

18 February 2014
File: WGN140064

Report on pre-hearing meeting held on 11 February 2014 at 6.30pm, Owhiro Bay School, Happy Valley, Wellington

Application by Wellington City Council for Stage 4 of the Municipal Landfill

Present

Wellington Regional Council

<i>Jeremy Rusbatch (facilitator)</i>	<i>Team Leader, Environmental Regulation</i>
<i>Ashlee Farrow (reporting officer)</i>	<i>Resource Advisor, Environmental Regulation</i>
<i>Kirsty van Reenen (support officer)</i>	<i>Resource Advisor, Environmental Regulation</i>

Wellington City Council (WCC) Representatives (the applicant)

<i>James Winchester</i>	<i>Simpson Grierson</i>
<i>Mark Lesley</i>	<i>Simpson Grierson</i>
<i>Adrian Mitchell</i>	<i>WCC Manager, Waste Operations</i>
<i>Starvos Michael</i>	<i>WCC Networks Manager</i>
<i>Darren Hoskins</i>	<i>WCC Operations Manager Landfills</i>
<i>Helen Anderson</i>	<i>URS</i>
<i>Greg Haldane</i>	<i>URS</i>

Submitters

<i>Charles Barrie</i>	<i>Submitter</i>
<i>Paula Warren</i>	<i>Submitter</i>
<i>Bob Waters</i>	<i>Submitter</i>
<i>Martin Payne</i>	<i>Friends of Owhiro Stream</i>
<i>Barbara Mitcalfe</i>	<i>Wellington Natural Heritage Trust</i>
<i>John Bishop</i>	<i>Wellington Natural Heritage Trust</i>
<i>Chris Horne</i>	<i>Wellington Natural Heritage Trust</i>
<i>Simon McLellan</i>	<i>Brooklyn Residents Association</i>
<i>Catherine Underwood</i>	<i>Brooklyn Residents Association</i>
<i>Steve Watson</i>	<i>Submitter</i>
<i>Dave Goodwin</i>	<i>Submitter</i>

1. Welcome, meeting rules and purpose of meeting

Jeremy Rusbatch, Team Leader, Environmental Regulation, Greater Wellington Regional Council (GWRC) opened the meeting by welcoming everyone and outlining the ground rules for the meeting. He explained that the purpose of the meeting was to provide an update on discussions since the close of submissions,

discuss the jurisdictional matters that GWRC cannot consider and to outline the next stages in the process.

2. Introduction of participants

Everyone present introduced themselves.

3. Update following close of submissions

Mr Winchester explained that Zac Jordan (former employee of the WCC involved with the project) had responded to submitters and sought to engage with and provide information to submitters following the close of submissions. Mr Jordan had dealt with some matters that would have been otherwise discussed at this pre hearing meeting.

GWRC has engaged Pattle Delamore Partners Limited and Keith Hamill to provide external peer reviews on technical matters. The external peer reviewers are engaging with WCC's consultants, URS, about the technical issues and these discussions are ongoing. The resource consent application is on hold to allow this external review to be undertaken.

Ms Underwood queried whether the peer review being undertaken by GWRC consultants included issues raised in submissions. Ms Farrow explained that the assessment of issues raised in submissions was separate to the external peer review of technical matters in the application.

Mr Bishop queried whether there was a list of technical issues being looked at by GWRC's consultants and whether the consultant reports would be made available. Ms Farrow explained that the technical matters being looked at were concept design, ecology, leachate, geotechnical stormwater, and hydrogeological. The consultant's reports will be made available on the GWRC website once finalised.

Ms Warren queried why the independent reviews were not undertaken before the application was accepted. Ms Farrow explained that GWRC had a good understanding of what was proposed in the application but needed technical expertise to assess the accuracy of the information. Mr Winchester noted that the applicant is confident in the completeness of the information but that there may be a request for further information that they would need to respond to.

Ms Warren queried whether, in the event that further information was provided by the applicant, submitters would be able to change the scope of their submissions given the further information was not available at the time of notification and appeal rights would be limited to matters in their submission. GWRC agreed to look into this and provide a response back to submitters.

Mr Rusbatch explained that the GWRC website will be used for making information available and that any request for further information would be made available on the website.

Mr Barrie queried whether the consent was just for the existence of Stage 4 of the landfill and not the amount of waste. Mr Mitchell explained that WCC predicts 5-6 years to consume Stage 3 of the landfill and that approximately 3 years would be required to implement Stage 4. Mr Michael noted that the WCC wants to maximise the opportunity for the greatest volume of waste.

A number of submitters queried whether the assumptions and predictions for future waste levels would be assessed. Mr Rusbatch explained that GWRC is some time away from looking at these issues and the issue of zero waste is something for WCC to look into.

A number of submitters queried how long the consent will be granted for. Ms Farrow clarified that the maximum term the consent could be granted for is 35 years. Ms Warren stated that the GWRC assessment can consider activities that happen within the term of the consent that have effects beyond this period (i.e. future effects).

