

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

**5th MINUTE OF COMMISSIONERS GINA SWEETMAN, JIM COOKE AND RAWIRI FAULKNER
HEARING PROCEDURES AND COMMISSIONERS DIRECTIONS
DATED 1 MAY 2019**

**Minute of the Hearings Panel #5
Featherston Wastewater Treatment Plant
GWRC WAR170229**

Response to queries from Garrick Emms

1. On 28 April 2019, the Panel received an email query from Garrick Emms. This email is appended.
2. We respond to the queries, in order as listed in the email.
3. The correct date for submitter evidence to be filed is Thursday 2nd May 2019. A corrected minute 4 has been sent out.
4. Mr Exeter's Annexure 5 forms part of the applicant's evidence. It was clearly identified and referred to in Mr Exeter's evidence and the Panel does not consider there is any significant prejudice in the timing of it being put on the Council website. The Panel note that the timeframes for all parties to respond to reports and evidence is well in excess of the five working days set by the Resource Management Act 1991 (RMA).
5. The question as to whether re-notification should have occurred given the information regarding shallow bore holders and the offered condition 17 is a matter that the applicant should address in the first instance.
6. The Panel's understanding is that the application does not include any works in respect to the Longwood Water Race and that the Featherston Golf Course does not form part of the application.
7. Please refer to Minute 1, directions 13 to 17, in respect to hearings procedure. In addition:
 - a. A submitter or a submitter's nominee may speak on behalf of another submitter. If doing so, it is helpful that authority to do so is provided in writing.
 - b. A submitter is able to call any witness they wish.
 - c. Any evidence prepared by an expert on behalf of a submitter needs to be pre-circulated, as set out in direction 13 of Minute 1.
 - d. Any evidence presented by a lay-person does not need to be pre-circulated and will need to be read through at the hearing.
 - e. A submitter can choose to expand on matters raised in their submission and respond to the expert evidence filed by the applicant and GWRC.
 - f. Any party to the hearing can use visual aids, graphs and exhibits as they see fit. If doing so, they should liaise with the GWRC hearings administrator through notifications@gw.govt.nz.
 - g. This Ministry for the Environment guide <http://www.mfe.govt.nz/node/16376> provides useful guidance for submitters on appearing at resource consent hearings.

Direction:

8. The applicant is directed to provide a response to Mr Emms' query on scope as addressed in direction 5 above no later than 5pm Tuesday 7th May 2019. The GWRC is directed to provide a response to the applicant's response no later than 5pm Monday 13th May 2019.

9. The Hearings Panel requests that the next working day following receipt of any such response received pursuant to Directions 5 and 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.

Correspondence

10. 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

From: Garrick Emms <garrickemms@xtra.co.nz>
Sent: Sunday, 28 April 2019 11:18 PM
To: Notifications <Notifications@gw.govt.nz>
Subject: FWWTP WAR170229 Application information

Featherston Wastewater Treatment Plant

WAR170229

To the Hearings Panel,

Please may I request your advice and answers to the following questions and my concerns in relation to the Hearing Process for the FWWT Application;

Initially I refer to the Hearings Minute #1 of 13th July 2018 and the new time frame as detailed in Minute #4 of 3rd April 2019 with regard to process and time line.

Dates /Deadlines;

It is started in Minute #4 that the closing date for Submitters evidence is May 2nd, 2019.

In Clause 4 it is Tuesday 2nd May. In Clause 6 it is Friday 2nd May. Could you please confirm the correct Date and Day?

Applicants Evidence;

In the Hearings Panel document #4 of April 3, it is stated that all expert evidence was received on April 2, two working days after the deadline.

This does not appear to be correct.

Mr Sven Exeter's " Report Annexure 5 - proposed conditions -Evidence Version "was dated 3 April 2019. The report was loaded onto the GWRC website under "Applicants Evidence" on 4 April. that is 4 working days after the close-off date.

Unfortunately a number of my colleagues failed to locate this document until the following week as it was so late in being lodged.

Does Exeter #5 document still form part of the Applicants Evidence?

New Issues raised in Applicants Evidence:

The SWDC experts raised additional information in their evidence which has widened the effects of the proposed activity, to such a level that if the new evidence was notified with a statement outlining the potential prejudice, or impact it may cause there to be a re-notification of the application so those additional individuals now potentially affected could and should have another chance to submit.

Is that still possible?

Examples include.

Mr Sven Exeter ;

There was no suggestion in the FWWT Application that shallow bore owners were at such risk that they would need new potable water to be supplied from Featherston.

Alternative Potable Water Supply

17. Prior to irrigating treated wastewater to land, the consent holder shall offer to provide, potable water supply from the SWDC owned and managed Featherston town supply, to all shallow bore owners identified as being at risk from the discharge in Table 6 (where it is confirmed that a particular bore user is using the bore for potable water supplies). This provision of this supply shall be at no cost to the land owner and shall be implemented prior to commencement of irrigation. There shall be no charge to the landowner for the capital costs of providing this supply and no usage charge for reasonable volumes of potable use consistent with the occupation of property concerned:

Ms Beecroft

Page 28 Clause 91.

“ I note that SWDC have indicated an intention to divert the (Longwood) Water Race”

I can find no statement in the 2017 FWWT Application of any intention by SWDC that the Longwood Water Race would be diverted as part of the FWWT.

Golf Course

Ms Beecroft, Mr Allingham and Mr Stephenson in their evidence all refer to the Featherston Golf Course Land purchase and possible use of that land for irrigation.

The local community was advised via the Wairarapa Times Age on Sept 29th 2018 that SWDC had purchased the Featherston Golf Course as part of the Wastewater irrigation. This land purchase occurred well after FWWT submissions had closed.

The LEI report on the Golf Course land 11th September 2018 to SWDC identified a further 16 bores between the Golf Course and Lake Wairarapa which are “Considered down gradient (potentially affected by) of the property” The owners of these 16 bores may have wished to submit on the FWWT application if they had been advised of this situation in the 2017 application.

In order for submitters to comment on any of the new information raised in the applicants evidence, must we advise the commissioners that we wish to comment on issues not contained in our original submissions?

Speaking Time and ProxyForms:

I have been unable to locate information on the allocation of speaking time, dates, venue and use of proxy Forms.

Am I able to present on behalf of any submitters unable to attend in person?

Am I able to supply the commissioners with a formal proxy form?

Can my evidence using a proxy include information other than just what was included in the original submission, for example new information contained in Expert evidence?

Expert evidence and Non -expert lay evidence:

Our lawyers recommended that we engage a number of Experts to provide evidence for the hearing.

I requested an estimate of costs from an expert planner and was advised to expect fees around \$4,000 to discuss and prepare a submission plus an attendance fee around \$1,300 per day + GST.

We would then be expecting total fees around \$30,000 for expert advice in 4 or 5 areas. An impossibility.

The question is, under Clause 17, can any submitter be permitted to include lay evidence which is tabled and read aloud on the day and have the lay person join the submitter at the hearing table?

Can you please clarify the requirements for written evidence from any experienced individual or colleague?

Does the Hearings Panel agree to lay people speaking to the matters raised in the submission I am speaking to?

Can I and any lay companion use visual aids, graphs and exhibits to help clarify our submission?

Thank you for your assistance.

Garrick Emms

78 Longwood Rd East.

Featherston

063088289