

Minute of the Hearings Panel #8
Featherston Wastewater Treatment Plant
GWRC WAR170229

Introduction

1. On 15 May 2019, the GWRC approved a s37 extension of timeframes; which extends the time for completion of the hearing to 1 November 2019.
2. On 17 May 2019, the Hearings Panel issued a direction setting aside the previous timetable which included postponing the hearing of the application. The Panel issued directions as follows:
 - b. Directs that the applicant and the GWRC respond to the Panel by no later than 5pm Friday 7 June 2019 to outline how the matter of scope is proposed to be addressed.
 - c. Directs the applicant within the same timeframe as b above, to set out how it intends to undertake further consultation.
 - d. Directs that the applicant addresses the matters set out in the GWRC s37 extension of time and those set out by the Panel in 5 above, the timing of which is to be set out in the timetable required under e below.
 - e. Directs that the applicant and the GWRC respond to the Panel by no later 5pm Wednesday 19 June 2019 to propose a new timetable. This timetable will be largely informed by b, c and d above.
3. On 6 June 2019, the Panel received a joint memorandum from the applicant and the GWRC, which:
 - a. Set out an agreed approach between the two parties on how the matters raised in our previous Minute should be addressed, which involved a four-step approach:
 - i. Planners to outline outstanding issues and information gaps, key issues to be resolved; and applicant experts to draft scopes for additional work to be undertaken;
 - ii. Both sets of experts to review and approve scope of works for information gaps; which will be subsequently undertaken;
 - iii. Applicant to undertake community engagement;
 - iv. Workshops will all experts to provide clarity on issues, how/if can be resolved, and different options
 - b. Requested that the Panel defer its request in Minute #7 and issue new directions;
 - c. Advised that if this approach was acceptable, they would provide a further update by 21 June 2019.
4. The Panel has also received some 13 emails from submitters expressing concerns about the delays being incurred in proceeding to a hearing and in the perceived lack of engagement from the applicant with its community on this project.

Extent of our powers

5. We have carefully considered the scope of our powers under section 39 to 41D of the Resource Management Act 1991 (the RMA). In summary, those sections provide us the ability to control hearings, request evidence be provided within time limits, direct the order of business at the hearing, request further information and commission reports. Please refer to those sections of the RMA for more detail.
6. The section 37 of the RMA extension approved by the GWRC requires us to complete the hearing by 1 November 2019. We have no power under section 39 to 41D of the RMA to direct

the hearing to commence earlier. We also have no power under those same sections or under section 36A of the RMA to direct the applicant to undertake consultation before or during a consent process, however, it is generally accepted as being best practice.

Proposed New Approach and Submitters Concerns

7. The Panel appreciates the frustrations expressed by submitters in respect to the length of time that has passed and the uncertainty that this brings with it.
8. The Panel also appreciates the position of the applicant, where it is facing a recommendation of refusal of consent from the GWRC and it has a responsibility under the LGA to provide for its community's wellbeing; which includes dealing with its wastewater.
9. In the circumstances and in considering the joint approach proposed by the applicant and GWRC, we hereby agree to set aside our directions from the 17 May 2019. Given the need to provide submitters with more certainty and to progress this matter, we direct that the applicant and GWRC provide an update by Friday 21 June 2019. This update is to provide an update on progress of their joint approach, including how the applicant proposes to undertake further consultation as part of this approach, and an updated timetable as to how the outstanding issues set out in GWRC's s37 extension and the previous direction of the Panel are to be dealt with.

Updated Directions:

10. Pursuant to sections 41 and 41C of the RMA, the Hearings Panel:
 - a. Sets aside the previous directions dated 17 May 2019.
 - b. Directs that the applicant and the GWRC respond to the Panel by no later than 5pm Friday 21 June 2019 to provide an update on its current approach; which shall include:
 - i. Progress to date;
 - ii. How the applicant proposes to undertake further consultation; and
 - iii. An updated timetable for consideration addressing the issues set out in 9 above.
11. In terms of the above Directions, any response shall be provided to GWRC electronically by email or be made available for downloading from the GWRC website <http://www.gw.govt.nz/Featherston-WWTP/>.

Correspondence

12. Any correspondence to the Hearings Panel should be directed through notifications@gw.govt.nz.



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