
**Horowhenua District Council & Hokio Environmental Kaitiaki Alliance Inc.
Landfill Agreement Project Management Group**

MEETING MINUTES

Minutes of a meeting of the Horowhenua District Council & Hokio Environmental Kaitiaki Alliance Inc. Landfill Agreement Project Management Group held in the Horowhenua Room, Horowhenua District Council, Oxford Street Levin on 25 May 2021 at 10.30am.

IN ATTENDANCE:

Chairperson/s	Jenny Rowan and Lisa Slade	This meeting was chaired by Jenny Rowan
Members	David Moore David Clapperton	
Horizons Representative	Cr Sam Ferguson	
Project Manager	Greg Carlyon	
Meeting Secretary	Natasha Breen	
In Attendance	Malcolm Morrison	Morrison Solutions
	Tessa McGregor	Morrison Solutions

Welcome and Karakia

David Moore opened the meeting with a Karakia

Apologies

Cr Sam Ferguson

Confirmation of Previous Minutes

Moved: David Moore

Seconded: Jenny Rowan

“THAT the Minutes of the PMG Meeting held on 10 November 2020 and the PMG Briefing with Morrison Solutions held on 16 December 2020 be accepted”

CARRIED

David Moore advised that the last official PMG meeting was held on 10 November 2020. Since then there has been three briefing sessions with Morrison Solutions on 16 December 2020, 3 February 2021 and 21 April 2021. David M noted that the last two briefing sessions with Morrison Solutions were not minuted and believes it is good practice to have records of all meetings/briefings.

Moved: David Moore

Seconded: Lisa Slade

“THAT presentations/briefing notes given by Morrison Solutions at PMG Briefings are disseminated to the PMG and attached to any meeting minutes.”

Malcolm advised that presentations and briefing notes may contain commercially sensitive information that cannot be in the public domain.

David Moore responded that he understood that and confidentiality has always been respected.

Jenny advised that herself, David M and Greg believe there has been a serious breakdown in the relationship with Council. The Community want the PMG to stay functioning and would like to proceed with the PMG attending mediation with Christine Foster. Jenny further advised that they feel it was a breach not being involved in discussions regarding a new cell at Levin Landfill. This has resulted in a further breakdown of trust.

Jenny said that it makes it hard to trust fully the possibility of closing the landfill, and at the end of the day, that is what we were here to do. With trust and respect being marginalised, which is usually critical in conversations like this, it pushes us back to need to go to mediation with Council.

Jenny sought assurance that Council would not undertake any physical activity relating to the new Cell until mediation has occurred.

David C acknowledged Jenny's points and agreed that the PMG attend mediation. David C advised he felt there had also been a breach from their side being with letters being sent out signed by Jenny as co-chair of the PMG without David C or Lisa's knowledge.

David C said that we need to ensure that all parties are on the same page about what the obligations are under the Landfill Agreement.

David C advised that Council do not believe they are in breach of the Landfill Agreement by not advising of the new cell and agreed w mediation is required to help work through that.

David M said that trust and integrity is a fragile thing, one of the key tasks has been to re-build the relationship between the Community and Council, and in his opinion, they have been seriously jeopardised, but we need to keep trying.

It was agreed that the PMG attend mediation with the following topics to be covered:

1. New Cell
2. Letters sent signed as co-chair PMG

Proposed New Landfill Cell

Malcolm advised that their interpretation of the Landfill Agreement was that the new cell is purely an operational matter and not in conflict with the Landfill Agreement.

Greg responded that the Landfill Agreement is with a view to early closure of the Landfill and opening another cell is contrary to that outcome.

David C said it is important to understand why a new cell is required and asked that Malcolm and Tessa be given the opportunity to explain.

Tessa presented to the group with the following being noted:

- With the decision making timelines that have been put in place, the earliest date that the new contract for refuse disposal could start is around March 2022
- There needs to be enough space to continue filling the Landfill until that date
- The 2020 (September) Annual Density Report showed a sharp decrease in remaining airspace than had been anticipated and would not last until March 2022
- New survey technology was put in and an updated report received in February 2021
- This has come about due to an increase in volumes, increase in consent requirements and density
- There are not other options to increase capacity in the cell.

