

## MINUTES - Wainuiomata Cleanfill Community Liaison Group

“The primary purpose of the CLG is to provide a mechanism for the consent holder and community members to meet in person and discuss operations at the site” – Consent Condition 5

**Date:** 26 May 2022

**Time:** 7.30pm – 9pm

**Venue:** MS Teams meeting

**Present (names):** Laura Lincoln (Chair), Paul Duffin, David Smith, Anna Martin, Dawn McKinley, Jörn Scherzer, Gary O’Meara, Sally-ann Moffit, Jason Tamasese

**Apologies (names):** Campbell Barry, Gabriel Tupou, Miria O’Reagan, John Gray

Agenda Item		Action point and additional information
<p><b>1. Introductions</b></p>	<p>Welcome, introductions and apologies.</p> <p>Overview of any health and safety procedures and media and audio recording protocol, use of MS Teams.</p>	
<p><b>2. Outstanding actions from previous CLG meeting</b></p>	<p>Review of following action points:</p> <p><i>Discussion regarding a complaint made to Council about a truck after hours. Anna to provide date to CLG on Wednesday 2 March as to when HCC will fully respond to the CLG regarding this issue. Laura will follow up on Wednesday if haven’t seen date.</i></p> <p>Sally-ann noted that the Council has chosen to treat the questions as a LGOIMA but it was requested that they don’t.</p> <p>Sally-ann confirmed that a request was made for Council to confirm the consistency between its reporting to the regulatory committee and the complaint. This went to the auditor and was covered in audit that there is a discrepancy: the document did not say to the regulatory committee that complainant had been asked to sign an affidavit. Instead, the report said that action had been taken and a warning issued. Sally-ann shared the regulatory committee report as an example. Sally-ann requested that the regulatory report example be included with the minutes. This has been included as a screen clipping below.</p> <p>In contrast, the CLG was told that no action had been taken because the complainant was asked to sign an affidavit. Sally-ann noted that she is still baffled why CLG and regulatory committee were told facts that were different.</p> <p>Anna noted that she has a differing interpretation and that there was a delay for getting the response from the complainant and that they had no real</p>	<p><i>A follow up request for information is being responded to under the LGOIMA.</i></p> <p><b>No further actions.</b></p>

proof. The Council will get back to the complainant in accordance with the LGOIMA Act.

Sally-ann noted that the auditor said that the Council should accept evidence at face value and that no one has asked complainant why didn't submit an affidavit.

Anna said complainant can provide information and has the burden of proof. Sally-ann challenged this on the basis of the photographs that had been provided to Council.

Copy of relevant excerpt of Regulatory Committee Report:

533998	19/08/2021	19/08/2021	Cleanfill operating outside of consented hours on 27 May 2021.	Call, text and email to Head of Climate and Solid Waste to follow up with operator what time they started up and finished on 27 May 2021. Evidence provided that they operated <10mins past closing time. Warning issued.
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*Issue raised regarding minutes of last meeting on 18 November 2021. Sally-ann was inadvertently left off the email chain and did not receive a copy of the minutes. Alastair to create a list and circulate among CLG members to ensure that everyone who wants to be receiving communications about the cleanfill is receiving them.*

*Laura agreed to circulate minutes of this meeting by Monday 28 February in draft, with a request that CLG members advise Alastair if someone is missing from the email distribution list or wants to be removed from the distribution list. CLG to provide feedback on the minutes before they are finalised.*

No comments on this action point were made at the meeting.

**No further actions.**

*Question raised as to when the Council advised the CLG that the Cleanfill would temporarily close. Sally-ann requested this issue go to the auditor to assess independently and write a finding as to whether or not the auditor considers the CLG should have been informed of the temporary closure under the SMP and if this is a consent breach. Laura to draft a request to the auditor and circulate it with the minutes from this meeting on Monday 28 February. Sally-ann to send Laura planner's advice so that it can be included with the minutes and in the request to the auditor.*

No comments on this action point were made at the meeting.

