



**THE CATALYST GROUP**  
planning and environment

**To:** Project Management Group (PMG) - Levin landfill  
**From:** Greg Carlyon, Project Manager - PMG Levin landfill  
**Date:** 13 April 2021  
**Subject:** Tatana land - compliance

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Following our PMG meeting in February, I was directed to engage with Horizons Regional Council (HRC) in relation to unconsented clean filling on the Tatana property, adjacent to the Hokio Stream and closed Levin landfill. The community at large and PMG has expressed concerns to HRC for a considerable period of time in relation to this activity. Horizons has taken no action to date.

The concerns were raised through the hearing process (first level and Environment Court), and are largely centred around the impact of "clean filling", adjacent to the highly sensitive Hokio Stream and Tatana drain, which performs an important function associated with the landfill. The PMG has identified this site as a potential mitigation response to the significant adverse effects generated by the landfilling operations. The PMG has agreed a wetland restoration initiative, associated with active management of the cap of the closed landfill, is the best practicable option to address leachate at the site. This approach is broadly supported by the community, but a number of reservations remain.

In order to progress this issue with the regional council, I wrote to the General Manager at Horizons (Nic Peet) on 1 March 2021. Nic responded immediately, identifying that an assessment of the site would be undertaken. I identified to Nic that there was merit in engaging with the Hokio community members, who have observed the dumping operations at this site (email 1 March 2021). Nic did not respond to that email.

On the 18 March 2021, Nic identified that they had concluded their investigations and that the clean filling at site was compliant with the One Plan, in spite of the fact that the regional council had not received a record of volumes dumped. In addition, it was clear there was no engagement with complainant groups. The following day, I contact the regional council (email to Nic Peet and telephone conversation with Greg Bevin). I set out the provisions of the One Plan which were relevant for the investigation, and requested an opportunity to meet a few days later, in order to explore the remaining concerns held. I also requested a copy of the records assessed to come to a conclusion that the site was compliant. No records were provided. I suggested a meeting on the 23 March 2021. The soonest the regional council was able to meet was the 8 April 2021.

I attended a meeting on the 8 April 2021 with Hamish Southerland (investigations officer) and Greg Bevin (manager). We traversed the requirements of the One Plan associated with clean filling,

discharges to land and water, and the MfE guidelines for clean filling (which are a mandatory requirement for permitted activities). The regional council team provided no evidence of compliance in any respect. In particular, it was agreed that the clean filling guidelines had not been complied with, and the regional council response was to confirm that they would consider a retrospective management planning exercise as a means to comply. However, the guidelines do not provide for this, and further, there are so many requirements that have not been complied with and which cannot be addressed retrospectively, that it is inconceivable compliance with this requirement could occur. The regional council team identified that the Tatana's had provided three years of records (noting that at least 10-years of records are required), identifying compliance with both quantity and quality of cleanfill. The council committed to making a copy of the spreadsheet available to me, immediately following the meeting. This has not been received. I questioned the staff as to whether the record had been manufactured, given the nature of the material provided, and the staff indicated that they had no evidence that this might be the case. There is no material available to corroborate the general spreadsheet provided to the council.

In addition to the clean filling requirement to allow for a permitted activity, there are a substantial number of provisions in the One Plan which require assessment. These provisions are largely associated with scale of earthworks, work in drains, and discharges to land and water that may adversely affect water bodies and sites of significance. I have not cited any assessment of these provisions by the regional council investigator.

Mr Sutherland and Mr Bevin confirmed they would provide further assessment, in the light of the issues I raised with them. A week prior to the 21 April 2021 PMG meeting, at the time of producing this memorandum, there has been no further provisions of material.

The investigation by HRC is, in my view, deaf to the issues raised by their community and the PMG over a number of years. It fails to apply basic investigation techniques and rigor applied for matters of this type. The investigation has failed to assess the activity in the light of clear directions contained in the rules framework of the One Plan, and no action has been taken to direct the Tatana's regarding future dumping at the site. When questioned about the merits of compliance action, including an abatement, the response from the regional council team was inconclusive.

In my view, the approach taken by the regional council, does not meet the basic thresholds for compliance and enforcement required of an agency with clear statutory functions to address the environmental effects associated with this activity. The PMG has directly relayed its concerns to the regional council at every level, with no action, and alternative approaches to addressing these issues should now be considered.



Greg Carlyon