasised the obligation to take into account the principles of the Treaty of Waitangi. Mr Rudd made specific reference to Part II of the Resource Management Act and references to the maori cultural matters contained therein he reminded the Committee of the Consent Authority is obliged to consider Part II matters.
92. Like previous submitters Mr Rudd was very critical of the consultation process and the failure by the Applicant to consider alternative sites. Emphasising the valued food source of the waterways to maori he was not convinced that leachate contamination would not have significant adverse effects. Mr Rudd expressed doubt regarding the technical evidence put forward by the applicant and council staff.

Officers Reports

93. Mr Gabor Bekesi Council's Underground Water Scientist briefly outlined his evidence which had been circulated to all parties prior to the Hearing.
94. Mr Bekesi stated that there is evidence that the shallow groundwater is already contaminated by the landfill. Therefore he believed that ongoing monitoring of groundwater in the vicinity of the landfill is important. Having examined the monitoring

plan supplied by the Applicant Mr Bekesi was satisfied that it was adequate to predict, and prevent wide spread contamination of groundwater.

95. Mr Bekesi recommended that a list of threshold values, to quantify significant impact on groundwater, for determinands of health significance, shall be supplied by the Applicant by 1 March 1998. These values would then form the bases of the groundwater monitoring.
96. Mr Albert, Council's Iwi Liaison Officer thoroughly outlined the obligations of the Manawatu-Wanganui Regional Council in relation to iwi consultation. His report assessed the cultural (tangata whenua) matters to be considered in relation to the proposed continued operation and extension of the Levin Landfill by the Horowhenua District Council.
97. Mr Albert cited several Planning Tribunal (Environment Court) cases which established principles for iwi consultation. Mr Albert had undertaken consultation as an officer of the consent authority and his pre-circulated report was the product of this consultation. His report outlined the provisions of Part II and the Proposed Regional Policy Statement of direct relevance to the cultural issues surrounding to the applications.
98. Mr Albert referred to the maori term Awhitiwhiti which translated to abhorrence or disgust. This term reflected the feelings and views expressed by some submitters.

Mr Albert did not put forward any recommendation on the granting or refusal of the consent applications.
99. Hamish Lowe, an Environmental Scientist with Pattle Dalamore Partners Ltd, presented technical evidence on behalf of the Manawatu-Wanganui Regional Council. His principle area of expertise relates to design and management of waste treatment operations.
100. Mr Lowe expressed concern regarding the perceived inadequacy of information provided in the support of the consent applications. He believed that the information related to the proposed landfill contained limited quantitative data relating to the environmental effects. He also expressed concern that documentation supplied during the consent process was not adequately cross-referenced and it was difficult to get a clear picture of what the final proposal involved.
101. Mr Lowe was concerned with the design and leachate effects of the proposed new landfill. Specific matters of concern related to the liner thickness and design. Further he believed there was inadequate information on the back-up system in event of liner failure on leachate irrigation proposal.
102. Mr Lowe accepts that the Applicant is prepared to implement an extensive monitoring programme which should validate the many assumptions that they have made. Despite this he considered that the application for leachate disposal is not satisfactory and does not address fundamental requirement that should be assessed in consent applications of this nature.
103. Consequently his recommendation was that consent for the discharge of landfill leachate should only be given for the existing landfill and not the proposed landfill until such time as basic design details for the leachate disposal system have been provided.

104. Mr Garret Council's Senior Consents Planner took his pre-circulated report as read. This report outlined the statutory planning matters of relevance to the application and outlined the processing costs. He concluded that if the activities proposed are found by the Committee to be consistent with the Policy Statement then in his view they would also be consistent with Part II of the Act.

Evaluation

105. Section 104 of the is the principle provision which sets out the matter which the Committee must consider when determining the applications. Section 105 and 107 are also relevant.

Section 104 provides that:

Subject to Part II, when considering an application for a resource consent and any submissions received, the consent authority shall have regard to:

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant regulations; and*
- (c) any relevant national policy statement, New Zealand coastal policy statement, regional policy statement, and proposed regional policy statement; and*
- (d) any relevant objectives, policies, rules, or other provisions of a plan or proposed plan; and*
- (e) any relevant district plan or proposed district plan, where the application is made in accordance with a regional plan; and*
- (f) any relevant regional plan or proposed regional plan, where the application is made in accordance with a district plan; and*
- (g) any relevant water conservation order or draft water conservation order; and*
- (h) any relevant designations or heritage orders or relevant requirements for designations or heritage orders; and*
- (i) any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Subsections (a), (c), (d), (f) and (h) are of particular relevance to these applications.

In addition to the above, Section 104(3) requires that the Committee, when considering an application for a discharge permit, shall in having regard to:

"...the actual and potential effects on the environment of allowing the activity, have regard to:

- (a) the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects and the applicant's reasons for making the proposed choice; and*
- (b) any possible alternative methods of discharge, including discharge into other receiving environment."*

Actual and Potential Effects

106. In the case of the existing and proposed Levin landfill the Committee believes that the most significant adverse effects related to potential groundwater/surface water contamination and the impact of the activity on maori cultural values. Other potential adverse effects such as dust and odour emissions and visual effects can be avoided, remedied or mitigated with appropriate design, operation and management. Other concerns expressed by submitters such as traffic movement to and from the site, were matters largely beyond the scope of these resource consents.

