

Under the Resource Management Act 1991

In the matter of Resource consent application RM24.143 made to the Otago Regional Council by the Dunedin City Council, for five resource consents related to the proposed Green Island Resource Recovery Park Precinct, Dunedin.

Minute 1: Directions of hearing commissioner Myles McCauley

14 October 2024

Introduction

1. I have been appointed by the Otago Regional Council (ORC) under section 34A of the Resource Management Act (RMA) to hear and decide resource consent application RM24.143. The application was made by the Dunedin City Council and encompasses:
 - RM24.143.01 – Land Use Consent: To disturb a contaminated site for construction of the Resource Recovery Park Precinct.
 - RM24.143.02 – Discharge to Air Permit: To discharge contaminants to air associated with the disturbance of contaminated land for the construction of the Resource Recovery Park Precinct.
 - RM24.143.03 – Discharge to Air Permit: To discharge odour and dust to air from composting activities and from industrial and trade processes directly associated with the operation of facilities at the Resource Recovery Park Precinct.
 - RM24.143.04 – Divert Water Permit: To divert stormwater from working and non-working areas of the Resource Recovery Park Precinct within or within 100 metres of a natural inland wetland.
 - RM24.143.05 – Discharge to Water Permit: To discharge treated stormwater from the Resource Recovery Park Precinct to water within Kaikorai Stream within or within 100 metres of a natural inland wetland.

The hearing

2. The hearing is scheduled for Wednesday 20 November and Thursday 21 November 2024 at the Edgar Centre, Dunedin. The commencement time is 9am. Due to the commissioner's travel constraints, the hearing will end no later than 3:15pm on Thursday 21 November.
3. The ORC Hearings Administrator will be Rochelle Stevenson, who can be contacted at consents.applications@orc.govt.nz. The Hearings Administrator will provide further details in due course and is the first point of contact for all matters related to this hearing.
4. The order of appearance will be:
 - a) Applicant.
 - b) Submitters.
 - c) ORC reporting officers.
 - d) Applicant right of reply (either given at the hearing or in writing thereafter).

5. The applicant has requested all of day 1 to present their evidence. The Hearings Administrator will contact submitters regarding the timing of their presentations, which it is anticipated will occur first thing on Thursday 21 November.
6. The Section 42A Report¹ from the ORC will be available on or before 2.00pm Wednesday 30 October 2024, allowing the applicant and the submitters to have regard to its contents when preparing their evidence. It would be helpful to the commissioner if the applicant and the submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report authors' conclusions.
7. Pursuant to section 41B(2) of the RMA, the applicant is directed to provide its written expert evidence and non-expert evidence (if any) to the Hearings Administrator no later than 2.00pm Wednesday 6 November 2024.
8. If experts for the applicant intend to base their evidence on technical reports that they authored, and which were included as part of the applications, 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.
9. Pursuant to section 41B(3) and (4) of the RMA, submitters who intend to call expert evidence² in support of their submissions are directed to provide a written statement of that evidence to the Hearings Administrator no later than 2.00pm on Wednesday 13 November 2024.
10. If submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested to also provide a written statement of that evidence to the Hearings Administrator no later than 2.00pm on Friday 15 November 2024.
11. If submitter evidence to be presented by themselves or non-expert people on their behalf is not provided to the Hearings Administrator by the above date, then those submitters should bring ten (10) hard copies to the hearing.
12. If the applicant or any submitter proposes to have legal counsel present legal submissions, they are requested to provide those submissions to the Hearings Administrator no later than 2.00pm on Friday 15 November 2024.
13. 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.
14. At the hearing the applicant's experts may table and read aloud supplementary or rebuttal evidence responding to any expert evidence lodged by submitters. The commissioner anticipates that any such evidence will be concise.
15. All people appearing at the hearing will be allowed to verbally and briefly highlight key points from their submissions or evidence for the benefit of the commissioner. The commissioner will then ask any questions he may have.

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

² Expert evidence is that written by qualified planners, engineers or scientists, for example, prepared in accordance with the Environment Court's Practice Note 2023, section 9: Code of conduct for expert witnesses.

16. Should any submitter wish to speak in Te Reo or sign language, or use visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator as soon as possible but prior to Wednesday 13 November 2024 regarding their needs.

Site visit

17. The commissioner will undertake a site visit before the hearing commences, on the afternoon of Tuesday 19 November.

Correspondence

18. Participants must not attempt to correspond with or contact the commissioner directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator.

Website

19. All information relevant to the hearing will be made available on the ORC website:
<https://www.orc.govt.nz/consents-and-compliance/current-notified-applications/>

Service on the council

20. All evidence and legal submissions addressed by this Minute must be lodged with ORC:

- Preferably by email to Rochelle Stevenson at the email address provided above, or
- By post addressed to:
Rochelle Stevenson
Otago Regional Council
Private Bag 1954
Dunedin 9054, or
- By hand delivery to Rochelle Stevenson, Otago Regional Council, 70 Stafford Street, Dunedin.

21. Any evidence or legal submissions lodged must be in either Microsoft WORD or PDF format. It should be 'unlocked' so that it is able to be annotated by the commissioner.

14 October 2024.



Myles McCauley
Independent Hearing Commissioner