**No further actions.**

	<p><i>Alastair to send the most recent version of complaints register to Gaynor to be uploaded and let CLG members know this has been done by email by Tuesday 1 March.</i></p> <p>Jörn checked whether the portal had been updated and it has not been updated, but the request has been sent.</p>	<p><i>Note, a complaint was received on 14 May 2022, and the updated complaint register is awaiting uploading to the cleanfill documentation portal by HCC's web team.</i></p> <p><b>Further Actions:</b> <b>Jörn to follow up with the web team.</b></p>
	<p><i>Alastair to send updated performance dashboard (with "complaints received" headings corrected) to HCC communications team following the meeting.</i></p> <p>The latest dashboard has been uploaded on the website. Jörn showed the updated cleanfill page with uploaded documents, including dashboard, environmental plan, auditor report, noise reports etc.</p>	<p><b>No further actions.</b></p>
	<p><i>CLG to set a date for a meeting following closure of the cleanfill to discuss future of the CLG.</i></p> <p>No comments on this action point were made at the meeting.</p>	<p><b>No further actions.</b></p>
	<p><i>Sally-ann to circulate draft lessons learnt paper to CLG members following the meeting for feedback.</i></p> <p>No comments on this action point were made at the meeting.</p>	<p><b>No further actions.</b></p>
	<p><i>Jörn to send an email to Kelly Crandle (Head of Parks, HCC) introducing Gary.</i></p> <p><i>Laura to include links in CLG minutes for CLG members to use to report trail bikes.</i></p> <p>No comments on this action point were made at the meeting.</p>	<p><b>No further actions.</b></p>
<p><b>3. Performance dashboard results (truck numbers, volume, noise, environmental matters)</b></p>	<p><i>Consent Holder presentation of performance dashboard and CLG feedback.</i></p> <p>Recent complaint received. A \$300 infringement fine was issued and paid last Tuesday night. This was the maximum infringement fine that could be issued. Bob confirmed to Paul that they should have finished by 12 but finished at 2pm so they could shut down the site before the end of Saturday. The final gear left the site earlier this week and there is no gear on the site. No one has official access on the site. The operator booth has been removed and the gate is locked.</p> <p>HCC's compliance team has been to the site and confirmed the site has been vacated.</p>	<p><b>Paul</b> to update complaints register to include the January complaint.</p> <p><b>Jörn</b> to email Dil and call Bob to find out more information (including what happened to waste) and email CLG.</p> <p><b>Action completed:</b> Jörn has emailed the CLG with further information, and obtained assurance from Wainui Cleanfill that the</p>

	<p>David asked if all of the people who used the facility have been given information as to what they should be doing now. Jörn confirmed Bob has been in contact with all clients and they have been given alternative sites.</p> <p>Presentation of dashboard:</p> <ul style="list-style-type: none"> <li>• Everything has been uploaded to the website except the complaints register.</li> <li>• There is no remaining airspace – the site is closed and full.</li> <li>• Material has reduced over the last few months to only receive top soil in April/May.</li> <li>• One complaint was made on the 16<sup>th</sup> for a breach on the 14<sup>th</sup>, where a \$300 fine was issued and since has been paid.</li> <li>• Truck numbers shown in graph below threshold.</li> </ul> <p>Sally-ann asked if the January complaint has been recorded where someone had unauthorised access to the site. This was referenced in the audit report where a member of the public used the cleanfill.</p> <p>Paul and Jörn were not aware – it didn't come through to the compliance team. Paul checked Council's system and it went to Dil.</p> <p>Complaints register is to be updated to include that complaint. Paul to action. Jörn to email Dil to find out more information but Jörn explained there is nothing he can do given the time that has lapsed.</p> <p>David asked whether the Council will find out what the material was. Jörn noted the auditor's report doesn't state what happened to the material but he assumes it was removed because it was domestic waste and was not supposed to be there. Jörn will follow up with Bob.</p>	<p>rubbish would have been disposed of responsibly.</p>
<p><b>4. Audit report results</b></p>	<p>Discussion of audit report results – stepped through each of the non-compliances. Cleanfill assessed as non-compliant.</p> <p>Jörn apologised on behalf of the consent holder for not notifying the CLG about the temporary closure of the cleanfill last year.</p>	<p><b>No further actions.</b></p>
<p><b>5. Update on Lessons Learnt paper</b></p>	<p><i>Sally-ann to provide an update on the Lessons Learnt paper.</i></p> <p>Alastair sent through missing dates. Anyone who wants to be involved can participate – Sally-ann will organise meetings and have an independent person write it so other communities can learn from the experience here.</p>	<p><b>No further actions.</b></p>
<p><b>6. Update on closure status</b></p>	<p><i>Consent Holder to provide an update on closure status beyond the update provided by email to the CLG on Monday 16 May 2022 at 3:12pm.</i></p> <p>The cleanfill is closed and signage, kiosk etc. has been removed. Paul mentioned that he did a final</p>	<p><b>No further actions.</b></p>

