

Decision options – Eketahuna WTP hearing

This table sets out a summary of the benefits and impediments to the current options the hearing panel has available to it.

Option	Benefits	Impediments	Comment
Grant short term consent	<ol style="list-style-type: none"> 1. Enables discharge to continue 'lawfully' 2. Provides an opportunity to direct the applicant on what to do next. 	<ol style="list-style-type: none"> 1. Cannot satisfy requirements of s107 2. Inconsistent with objectives and policies of One Plan 3. Adverse effects on the environment not avoided, remedied or mitigated 	<p>Potentially a pathway through s107(2) as a temporary discharge but given that there is no confirmed alternative at this stage and the discharge is likely to persist after the short-term consent expires, it suggests it is not temporary.</p>
Grant long term consent	<ol style="list-style-type: none"> 1. Enables discharge to continue 'lawfully' 2. Provides an opportunity to direct the applicant on what to do next. 3. Could meet the requirements of s107(3) 	<ol style="list-style-type: none"> 1. Insufficient detail in application to be able to determine effects and efficacy of potential system modifications are unclear 2. Modifications to system may not be implementable (no access to land for wetland, etc) 3. Unlikely to satisfy s107 or objectives and policies of One Plan if modifications don't proceed. 4. Potentially moving outside scope of original application 5. Significant costs to submitters to be co-designing potential system 	<p>Would require process to be adjourned so that applicant could fill in the gaps to enable decision to be made. Could not be a long-term consent unless what is to be built is known at the time the decision is made.</p> <p>Design of the system at this stage is conflating roles of the decision maker, applicant and of submitters</p>

Decline consent

1. Avoids need for commissioners and submitters to have to 'design by association'
2. Upholds the scheme of the Act (applicant designs system based on research and input from experts and consulted parties and then submits it for approval)
3. Upholds the objectives and policies of the One Plan
4. Future commissioners have a complete application and AEE and detailed information on which to make their decision.
5. Public engagement and consultation can be undertaken for a future application in a meaningful way

Continued discharge would be unlawful (once s124 rights expire) and that is likely to result in enforcement action. It would not result in the discharge having to cease, but it would require the applicant to move quickly to design an upgraded system and submit a resource consent application.

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