Discharge to Groundwater

107. The Committee heard expert evidence from the Applicant regarding actual and potential contamination of ground/surface water from landfill leachate. The Committee focused its groundwater effects assessment on the existing landfill and liquid waste disposal. The potential contamination of groundwater can be mitigated by an appropriately implemented leachate collection and irrigation system. The Committee noted that the Applicant had prepared a conceptual model of the site groundwater system in 1993 from which eleven monitoring bores were installed. The Committee noted that the monitoring of these bores since 1994 indicates the presence of leachate in shallow groundwater close to the existing landfill. This is consistent with the findings of Mr Bekesi who noted that groundwater has been contaminated by the existing landfill. Both Mr Bekesi and Mr Robertson agree that the shallow groundwater is naturally low in quality and has limited potential use. Based on the evidence of Messrs Robertson and Bekesi the Committee were satisfied that the impact on groundwater is restricted to that in close proximity to the landfill itself.
108. The Committee also noted the monitoring results indicating that there was no detectable discharge of leachate to the Hokio Stream via groundwater. Information provided by the Applicant on the potential effects on the deep aquifer was not as comprehensive. The Applicant however concluded that due to the depth of the deep aquifer, the nature of the discharge and the dilution offered, any impact on deep groundwater would not be significant. The Committee noted that Mr Bekesi did not dispute this conclusion. Notwithstanding the expert opinion that the effects on deep groundwater would not be significant the Committee will require appropriate monitoring of both shallow and deep groundwater as part of the consent. The Committee appreciated the concerns raised by submitters regarding potential for groundwater contamination. However from a technical perspective, no evidence was submitted which contradicted the findings of Mr Robertson and Mr Bekesi. The Committee accepts the view based on the monitoring results, that there is contamination of Hokio Stream and Lake Horowhenua however, it is satisfied that source of this contamination is clearly not from the existing landfill.

Cultural

109. In terms of the obligations under Part II of the Act the Proposed Regional Policy Statement, the Committee were particular concerned with the cultural issues raised by submitters. The Committee heard much evidence on iwi consultation from applicant submitters and Council staff.
110. The primary matters of concern to iwi relate to the potential contamination of Hokio Stream and Lake Horowhenua which is clearly of significance to maori and the landfill site containing wahi tapu. The Committee acknowledges that the degraded water quality of Hokio Stream and Lake Horowhenua is of serious concern however the technical evidence confirms that the landfill is not adding to the reduction of water

quality. The technical evidence also indicates that the landfill is very unlikely to have any detectable impact on the coastal marine area which is also of importance to Maori.

111. The concern relating to leachate contamination is largely covered in the assessment of groundwater effects. The technical evidence provided by the Applicant has concluded that the landfill leachate is having little or no adverse effects on Hokio Stream.
112. The Committee heard much anecdotal evidence regarding the importance of the landfill site both archeologically and culturally.
113. A number of submitters believed that the site contained wahi tapu, however, no specific information was submitted in support of the ascertain. The Committee appreciate the desire to keep such information secret and asked submitters if they wished to provide information, under the provisions of Section 42 (Protection of Sensitive Information), to clarify the location of wahi tapu sites. This offer was not taken up by submitters.
114. Notwithstanding the lack of specific evidence supporting the claims by submitters the Committee accept that burials in sand dunes were common place and it is conceivable that isolated remains could be unearthed during landfill development. It is relevant to note that as stated in the evidence of Mr Boyle, no such cases are recorded as having occurred to date at the existing landfill area.
115. The Committee agree with Mr Thomas that even though there has been no record of remains or artifacts being unearthed it is important that there is, in place, an agreement or protocol that deal with the process to be followed in the event that any cultural or historical material is found.
116. In light of the cultural significance of the site to Maori as expressed at the Hearing the Committee were concerned that the proposed designation of the site in the Proposed District Plan had not been contested through submission.
117. The Committee has similar views with respect to the claimed archeological site within the landfill site. Ms Forbes provided a very general plan of the site S25/69. However, no formal documentation of the registration or location of the site was tabled. The Committee noted Mr Thomas' evidence where his consultation with Historic Places Trust Register and the NZ Archeological Association Site Recording Scheme did not confirm the existence of any registered sites within the landfill site. The Committee was surprised that someone of her experience did not support her claim by tabling a map or formal registration of site.
118. Notwithstanding the lack of evidence confirming the existence of archeological sites within the landfill site the Committee noted the process under the Historic Places Act 1993. Specifically the requirement under this Act to obtain consent for the Historic Places Trust to destroy, damage or modify a site. Such a provision provides statutory protection of any site should one be discovered during the exercise of the consent. Counsel for the Applicant accepted the possibility of having to address these provisions of the Historic Places Act at a later date.

Air Discharge

119. The Committee agreed with Mr Lowe that discharges to air from landfills can be grouped into three categories. These are odours, gaseous emissions and particulate matter (dust).
120. The Committee also note Mr Lowes view that any odours and dust generated from the site will be minimal providing the procedures outlined in the management plan are followed. These specifically relate to covering of recent organic wastes to reduce odours and maintaining suitable operational and immediate covers to minimise dust generation.
121. The Committee are of the view that air emissions from the existing and proposed landfills can be adequately mitigated. The absence of any specific odour complaints, as confirmed by Mr Boyle, illustrates that odour has not been a major issue for the site in the past.

Discharge of Solid Waste to Land

122. The discharge of solid waste to land potentially results in adverse effects including: attraction of vermin, spreading of wind blown litter, noise, traffic movement and visual sound effects.
123. In terms of vermin the Committee noted the submitters concerns regarding gulls being attracted to the landfill and the potential to foul roof water supply. This matter was of particular concern to the Hokio Beach Marae. The Committee noted that the comments of Ms Fox for MidCentral Health where she advised that birds and particularly landfill scavenging gulls can carry disease. However the Committee were not satisfied that the fouling of the Marae roof by gulls would be the direct result of the landfill. Gulls are present in all coastal areas and the flight paths may have no relationship to the presence of the landfill.
124. In terms of windblown litter the Committee accept that the presence of screens and plantings will adequately mitigate this potential effect.

Concerns related to noise traffic and visual effects are generally landuse matters for the Horowhenua District Council. These matters should have been addressed via the District Plan and/or designation processes.

Proposed Regional Policy Statement

Messrs Garrett, Thomas and Albert all provided assessments of varying policies and objectives of the Proposed Regional Policy Statement.

125. The policies of the Proposed Regional Policy Statement that address the technical management of the existing and proposed landfill include:

P11.3 To promote discharges of contaminants to land rather than water wherever possible.

P11.4 To ensure that adverse effects from hazardous substances discharged to water are avoided, remedied or mitigated.

P13.1 To prevent discharges of contaminants to land or into the ground where these will have significant adverse effects on groundwater quality.

P13.3 To prevent disposal of hazardous waste to land or into the ground where it may contaminate groundwater.

P19.1 To ensure that any adverse effects on human health, the environment and aesthetic values from discharges to air are avoided or mitigated.

