

5 October 2022

File Ref: OIAP-7-25926

By email [REDACTED]

Tēnā koe [REDACTED]

Request for information 2022-168

I refer to your request for information dated 29 September 2022, which was received by Greater Wellington Regional Council (Greater Wellington) on 29 September 2022. You have requested the following:

- *“Copies of all information that relates and/or has contributed to GWRC’s decision to not post my memorandum dated 07/09/2022 on the HaveYourSay website.*
- *A copy of any direction from the Hearing Panel (if it exists) that would preclude GWRC from posting my memorandum dated 07/09/2022 on the HaveYourSay website.”*

Greater Wellington’s response follows:

You have requested that your request be treated with urgency and have provided the following reasons “the subject of my request, and the matter to which the information I’ve requested relates, has implications for the proposed “reconsenting” for the Porirua WWTP. The consenting process is currently underway and with an uncertain timetable”. Greater Wellington has assessed your request for urgency and has processed your request as soon as is reasonably practicable.

1. *Copies of all information that relates and/or has contributed to GWRC’s decision to not post my memorandum dated 07/09/2022 on the HaveYourSay website*

A decision has not yet been made on whether to formally accept your memorandum as supplementary evidence for this Hearing.

Supplementary evidence received by Greater Wellington is passed on to the Hearing Panel for consideration. If the Panel would like to formally accept the supplementary evidence, they will issue a minute to that effect or alternatively notify Greater Wellington, and officers will upload the documentation to the *HaveYourSay* page.

The hearing panel has been delegated powers, functions and duties of the Council under the Resource Management Act 1991 (RMA) to hear, consider and make decisions on any application for the resource consent under the RMA, including the determination of any preliminary matters and matters necessary for the conduct of the hearing. This includes making decisions about whether supplementary statements/memorandums from submitters post hearing adjournment of the hearing are accepted and distributed to all parties.

Attachment 1 is the relevant section from Greater Wellington Delegations Manual, which sets out the powers that can be delegated to Hearing Commissioners.

Attachment 2 is the appointment of and delegation to hearing commissioners for the Porirua Wastewater Treatment Plant resource consent application.

Your memorandum dated 07 September 2022 was passed on to the commissioners for consideration on 07 September 2022.

2. *A copy of any direction from the Hearing Panel (if it exists) that would preclude GWRC from posting my memorandum dated 07/09/2022 on the HaveYourSay website.*

Greater Wellington has not receive direction from the Hearing Panel on this matter. We are therefore refusing part 2 of your request under section 17(e) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) on the basis that the document alleged to contain the information requested does not exist.

When refusing requests under section 17(e) of the LGOIMA we are required to consider consulting you. In this instance we do not consider that consulting you would change the outcome of our decision to this part of your request.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Additional information

Greater Wellington values being an open and transparent local government organisation and believes that access to information is a public right. We endeavour to respond to requests for information fulsomely and in a timely manner. However, the frequency, volume and amount of information you have recently requested is significantly impacting Greater Wellington and its officers' abilities to carry out their functions and duties. Therefore, we are advising you that we will

consider our options in responding to your future requests in accordance with the Act, including charging you for the supply of information.



Lucy Baker
Kaiwhakahaere Matua, mo te Taiao | Acting General Manager Environment Management

Attachments (2)

PROACTIVE RELEASE

11. Delegation to commissioners appointed by the Chief Executive or General Manager Environment Management

On 24 May 2017 (see Report 17.77) the Council delegated the following powers to a commissioner or panel of commissioners appointed by either the Chief Executive or the General Manager Environment Management to determine a particular matter, all of the powers, functions and duties of the Council under the Resource Management Act to:

- Hear, consider and make decisions on any application for a resource consent under the Act, including the determination of any preliminary matters and matters necessary for the conduct of the hearing.
- Hear and determine a review of a resource consent.
- Hear and determine an application to change or cancel conditions of a consent.
- Hear and determine an objection made under the Act.
- Hear and determine coastal activity applications.

