

IN THE MATTER OF

The Resource Management Act 1991

and

An application lodged by Tararua District Council for discharge permits for the discharge of treated wastewater to water, land and to air to enable the continued operation of the existing Eketahuna Wastewater Treatment Plant.

and

Section 99 of the Act

REPORT TO HEARING PANEL ON OUTCOME OF PRE-HEARING MEETINGS

1. Report Purpose

Tararua District Council (**TDC**) lodged an application with Horizons Regional Council (**Horizons**) in April 2015 for discharge permits to enable the continued operation of TDC's Eketahuna Wastewater Treatment Plant. The application was publicly notified and twelve submissions were received. Horizons arranged for a series of pre-hearing meetings during 2016 and invited the applicant and submitters to attend those meetings¹. I was asked to chair the pre-hearing meetings. This report is presented for the purposes of section 99 (6) of the Act and sets out:

- i. The issues that were agreed at the meetings that are not constrained by any without-prejudice basis caveat;
- ii. The issues that remain outstanding.

For the purposes of section 99 (5) (c) of the Act, I note that discussion at the meetings did not progress to the point of agreeing the nature of evidence that the parties would call at the hearing or the order of evidence for the hearing or a timetable for the hearing.

2. Details of the Pre-Hearing Meetings

TDC has two applications currently with Horizons for similar discharge permits: an application for discharges from the Eketahuna WWTP and one for discharges from the Pahiatua WWTP. The list of submitters is similar for each application. The only difference is that, for the Eketahuna WWTP application, the Eketahuna Golf Club also submitted. The issues of concern to other submitters are similar between the two applications. In the interests of efficiency for all parties, Horizons arranged a first pre-hearing meeting to address *both* applications on 15th June 2016. Some progress was made at that meeting but all parties in

¹ In accordance with section 99 of the Act.

attendance agreed that some further work was required to be done and that a further pre-hearing meeting should be held to discuss both applications.

A second pre-hearing meeting was held on 30th August 2016. Whilst no resolution of fundamental issues was achieved at this meeting, the parties in attendance agreed on several actions to be completed and on a date for a third pre-hearing meeting at which those actions would be reviewed.

In the event, Horizons determined that progress on actions was at different stages for each application. Accordingly, the third pre-hearing meeting (held 19th October 2016) was confined to discussing issues for the Pahiatua WWTP application. However, there is some commonality between the outcomes discussed 19.10.16 for the Pahiatua WWTP and for the Eketahuna WWTP which I comment on below. No third pre-hearing meeting has been held explicitly for the Eketahuna WWTP application.

The first pre-hearing meeting was held in TDC's Pahiatua Council Chamber. Pre-hearing meetings 2 and 3 were held at the Master's Hall, Masters Conference Centre, Masterton Road, Pahiatua, commencing at 9.30 am.

The first two pre-hearing meetings proceeded on a without-prejudice basis. A record of pre-hearing meetings 1 and 2, detailing the agreed actions and outstanding matters, was circulated to all of the people who attended the meetings. I am not free to attach those meeting records to this report, however I summarise below the progress made at each. I include in Attachments 1 and 2 to this report the attendance lists for pre-hearing meetings 1 and 2.

Some of the submitters and submitters' advisers who attended the first two pre-hearing meetings were not present at the third pre-hearing meeting. The parties present at pre-hearing meeting 3 agreed that the minutes of the meeting could be circulated to submitters who were not in attendance. Accordingly, the meeting minutes were not made subject to a without-prejudice caveat. For completeness, noting that pre-hearing meeting 3 was confined to discussing the Pahiatua WWTP application, I attach a copy of the meeting record and attendance list for pre-hearing meeting 3 (Attachment 3).

3. Pre-Hearing Meeting 1

As detailed above, this meeting addressed both the Pahiatua and Eketahuna WWTPs. I can report that there was broad agreement that TDC should engage with iwi submitters and about a possible forum for on-going discussion of issues arising for all TDC WWTPs. Outstanding issues from this meeting included:

- (a) Specific terms of reference and membership for a forum for on-going discussion of WWTP issues;
- (b) Draft conditions of consent for the discharge permits sought for the Pahiatua and Eketahuna WWTPs;
- (c) How TDC's applications could/would respond to One Plan Policy 5-11 (relating to the passage of treated wastewater over or through land before discharge to water).

