

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

**1ST MINUTE OF COMMISSIONERS GINA SWEETMAN, JIM COOKE AND RAWIRI FAULKNER
HEARING PROCEDURES AND COMMISSIONERS DIRECTIONS
DATED 13 JULY 2018**

Minute of the Hearings Panel #1
Featherston Wastewater Treatment Plant
GWRC WAR170229

Hearing

1. The hearing to consider and decide the resource consent applications set out above will commence on Tuesday 16th October 2018 at 9:30am, and continue on the 17, 18 and 19 October as required. The venue is yet to be confirmed and parties to the hearing will be advised once confirmed.

Commissioners

2. Greater Wellington Regional Council (GWRC) have appointed Gina Sweetman, Jim Cooke and Rawiri Faulkner to hear and determine this application. All Commissioners hold current independent commissioner accreditation.

Exchange of evidence

3. The Hearings Panel notes that section 103B, requires that a consent authority must provide the section 42A reports to the applicant and submitters who wish to be heard, at least 15 working days prior to the hearing. In addition, section 103B requires the applicant to provide the consent authority with briefs of evidence 10 working days before the hearing, and for submitters calling expert evidence to similarly provide that evidence 5 working days before the hearing. The Hearings Panel further notes that the consent authority must give written or electronic notice to the parties and that the applicant's evidence and any submitter expert evidence must be available at the consent authority's offices.
4. In this instance, we have determined to provide a longer timeframe for the provision of the s42A reports, applicant's evidence and submitter's expert evidence. This is to allow for:
 - a. The applicant and submitters to have further time to review the s42A reports; and
 - b. caucusing between the experts appearing for the Council, the applicant and submitters;
 - c. the subsequent preparation of joint expert witness statements; and
 - d. the circulation of joint expert witness statements prior to the commencement of the hearing.

Accordingly, unless the applicant suspends the application pursuant to s91A of the RMA prior to the commencement of the hearing:

5. 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 31st August 2018.
6. 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, no later than 5pm on Friday 14th September 2018.
7. The Hearings Panel requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 6, 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.

8. 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 21st September 2018.
9. The Hearings Panel requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 8, 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.
10. 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 are to be provided electronically to notifications@gw.govt.nz, no later than 5pm on Friday 5th October 2018.
11. The Hearings Panel requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 10, 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.
12. 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

13. Pursuant to s41C(1) of the RMA, the Hearings Panel directs that in respect of expert evidence and joint expert witness statements pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
 - The section 42A report(s) and all pre-circulated evidence and statements will be taken as read;
 - The applicant or submitter that have provided the pre-circulated evidence is to call the witness in person;
 - The witness should be introduced and asked to confirm their qualifications and experience;
 - The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
 - The witness will then be given an opportunity to draw to the attention of the Hearings Panel the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written

form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness. If there is any variation between what the witness says and what is in the brief of evidence, the Hearings Panel will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;

- The witness may then be questioned by the Hearings Panel.

14. We are required to conduct the public hearing in a manner which is appropriate and fair, but without unnecessary formality. Subject to adequate notice, we will receive evidence written or spoke in Te Reo Māori.

15. There is no right of cross-examination.

16. We may choose to call all experts who have prepared a joint expert witness statement to appear jointly before us. We will indicate this in advance if this is to occur.

17. Non-expert evidence (including submitter lay evidence and legal submissions) should be tabled and read aloud on the day that the relevant party appears at the hearing.

Evidence in te reo Māori or on Marae

18. If any party wishes to give evidence in te reo Māori, they are to advise notifications@gw.govt.nz, no later than 5pm on Friday 28th September 2018.

19. If any party wishes evidence to be heard on a marae, they are to notifications@gw.govt.nz, no later than 5pm on Friday 28th September 2018. The Council will then undertake a consultation in order to arrange an appropriate protocol.

Site visit

20. The Hearings Panel will be undertaking a site visit prior to the hearing commencing. They will do so unaccompanied by any other parties. The Hearings Panel may undertake a further site visit during or after the hearing.

Correspondence

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

Schedule of timeframes

Date/Deadline	Process requirements
Friday 31 st August	GWRC S42a officers report
Friday 14 th September	SWDC expert evidence
Friday 21 st September	Submitter expert evidence
Friday 5 th October	Caucusing and joint witness statements

Tuesday 16 th October	Hearing commences
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Gina Sweetman
Independent Commissioner – Chair
For and behalf of the Hearings Panel