

Minute of the Hearings Panel #3
Featherston Wastewater Treatment Plant
GWRC WAR170229

Proceedings

1. On 6 September 2018, the Hearings Panel (Gina Sweetman – Chair, Jim Cooke and Rawiri Faulkner) issued a revised timetable proceeding to the commencement of the hearing.

Requests for extension of time and revised timetable.

2. Subsequently, we have received memoranda from the applicant seeking an extension of time under s37 of the Resource Management Act 1991 (the Act) and a revised timetable. These memoranda were provided to submitters, some of whom responded. For the sake of brevity, we have not repeated the contents of the memoranda or responses, but rather focus on our response.
3. As we have previously set out, the Panel does not hold delegated authority from the Greater Wellington Regional Council (GWRC) for any extensions of time under s37 of the Act. While we note the applicant's request that the GWRC delegate that power to us, that is a matter outside of our control.
4. On 3rd December 2018, the GWRC granted an extension of time to complete the hearing to 7 June 2019.

Revised timetable

5. We have carefully considered the timetable requested by the applicant and the responses presented to us, including initial feedback from the GWRC.
6. We have set a timetable that provides a fair process and adequate time for all parties to the hearing to review and provide feedback on other parties' evidence, and ample time for the Panel ourselves to also do so. We have included in the timetable time for expert conferencing to occur in advance of the hearing, after the submitters' expert evidence has been filed. We will determine whether we require such conferencing to occur closer to the time of the hearing, and issue an update direction, if required.
7. We note that the timeframes set well exceed the statutory requirements set in s103B of the Act. As such we expect parties to ensure that they work to meet these timeframes. The revised timetable is set out on the next page.

| Date / deadline | Process requirements |
|------------------------|--|
| 21 Dec 2018 | Joint SWDC and GWRC Freshwater and Groundwater Statements filed and made available to all parties. |
| 1 March 2019 | S 42A report filed |
| 29 March 2019 | Applicant's evidence to be filed |
| 26 April 2019 | Submitter's evidence to be filed |
| 10 May 2019 | Any supplementary evidence by GWRC if required |
| 10 May 2019 | Applicant's response to Submitter's expert evidence |
| 15 -22 May 2019 | Expert caucusing (if so directed , to be confirmed) |
| 23 May 2019 | Expert caucusing reports filed (if so directed, to be confirmed) |
| 27 May 2019 | Hearing to commence |

8. The applicant also sought that the Panel deferred making our decision until such time as the PNRP decisions are released. As we do not have delegation under s37, we cannot grant such a request. Should the applicant wish to pursue this further, we suggest they will need to address the relevant provisions of the Act that a consent must be decided as an application for the type of activity it was for at the time of lodgement¹ and our decision cannot be influenced by any changes to the PNRP that may occur after we close the hearing.

Hearing date

9. The hearing of the resource consent applications will commence on Monday 27 May 2019 and will run on consecutive days as required, including into the week commencing Tuesday 4th June 2019. The venue is yet to be confirmed and parties to the hearing will be advised once confirmed.
10. We trust that this date will not change, unless the applicant chooses to put the applications on hold pursuant to section 91A of the Act.

Exchange of evidence

11. We have accepted the vacating of the prior timetable for the exchange of evidence. The new timetable is set out below.

¹ S88A(1A) of the Act

12. The applicant and GWRC are to provide an electronic copy of a joint freshwater ecologist statement to notifications@gw.govt.nz no later than 5pm Friday 21st December 2018.
13. The Hearings Panel directs that the next working day following receipt of the joint statement received pursuant to Direction 12, 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 a hard copy is available at the GWRC offices.
14. Pursuant to section 103B(2) of the RMA, the Hearings Panel directs that the GWRC section 42A report is to be filed no later than 5pm on Friday 1st March 2019 and provided to the parties, by way of email/mail, directing the parties to the GWRC website the next working day.
15. Pursuant to section 103B(3) of the RMA, the Hearings Panel directs that South Wairarapa District Council (the Applicant) is to provide any evidence in response to the GWRC s42A report to notifications@gw.govt.nz, no later than 5pm on Friday 29th March 2019.
16. The Hearings Panel requests that the following working day following receipt of any such evidence received pursuant to Direction 15, 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.
17. 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, no later than 5pm on Friday 26th April 2019.
18. The Hearings Panel requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 17, 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.
19. Pursuant to sections 41 and 41C of the RMA, the Hearings Panel requests that any evidence in reply from the applicant and GWRC be provided electronically to notifications@gw.govt.nz, no later than 5pm on Friday 10th May 2019.
20. The Hearings Panel requests that the next working day following receipt of any such evidence received pursuant to Direction 19, 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.
21. 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

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

Correspondence

23. 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