

**Title:** Independent Review Panel  
**Section:** Water  
**Prepared by:** Wolfgang Kanz (Stormwater/Wastewater Team Leader)  
**Meeting Date:** 18 October 2018

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Legal     Financial     Significance = Medium

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## Report to WASTEWATER MANAGEMENT Committee for information

### SUMMARY

The purpose of this report is to provide the Wastewater Management Committee (WMC) with the Independent Review Panel (IRP) report. The IRP is an entity established through the wastewater consent, directed to undertake reviews and make recommendations as set out in condition 22 of the consent.

The IRP has completed its review, which is hereby delivered to the WMC. The report will be reviewed in conjunction with the Council internal consent compliance review, to be considered in a subsequent more comprehensive Council report on compliance scheduled for the beginning of 2019.

The decisions or matters in this report are considered to be of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

### RECOMMENDATIONS

**That the Wastewater Management Committee:**

1. **Notes the contents of this report - and in particular:**
  - a) **the report from the Independent Review Panel.**

Authorised by:



Neville West  
Infrastructure Manager



David Wilson  
Director Lifelines

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**Keywords:** Independent Review Panel, Wastewater

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## BACKGROUND

1. The role of the Independent Review Panel (IRP) is defined as follows in wastewater consent CD-1208-02 ex CP-1208-01:

*A review group established under clause 21 to undertake reviews and make recommendations as set out in condition 22. The IRP reports to the Wastewater Management Committee.*

2. Clause 22 covers industrial and domestic wastewater matters addressing a diverse range of issues, including technical aspects of the wastewater treatment plant, Alternate Use and Disposal (AUD), sewer network improvements, monitoring requirements, investigation requirements, the Turanganui A Kiwa Water Quality Enhancement Project, and potential changes to consent conditions. The full text of Clause 22 is provided in Appendix 1.
3. The IRP should carry out six yearly reviews, co-ordinated with the timing of the Long Term Plan reviews. The IRP review will assist in considering consent compliance and potential changes to the consent.

## DISCUSSION and OPTIONS

4. The IRP Chairman attended a meeting in Gisborne on 30 June 2018 to discuss the scope of work with the Council project manager and to visit the wastewater treatment plant. The IRP first met as a group in Gisborne on 19 July 2018 to familiarise themselves with the treatment plant and the Gisborne context, and confirm the role of the IRP, scope of work, deliverables, and reporting timeframes. A key outcome of the meeting was validation that the IRP is an independent body, and that the work comprises a transparent evidence-based review.
5. The IRP met for the second time in Gisborne on 27 August 2018, which was specifically for the purpose of interviewing key parties in terms of the consent.
6. Council staff collated relevant documents for the IRP to review. There was a substantial volume of documentation for the panel to review, which required a well-coordinated review process by the IRP. The volume of information has been much higher than expected, which has affected progress by the group.
7. The IRP has completed their review, pending some clarifications sought. Their draft report was not available in time for detailed analysis by the Wastewater Management Options project team, and therefore their report is provided in entirety as an appendix to this WMC paper (Appendix 2). Any outstanding issues will be clarified after the 18 October 2018 WMC meeting, with a final report sent to the WMC members as soon as completed.
8. While there are no decisions required from the WMC in regards to this paper, the IRP report is relevant to the work of the Consent Review Group and the Council internal consent compliance review (both currently underway).
9. The purpose of the Consent Review Group is to:

*Comprehensively review the existing wastewater discharge consent in terms of the existing resource management context, the terms of reference in this document (18-089), and the LTP pre-consultation and formal consultation outcomes, formulate new consent conditions that reflect the above, seek unanimous agreement where possible, record differences in opinion where unanimous agreement is not possible,*

and report these outcomes to the Wastewater Management Committee (WMC) and Council.

10. The final IRP report will be reviewed in conjunction with the Council internal consent compliance review. Report 18–425 in the 18 October 2018 WMC agenda provides details on this review.

## ASSESSMENT of SIGNIFICANCE

Criteria	This Report	The Process Overall
The effects on all or a large part of the Gisborne district	Low	High
The effects on individuals or specific communities	Low	Medium
The level or history of public interest in the matter or issue	Medium	High
Inconsistency with Council's current strategy and policy	Low	Low
Impacts on Council's delivery of its Financial Strategy and Long Term Plan.	Low	Medium

11. The decisions or matters in this report are considered to be of **medium** significance in accordance with Council's Significance and Engagement Policy.

## COMMUNITY ENGAGEMENT

12. The IRP review is a requirement of the resource consent and hence has not been subject to community engagement. Pursuant to Clause 21 of the consent the permit holder appoints the IRP and the WMC has delegated authority from Council to make recommendations pertaining to the consent conditions and appointed the IRP.
13. The IRP undertook interviews with key parties, including external stakeholders, at its discretion.
14. The findings of the IRP are available for the community to view on the Council website.
15. Any outcomes of the review that may necessitate a change to the consent will be subject to a separate engagement process as required.

## CONSIDERATIONS

### Financial/Budget

16. The costs of the IRP have been funded through the Water Utilities operational budget as the work relates to the existing consent.

### Legal

17. The IRP review forms part of Council's compliance obligations under its resource consent and must be undertaken for Council to remain compliant with the consent conditions.

## POLICY and PLANNING IMPLICATIONS

18. The Wastewater Management Options project was included in the 2015–2025 Long Term Plan titled 'The Wastewater Wetlands Project', is included in the 2018–2028 Long Term Plan titled 'Wastewater Treatment Plant Upgrades & Renewals', and is consistent with strategic policies and plans.

## RISKS

19. Appointment of the IRP, and delivery of their review and recommendations, ensures we meet our legal obligations.
20. The IRP will deliver an independent review and recommendations on the wastewater consent conditions. There is a risk that this review will identify that Council has not adequately complied with conditions in the consent. Should this occur, then Council will need to consider what remedial measures are required to bring it back into compliance.
21. Should Council not be able to remedy any identified non-compliance then there is a risk of enforcement action being implemented.

## NEXT STEPS

Date	Action/Milestone	Comments
18 October 2018	Report back to the WMC, Council staff, and the consent authority.	
Beginning 2019	WMC paper on compliance, integrating all compliance matters.	

## APPENDICES

- Appendix 1 – Clause 22 of the consent
- Appendix 2 – Independent Review Panel Report