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

MINUTES

Minutes of a meeting of Horowhenua District Council & Hokio Environmental Kaitiaki Alliance Inc. Landfill Agreement Project Management Group held in Ante Room, Horowhenua District Council, Oxford Street Levin on 7 August 2019 at 10am.

IN ATTENDANCE:

Chairperson/s	Jenny Rowan
Members	David Moore David Clapperton
Project Manager	Greg Carlyon
Meeting Secretary	Natasha Breen

Welcome and Karakia

David M opened the meeting with a Karakia and Jenny welcomed everyone to the meeting.

Apologies

Lisa Slade

Confirmation of Previous Meeting Minutes 22 July 2019

There was group discussion on page 2 paragraph 4 with it being agreed to leave as is.

Moved: Jenny Rowan Seconded: David Moore

“THAT the Meeting Minutes of 22 July be accepted”

CARRIED

Matters Arising From Previous Meeting Minutes

None

Actions from Previous Meeting Minutes

David C advised that the lease for the Kapiti Transfer Station in Otaihanga expires October 2023.

HEKA Expenses

David M advised that when the Affected Party Group came together with Horowhenua District Council on 4 November 2018 a number of points were agreed. One of those being that Horowhenua District Council would meet the professional costs for the case to date in order that the affected party group were not out of pocket and that the Horowhenua District Council met the ongoing cost of expenses for Community Consultation.

From that time on the lawyers did the work and their cost accumulated to the extent that in the wash up additional HEKA costs were overlooked. This sum was underwritten by Christine Moriarty (lead organiser of the HEKA group) and now she wants to claim that money back.

David c she personally settled them?

David M responded yes.

Jenny added the Christine and Geoff personally settled them.

David M advised that Ngati Pareraukawa paid part of an invoice (which they are happy to absorb) but Christine had accumulated approx. \$18,600 and had agreed to underwrite up to \$20,000 as HEKA has no money and we were expecting to get the costs back.

David M further mentioned that if the case had gone to court and HEKA won then costs would have been awarded and by negotiating with HDC they do not think it is right that they should forego the reimbursement.

David M advised that a number of the invoices that Christine paid were from The Catalyst Group and Greg confirmed that The Catalyst Group have been fully paid for professional costs.

Greg clarified that \$85,000 is a combination of expenses accrued by advisers to HEKA and WECA.

A discussion took place on outstanding Invoices for HEKA and the matter will be addressed by the Chief Executive.

David M will get a GST Invoice from HEKA/WECA.

Jenny thanked David C.

Cost Assessment to Be Done Of Keeping Hokio Landfill Open

Jenny raised that Greg had previously commented that to keep the landfill open would cost a lot of money and that she would like to see what it would cost to open another cell including actual cost of opening and its consent procedures. Jenny thinks this will likely come to a significant sum and the Community needs to know the cost to keep it open as opposed to other possible opportunities for Levin's rubbish.

Greg advised that he thinks this is provided for already and gave Jenny a copy of a report referred to the scope works from Tonkin & Taylor which includes the cost benefit of closure. Greg further advised that Tonkin & Taylor are undertaking 2 things the first being a site assessment for Closure and Remediation and second is the costs and benefits of doing that.

David C advised that Chris Purchase has previously done a report that covers that and that there is already a consent to do a new cell, the only additional cost is for the investment to build a new cell approx. \$1.3m, the ongoing cost of operating the landfill and Resource Consent in place to 2035.

Greg C advised that the important thing is “what is the cost of closure to the community” and that needs to be in hand.

David M asked when a response from them is expected which is covered in the next Agenda Item.

Timeline Between Tonkin & Taylor and Ryan’s Flowchart

Greg advised that Stantec and Tonkin & Taylor have provided their offer of service and they are working on the basis of the exact timelines set at our last meeting and that they are acutely aware that by the end of October we need to have all material in for decision making, they know that things currently sit nicely and if we don’t deliver in those timeframes there are significant challenges in future steps. Their contracts are specified delivery at the end of October and keeping the PMG in the loop in the lead up. There is a site visit for Simone and Chris on 23 August 2019 and they have been provided with a lot of material.