Greg disagreed and noted that the Community agreed to close the biofilter and has moved on other matters. The assumption that there is no other way to do this is not fair to those stakeholders and the PMG would like the same opportunity that Council has had to come to that conclusion. The Landfill has always been significantly non-compliant.

Malcolm replied that his advice to Council has been irrespective of if Council are meeting the consent conditions and it is a normal process of a Landfill that over the years cells run out and you build a new one. Malcolm expanded that Morrison Solutions have minimised the cell size as much as possible to ensure there is enough capacity to March 2022. This does not mean the Landfill cannot be closed when Council makes its decision.

David Moore asked the size of the new cell.

Tessa responded it is enough space to last to March, plus enough to build new lift plus a little contingency.

David Moore requested to see the footprint of the new cell.

Greg noted that the memo that was provided has had the commercially sensitive information (financial implications) redacted, meaning there is nothing in the report for us to see and asked that either the material is provided (as the landfill agreement sets out) or released to the Public Domain.

Malcolm responded that they have taken their legal advice, which was to redact commercially sensitive information.

Tessa noted that the primary driver is that Council are able to meet their contractual obligations.

Malcolm advised their role is to put as much information as possible in front of the Council, so they are fully informed before making a decision. The decision is a political one.

Jenny asked if cost analyses on other factors have been taken into account, environmental and social impacts.

Tessa confirmed that they have been taken into account.

Jenny said that the most disturbing thing for her is; that this community took the Council to court and court should have made a decision. Court being persuaded to come up with this agreement has put us here and then the court pulling back with no support for the Community with this discussion has left us where we are today. There is a principled outcome in this PMG, which we have diligently sat around this table for two years to try and reasonably negotiate to close the Landfill as soon as possible.

Jenny said that there is a way of presenting information that can influence politicians to see the right thing to do, and that is what Jenny is hopeful can come out of this.

David C asked the question what do the Community want.

Jenny responded, the Landfill closed in the next couple of years, we understand the contracts that are in place.

David M said we have been here 3 or 4 years, I remember the NLG agreeing to increasing the height of that cell on the understating it was a temporary measure as we were hoping it would close. The Council have painted themselves into a corner where you are now that you have not made a decision, the waste companies have got you over a barrel and you are having to scramble to make the best of a bad situation, in my opinion.

David M further advised that we want a full commitment to ongoing aftercare and remediation.

David C advised the Business Case is the critical piece needed for Council to make an informed decision on the future of the Landfill.

David C said that there needs to be a middle ground, of both sides getting to the point where we can live with what is acceptable to the other side.

A 5 minute break took place.

Jenny said it would be very helpful that somebody comes to mediation with a proposal that starts the conversation in a constructive way, a proposal based on the Landfill Agreement.

Jenny further advised they would like the Mayor in the conversation, or someone with political authority and Morrison Solutions.

David M said that some reassurance as Community is needed, to trust us with some of the financial details and details about the proposed cell, if we had information, we would be in a lot better place to talk to the Community.

David C asked that the tender be allowed to go out, on the proviso that the contract is not awarded until mediation has taken place.

Tessa advised the Business Case is due in August.

Lisa advised that she would contact Christine Foster to organise mediation.

David M asked if Morrison Solutions would have any extra information or analyses that would be helpful to them.

Tessa responded it would be relatively limited due to where we are in the process and that the tender would close late June.

Malcolm asked Jenny if there may be someone to support Morrison Solutions at the Community Meetings when there are questions around the cultural element. Jenny responded that she could assist to contextualise more.

Greg C suggested that it may be useful to ask Rachael Selby to join the mediation sessions. David Moore suggested that they have the initial session first and see where that goes.

David Clapperton will talk to the Mayor about him attending.