P26.1 To ensure that necessary site remediation or mitigation of adverse effects is undertaken on existing landfills. Industrial waste disposal sites and contaminated sites.

P26.2 To ensure that significant adverse effects of all new discharges from industrial or trade premises to land, including discharges to municipal waste disposal sites, are avoided, in particular significant adverse effects on:

- a. surface water quality; or*
- b. groundwater quality; or*
- c. habitats of indigenous flora or fauna; or*
- d. amenity values; or*
- e. natural character; or*
- f. maori cultural and spiritual values; or*
- g. animal, plant and human health.*

126. Mr Albert thoroughly documented the objectives and policies related to the cultural issues.

Objectives 1, 2, 3 and 4 of the Proposed Regional Policy Statement are of relevance in terms of the cultural considerations.

Objective 1 of the Proposed Regional Policy Statement is *to take into account the principles of the Treaty of Waitangi.*

Objective 2 is *to provide for the participation by nga hapu and nga iwi of the Manawatu-Wanganui Region in resource management planning and decision making.*

Objective 3 is *“to provide for the relationship of nga hapu and nga iwi of the Manawatu Wanganui Region, and their cultural and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.”*

Objective 4 is *“to recognise iwi and hapu kaitiakitanga”.*

127. In summary the policies related to these objectives essentially seek to ensure the following:

- a. active protection of tangata whenua resource management interests;
- b. participation of tangata whenua in the consideration of resource consents;
- c. provision for an protection of the relationship of tangata whenua with resources; and
- d. recognition of a role for tangata whenua as Kaitiaki of resources.

These policies and objectives have been given carefully consideration by the Committee. In the context of these resource consent applications.

Proposed Regional Air Plan

128. The Committee accept that there is only one Regional Plan having relevance to these applications. The Proposed Regional Air Plan seeks to *'maintain' or enhance air quality in the Region and have ambient air quality that does not adversely affect human health and well being, animal and plant health, amenity values and cultural values.* The Committee notes that a Discretionary Activity consent is required by virtue of Rule 17 of the Proposed Plan for resource consent 6011 - discharge of contaminants to air.

District Plan and Proposed District Plan

129. Of major implication to the resource consent applications is the designation of the existing and proposed landfill site in the Transitional and Proposed District Plans.
130. Other than the designation, the Transitional District Plan has no specific policies or rules related to discharging solid and liquid waste into landfill or discharging leachate to land.

Designations

131. The Committee found the Applicants argument regarding the designations compelling justification for the use of the site as a landfill.
132. The unchallenged designation in the Proposed District Plan is of particular significance. The Committee accept that the designation essentially provided a de-facto landuse consent for the use of the site as a landfill. Issues related to alternative site construction directed at these resource consents were equally applicable to the designation which is now essentially effective via the Proposed District Plan.

Other Matters

133. The Committee also gave due consideration to the Lake Horowhenua and Hokio Stream Catchment Management Strategy prepared by the Manawatu-Wanganui Regional Council.
134. The Lake Horowhenua and Hokio Stream Catchment Management Strategy has been prepared to address water quality in the Lake Horowhenua and Hokio Stream catchment. The strategy contains:
- an overall Kaupapa/vision to restore the water quality and surrounding environment of the lake and it's catchments;
 - background information about the Lake, it's water quality and catchment;
 - an explanation of the issues related to water quality in the catchment;
 - a long term goal to improve the water quality of the lake and the stream;
 - objectives designed to meet the goal; and
 - actions to meet objectives.

The Kaupapa/vision for the strategy is for:

- Lake Horowhenua’s water quality to be improved to enhance tangata whenua and amenity values and the life supporting capacity of the water and it’s ecosystem;
- the lake surrounds to be returned to their heavily vegetated state;
- streams draining the catchment to have riparian margins; and
- people living in the catchment to be aware and focused on the protection of the lake and the stream.

Objective 10.2 of the strategy is to “*avoid the adverse effects on water quality from discharges of contaminants to land or water in the catchment*”

Consultation

135. The Committee heard much evidence related to consultation or lack thereof on the part of the Applicant and consent authority. Particular concern was expressed by maori submitters relating to the inadequacy of iwi consultation.
136. The Committee is aware of the legal obligations relate to iwi consultation and accept Mr Camerons view that the Applicant has no legal duty to consult. As was noted in Quarantine Waste (NZ) Ltd versus Waste Resources Ltd (1994) NZRMA 594 the statutory and Treaty obligation to consult falls on the consent authority, not the Applicant for a resource consent. However, the Committee also noted from that decision the Court indicated that an applicant would be unwise not to consult.
137. Mr Boyle outlined the consultation process undertaken as part of the consent process. This included participation at two huis in 1995. Mr Boyle listed the following changes or actions related to the consent application as a result of this consultation:
- provision of a synthetic membrane liner beneath the new landfilling areas;
 - provision for investigation of alternative landfill sites/disposal facilities with progress reviews at 5 yearly intervals;
 - establishment of a working party to oversee and participate in the investigation and review of alternative sites for the purposes of the above item;
 - an assessment of the significance of the perceived (wetland) area in the application;
 - provision for upgrading the approach road to the Levin landfill including landscaping improvements and improvements to the road alignment;
 - sealing the access road to the tipping head over its full length;
 - provision for landscaping and planting of the landfill upon completion of the filling operations; and
 - an assessment of liquefaction potential.
138. Mr Thomas also provided a brief overview of the consultation undertaken with iwi with respect to the Proposed District Plan.
139. The Manawatu-Wanganui Regional Council placed the consent applications on hold following the closure of submissions in order to undertake its own iwi consultation.
140. Iwi consultation by the consent authority was undertaken by Mr Gerald Albert, Council’s Iwi Liaison Officer. The result of this consultation was outlined in the report of Mr Albert presented at the hearing.
141. Mr Albert stated that in respect of the applications, the maintenance of the physical, cultural and spiritual relationships the tangata whenua have with their resources is a matter of significant concern. This has been emphasised in the tangata whenua

submissions and consultation outcomes. Generally speaking, the discharge of waste, either solid or liquid, to areas of spiritual or cultural significance to maori (waahi tapu, ancestral sites) is a practice that is seen as abhorrent to maori. The potential for contaminants to enter groundwater, streams and lakes, which are also considered important taonga to tangata whenua, intensifies this feeling.

