

BEFORE THE SOUTHLAND REGIONAL COUNCIL

IN THE MATTER OF The Resource Management Act 1991 (**Act**)

and

IN THE MATTER OF Application by **INVERCARGILL CITY COUNCIL** for Discharge
Permits to discharge water and contaminants into surface water
bodies and reticulated stormwater systems – APP-20168843

**THIRD MINUTE OF COMMISSIONERS ADDRESSING REQUEST
FOR EXTENSION OF TIME WITHIN WHICH TO FILE EVIDENCE
ON BEHALF OF THE APPLICANT AND REQUEST BY SUBMITTER
TO BE HEARD ON 11 AUGUST 2017**

- 1 Following our previous Minute, two requests have been made in relation to evidence.
- 2 The first relates to difficulties with the provision of the evidence of Mr Allan Leahy of Stantec on behalf of the Applicant. We have been advised that Mr Leahy is to provide expert evidence relating to: the cost of stormwater treatment and its implications in the Invercargill context; stormwater treatment devices and retrofitting stormwater treatment in existing urban areas; the outcomes of the "Nutrient and Bacterial Loads in Urban Stormwater" November 2016 report carried out by Stantec for the Southland District Council and its relevance to this application; the nature of the Invercargill stormwater catchments with respect to non-point source contamination likely to be generated and how these might be managed; alternative stormwater discharge options that the Invercargill City might have; and best practical options for the management of stormwater discharge for Invercargill.
- 3 We understand that the difficulty with providing that evidence relates to personal circumstances arising from the recent storm. It is anticipated that the evidence will be completed and provided by midday Thursday 27 July 2017.
- 4 Pursuant to s37(2), we are able to grant a waiver. S37A directs that we are to take into account the following matters when considering a grant of such a waiver:
 - the interests of any person who may be affected by the waiver;
 - the interests of the community in achieving adequate assessment of the effects of a proposal; and
 - our duty under s21 to avoid unreasonable delay.
- 5 In the circumstances, we are prepared to grant an extension for the provision of that evidence. It is to be provided no later than 5pm Thursday 27 July 2017. We do not propose any amendments to subsequent timetabling, but if any submitter is intending to provide expert evidence on the topics identified above, a brief extension for the provision of that evidence will, on application, be contemplated.
- 6 Overall, we consider the evidence will be important to enable an adequate assessment of effects of the proposal to be undertaken. We also consider that any person potentially affected by the waiver will have the ability to seek a brief extension and will not be prejudiced. Regarding our duty under s21, the extension will not cause any unreasonable delay. It will not cause any delay of the hearing.

- 7 A second issue which has been identified is the provision of evidence / statement by Ms Kate Marshall of Public Health South. Ms Marshall has advised that she will be in Wellington from 8-10 August. She has requested that we hear from her on 11 August. If that is not possible, she will provide a written copy of her statement for it to be read in her absence.
- 8 Our preference is for Ms Marshall to have the opportunity to present in person. We anticipate that we will still be sitting on 11 August. We do not consider there can be any prejudice in allowing Ms Marshall's request. We confirm that Ms Marshall may present her evidence / statement on 11 August 2017.



Commissioner David Caldwell

Chair

For and on behalf of the Panel

Dated

26/07/2017