Confirmation Regarding Importation of Waste from Wairarapa

David C read out an email regarding the material being imported to the Landfill:

The material coming to the Landfill is slightly contaminated topsoil from an orchard in Greytown. We require topsoil at the landfill to apply over the permanent capping areas. Once permeability tests on the clay have been completed and passed so that the cap can be grassed, this is win win situation for Council as we need topsoil but we do not have to purchase the top soul or have it delivered. Before we accepted the topsoil all the necessary tests were carried out for example TCLP of Toxicity Characteristics Leaching Procedure, have been carried out and results have been reviewed by two experienced people from Stantec (one has experience in contaminated land assessment and by Principle scientist) Stantec have confirmed that this topsoil is a suitable topsoil for landfills, we were also informed that this type of soil can be used in berms, parks and reserves and soil like this has been used to build BMX tracks (like the one on Romanes Drive in Havelock North on council land) and to level a cricket field in Te Awanga. Both projects were executed with consents from Hastings DC and Hawkes Bay RC.

Greg asked to see the supporting data, David C agreed.

Landfill Compliance – Drone Photos



20210524_Levin
LF_Memo PMG.docx

David C referred to the memo received from Greg Carlyon and read out an email from Asli Crawford with a hardcopy given to Greg.

Please see below pictures of some of the batter slopes at the landfill on 19th May.

Currently there is temporary clay cap up to a certain point, then above that is the daily cover (sand and mulch). To the best of team's knowledge there are not any areas on these slopes that were previously capped with clay, but have now been uncovered. During visit team also went up to the tip face and there were no areas up there that had been uncovered either.

It is believed that the enquiry may have been related to someone assuming that this area was previously capped with clay, when it is likely a combination of the temporary clay capping not extending up as far as the tip face and the amount of daily cover that is being used. This may also be related to the high winds as there would have been more windblown litter on site during the couple of days early last week.



And

We have called the site manager and he informed us there is no activities relating to uncovering waste.

However, the clay stored on top of the old landfill is used for patching up any hot spots (when identified during monthly surface methane tests) on the current landfill. As a side note, as of Feb 21 there was about 11,000 m³ space available on top of the current landfill therefore it is very unlikely that uncovering the waste.

The protocol is that before any activities like uncovering waste, HDC has to be informed in advance.

Greg stated that the conditions are clear around cover, the most you should see is 800 square metres at any one time, there should be temporary cover over the remainder of the Landfill. David C will pass this memo onto to Asli to provide a response.

David C will circulate the response from Council to Rachel Keedwell.

Tatana Land Compliance



20210524_Tatana
Compliance Assessm

David C referred to the memo received by Greg Carlyon and raised his concern that Tatana may lose interest in engaging with Council regarding purchasing the land.

Further discussion on this took place.

David M referred to land next to the dump on the East side and asked if Council has purchased it recently. David C confirmed Council have not purchase this land.

Greg asked the PMG to read the memo and reflect on it for further discussion and direction at the next PMG Meeting.

David M said that the door for remediating the Tatana Drain is closing.

David M referred to the assurance given by David C that no works will start on site until mediation and noted that he is conflicted. David M requested that an explanation of what is happening is provided to reassure the Community.

David C advised that a Q&A would be prepared.

David M asked about financial information, David C confirmed that would be tabled at the mediation.

Malcolm confirmed he would prepare a report for mediation with some assumptions.

The remainder agenda items were deferred to a subsequent PMG meeting.


Next Meeting Date

Lisa will call Christine Foster to arrange a mediation session.

Meeting Closure and Karakia

David M closed meeting with a karakia

ACTIONS

Date	Action Item	Person(s) Responsible	Status
25/5/21	Provide a response to the memo from Greg on drone photos  20210524_Levin LF_Memo PMG.docx	David C	In Progress
25/5/21	Q&A on New Cell	David C	Complete
25/5/21	Circulate the response from Council to Rachel Keedwell	David C	
25/5/21	Talk with the Mayor about attending mediation	David C	
25/5/21	Supporting data on decision to accept material from Greytown	David C	
	Timing on PMG to brief Council Timing to be reviewed following receipt of the draft business case.	PMG	