

**BEFORE THE GREATER WELLINGTON REGIONAL COUNCIL**

**IN THE MATTER OF**

**the Resource Management Act 1991**

**AND**

**IN THE MATTERS OF**

**An application under s88 to discharge contaminants to water, land and air associated with the proposed long-term upgrade and operation of the Featherston Wastewater Treatment Plant**

**APPLICANT**

**South Wairarapa District Council**

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**2<sup>ND</sup> MINUTE OF COMMISSIONERS GINA SWEETMAN, JIM COOKE AND RAWIRI FAULKNER  
HEARING PROCEDURES AND COMMISSIONERS DIRECTIONS  
DATED 6 SEPTEMBER 2018**

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**Minute of the Hearings Panel #2**  
**Featherston Wastewater Treatment Plant**  
**GWRC WAR170229**

**Proceedings**

1. On 30 August 2018, the Hearings Panel (Gina Sweetman – Chair, Jim Cooke and Rawiri Faulkner) received a joint memorandum from counsel for the South Wairarapa District Council (the applicant) and the Greater Wellington Regional Council (GWRC). On 5 September 2018, we received a separate memorandum from Counsel for the applicant. Both memorandums are attached.
2. The joint memorandum identified that the applicant and GWRC have been progressing evidence preparation. In doing so, they have identified matters that they consider require further investigation, particularly effects arising from discharge to land and water.
3. The subsequent memorandum from the applicant advised that there are matters relating to the activity status under the Proposed Natural Resources Regional Plan and application of s107 of the Resource Management Act 1991 (the Act) that are outstanding that, if resolved, could assist in our determination of the applications.
4. Both parties have sought an extension of the timetable to allow further work and discussions to occur, and to allow time for the applicant to determine how it wishes to proceed with its application.
5. They have requested that the current timetable which would see the hearing commencing on 16 October be replaced with a new timetable. The Councils have clarified with us that they sought this as a joint application for a waiver and extension of time (for hearing commencement) under sections 37 and 37A of the Act.
6. It has been subsequently clarified that we do not hold delegation to extend timeframes under s37 and 37A of the Act. This delegation sits with the Manager Environmental Regulation at GWRC, who has given his approval to the extension. A copy of this approval is attached. Therefore, our consideration is limited to the timetable moving forward.

**Consideration**

7. We have carefully considered the revised timetable presented to us for consideration. We find that this is a reasonable timetable as it will provide all parties sufficient time for preparation and review of evidence in advance of the hearing and will allow the applicant and GWRC further time to move forward on the issues referred to in their memoranda.

**Revised hearing date**

8. Based on the new timetable for the exchange of evidence, which is set out below, the hearing to consider and decide the resource consent applications will commence on Monday 18 March 2019 and will run on consecutive days as required, including into the week commencing Monday 25 March 2019. The venue is yet to be confirmed and parties to the hearing will be advised once confirmed.

9. We trust that this will be the last alteration to the hearing date, unless the applicant chooses not to proceed with these applications or puts the applications on hold pursuant to section 91A of the Act.

### **Exchange of evidence**

10. We have accepted the vacating of the prior timetable for the exchange of evidence. The new timetable is set out below.
11. The applicant is to advise whether it intends to proceed with the current application by no later than Friday 19<sup>th</sup> October 2018.
12. The Hearings Panel requests that as soon as practicable following receipt of the advice from the applicant that GWRC circulates this all other parties to these proceedings by way of email/mail.