142. As has been established by case law and iwi do not have the power of veto on resource consents. The Committee recognises that the purpose of consultation is not to reach consensus. In the case of these consent applications the Applicant has undertaken consultation to the extent that amendments were made to the consent application. However based on the clear opposition to the application expressed at the Hearing and at a earlier hui it is evident that further consultation would not have resulted in consensus. The Applicant quite rightly relied on the hearing process to reach resolution of the consent applications. Notwithstanding this the Committee believe the District Council have a greater obligation to inform its community and felt that it could have been more helpful in informing submitters as to the complex technical aspects of the proposal prior to the Hearing. Whilst the degree of opposition may not have been avoided, the understanding of the technical implications of the proposal of those consulted with could have been clearer. Despite this, the Committee believes that the level of consultation was adequate for the consent process.
143. The Committee appreciates that there are some fundamental steps needed to improve communication between local iwi interests and the Horowhenua District Council. The Committee hopes that the hearing of these resource consents has assisted to identify the barriers to this communication so that parties can move forward. Then sentiments were expressed by Mr Cameron in his right of reply.
144. The Committee is however satisfied that the level of consultation undertaken by both the Applicant and consent authority was such that the issues of concern to iwi were made clear to the Committee. The Committee also noted that the Applicant identified changes to its proposals as a result of iwi consultation. It is clear that there is a strong opposition by iwi to the proposals and the Committee is of the opinion that it is unlikely that further consultation would have resulted in any consensus on granting of the consents.

Part II of the Act

145. Part II of the Act sets out the purpose and principles of the Act. The purpose of the Act, as defined in Section 5, is to promote the sustainable management of natural and physical resources. Sections 6 to 8 provide for matters of national importance, other matters and the Treaty of Waitangi.

Sustainable management is defined in Section 5 to mean:

“...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 wellbeing 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;*
- (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”.*

146. Section 6 contains matters of national importance which the committee has recognised and provided for. The Committee believes that the provisions of Section 6 of relevance to these applications are:

*6(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands and **lakes** and **rivers** and their margins, and the protection of them from inappropriate subdivision, **use and development**.*

(e) The relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and other taonga.

147. The Committee also has given due consideration to the following matters in Section 7:

7(a) Kaitiakitanga;

7(b) The efficient use and development of natural and physical resources;

7(c) The maintenance and enhancement of amenity value;

7(f) Maintenance and enhancement of the quality of the environment.

148. The Committee were conscious of the obligations in Section 8 of the Act and were reminded of such obligations by several submitters.

149. The Committee accept that waste disposal is an unpleasant reality in today's society and despite modern technology solid waste disposal facilities are required.

150. Given the existence of a designation for the Levin landfill the primary issue for the Committee is strongly aligned to Section 5 (2)(c). That is, whether the adverse effects of the activity can be adequately avoided, reduced or mitigated. In this regard the Committee has relied on the technical evidence presented by the Applicant and Regional Council staff. The Committee noted that no submitters presented any technical evidence that contradicted the view of the Applicant's witnesses or Regional Council staff.

151. The Committee agree with Mr Thomas that the technical design and management together with appropriate monitoring can adequately safeguard the life supporting capacity of air, water, soil and ecosystems and also ensure appropriate avoidance, remedy and mitigation of adverse effects.

152. The cultural issues intertwined in Section 5, 6, 7 and 8 of the Act were given serious consideration by the Committee.

153. The Committee appreciate the strong cultural objection to the proposal, however, there was no clear evidence submitted to the Hearing that would support refusal of the applications on cultural grounds. The particular issues raised in the cultural submissions related to contamination of Hokio Stream and Lake Horowhenua, inadequate consultation and existence of wahi tapu. The first two of these have been discussed earlier in this decision.

154. The existence or otherwise of wahi tapu/archeological sites is a serious issue for this decision. However, the Committee did not receive any conclusive evidence that supports the claim that such sites exist or otherwise. The Committee would have welcomed an approach by iwi under Section 42 of the Act (Protection of Sensitive Information) however no request was made.

155. The Committee must base its decision on the evidence before it and no evidence was presented that would justify declining the consents on the basis of wahi tapu/archeological sites.
156. Notwithstanding this the Committee believe that the relationship of maori with any material of cultural and historic value found during development of the site will be protected through an agreed protocol offered by the Applicant.
157. The Committee is satisfied that subject to appropriate conditions and commitment to ongoing consultation, as supported by Mr Cameron, the cultural matters of Part II of the Act will be respected.

Costs

158. The Council's Senior Planner outlined the costs incurred with the processing of these resource consents. The costs identified were as follows:

3 Commissioners @\$160 per day x 3 days	1440.00
Advertising	531.75
Aerial Photographs	230.00
Staff Time	
S Brew 40 hours @\$40 per hour	1600.00
D Madden 30 hours @\$50 per hour	1500.00
M McCartney 30 hours @\$55 per hour	1650.00
G Bekesi 8 hours @\$55 per hour	440.00
J Garrett 9 hours @\$55 per hour	495.00
Pattle Delamore Consultants	<u>15000.00</u>
TOTAL (EXCL. GST)	22886.75
GST	<u>2860.84</u>
Less Deposit	<u>2000.00</u>
Balance Owing	\$23747.59

159. Section 36 of the Act provides that when an application fee is inadequate to meet the costs of processing an application the actual and reasonable costs can be recovered from the Applicant. The provision is discretionary. There is no provision in the act for costs recovery from those making submissions.
160. Counsel for the Applicant was concerned with the recommendation of Mr Garrett to recover \$23,747.59. Mr Cameron emphasised the considerable effort and cost, the Applicant had gone to in preparing the consent applications and evidence to the Hearing.

Mr Cameron believed that a fee of \$5,000.00 would be more appropriate.

161. In relation to costs the Committee were guided by the Resource Consents Manual and Clause 7.1 of the Manual identifies cost recovery criteria - upon assessing the criteria the Committee were of the view that there was no justification to deviate from 100% cost recovery policy.