4. Pre-Hearing Meeting 2

Discussion at this meeting focused on clarifying the purpose and scope of any joint working party or on-going forum to discuss WWTP issues. It was apparent that there had been some misunderstanding between TDC and submitters about the purpose of such a forum and the meeting succeeded in reaching broad agreement about the purpose. However, further work was required on detailed terms of reference. It became apparent from the discussion that establishment of an on-going forum for discussion of issues arising for TDC's WWTPs would potentially address many of the concerns of submitters. A process and time frame were agreed for developing the idea of such a forum. All parties present agreed on the need for, and date for, a third pre-hearing meeting to conclude discussion particularly on the idea of a forum.

5. Pre-Hearing Meeting 3

As already noted, this pre-hearing meeting focused solely on the Pahiatua WWTP. However, some of the matters discussed and agreed are potentially equally relevant for the Eketahuna WWTP²:

Item 6 – TDC Approach to One Plan Policy 5-11: It was agreed that TDC needs to engage with iwi submitters before being able to develop a strategy for addressing Policy 5-11. Representatives of iwi had offered to convene a hui on this topic but no progress had been made by 19th October 2016. It was accepted by TDC at this meeting that responsibility for engagement with iwi rests with TDC but all present agreed that it would be useful for iwi representatives to meet together before any meeting with TDC. I have checked with the representatives of the iwi that had offered to convene that hui. I understand that some iwi have been heavily involved with Treaty Settlement negotiations and have been unable to devote resources to organising a hui. However, iwi are aware of the need to progress a meeting. I understand from the Chief Executive of TDC that, as agreed at pre-hearing meeting 3, TDC is awaiting word from iwi before engaging further.

Item 7 – Tararua Wastewater Forum: There was very constructive discussion about establishment of an on-going forum and robust agreement about the scope of matters the forum would address. One of the agreed actions was that Fiona Morton and I would draft a condition capturing the intention to establish this Forum for circulation to TDC and submitters. Fiona Morton circulated a draft condition to all parties on 7th November 2016 inviting comment. Comments were received from four submitters (John Bent, Water Protection Society, Water and Environmental Care Association, Christina Paton) and these were forwarded to TDC. Another action agreed at the meeting (item 8) was that Horizons advisers would draft conditions of consent for the Pahiatua WWTP discharges for parties to consider. In the event, Horizons needed further information from TDC before draft conditions could be formulated. Horizons issued a s. 92 further information request on 13th November 2016. TDC provided further information on 27th February 2017. As I understand it, no further progress has been made on any draft conditions (including the mooted Wastewater Forum condition).

² The following references to items are to items in the 19.10.16 meeting record.

Item 9 – Monitoring Data Sharing: There was strong agreement about the type of information submitters want access to from TDC's monitoring of its Pahiatua WWTP. Submitters indicated they are interested in similar, publicly available, information on all TDC's WWTPs (including Eketahuna). Mike Patterson is a Water Quality Scientist at Horizons who undertook to investigate these issues. Mr Patterson provided a report dated 7 November on the options available which was circulated to TDC and submitters (his report is contained in Attachment 4). Ms Morton advises that responses were received from 3 submitters and all expressed a preference for option 3. I have checked on progress with Mr Patterson. He advised by email dated 9th March 2017 that information on river flow and measured water quality measures can be shared relatively easily now but that competing workloads for Horizons' IT team have prevented establishment of access to the information via Horizons' web-site. Mr Patterson's advice is that some shared information could be available within a few weeks and he is working on the details of that with TDC.

6. Matters Outstanding

Actions agreed at the pre-hearing meetings for the Eketahuna WWTP application that remain outstanding at this time can be summarised as:

- (a) Draft conditions;
- (b) Agreement on terms of reference for possible Wastewater Forum to discuss issues arising for TDC's WWTPs;
- (c) The outcome of a hui between iwi submitters to develop their response to the requirements of One Plan Policy 5-11 and the timing and scope of engagement by TDC with iwi submitters as a result of that hui;
- (d) Finalisation of details to enable submitters to have web-based access to monitoring data from TDC's WWTPs.



Christine Foster

Pre-Hearing Meeting Chairperson

13 March 2017

ATTACHMENT 1
ATTENDANCE LIST FROM PRE-HEARING MEETING 1

ATTACHMENT 2
ATTENDANCE LIST FROM PRE-HEARING MEETING 2

ATTACHMENT 3

**MEETING RECORD – PAHIATUA WWTP APPLICATION PRE-HEARING
MEETING NO. 3**

ATTACHMENT 4

MIKE PATTERSON MEMO DATED 7 NOVEMBER 2016 RE DATA SHARING