

From: Phil Doole
Sent: Wednesday, 19 September 2018 3:09 p.m.
To: 'Lieffering, Rob' <Rob.Lieffering@stantec.com>
Cc: Leif Pigott <Leif.Pigott@tasman.govt.nz>
Subject: RE: Bell Island WWTP Consent Application Request to extend the process suspension time

Hi Rob

My apologies for the delay in considering your request due to our current workloads.

Pursuant to Section 37A RMA, and delegation from Tasman District Council, I hereby agree to extend the suspension time to 1 February 2019, for the processing of resource consent applications RM171238 et al, for the reasons set out in your request.

Regards

From: Lieffering, Rob <Rob.Lieffering@stantec.com>
Sent: Thursday, 23 August 2018 11:31 AM
To: Leif Pigott <Leif.Pigott@tasman.govt.nz>
Cc: Don Clifford <Don.Clifford@beca.com>; Katherine Forward <katherine.forward@duncancotterill.com>
Subject: Bell Island WWTP Consent Application

Hi Leif,

As discussed with you on Monday and further to my email of 5 April 2018 (see below), the NRSBU requests that the consent authority extends the suspension period for the application for (replacement) resource consents for the Bell Island Wastewater Treatment Plant (WWTP) for the following reasons:

- There have been delays in arranging for the pre-hearing meetings with submitters. This has, in part, been because Mr Jeff Robinson, who was the General Manager (GM) of the NRSBU, has resigned and Mr Don Clifford has recently been appointed as Acting GM. Mr Clifford is in the process of coming up to speed with this application. He clearly needs to be involved in any pre-hearing meetings as the NRSBU's representative.
- Mr Clifford will be overseas for much of September and, as such, the pre-hearing meetings with submitters are being scheduled for early-mid October. Invitations have already been sent out to the key submitters.
- The NRSBU has commissioned a report on potential sources of odour at the WWTP – we will be providing you with a copy of this report later this week or early next week. That report includes recommendations on matters that should be actioned to minimise odours at the WWTP and the NRSBU is in the process of either implementing these, or programming them to be done (including budgeting for them). These matters are directly relevant to a number of the submitters (i.e. Best Island residents).
- The NRSBU has commissioned a report on potential reuse options, however that report is currently in draft form and requires some significant additional work before it can be finalised. This report is relevant to a number of submitters who raise the matter of reuse in their submissions.

Section 91A of the RMA provides for an applicant to request that the consent authority suspend the processing of an application, however section 91A(3)(c) states that such a request may not be made if a total of 130 or more working days have been excluded from the limits under section 88B (which includes time during which the application has been suspended). The 130 working day time limit from the date of our request in April ends on 8 October 2018, however sections 37 and 37A provide for time limits to be extended, including where this is requested by the applicant (s37A(2)(b)). However, under section 37A the time limits may only be extended if the consent authority has taken into account:

- (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and

- (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
- (c) its duty under section 21 to avoid unreasonable delay

The persons directly affected by the extension are the submitters and the main purpose of the extension in this case is to enable constructive discussions with these persons with the aim of addressing concerns they have regarding the ongoing operation of the WWTP. Clause (b) is not relevant in this case, and it is not considered that additional time constitutes an unreasonable delay specified in clause (c).

At this stage the NRSBU cannot give a precise date by which it will complete its pre-hearing meetings and finalise the reuse report and therefore, to provide for some flexibility, we would suggest a revised suspension date of 1 February 2019 – noting that we would aim to be in a position to complete the work before this date.

In the email below we asked whether the consent authority wished to attend any or all of the informal pre-hearing meetings that we are arranging with submitters. My recollection (from a telephone conversation on the subject) was that you did not feel the need to attend, however if that position has changed then could you please let me know.

We look forward to your response to this request. If you have any questions regarding the above then please do not hesitate to contact me.

Regards

Rob