

BEFORE THE TASMAN DISTRICT COUNCIL

Under the Resource Management Act 1991

In the matter of an application by **THE NELSON REGIONAL SEWERAGE BUSINESS UNIT** for resource consents to continue applying biosolids to land at Moturoa/Rabbit Island

MEMORANDUM OF COUNSEL FOR THE APPLICANT

20 December 2022

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May it please the Panel:

- 1 This memorandum is filed on behalf of the Applicant, the Nelson Regional Sewerage Business Unit.
- 2 A hearing was held on 2-3 August 2022 to consider the suite of applications lodged by the Applicant to continue application of biosolids to land at Moturoa/Rabbit Island.
- 3 At the close of hearing the Panel requested that the Applicant prepare an updated set of conditions incorporating additional agreed revisions, and exchange this with the Council Officer for comment/feedback. No specific timeframes were set for this exchange to occur. The final version of the proposed conditions are to be filed alongside closing legal submissions. Counsel is conscious of the time elapsed since the hearing and wishes to update the Panel on progress and to confirm further procedural directions.
- 4 To respond to questions raised by the Panel and submitters, the Applicant proposes various revisions to the proposed conditions, including the insertion of additional monitoring parameters as reflected in the Biosolid Guidelines 2003. To verify the robustness of the proposed amendments, the Applicant commissioned additional biosolid sampling, and sought recommendations from their consultants, particularly in relation to Public Health Risks and Process Alternatives. Those recommendations have now been adopted into the draft conditions and provided to Council Officer for review.

Directions Sought

- 5 Counsel is aware of the processing timelines required by section 103A RMA (hearing must be completed not later than 75 working days from closing date of submissions). Therefore, pursuant to section 37A RMA it is requested that the hearing remains adjourned to allow the Applicant and Council Officers to complete the exercise of reviewing the conditions.
- 6 In accordance with the criteria identified in section 37A(1)(a)-(c) RMA, we submit that both submitters and community generally will be benefit from thorough investigations into biosolid treatment and monitoring. We submit that it is not unusual or unreasonable for an applicant to undertake additional assessment to respond to issues raised during a hearing. We respectfully submit that this extension does not result in an unreasonable delay to the proceeding.

7 We appreciate that Council Officers have only received draft conditions today (being 20 December 2022), so our proposed timelines incorporate feedback time from Council.

8 We respectfully seek the following directions from the Panel:

8.1 That closing legal submissions (and final version of conditions) are to be filed with the Panel by Friday 17 March 2023.

8.2 Leave is reserved for the parties seek further amendments to these directions if required.

Dated 20 December 2022



Katherine Forward/Derek McLachlan
Solicitor for the Applicant