Should the applicant proceed with these applications, then the following apply:

13. The applicant and GWRC are to provide electronic copies of any further information arising from the further discussions they intend to undertake to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz) no later than 5pm Friday 26<sup>th</sup> October 2018.
14. The Hearings Panel requests that as soon as practicable following receipt of any such further information received pursuant to Direction 13, GWRC provides a copy to all other parties to these proceedings by way of email/mail, directing the parties to the GWRC website and advising that hard copies are available at the GWRC offices.
15. Pursuant to section 103B(2) of the RMA, the Hearings Panel directs that the GWRC section 42A report be provided to the parties, by way of email/mail, directing the parties to the GWRC website no later than 5pm on Friday 30<sup>th</sup> November 2018.
16. Pursuant to section 103B(3) of the RMA, the Hearings Panel directs that South Wairarapa District Council (the Applicant) is to provide electronic written briefs of all their evidence to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz), no later than 5pm on Friday 14<sup>th</sup> December 2018.
17. The Hearings Panel requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 16, GWRC provides a copy to all other parties to these proceedings by way of email/mail, directing the parties to the GWRC website and advising that hard copies are available at the GWRC offices.
18. Pursuant to section 103B(4) of the RMA, the Hearings Panel directs that if any person who has made a submission intends to present expert evidence at the hearing, including expert planning evidence, then that party is to provide an electronic written brief of that expert evidence to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz), no later than 5pm on Friday 22<sup>nd</sup> February 2019.
19. The Hearings Panel requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 18, GWRC provides a copy to all other parties to these proceedings by way of email, directing the parties to the GWRC website and advising that hard copies are available at GWRC offices.

20. Pursuant to sections 41 and 41C of the RMA, the Hearings Panel requests that all parties (the GWRC reporting officers, the applicant and submitters calling expert witnesses) liaise amongst themselves in order to facilitate their respective experts caucusing on matters relevant to their specific areas of expertise prior to the preparation of their reports or evidence (including any applicable conditions of consent). The aim of the caucusing is to identify areas of agreement and disagreement which can then be set out in joint expert witness statement. All joint expert witness statements (excluding planning) are to be provided electronically to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz), no later than 5pm on Friday 1<sup>st</sup> March 2019. All joint planning statements are to be provided electronically to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz), no later than 5pm on Friday 8<sup>th</sup> March 2019.
21. The Hearings Panel requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 20, GWRC provides a copy to all other parties to these proceedings by way of email, directing the parties to the GWRC website and advising that hard copies are available at GWRC offices.
22. Pursuant to sections 41 and 41C of the RMA, the Hearings Panel requests that any evidence in reply from the applicant be provided electronically to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz), no later than 5pm on Monday 12<sup>th</sup> March 2019.
23. The Hearings Panel requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 22, GWRC provides a copy to all other parties to these proceedings by way of email, directing the parties to the GWRC website and advising that hard copies are available at GWRC offices.
24. In terms of the above Directions, the reports, evidence and joint expert witness statements should be provided to GWRC electronically by email or be made available for downloading from the GWRC website <http://www.gw.govt.nz/Featherston-WWTP/>. Hard copies of the evidence should only be provided on request.

#### **Hearing Procedure, Evidence in te reo Māori and site visit**

25. Our earlier directions 13 – 20 set out in Minute 1 remain and are to be read in conjunction with this minute.

#### **Correspondence**

26. Any correspondence to the Hearings Panel should be directed through [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz).

#### **Schedule of timeframes**

<b>Date/Deadline</b>	<b>Process requirements</b>
Friday 19 <sup>th</sup> October 2018	Applicant to advise whether it intends to proceed with current application
Friday 30 <sup>th</sup> November 2018	GWRC S42a officers report
Friday 14 <sup>th</sup> December 2018	Applicant's expert evidence

Friday 22 <sup>nd</sup> February 2019	Submitters' expert evidence
Friday 1 <sup>st</sup> March 2019	Caucusing and joint witness statements (except planning)
Friday 8 <sup>th</sup> March 2019	Caucusing and joint witness statements (planning)
Monday 12 <sup>th</sup> March 2019	Applicant's evidence in reply
Monday 18 <sup>th</sup> March 2019	Hearing commences



Gina Sweetman  
**Independent Commissioner – Chair**  
**For and behalf of the Hearings Panel**