Costs Decision

162. Pursuant to the provisions of Section 36 of the Resource Management Act 1991 the Hearing Committee, pursuant to delegated authority under Section 34 of the Act,

resolves that the Manawatu-Wanganui Regional Council shall recover actual and reasonable costs from the Horowhenua District Council amounting to **\$23,747.59** (GST Inclusive) to cover the outstanding costs incurred with the processing of resource consents 6009, 6010, 6011, 6012 and 7289.

Conclusions

Procedural Matters

163. The Hearing Committee heard evidence over a two day period. For a significant portion of this time evidence was presented by the Applicant. Concerns raised by submitters regarding inadequate information were noted by the Committee at the commencement of the Hearing. After considering the evidence submitted during the Hearing the Committee were satisfied that sufficient information was made available for it to make a decision on four of the five resource consent applications. Specifically:

- 6009 to discharge solid waste to land (discharge permit);
- 6010 to discharge leachate to land (discharge permit);
- 6011 to discharge contaminants to air (discharge permit); and
- 6012 to divert stormwater runoff from landfilling operations (water permit).

However, the Committee has some concerns with the adequacy of information related to resource consent:

- 7289 to discharge liquid waste onto land (discharge permit).

164. The Applicants evidence adequately assessed the environmental effects of the discharge of leachate and solid waste to ground. However, the evidence did not give a equal consideration to the discharge of liquid waste. Specifically there was little or no evidence on the composition of liquid waste discharge. Further there was some uncertainty as to where the Applicant intended discharging liquid waste during the term of the consent sought. The Committee also was not satisfied with the environmental effects the assessment provided with the discharge of liquid waste application, particularly the location of the disposal areas in relation to groundwater. Consequently the Committee is of the view that the application cannot be granted.

165. In relation to public notification, hearing notification and circulation of staff reports the Committee is satisfied that due process has been followed.

Environmental Effects

166. The principle issues of concern arising from the existing and proposed landfill relates to potential effects on groundwater and surface water and the impact on maori cultural values. The Committee also acknowledges the “nuisance” effects including vermin, traffic and noise.

167. The Applicant presented a significant volume of evidence on the existing and proposed solid waste disposal, and the impact arising from leachate discharge. The Committee is satisfied that the environmental effects associated with leachate discharge can be adequately avoided, remedied or mitigated through consent conditions. Several of the consent conditions have been imposed as a result of some small gaps in the information provided. The provision for reviews under Section 128

of the act will facilitate future adjustment to consent conditions if monitoring results highlight the need to address future significant adverse effects.

168. In relation to the issue of archeological significance of the site the Committee note two points. Firstly the site has been recently designated in the Proposed District Plan without challenge and secondly there was no conclusive evidence submitted that confirms the existence of archeological sites. The Committee also note that no formal request was made under Section 42 of the Act to submit evidence of waahi tapu.

The commitment by the Applicant to enter into a suitable protocol with iwi is encouraged.

Term

169. The issue of length of consent term was of particular concern to submitters and the Applicant. Submitters were concerned with the potential for the site to become a 'Regional Landfill'. Other submitters felt that it was someone else's turn to have the landfill in their neighbourhood.
170. The Committee believe that subject to appropriate management design the adverse effects arising from the new landfill can be more effectively avoided, remedied or mitigated during the consent term. The provision for review under Section 128 will enable any unforeseen adverse effects to be addressed. This review process will when appropriate involve adversely affected parties. The site has a specific capacity which will essentially determine the life of the landfill. Upon weighing up all other matters the Committee believes that a 35 year term for the disposal of solid waste to the new landfill is not unreasonable.
171. In relation to the discharge of solid waste to the existing landfill the Committee believes that a 6 year term for the existing landfill within which it will be closed and the site reestablished is appropriate.

The Decisions

Note: For the purposes of clarification these Permits relate to:

The **existing Levin landfill** defined as at or about Area A on Figure 1, attached to and forming part of these Permits.

The **proposed Levin lined landfill** defined as at or about Area B on Figure 1, attached to and forming part of these Permits.

Determination - Resource Consent 6010

The Hearing Committee, pursuant to delegated authority under Section 34 of the Act, resolves to grant discharge permit 6010, pursuant to Section 105(1)(c) of the Act, to the Horowhenua District Council to discharge landfill leachate onto and into land at the Levin landfill, Hokio Beach Road, Levin, legally described as Lots 3 DP 40743 Blk II Waitohu Survey District, for a term expiring on 31 March 2032 subject to the following conditions:

1. Charges, set in accordance with Section 36(1)c of the Resource Management Act 1991, and Section 690 A of the Local Government Act 1974, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

[Note: Section 36(1)c of the Act provides that Council may from time to time fix charges payable by holders of resource consents. The procedure for setting administrative charges is governed by Section 36(2) of the Act and is currently carried out as part of the formulation of the Council's Annual Plan.]

General Conditions - Discharge leachate to ground

2. Landfill leachate shall not contaminate adjoining land.
3. The Permit Holder shall construct and maintain a drain along the north-western boundary of the existing landfill site, by 30 June 1998. The drain shall be designed to capture leachate running off the site on to neighbouring properties. The exact location of the drain shall be determined in consultation with Regional Council, but shall be at or about the position defined in Fig 2 attached to this consent.
4. The Permit Holder shall commence the following monitoring programme:

Table A: Summary of Monitoring Locations, Frequency and Parameters for Levin Landfill

Location	Frequency and parameters
D1,D2,D3,D4,D5,D6	Quarterly comprehensive for 2 years then quarterly indicator and annual comprehensive
B1, B2, B3	Quarterly indicator, 6 monthly comprehensive, annual pesticide/ semi VOC screen
C1, C2, C2ds	Quarterly indicator, 6 month comprehensive
C2dd, E2s, E2d, E1d, E1s	Quarterly indicator, 6 month comprehensive
Drain -	Quarterly indicator, 6 month comprehensive
Land disposal area soils	Background and then three yearly (refer Condition AA)
Land disposal area groundwater F1, F2, F3	Quarterly comprehensive for 2 years then quarterly indicator and annual comprehensive
Leachate pond outlet	Quarterly comprehensive for 2 years then quarterly indicator and 6 month comprehensive

