

**Otago Regional Council
Dunedin City Council
DIRECTIONS OF THE COMMISSIONERS**

- [1] On Tuesday 24 May 2022 we adjourned the hearing of submissions on the applications sought by Dunedin City Council (DCC), having heard from all submitters who wished to be heard and having received end of hearing reports from the Section 42A Reporting officers representing both DCC - Regulatory and the Otago Regional Council (ORC).
- [2] This Minute sets out the process for the remainder of the hearing.
- [3] The applicant (DCC) has agreed to commission what we have been calling a 'Quantitative Public Health Risk Assessment' (QPHRA) regarding the potential contamination of the Ōtokia Creek from the discharges of contaminants to land and water for which consents have been sought from the ORC. While requested by us to assist us with considering the matters raised by submitters who undertake recreational activities in and along that Creek and in the waters at Brighton Beach, the QPHRA will nevertheless comprise new evidence.
- [4] Accordingly, we direct that the following process occurs:
- The applicant will provide the completed QPHRA report to the ORC Hearings Administrator;
 - The Hearings Administrator will provide the QPHRA report to:
 - Counsel for Big Stone Forests, Ōtokia Creek Marsh Habitat Trust and the South Coast Neighbourhood Society (the 'Brighton' submitters), being the only party who called qualified expert evidence on water quality matters;
 - The ORC Section 42A Report author and her relevant technical advisors; and
 - The Commissioners;
 - Counsel for the 'Brighton' submitters will then have 5 working days to provide expert evidence commenting on the QPHRA, with any expert commentary being provided in writing to the ORC Hearings Administrator who will provide those comments to the ORC Section 42A Report author, the applicant and the Commissioners;
 - The ORC Section 42A Report author and her relevant technical advisors will then have five working days to comment in writing on the QPHRA and any expert evidence provided by the 'Brighton' submitters on the QPHRA;
 - The Hearing Administrator will provide any comments on the QPHRA from the ORC Section 42A Report author to the applicant and to the Commissioners;
 - Thereafter counsel for the the applicant will provide their written Reply submissions to the ORC Hearings Administrator. Leave is granted for the Reply submissions to append relevant expert rebuttal evidence on matters arising from the QPHRA and comments on it, and any new evidence that was introduced by submitters during the course of the hearing;
 - The Reply submissions are to include a revised suite of recommended consent conditions that are developed in consultation with the DCC-Regulatory and ORC Section 42A Report authors and which indicate areas of agreement and disagreement as between the applicant and those authors. If there is disagreement it would assist the Commissioners if alternative condition wording was provided (namely wording favoured by the applicant and any alternative wording favoured by the Section 42A Report authors). We also request that the revised condition suite takes account of the written and verbal comments and questions made by the Commissioners during the course of the hearing;
 - Once the Commissioners receive the Reply submissions we will decide if we need to reconvene the hearing (either in person or using Zoom) to ask questions of clarification of the applicant. Our decision on that will be advised in due course.

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- [5] Should any party referred to in this Minute have any queries regarding the process outlined above then they are welcome to provide those queries to the ORC Hearings Administrator and the commissioners will then respond accordingly.
- [6] We look forward to receiving the further material outlined above and we thank the parties in advance for their continued assistance.



Rob van Voorthuysen
On behalf of the Commissioners
25 May 2022