Stantec (Old MWH) are providing a lot of material to Tonkin & Taylor, Phil has been really good and provided an offer of service to Council on an as needs basis for additional work he may do. Phil has a long history in this site and has a lot to offer with his experience. He is now sharing current plans and material with Tonkin & Taylor.

Key Dates end of October so have something comprehensive for LTP process next year.

David C understands that subject to approval of the scope of works he will then get back a contract from Tonkin & Taylor which he will have signed off.

David M sought clarity on whether priority has been given to this work as opposed to the long-term remediation plan which is sort of on the next stage.

Greg responded that he has put the pressure on in relation to the closure assessment and also they have said the end of January for leachate. They are following the Landfill Agreement very carefully – Greg thought we needed to bring that date back but he does not see how we can. They are going closure plan, leachate and remediation naturally follows the closure decisions. They know the priorities and has made it clear (both verbally and in writing) around the PMG direction of looking for the earliest possibly closure date and they are doing an independent assessment.

Jenny asked David C if he was still up for that.

David C responded absolutely.

David said that as long as you are keeping pressure on Tonkin & Taylor that end of October is the aim.

Greg responded that they are very clear that they have 3 months and also know it will not be good if it comes after that time as in November we need to be making our calls so if it were to be 2021, those decisions have to be pretty clear in all our minds before Christmas.

Greg advised he will make sure the PMG are getting updates and that the PMG has other things to do in the meantime.

Greg advised that he has the flowchart Ryan prepared and the Landfill Agreement and noted it would be useful for all of us to have agreement close at hand and check in.

It was agreed that Greg will prepare a summary for David M to present at the next Community Meeting.

The Apology

David C advised that he may have misunderstood when the apology was required and read out the following clauses from the agreement which state;

13.2

HDC will work with the PMG to agree an apology to be delivered by HDC's CEO in person at a location agreed by the PMG within 3 months of the commencement of clause 3.2e

3.2(e)

On receipt of notice from the Environment Court of (d) being completed, all remaining obligations under the Agreement immediately commence.

3.2(d)

If the closure date for the Levin landfill decided by HDC councillors under (c)(iii) is 31 December 2025 or earlier then HEKA and the s274 Parties will, within 15 working days withdraw the Environment Court declaration and enforcement proceedings (ENV-2015-WLG-124 and ENV-2018-WLG-125) with no issue of costs among the Parties.

David C explained that the apology will not come until after the above has occurred and his understanding is that the Environment Court Declaration and Enforcement Proceedings are still in place until we have done this piece of work that we are currently doing and that he is not going to apologise if this does not pan out, the agreement is clear that the apology will be done after the Environment Court Declaration and Enforcement Proceedings are withdrawn.

David M asked when that was going to happen.

Greg said it will be after the LTP process.

David C said he thinks the reason it was done that way is that if it gets to a point where the Council has not made a decision and HEKA proceed with their Declaration and Enforcement Proceedings then we then go back to court.

David M advised that we are required to go back to court on 12 December and at that point the judge will ask if we are proceeding satisfactorily and hopefully we will be able to say yes but if we can't.

Jenny said if you go back to court and say it is not proceeding well then he will set it down for Court.

David C said that alternatively we say we just need a little bit more time – that the process is going well and just give us a little bit more times and not put the pressure on.

David C said that work needed to be started on the "What" and "Who" are because at the moment it is to HEKA.

David M added and other members of the Community as representing the wider Community.

David M suggested he worked with Jenny and Greg (if he would like to be involved) and prepare a draft for David C to look at.

David M asked if the court have signed off this agreement.

David C advised it is not far away and it is only consent conditions they are signing off.