Explanatory note: The above delegations encompass the following:

- *Directions to provide evidence within time limits under section 41B*
- *Directions and requests before or at hearings under section 41C*
- *Strike out submissions under section 41D*
- *Defer the notification or hearing of an application for resource consent (section 91).*
- *Decide whether to publicly or limited notify an application for resource consent or change or cancellation of conditions (sections 95, 95A, 95B, 95D, 95F, 95G, 127)*
- *Arrange pre-hearing meetings and decide whether to decline to process a person's application or consider a person's submission if they fail to attend a pre-hearing meeting (section 99)*
- *Refer an applicant for resource consent to mediation (section 99A)*
- *Conduct a mediation (section 99A)*
- *Determine that a hearing of an application is necessary (section 100)*
- *Hear and decide a notified or non-notified application for resource consent, change of conditions, cancellation of consent including anything required for the purpose of processing the application and conducting the hearing (sections 104 to 108AA)*
- *Fix a commencement date and time, and the place, of a hearing (section 101)*
- *Determine that applications to two or more consent authorities for the same proposal are sufficiently unrelated that a joint hearing is unnecessary (section 102)*
- *Determine that applications for resource consents for the same proposal are sufficiently unrelated so that it is unnecessary for GWRC to hear the applications together (section 103)*
- *Decline an application for a resource consent on the grounds that it has inadequate information to decide the application (section 104(6))*
- *Determine a restricted coastal activity and determine conditions (section 117(1))*
- *Determine an application for extension of the lapse date of a consent (section 125)*
- *Make decisions on a review of resource consent conditions (section 132)*
- *Approve the transfer of a water permit in whole or in part to another person on another site or to another site (section 136)*
- *Approve the transfer of a discharge permit in whole or in part to another site and to any person (section 137)*
- *Determine a request for a certificate of compliance (section 139)*
- *Determine a request for an existing use certificate (section 139A)*
- *Hear and determine an objection made under sections 357, 357A and 357B.*

12 April 2022
File WGN200229

APPOINTMENT OF COMMISSIONER(S) TO HEAR RESOURCE CONSENT APPLICATIONS ON BEHALF OF WELLINGTON REGIONAL COUNCIL

Application to the Wellington Regional Council: WGN200229 [36816] and [36727]

Pursuant to section 34A of the Resource Management Act 1991 (the Act), the General Manager, Environment Management under authority delegated by the Wellington Regional Council, and in consultation with the Chair of the Environment Committee and Council Chair, appoints the following Commissioner(s) in relation to the discharge of contaminants to the coastal marine area and to air associated with the operation of the Porirua Wastewater Treatment Plant:

Independent Commissioner - Mark Ashby (Chair)
Independent Commissioner – Elizabeth Burge
Independent Commissioner – Dr Shane Kelly
Independent Commissioner – Nigel Mark Brown

In the unlikely case of a split decision the Chair has the casting vote.



General Manager, Environment Management
Greater Wellington Regional Council

Date: 12 April 2022

Delegation

Council has delegated the following powers to a commissioner or panel of commissioners appointed to determine a particular matter:

All of the powers, functions and duties of the Council under the Resource Management Act 1991 (the Act) to:

- Hear, consider and make decisions on any application for a resource consent under the Act, including the determination of any preliminary matters and matters necessary for the conduct of the hearing
- Hear and determine a review of a resource consent
- Hear and determine an application to change or cancel conditions of a consent
- Hear and determine an objection made under the Act
- Hear and determine coastal activity applications.

Explanatory note: The above delegations encompass the following:

- Directions to provide evidence within time limits under section 41B
- Directions and requests before or at hearings under section 41C
- Strike out submissions under section 41D
- Defer the notification or hearing of an application for resource consent (section 91)
- Decide whether to publicly or limited notify an application for resource consent or change or cancellation of conditions (sections 95, 95A, 95B, 95D, 95F, 95G, and 127)
- Arrange pre-hearing meetings and decide whether to decline to process a person's application or consider a person's submission if they fail to attend a pre-hearing meeting (section 99)
- Refer an applicant for resource consent to mediation (section 99A)
- Conduct a mediation (section 99A)
- Determine that a hearing of an application is necessary (section 100)
- Hear and decide a notified or non-notified application for resource consent, change of conditions, cancellation of consent including anything required for the purpose of processing the application and conducting the hearing (sections 104 to 108AA)
- Fix a commencement date and time, and the place, of a hearing (section 101)
- Determine that applications to two or more consent authorities for the same proposal are sufficiently unrelated that a joint hearing is unnecessary (section 102)
- Determine that applications for resource consents for the same proposal are sufficiently unrelated so that it is unnecessary for GWRC to hear the applications together (section 103)
- Decline an application for a resource consent on the grounds that it has inadequate information to decide the application (section 104(6))
- Determine a restricted coastal activity and determine conditions (section 117(1))
- Determine an application for extension of the lapse date of a consent (section 125)
- Make decisions on a review of resource consent conditions (section 132)
- Approve the transfer of a water permit in whole or in part to another person on another site or to another site (section 136)
- Approve the transfer of a discharge permit in whole or in part to another site and to any person (section 137)
- Determine a request for a certificate of compliance (section 139)
- Determine a request for an existing use certificate (section 139A)
- Hear and determine an objection made under sections 357, 357A and 357B.