Mr Watson requested expert advice on a sensible odour buffer between the landfill and residential areas. Mr Watson stated that the odour report in the AEE is based on the fact that because no complaints have been received regarding odour that the current situation is ok. However, residents often go directly to WCC regarding odour complaints instead of notifying GWRC.

Mr McLellan expressed disappointment that the meeting didn't focus more on the issues of concern rather than process matters. Several submitters expressed the need for an opportunity where they can put issues forward and queried whether there would be an opportunity beyond the pre hearing meeting. Mr Rusbatch said he would leave this request for Mr Winchester to respond to.

4. Jurisdiction

Ms Farrow outlined the matters raised in submissions that GWRC cannot consider as part of their assessment of the application. These matters are:

- Noise
- Traffic
- Landfill encroaching on residential areas
- Impacts on walking tracks and recreational users
- Reduced amenity values (visual)

Clarification was sought about whether residential amenity values include odour. It was confirmed that only visual amenity values are outside GWRC jurisdiction.

Mr Winchester stated that he agreed with the list and that the scope and extent of the designation was not up for debate. Mr Winchester also clarified that the Stage 4 proposal is within the current designation.

Ms Underwood queried where these matters would get considered and what matters GWRC would be assessing. It was clarified that the matters listed above were considered during the process for designating the site. Ms Farrow explained that the matters GWRC would be assessing include:

- Stream reclamation
- Water quality
- Leachate
- Discharges to air including dust
- Stormwater
- Earthworks

Several submitters believed that the full extent of alternatives has not been assessed adequately. Ms Warren stated that because discharges have an adverse effect the applicant needs to show they are reasonably necessary and this is where the issue of the future waste stream comes in. Concern was raised that the additional capacity provided in Stage 4 would reduce WCC's commitment to waste reduction. Mr Warren explained that she had been in discussions with Mr Jordan about consent conditions to address this issue. The possible consent conditions discussed included a regional waste body to ensure all councils are doing maximum waste diversion, a waste minimisation bylaw, domestic organics, landfill prices and classification of cleanfill.

Mr Winchester noted that the issue was not part of the enquiry but it was understood. He stated that the conditions discussed with Mr Jordan might be ones that could be volunteered by the applicant but would not be lawfully imposed.

Mr Rusbach stated that GWRC would get back to submitters regarding the issue of waste minimisation.

5. Next stage in the process

Ms Farrow outlined the next stages in the consideration of the application. Expert caucusing will continue over the next couple of weeks. This may or may not result in a further information request.

5.1 Officers report

Ms Farrow's role is to assess the application against the RMA and other planning documents. Her assessment will take into account submissions and advice provided

by her experts. Ms Farrow will make a recommendation to the hearing panel which is not binding on the panel.

5.2 Hearing panel

The hearings panel will be made up of 3 councillors and/or commissioners. The councillors will decide who sits on the panel.

5.3 Pre circulation of evidence

The applicant has requested the pre circulation of evidence. The pre circulation of evidence will mean that:

- The officers report would be sent out 15 working days prior to the hearing
- The applicants briefs of evidence will be sent out 10 working days prior to the hearing
- The hearing panel may require submitters to submit evidence 5 working days prior to the hearing.

5.4 Hearing

Ms Farrow outlined the likely order of appearances at the hearing. It will begin with a summary of issues detailed in her officer's report. The applicant will then have an opportunity to talk to any pertinent issues. Submitters will then be given an opportunity to speak to their submissions followed by closing submissions by the reporting officer and applicant. Ms Farrow noted that there will be no cross examination at the hearing and that only the hearing panel can ask questions of experts and submitters.

A question was asked about whether submitter's oral submission need to follow their written submission. Ms Farrow clarified that submitters will be able to elaborate on the points outlined in their written submission at the hearing. Mr Winchester noted that some flexibility will be provided by the decision makers in terms of what submitters can speak about.

There is no date set for the hearing yet and the date will depend on the outcome of the independent review and any request for further information. At this stage the earliest date for the commencement of the hearing would be the end of April.

6. Round up

Mr Rusbatch ran through the key matters discussed during the meeting, the actions agreed to and outlined the process for the circulation of the pre hearing meeting report.

The GWRC website will be the tool used to make information available. All submitters will be emailed when new information becomes available on the website. Ms Farrow will also arrange for the request for peer review to be made available on the GWRC website. A request was made to name any document well on the website and provide a brief synopsis of what each document covers.

GWRC will get back to submitters regarding the issue of waste minimisation. Mr Mitchell noted that he is happy to talk to council policies which fall outside the technical matters of the consent application.

GWRC will seek legal advice regarding options should further information be provided by the applicant (i.e. re-notification).

Mr Winchester noted that the applicant is comfortable that there has already been dialogue on the issues and are not sure that debating the issues further would be useful. He noted that they would be interested in any further issues that have arisen since discussions with Mr Jordan. Mr Winchester will come back to GWRC on the possibility of further opportunities to discuss submitter concerns.

The pre-hearing report will be circulated by GWRC within 5 working days of the meeting.

Meeting closed 8:20pm.