David M said the agreement was signed back in March.

Greg C advised that it does not become live until the court had completed its review and we are proceeding in good faith.

Moved: David Moore Seconded: Jenny Rowan

“THAT Jenny and David M do a preliminary draft of The Apology for review by Greg and David C taking context the Who, the What and the How”

David C added that it is not just about people the today people, it is the people in the past as well.

CARRIED

Confirmation of Technical Advisers To The Project

Moved: Jenny Rowan Seconded: David Moore

“THAT the Project Proposals from Tonkin & Taylor and Stantec be advanced to the District Council for adoption”

CARRIED

David M noted that Tonkin & Taylor are bringing their own groundwater, odour and surface water specialists as required.

Greg replied that they have suggested that, and he has said no and that the PMG will make that determination.

David M said that we need to indicate who we would like them to work with and am thinking of the odour expert Louise Wickham might be more appropriate for them to work with and asked Greg if that is what he is thinking.

Greg replied that is correct but he does not think odour is going to be a significant issue at this point. Issue at this point and we should reserve our position at this point.

David M asked if the same applies to ground water.

Greg responded that hydrological advice will be needed, and who it will be, decided at the time.

David M responded that we need to indicate that as at the moment we have indicated that Tonkin & Taylor be the contractors and that implies that their team will provide all this stuff.

Greg advised that he has written back to Tonkin & Taylor and they have confirmed that their suggested additional staff are on hold. Their job is to focus on the closure plan and leachate and Greg will circulate the correspondence.

Greg further confirmed that his email to them on 1 August 2019 stated that we would like Chris and Simone on board and any others are at the discretion of the PMG down the line, which has been accepted by Tonkin & Taylor.

Timing for Actions and Output

David M asked if there are any other items that we need to do be doing in the meantime.

Greg replied that we need to set a time for a NLG meeting.

It was agreed that a NLG meeting will be held on Tuesday 27 August at 6pm and Natasha will send out calendar invites.

There was group discussion on who attends and David M gave the background on this. Greg noted the last meeting was very constructive.

It was agreed that in good faith the NLG meeting will be operated as the last one was in terms of attendees and David M suggested it be said that this meeting is the last of the old order and with the new consent order it may change in the future and it would be in terms of PR and getting information out.

It was agreed that David Forrest will be approached to see if he is available to chair the NLG meeting.

Greg advised that the Hokio Landfill PMG page on the HDC website is nearly ready to go and sought agreement on the list of what would go into the public domain being;

- Landfill Agreement
- Contacts for PMG in hierarchical order
- Resource Consents (amended)
- Minutes once approved
- Key Timelines
- Any NLG agendas
- Site plan for Levin Landfill
- Condition of this agreement

It was agreed that these documents are fine for release.

Addressing Tatana Drain, Pursuant To 9.1 Of The Landfill Agreement

Item covered in earlier discussion.

Update On The Reconciliation Process

There was group discussion on where this process is at. Bronwyn has had meetings with some members of the community and Natasha will contact Bronwyn on David C's behalf seeking an update and an invitation for Bronwyn to come to the next PMG Meeting.

David M noted that he has not yet met with her and Natasha will follow up with Bronwyn.

Confirmation Of Landfill Closure Dates And Current Contracting – Ryan Hughes

Item covered in earlier discussion.

Confirm Date Of Meeting With NLG

Item covered in earlier discussion, meeting scheduled for Tuesday 27 August at 6pm.

General Business

David M suggested that this committee be renamed the Hokio Landfill Project Management Group.

Moved: David Moore Seconded: Jenny Rowan

“THAT this committee be renamed the Hokio Landfill Project Management Group”

CARRIED

David M advised that he will be away from 3 September to 11 October and will be on email from time to time Jenny will be carrying the load in the meantime.

Next Meeting

Tuesday 27 August at 5pm prior to the NLG Meeting.

David M closed the meeting with Karakia