Locations: (Unless otherwise stated, locations are described on Figure 4, attached to and forming part of this consent)

- B1
- B2
- B3
- C1
- C2
- C2dd
- C2ds

- D1
- D2
- D3
- D4 Lined landfill area groundwater bore
- D5 Lined landfill area groundwater bore
- D6
- E1s
- E1d
- E2s
- E2d
- HS1 Hokio Stream - upstream of landfill (Refer Fig 2)
- HS2 - Hokio Stream - alongside landfill (Refer Fig 2)
- HS3 - Hokio Stream at or about 50 metres downstream of landfill property boundary (Refer Fig.2)
- Drain along north-western boundary - as described in Condition 3.
- Soils in land disposal area - refer Condition 5
- F1 groundwater bore below irrigation area
- F2 groundwater bore below irrigation area
- F3 groundwater bore below irrigation area
- Leachate Pond outlet

Parameters

Comprehensive		
Leachate	Chemical Oxygen Demand (BOD)	Activity
Ammonia-N	Chloride	Ammonia-N
	Total Coliform	Dissolved Reactive Phosphorus
	Iron	Iron
	Manganese	Manganese
	Sulfide	
	Sulfur	
Factor		
Activity	Chloride	
Manganese		
Iron	Ammonia-N	
Ammonia-N	Iron	

- A. The first samples for all parameters except the leachate pond and samples D4, D5, D6, F1, F2, F3 shall be taken in **May 1998**.
- B. The first samples for the leachate pond and D4 and D5 shall be taken not less than three months following placement of refuse on the lined landfill.
- C. Quarterly monitoring referred to in Table A shall be carried out in January, April, July and October
- D. Six monthly monitoring referred to in Table A shall be carried out in April and October
- E. Annual monitoring referred to in Table A shall be carried out in April.

5. The Permit Holder shall monitor soils in the irrigated area. The first soil samples in the irrigation area shall be taken in the first year that leachate is irrigated to land, and shall include background samples taken prior to irrigation. Thereafter, samples shall be taken every three years. The parameters of monitoring shall be:

- Aluminium
- Arsenic
- Boron
- Cadmium
- Chromium
- Copper
- Mercury
- Nickel
- Lead
- Zinc

Soil sample sites and depth of samples shall be chosen in consultation with the Regional Council.

6. The results of monitoring under Condition 4 and 5 of this Permit shall be reported to the Regional Council by 31 August each year for the duration of this Permit.
7. If a laboratory is used for water quality analyses which does not have independent accreditation for the parameters measured then on each sampling occasion duplicate samples from at 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.
8. Should any groundwater and surface water parameters tested for under Condition 4 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (1992) for Livestock Watering (Annex 2), 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.
9. Should any parameters tested from drinking water wells, or from the deeper gravel aquifer, exceed the requirements of the Ministry of Health's Drinking Water Standards for New Zealand 1995, the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the results and in consultation with the Regional Council determine if further investigation or remedial measures are required.

Specific Conditions - discharge leachate to ground from existing landfill

10. The Permit Holder shall carry out the following works by 30 March 2004 or within four months following the closure of the landfill if the landfill is closed before 30 November 2003, whichever is the sooner, to remediate the existing Levin landfill:
 - A. compact refuse to such an extent that post closure settlement is minimised as far as practicable; and
 - B. cover exposed refuse with not less than 1000 mm material, of which 700 mm is compacted; and

- C. grade the tipping face to achieve a final slope less or equal to 1V:3H (1 in 3) on any face; and
 - D. establish and maintain vegetation on the covered landfill.
- II. Within one month following the remediation of the Levin landfill, the Permit Holder shall report in writing to the Regional Council of the Permit Holder's compliance with Condition 10 of this permit.

Specific Conditions - Discharge leachate to ground from lined landfill

Environmental Effects

- 12. There shall be no disposal of leachate sludge from the pond onto irrigation areas.
- 13. The rate of application of leachate irrigated to land shall not exceed 200 kg Nitrogen/hectare per year.
- 14. There shall be no ponding or runoff of leachate on or beyond the irrigation areas.
- 15. Subject to Condition 14 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 of 5 millimetres per hour.
- 16. There shall be no discharge of offensive or objectionable odour at or beyond the Levin Landfill boundary resulting from leachate irrigation.
- 17. Should the quality of leachate being irrigated exceed the parameters set out in the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (1992) for Irrigation Water Quality, (Annex 2) 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.

Process Management

- 18. The daily volume of leachate irrigated to land shall be metered and recorded.
- 19. 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.
- 20. The Permit Holder shall carry out the works described in Condition 10 of this permit by 31 March 2032, or within four months following the closure of the lined landfill if the landfill is closed before 30 November 2031, to rehabilitate the lined landfill prior to closure.

Monitoring and Reporting

- 21. A plan of the leachate irrigation system shall be prepared to the satisfaction of Manawatu-Wanganui Regional Council's Manager Resource Use nine months prior to placement of refuse on the lined landfill. The plan shall include:

- A. A map showing areas to be irrigated.
- B. Design of the recirculation, treatment and irrigation systems.
- C. Contingency measures in case of failures in the irrigation system.
- D. Criteria for installing aerators in the leachate pond.
- E. Assessment of options for recirculating leachate over the lined landfill.
- F. Assessment of groundwater profile beneath the irrigation area and effects leachate irrigation will have on groundwater.
- G. Groundwater and soil monitoring programme, including a map showing sampling locations.
- H. Any other relevant matter

22. The Permit Holder shall keep a log of:

- A. the dates and times of leachate irrigation;
- B. the total volume of leachate irrigated daily;
- C. the volumes of leachate irrigated to specific areas;
- D. weather and ground conditions during irrigation;
- E. observations made during the weekly inspections of the pump, irrigation system and irrigation areas; and
- F. repairs and maintenance carried out on the irrigation system.

Copies of this log shall be forwarded to the Manawatu-Wanganui Regional Council's Manager Resource Use on 28 February and 31 August of each year that the irrigation system is operated.

