

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER discharge and land use resource consents for the operation and maintenance of the Wairoa wastewater treatment plant and sewer pump station overflows

BY **Wairoa District Council**
Applicant

FOURTH MINUTE OF HEARINGS PANEL

1. This minute is issued further to responses received from two parties to the Third Minute, namely Ngāti Kahungunu Iwi Incorporated and Wairoa Taiwhenua (**Ngāti Kahungunu**), and the applicant (Wairoa District Council), respectively.
2. On the understanding that the applicant agrees with the involvement of the additional experts proposed by Ngāti Kahungunu for each consent condition topic, the Panel generally adopts the table of topics and experts included with the Ngāti Kahungunu response.
3. There are three exceptions to this:
 - (a) In relation to conditions 3, 14, 25 and 30, some of the experts previously directed to be involved in that condition topic are framed by Ngāti Kahungunu as “observers” (in the column headed “Additional experts/observers”). For the avoidance of doubt, the Panel’s intention is that all of the stated experts have full rights of participation in conferencing on that topic (rather than some being “observers” only).
 - (b) The Ngāti Kahungunu table substitutes Mr Lowe for Mr Lake in relation to conditions 14, 38 and 51 and this is assumed to be a typographical error. Again, for the avoidance of doubt, it is Mr Lake (not Mr Lowe) who would participate in that condition topic (alongside the other listed experts).
 - (c) We accept the inclusion of Mr Ormsby as appropriate in the monitoring locations and timing topic.¹
4. The date for completing expert conferencing in order to meet the direction at paragraph 7(b) of the Panel’s Third Minute is now extended to **5.00 pm Friday 30 April 2021**.
5. Except as modified above, all previous directions stand.
6. If there is any further logistical or similar issue which surfaces during the process of expert conferencing, the parties to that conferencing should feel free to raise that with the Panel (through the Regional Council Consents Administrator), including in relation to issues of costs for participation of given experts.²

¹ Paragraph 2 of the applicant’s response.

² Noting paragraph 6 of the applicant’s response to the Panel’s Third Minute in this regard.

7. There is one final matter which the Panel wishes to raise.
8. The Panel members have received, directly, a small number of communications from submitters to the hearing on matters which were not reserved for further evidence or submissions from any party, i.e., on issues extending beyond the specific expert conferencing topics, and the further information which the applicant has been directed to provide by 30 June.³
9. Those communications have not been considered.
10. As a matter of fairness and natural justice, if any submitter wishes to make a request to produce further evidence or submissions on a given matter they should formally seek leave to do so from the Panel, advising as to the general content of the intended submission or evidence, and direct that communication through the Council Consents Administrator (Ms Tinker), rather than to Panel members directly.
11. The Panel does not encourage applications of this nature at this stage of the process, and will not be inclined to grant such leave, at least in the absence of exceptional circumstances arising.

Dated: 5 March 2021



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Martin Williams
Chair Hearings Panel

³ Paragraph 30 of the Panel's First Minute