

**Before Commissioners for Wellington Regional Council GWRC WAR 170229  
At Featherston**

**Under** the Resource Management Act 1991

**In the matter of** an application for resource consent to discharge  
contaminants to land, air and water associated with the  
proposed long-term upgrade and operation of the  
Featherston Wastewater Treatment Plan

**Applicant** South Wairarapa District Council

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**Memorandum of Counsel for the Applicant**

**Date:** 19 October 2018

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**MAY IT PLEASE THE PANEL:**

1 The purpose of this Memorandum is to update the Panel and submitters as to progress regarding this application and seek further directions and waivers.

*Applicant to advise whether it intends to proceed with the current application by 19 October*

2 I confirm that the Applicant has decided that it will continue with the current application.

3 There remains a possibility that the Applicant may seek that processing of the application be suspended pursuant to section 91A of the Act so that the hearing or at least decisions follow decisions on the PNRP provisions.

4 The Applicant will be in a position to decide regarding suspension and/or adjustments to the timetable within the next few weeks and no later than 9 November, once it has received the reports from the GW ecologists (due next week) and interim advice from its groundwater experts.

*Further amendment to the Applicant's proposal*

5 The Applicant had decided to bring forward stage 2A (irrigation of additional land) to the end of year 5 rather than the end of year 10 (with the result that stage 1B would be reduced from 8 to 3 years). This is additional to the change which was announced in August, of bringing forward stage 2B (storage ponds) forward by 8 years (end of year 13 instead of the end of year 20).

6 In summary the staging proposal is as follows:

Stage	Description	Estimated average frequency of	Estimated average frequency of direct	End date as per application	As now proposed
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		<b>direct discharge to Donalds Creek at any flow</b>	<b>discharge to Donalds Creek at flows below median flow</b>		
1A	No irrigation	328 days	146 days	2 years after commencement	2 years after commencement
1B	Irrigation to 78 ha	186 days	29 days	10 years after commencement	5 years after commencement
2A	Further irrigation to 116 ha	146 days	15 days	20 years after commencement	13 years after commencement
2B	Storage ponds	14 days	0 days	Commissioned by the end of year 20	Commissioned by the end of year 13

7 The primary reason for these amendments to the proposal, is to so far as is reasonably practicable, reduce the period during which potentially more than minor adverse ecological and cultural impacts will occur,. (This is without prejudice to the Applicant’s position that these effects are *no more than minor* when viewed in the context of the overall proposal.)

8 The other reason for this change is to reduce the period of significant non compliance with section 107 in terms of “*conspicuous changes to clarity*”. (It will be the Applicant’s position that any non-compliance with s107 can be authorised under section 107(2).)

9 I am satisfied that these amendments to the proposal are within the scope of the current application and are amendments which could have been imposed in any event by the Panel if it found that appropriate. Whilst the bringing forward of the discharge to the additional land has

potentially (less than minor) effects on adjoining landowners, those parties have submitted and can be heard on those effects.

- 10 If any submitter or potential submitter wishes to raise a 'scope' issue in respect of the proposal to bring forward stages 2A and 2B then I suggest that it would be appropriate for the Panel direct that that should be signalled to the Applicant and Panel as soon as possible.

*Update regarding purchase of additional land*

- 11 The Council has purchased the Featherston Golf Course land. That purchase has no direct implications for the current application. The Applicant does not intend to make any application for additional consents for discharge to this land at this stage. The Council has not yet decided whether it will utilise this land for additional irrigation, but if it did so, that would not avoid the need to use the land which is proposed as part of the current application. The purchase does however provide additional flexibility for the Applicant and fits within its proposed "adaptive management" approach.

*The PNRP issues*

- 12 This issue was outlined in my previous Memorandum. There are ongoing discussion between the GW officers/advisors and Counsel for the Applicant as to whether the proposal is for a “new discharge” or an “existing discharge”. That issue is determinative of whether the proposal is for a *non-complying* or *discretionary activity* and whether Policy 81 or Policy 83 of the PNRP is applicable. (The applicant maintains that the proposal is for an existing discharge).
- 13 This will be an issue which this Panel will need to determine. Clearly, it would be desirable if this issue and associated issues with related plan provisions could be addressed within the context of the decisions of the PNRP panel, however that would require an application pursuant to section 91A and a potentially significant delay to the commencement of the application hearing. The Applicant would prefer to avoid further delay. (One alternative may be to defer a final decision after the closing of the hearing until after PNRP decisions are available).
- 14 The Applicant and has made submissions to the PNRP panel on the definition of “new discharge” and related issues and has requested the PNRP Panel to bring forward its decisions on these provisions to before the rescheduled hearing of this application. It has not yet had a response to that request, but will make further inquiries next week. That response will be relevant to whether the Applicant seeks any further delay to the hearing of this application.

*Progress on the joint work commissioned by the Applicant and the Regional Council.*

- 15 Unfortunately, due to availability of various experts for both councils, there has been a delay in the joint report from the freshwater ecologists. That is now due in draft form next week and will be made available on the GW website once finalised and by no later than 2 November.
- 16 The groundwater experts have also met and made progress. They have agreed to the commissioning of further investigations which will be

complete by the end of November. The joint reports from these experts will follow after that monitoring and may not be available until early December. That will require an adjustment to the directions to provide this information to submitters by 26 October. The Applicant proposes that this information be provided at the same time as the Applicant's evidence and the S42A report on 14 December 2015.