23. The Permit Holder shall inspect the landfill for leachate break out, settlement and other adverse environmental effects at least once per month until such time as discharge of refuse to the landfill ceases. Thereafter, the frequency of inspection shall be determined in consultation with the Regional Council.

24. The Permit Holder shall record the date, time, observations and any remedial action as a result of Condition 23. The record shall be made available to the Regional Council on request.

Review

25. The Manawatu-Wanganui Regional Council may initiate a review of conditions of this permit in March 2000, 2002, 2005, 2010, 2015, 2020, 2025 and 2030. The reviews may be necessary to:

- A. assess the adequacy of monitoring outlined in conditions 4 and 5 of this consent; and
- B. assess the effectiveness of Conditions 8, 9, 10, 15, 17, 20, 21, and 22 of this consent, in avoiding, remedying or mitigating adverse effects on the environment surrounding the Levin Landfill.
- C. The review of conditions shall allow for the:
- D. modification of monitoring outlined in conditions 4 and 5 of this consent;
- E. deletion or changes to conditions 8, 9, 10, 15, 17, 20, 21, and 22 of this consent;
- F. addition of new conditions as necessary,
- G. to avoid, remedy or mitigate adverse effects on the environment surrounding the Levin Landfill.

Determination - Resource Consent 6009

The Hearing Committee, pursuant to delegated authority under Section 34 of the Act, resolves to grant discharge permit 6009, pursuant to Section 105(1)(c) of the Act, to the Horowhenua District Council to discharge solid waste to land at the Levin landfill, Hokio Road, Levin, legally described as Lot 3 DP 40743 Blk II Waitohu Survey District, for a term expiring 31 March 2032 subject to the following conditions:

This permit does not authorise the disposal of liquid waste to land at the Levin Landfill.

Liquid waste is defined as:

Septic tank waste, grease trap waste, soft offal waste, sewage and abattoir sludge.

1. Charges, set in accordance with Section 36(1)c of the Resource Management Act 1991, and Section 690 A of the Local Government Act 1974, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

[Note: Section 36(1)c of the Act provides that Council may from time to time fix charges payable by holders of resource consents. The procedure for setting administrative charges is governed by Section 36(2) of the Act and is currently carried out as part of the formulation of the Council's Annual Plan.]

General Conditions - Discharge Solid Waste to Land

2. The Permit Holder shall take all practicable measures to avoid the discharge of waste from within the landfill to surrounding land. To this end, the Permit Holder shall ensure:
 - A. the amount of refuse exposed at any one time is confined in dimension to less than 40 metres wide by 20 metres long by 2 metres deep at the tipping face; and
 - B. exposed refuse is covered at the end of each day that refuse is received at the landfill.
3. If refuse is discharged from within the landfill to land surrounding the landfill area, the Permit Holder shall ensure that such waste is cleared and removed to the landfill as soon as practicable.
4. The Permit Holder will monitor the landfill at least once every two weeks for the buildup of litter, paper and other deposits outside the active landfilling areas, and remove such material as required.
5. The Permit Holder shall regularly inspect for the presence of vermin, birds and other pests and take appropriate measures to control them.
6. The Permit Holder shall regularly inspect the landfill for noxious weeds, and take appropriate measures to control those noxious weeds.

Hazardous Material

7. The Permit Holder shall not allow the disposal of waste of an explosive, flammable, reactive, toxic, corrosive or infectious nature, to an extent that the waste poses a present or future threat to the environment or the health and the safety of people.
8. 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 authorisation. 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 by to the Regional Council by August 31 each year for the term of this Permit.
9. The Permit Holder shall maintain a secure facility for any small quantities of hazardous waste, pending a decision on treatment, disposal or transfer to another facility.
10. Hazardous Waste stored at the facility described in Condition 9 shall be stored in a sealed and bunded area to avoid adverse effects from spills.
11. Any hazardous waste accepted for disposal shall be disposed within an adequate volume of mature refuse, in accordance with Centre for Advanced Engineering's Landfill Guidelines (1992).

Monitoring and Reporting

Specific Conditions - Discharge Solid Waste to Land at Existing Landfill

12. No solid waste shall be disposed to the existing landfill, after March 2002.
13. All new fill should be placed on top of at least 2 metres of existing material in the existing landfill.
14. The Permit Holder shall prepare a Management Plan in respect of the operations on the existing landfill to the satisfaction of Regional Council by 31 August 1998. The Management Plan shall include, but not be limited to:
 - A. The specific conditions contained herein, related to the operation, management and monitoring of the landfill.
 - B. A description of the development and maintenance of the landfill.
 - C. A description of how the consent will be exercised in a manner to ensure compliance with the consent and the conditions thereof and the Resource Management Act 1991.
 - D. A description of how the consent will be exercised to minimise adverse effects on the environment.
 - E. A description of the hazardous waste acceptance criteria, including the criteria set out.
 - F. The emergency procedures to be followed in the event of natural emergencies and hazardous waste spills.
 - G. The methods for controlling dust and odour emissions including the criteria for assessing when, and how regularly, roadways and the landfill are dampened by water or otherwise.
 - H. A description of how landfill nuisance will be dealt with.
 - I. Operational, intermediate and final capping requirements.

- J. Closure and aftercare
- K. Procedure to update the management plan, in light of changing circumstances, to continue compliance with Conditions of this Permit.
- L. A screen planting implementation description.

Specific Conditions - Discharge Solid Waste to Land at Lined Landfill

- 15. Design specifications and a set of construction drawings for the lined landfill shall be forwarded to the Regional Council for consideration before construction of the lined landfill begins.
- 16. The Permit Holder shall:
 - A. line the proposed landfill with a liner with a coefficient of permeability not exceeding 10^{-9} metres/second before disposing refuse to the lined landfill; and
 - B. provide for collecting leachate from the liner and pumping to a treatment system outside the landfill area.
- 17. Nine months prior to 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 l).
- 18. If any ancient human remains or artefacts are discovered during any earthworks activity associated with the construction and maintenance of the landfill, then works shall cease, and the Consent Holder shall immediately inform the Team Leader Compliance of the Regional Council and relevant iwi. Further work in the vicinity of the find shall be suspended while relevant iwi carry out their procedures for the removal of taonga. The Team Leader Compliance of the Regional Council will inform the Consent Holder when work can recommence at the site.
- 19. The Manawatu-Wanganui Regional Council may initiate a review of conditions of this permit in March 2000, 2002, 2005, 2010, 2015, 2020, 2025 and 2030. The reviews may be necessary to:
 - A. assess the adequacy of the management plan outlined in conditions 14 and 17 of this consent; and
 - B. assess the effectiveness of conditions 2, 8, and 16 of this consent, in avoiding, remedying or mitigating adverse effects on the environment surrounding the Levin Landfill.