	<p>check Monday this week and his colleague did a spot check today – it is closed.</p>	
<p><b>6. Future of CLG</b></p>	<p><i>CLG to discuss future of the CLG.</i></p> <p>Jörn explained that this will be last meeting Laura will be the chair and that the Council will be facilitating. Group members are welcome to continue and invite a council member to attend, and Council can look at those requests.</p> <p>David asked whether, if there is a new operator, can the new operator be advised there is a CLG and contact them? He questioned whether there are any new cleanfills in Wainuomata?</p> <p>Anna noted that there is some talk about another Cleanfill application. Paul confirm there is a new application for Waiu Street. Paul doesn't know the operator and doesn't know about the application. Anna explained that the resource consent team are the best people to contact.</p> <p>Dawn was wondering about remediation and whether there is a go to person regarding the remediation? Jörn said people can go to him, or Becky Lunn in the Parks Team who is managing the contract. There is planting scheduled for the next two months during planting season. The land that is currently unplanted will be planted. The parks team is taking over the management of the site and managing works so is appropriate to go through them.</p> <p>Gary raised concerns about ongoing security/unauthorised access (motorbikes) and ask whether these would this go through parks team? Jörn said they can be logged on HCC's website or to the Police. Gary understood from previous discussions, that they are working on basis that it's about numbers? When does it get to a point where something is done?</p> <p>Jörn couldn't comment on whether there is a threshold. The matter is a trespass matter for police if it is not a consent breach.</p> <p>Gary said that the Council used to have security firms to take action. Paul mentioned that Reckon Security responds to noise complaints.</p> <p>Gary asked whether it was recommended to go through call centre? It would be recorded? Would the Council see an ongoing problem?</p> <p>Sally-ann said it was important to note that the auditor recognised this was an ongoing issue and Council shouldn't ignore this. It is easy for the site to be accessed at the moment. It wouldn't be expensive to properly fence and would be a good gesture of good will. It is a real shame that concerns are raised but no one is responsible – it hasn't been effectively addressed so is still being</p>	<p><b>No further actions.</b></p>

	<p>raised. Sally-ann has asked what effective action is being taken but doesn't have a response to date.</p> <p>Jason shared his screen and showed two access points of how the motor bikes are getting on the site – no signage about it being a private site, unauthorised access where there is no fence and broken fencing / gaps in fencing, no warning of what is behind the gate. The fence has been broken for a while now (shown by vegetation growth in images) and people can see where well-worn tracks are.</p> <p>Jörn explained that it is an open site – if gaps are filled, others will be there – he doesn't see reason to invest money in extra fences. He suggested going to Councillors if those are issues of concern.</p> <p>David asked whether the Council can ask the Police to drive past at certain times? There is a pattern?</p> <p>Gary said the pattern tends to be weekends and early evenings during daylight. It's disappointing as this was the main concern 10 years ago and we were told site would be secure and to get here now is really disappointing.</p>	
<p><b>7. Other Matters</b></p>	<p><i>Other matters (if any).</i></p> <p>David asked whether, given over the course of the landfill people have been frustrated by noise, traffic etc. will there be a more robust handling of trucks over the hill? Can we have better traffic management for new cleanfill?</p> <p>Laura discussed resource consent process – if the application is publicly notified, people can participate and raise concerns in submissions on the application. Anna mentioned contacting resource consent team as soon as possible to raise concerns and get on their radar, as the application may not be publicly notified.</p> <p>Jörn's team is not involved in operating a cleanfill in Lower Hutt.</p> <p>John showed a site management plan from another region showing fencing and security covered and commented that Council's approach is poor game:</p> <p>"4.4 Fencing and Security</p> <p>The site will be fully fenced, and signage will be erected stating that unauthorised access is prohibited.</p> <p>The Quarry will be locked outside of operating hours preventing access to the site and security cameras will be installed on site to monitor the site for any unauthorised access. On site buildings and offices will be alarmed and monitored to prevent unauthorised access."</p>	<p><b>No further actions.</b></p>

	<p>Suggestions on consent conditions to be included in lessons learned paper.</p> <p>Sally-ann asked whether there was an update on Regional Resource Recovery Project? Jörn explained there are plans for improved RR in Silverstream but there is still business case work outstanding. It is in the long term plan, but still subject to completion of business case and live procurement process for landfill operations to find an operator to manage the site. Any contract will involve at least 2 years of operation. There is still the possibility of another operator in the Hutt Valley establishing a new site (e.g. resource recovery park) but they are finding this out through the procurement process and may be involved from a council perspective, but would need private investment.</p> <p>Sally-ann asked CLG members what do the community want to see happening from now given site and effectively CLG has closed? John said remediation is the simple thing. Dawn was concerned with remediation and a bit concerned re fencing and resource consent for Waiu Street. If we do something separate, as a community member, she would be keen to do something going forward.</p> <p>David asked whether the group will still be able to call ourselves CLG or will we need a document or can we meet informally?</p> <p>Jörn explained that he can continue with the group and free to do that.</p> <p>David asked whether the group thought we need to look at what needs to go into documents about adverse weather events – one in one hundred events in Wainui? Do we need to be more robust about looking at these when setting up cleanfills in the future?</p> <p>Jörn commented that this should be a consideration. There will be planting and maintenance to ensure replacement planting and weeding. We will see a lot more climate impacts.</p>	
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