*Date for the s 42A report and Applicant's evidence*

- 17 The s42A report is currently scheduled for Friday 30 November. Assuming that the Applicant does not seek suspension, its preference would be to proceed with the hearing as scheduled. Because of the unavailability of the GW reporting officer and the Applicant's experts in January and early February period, a March hearing would require the s 42A report to be available prior to Christmas. (If the s42A report was not available until early February, the Applicants evidence would not be available until early March.)
- 18 The Applicant proposes that the date for the s 42A report be shifted to Friday 14 December. This will allow time for the further groundwater information to be attached to and reflected in the report.
- 19 Although the Applicant's evidence is not required until March, it would prefer to make its initial evidence available to GW and submitters prior to Christmas and accordingly, proposes providing that at the same time as the S42A report would be due (14 December).
- 20 The other aspects of the timetable should remain the same. However, it is proposed that the Applicant provides any evidence in response to the s42A report by Friday 8 February. (2 weeks before submitter expert evidence is due).
- 21 I note that the need for such further evidence would be minimised if a near final draft of the s42A report can be provided to the Applicant by the originally directed date for the report of 30 November. That would allow responses to be included within the Applicant's evidence on 14

December and any further response (if required) could be dealt within the Applicant's reply which is directed for 12 March.

*Summary of the Applicant's proposed timeframes*

On or before 2 November	Joints statement from freshwater ecologists to be filed
On or before 9 November	Applicant to advise whether it seeks to proceed to a March hearing or seek suspension
30 November	Draft s42A report to Applicant
14 December	Finalised S 42A report to be filed and to be available on the website by Monday 18 (including joint groundwater statement).
14 December	Applicant's evidence in chief to be filed and to be available on the website by Monday 18 December.
8 February	Applicant's evidence in response to the s42A report (if required) to be filed
22 February	Submitter's expert evidence to be filed.
12 March	Expert evidence in reply to submitters from the Applicant to be filed
12 March	GW evidence in reply to submitters and any response to

(proposed additional step)	the Applicant's reply to be filed (Applicant's experts may respond at the hearing).
18 March	Hearing commences

22 The Applicant proposes removing the directions for caucusing and joint statements. There has already been extensive caucusing of the relevant experts for the Regional Council and the Applicant. There will be joint statements available on freshwater ecology and ground water prior to Christmas. There are ample opportunities in the above timetable for any areas of dispute to be discussed or resolved informally, or highlighted via evidence. If submitters call expert evidence then the question of whether there should be caucusing can be revisited after the Applicant's reply is filed on 12 March. (caucusing can of course occur during the hearing if directed.)

**Dated:** 19 October 2018



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Philip Milne  
Counsel for the Applicant

South Wairarapa District Council





**Notification of application for a resource consent: WAR170229 under section 95(A) of the Resource Management Act 1991**

Greater Wellington Regional Council has received an application for a resource consent from:

**Applicant:** *South Wairarapa District Council*

**Location:** *Featherston Wastewater Treatment Plant, Donald Street, Featherston  
Site A – 65 Longwood West Road, Featherston  
Site B – 270 Murphy's Line, Featherston*

**Map Reference:** *Featherston Wastewater Treatment Plant - NZTM: 1794964.5443493*

**Proposal:** *To discharge contaminants to water, land and air associated with the proposed long term upgrade and operation of the Featherston Wastewater Treatment Plant*

**Consent applied for:** *[34616] Discharge permit – to discharge treated effluent to land adjacent to the plant at Site A adjacent to the plant (Stage 1A), and Site B the Hodder Farm (Stage 1B, 2A and 2B)*

*[34617] Discharge permit - to discharge contaminants to land and water via seepage from the ponds and channel*

*[34618] Discharge permit - to discharge contaminants to air (odour from the ponds, channel and treatment process and effluent associated with land application)*

*[34619] Discharge permit – to discharge contaminants from treated effluent into Donalds Creek*

**To make a submission**

Any person may make a submission on this application. The submission must be dated, signed by you and include the following information:

1. Your name, postal address, telephone number, email address and facsimile number (if applicable).
2. Details of the application in respect of which you are making the submission, including location.
3. Whether you support, oppose or are neutral to the application.
4. Your submission, with reasons.
5. The decision you wish Greater Wellington to make.
6. Whether you wish to be heard in support of your submission.

Submission forms are available from the Greater Wellington office at 34 Chapel Street, Masterton and our website at [www.gw.govt.nz/Featherston-WWTP](http://www.gw.govt.nz/Featherston-WWTP)

**Closing date for submissions**

You are required to forward your submission to the Manager, Environmental Regulation, Greater Wellington, PO Box 41, Masterton 5810, in time to be received no later than 4.30 pm on 14 June 2018.

The application and all supporting information can be viewed at the following places during normal working hours:

- Greater Wellington Regional Council (Masterton Office), 34 Chapel Street, Masterton
- Featherston Library, 70-72 Fitzherbet Street, Featherston
- Greater Wellington Regional Council's website: [www.gw.govt.nz/Featherston-WWTP](http://www.gw.govt.nz/Featherston-WWTP)

The officer in charge of processing this application is Nicola Arnesen, Environmental Regulation, Greater Wellington Regional Council, Masterton.

Your submission may also become publicly available if a request for it is made under the Local Government Official Information and Meetings Act 1987. Greater Wellington is legally required to provide a copy of your submission to the applicant.

**Note:** You must serve a copy of your submission on the applicant as soon as reasonably practicable.

**Address for Service:** South Wairarapa District Council, PO Box 6, Martinborough 5741, Attention: Jackie Buckley.

