

**Otago Regional Council
DIRECTIONS OF THE COMMISSIONER**

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Otago Regional Council (ORC) has delegated to independent commissioner Rob van Voorthuysen the function of hearing and deciding the Dunedin City Council's (DCC) applications for consents for the ongoing use, extension, closure, and aftercare of the Green Island Landfill (GIL).
- [2] Commissioner van Voorthuysen chaired the 2022 first instance hearing for DCC's Smooth Hill Landfill.

Hearing

- [3] The GIL consent hearing is scheduled for **Tuesday 18** and **Wednesday 19 March 2025**.
- [4] The hearing will commence at **9.00 am** each day and the venue is the Auditorium at Toitū Otago Settlers Museum, 31 Queens Garden, Dunedin.
- [5] The following directions relate to the hearing:
- (a) The order of appearance will be:
 - DCC
 - Submitter(s)
 - ORC Section 42A Report author(s)
 - DCC's right of reply (which may be given at the hearing or in writing thereafter)
 - (b) A Section 42A Report¹ from the ORC will be available on or before **Tuesday 25 February 2025**, allowing the DCC and submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioner if the DCC and submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report authors' recommendations.
 - (c) The ORC prepared a very comprehensive Notification Report dated 12 November 2024. That Report described the GIL activity for which consents are sought, the GIL's history, the proposed future operation of the GIL, how the GIL is currently managed, the surrounding and receiving environment, the activity status of the applications, the potential adverse effects of the proposal, the opinions of the DCC's technical experts regarding those effects and the opinions of the ORC expert peer reviewers.
 - (d) The Section 42A Report need not repeat any of the information contained in the Notification Report but may cross-refer to it. However, the Section 42A Report should update any of the information contained in the Notification Report, particularly any revised or updated opinions of the ORC expert peer reviewers and the ORC Consents Planner. The Section 42A Report should contain a suite of recommended consent conditions.
 - (e) Pursuant to section 41B(2) of the RMA, the DCC is directed to provide their expert² evidence and non-expert evidence (if any) to the ORC Hearings Administrator no later than **2.00pm on Tuesday 4 March 2025**.
 - (f) If experts for the DCC intend to base their evidence on technical reports that they authored, and which were included as part of the application, then the experts need not repeat material contained in those reports in their evidence. It will be sufficient for the evidence to cross-refer to that material.
 - (g) Evidence prepared by the DCC experts should focus on areas of disagreement with the

¹ A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether the consent applications should be granted or not. That recommendation does not bind the Commissioner.

² Expert evidence is that written by qualified planners, engineers or scientists.

ORC expert peer reviewers. Their evidence should also address any recommendations made by the ORC expert peer reviewers, including the recommendations set out in the various sub-sections of section 6 of the Notification Report.

- (h) The DCC's planning expert should address the recommended consent conditions in the ORC Section 42A Report and provide precise wording for any suggested amendments to those conditions, along with reasons for those amendments.
- (i) Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence in support of their submissions are directed to provide a written statement of that evidence to the ORC Hearings Administrator no later than **2.00pm on Tuesday 11 March 2025**.
- (j) If submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to the ORC Hearings Administrator no later than **2.00pm on Tuesday 11 March 2025**.
- (k) Evidence prepared by the submitter's experts should focus on areas of disagreement with the DCC experts or the ORC expert peer reviewers. It would be helpful if submitters (or their experts) could address the recommended consent conditions in the ORC Section 42A Report and provide precise wording for any suggested amendments to those conditions, along with reasons for those amendments.
- (l) If submitter evidence to be presented by non-expert people is not provided to the ORC Hearings Administrator by the above date, then those people should bring ten (10) hard copies to the hearing.
- (m) If any party intends to present to the hearing by way of video conferencing (for example using Zoom), then any written material that will be referred to (such as statements of evidence, speaking notes or reports) as part of the presentation must be provided to the ORC Hearings Administrator no later than **three working days prior** to their attendance at the hearing. This will allow the Commissioner to follow what is being presented.
- (n) If the DCC proposes to have legal counsel present opening legal submissions, then counsel is requested to provide their submissions to the ORC Hearings Administrator no later than **2.00pm on Thursday 13 March 2025**.
- (o) If any submitter proposes to have legal counsel present legal submissions on their behalf, those counsel are requested to provide their submissions the ORC Hearings Administrator no later than **2.00pm on Thursday 13 March 2025**.
- (p) All original submissions, pre-circulated evidence and legal submissions will be taken as read at the hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Applicant and submitters are directed that all such material will not be read aloud at the hearing, as that would be an inefficient use of time as the Commissioner will have already read it.
- (q) At the hearing expert witnesses may table and read aloud supplementary or rebuttal evidence responding to any expert evidence lodged by other parties. The Commissioner anticipates that any such evidence will be concise.
- (r) All people appearing at the hearing will be allowed to verbally and briefly highlight key points from their evidence or legal submissions for the benefit of the Commissioner. The Commissioner will then ask any questions that he may have.
- (s) Should any submitter wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the ORC Hearings Administrator, as soon as possible, but prior to **Friday 7 March 2025** regarding their needs.

Website

- [6] The ORC's Notification Report and all information relevant to the hearing may be found on the ORC website:

<https://www.orc.govt.nz/consents-and-compliance/current-notified-applications/dunedin-city-council-rm23185/https://www.orc.govt.nz/consents-and-compliance/current-notified-applications/dunedin-city-council-rm20280>

Correspondence

- [7] Participants must not attempt to correspond with or contact the Commissioner directly. All correspondence relating to the hearing must be addressed to the ORC Hearings Administrator, Tamsin Grigg.

Service on the Council

- [8] All evidence and legal submissions addressed by this Minute must be lodged with the ORC:
- Preferably by email to consents.applications@orc.govt.nz
or
 - By post addressed to Tamsin Grigg, Otago Regional Council, Private Bag 1954, Dunedin 9054.
- [9] Evidence and legal submissions lodged **must** be provided in Microsoft WORD format. The documents must be 'unlocked' so that they can be easily annotated by the Commissioner.



Rob van Voorthuysen
On behalf of the Commissioner
21 January 2025