The review of conditions shall allow for the:

- A. modification of the management plan outlined in conditions 14 and 17 of this consent;
- B. deletion or changes to conditions 2, 8, and 16 of this consent; and
- C. addition of new conditions as necessary, to avoid, remedy or mitigate adverse effects on the environment surrounding the Levin Landfill.

Determination - Resource Consent 6012

The Hearing Committee, pursuant to delegated authority under Section 34 of the Act, resolves to grant discharge permit 6012, pursuant to Section 105(1)(c) of the Act, to the Horowhenua District Council to divert stormwater from around the Levin landfill, Hokio Road,

Levin, legally described as Lot 3 DP 40743 Blk II Waitohu Survey District, for a term expiring on 31 March 2032 subject to the following conditions:

1. Charges, set in accordance with Section 36(1)c of the Resource Management Act 1991, and Section 690 A of the Local Government Act 1974, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

[Note: Section 36(1)c of the Act provides that Council may from time to time fix charges payable by holders of resource consents. The procedure for setting administrative charges is governed by Section 36(2) of the Act and is currently carried out as part of the formulation of the Council's Annual Plan.]

2. Stormwater run-off contaminated by leachate to an extent that it may cause adverse environmental effects shall be regarded as leachate.
3. Stormwater falling on any operational cell shall be regarded as leachate.
4. The Permit Holder shall carry out such stormwater or sediment control measures as are necessary to ensure that sediment is not carried and deposited beyond the boundaries of the site.
5. The Permit Holder shall ensure that:
 - A. stormwater drains within the site are maintained to ensure that the flow of stormwater around the landfill is unrestricted and the potential for stormwater contamination is reduced; and
 - B. stormwater diversion systems, including all drains and ponds, are kept clear of refuse ; and
 - C. any sediment ponds are regularly cleaned to ensure effective settling out of suspended solids.

Determination - Resource Consent 6011

The Hearing Committee, pursuant to delegated authority under Section 34 of the Act, resolves to grant discharge permit 6011, pursuant to Section 105(1)(c) of the Act, to the Horowhenua District Council to discharge landfill gas, odour and dust to air at the Levin landfill, Hokio Road, Levin, legally described as Lot 3 DP 40743 Blk II Waitohu Survey District, for a term expiring on 31 March 2032 subject to the following conditions:

1. Charges, set in accordance with Section 36(1)c of the Resource Management Act 1991, and Section 690 A of the Local Government Act 1974, shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

[Note: Section 36(1)c of the Act provides that Council may from time to time fix charges payable by holders of resource consents. The procedure for setting administrative

charges is governed by Section 36(2) of the Act and is currently carried out as part of the formulation of the Council's Annual Plan.]

Environmental Effects

2. The Permit Holder will ensure dust is controlled on access roads and on the landfill, if necessary, by watering or other methods.
3. There shall be no discharge of odour or dust from the landfill that in the opinion of a Regional Council Enforcement Officer, is noxious, dangerous, offensive, or objectionable beyond the property boundary.
4. There shall be no deliberate burning of waste or other material at the landfill. If fires occur at the landfill they shall be extinguished as quickly as possible.
5. The Permit Holder shall take all practicable steps to avoid, remedy or mitigate significant adverse effects of the discharge of landfill gases to air.
6. The Permit Holder shall erect a fence at least 5 metres high along the boundary of the landfill, defined as areas B1,B2, B3, and B4 on Figure 3 attached to forming part of this permit.

Monitoring and Reporting

7. The Permit Holder shall investigate landfill gas emissions from the Levin Landfill by 31 December 1998. The Permit Holder shall report to the Regional Council on the significance of the result and in consultation with the Regional Council determine if further investigation or remedial measures are required to avoid, remedy or mitigate adverse environmental effects from the discharge of landfill gas from the Levin Landfill.
8. The Permit Holder shall keep a record of any complaints received. The complaints record shall include the following, where possible:
 - A. name and address of complainant
 - B. nature of complaint
 - C. date and time of the complaint and alleged event
 - D. weather conditions at the time of the event
 - E. any action taken in response to the complaint.

The record shall be made available to the Regional Council on request.

9. The Permit Holder shall erect a fence at least 5 metres high along the boundary of the landfill, defined as areas B1,B2, B3, and B4 on Plan ABCD attached to forming part of this permit.
10. The Manawatu-Wanganui Regional Council may initiate a review of conditions of this permit in March 2000, 2002, 2005, 2010,2015,2020,2025 and 2030. The reviews may be necessary to:
 - A. assess the adequacy of monitoring outlined in condition 7 of this consent; and
 - B. assess the effectiveness of conditions 3 and 8 of this consent, in avoiding, remedying or mitigating adverse effects on the environment surrounding the Levin Landfill.

- C. The review of conditions shall allow for the:
- D. modification of monitoring outlined in condition 7 of this consent;
- E. changes to conditions 3 and 8 of this consent; and
- F. addition of new conditions as necessary,

to avoid, remedy or mitigate adverse effects on the environment surrounding the Levin Landfill.

Determination - Resource Consent 7289

The Hearing Committee, pursuant to delegated authority under Section 34 of the Act, resolves to decline discharge permit 7289, pursuant to Section 105(1)(c) of the Act, to discharge liquid waste onto and into land at the Levin landfill, Hokio Beach Road, Levin legally described as Lots 3 DP 40743 Blk II Waitohu Survey District.

The Hearing Committee declines this resource consent application on the basis that information supporting this application was not sufficient for the Committee to be satisfied that the actual or potential adverse effects can be avoided, remedied or mitigated.

Signed : _____

(CHAIRMAN)

Dated : 13 March 1998 _____