

Otago Regional Council
Dunedin City Council
DIRECTIONS OF THE COMMISSIONERS

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Otago Regional Council (ORC) and Dunedin City Council (DCC) have delegated to independent commissioners Rob van Voorthuysen (Chair), Jan Caunter and Rosalind Day-Cleavin the functions of hearing and deciding the Dunedin City Council (as Applicant) applications for consents for the proposed Smooth Hill landfill located on Big Stone Road, Dunedin.

Hearing

- [2] The hearing is scheduled for the weeks commencing:
- **Monday 16 May 2022**
 - **Monday 23 May 2022**
 - **Monday 30 May 2022** (if required)
- [3] The hearing will commence at **9.00 am** each day and the venue for the first two weeks is the Fullwood Room, Dunedin Centre, Harrop Street, Dunedin. Should the third hearing week be required it will be held in the Conference Room of the Dunedin Public Art Gallery, Moray Place, Dunedin.
- [4] The following directions relate to the hearing:
- (a) The order of appearance will be:
 - Applicant
 - Submitter(s)
 - ORC and DCC Section 42A Report authors
 - Applicant's right of reply (which may be given at the hearing or in writing thereafter)
 - (b) Section 42A Reports¹ from the ORC and DCC (in their regulatory capacity) will be available on or before **Friday 22 April 2022**, allowing the Applicant and submitters to have regard to their contents when preparing their evidence. It would be extremely helpful to the Commissioners if the Applicant and submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report authors' recommendations.
 - (c) Pursuant to section 41B(2) of the RMA, the Applicant is directed to provide their expert² evidence and non-expert evidence³ (if any) to the ORC Hearings Administrator no later than **2.00pm on Friday 29 April 2022**.
 - (d) If experts for the Applicant 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.
 - (e) 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 Friday 6 May 2022**.

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 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 2014 for expert witnesses.

³ Including any evidence from the DCC as Applicant.

- (f) 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 Friday 6 May 2022**.
- (g) 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.
- (h) 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 statements of evidence, speaking notes or reports) as part of the presentation must be provided to the ORC Hearings Administrator no later than **three days prior to their scheduled appearance** at the hearing. This will allow the Commissioners to follow what is being presented.
- (i) If the Applicant proposes to have legal counsel present opening legal submissions, the Applicant is requested to provide those submissions and digital copies of any cases referred to in those submissions to the ORC Hearings Administrator no later than **2.00pm on Wednesday 11 May 2022**.
- (j) If any submitter proposes to have legal counsel present legal submissions on their behalf, submitters are requested to provide those submissions and digital copies of any cases referred to in those submissions to the ORC Hearings Administrator no later than **three days prior to their scheduled appearance** at the hearing.
- (k) 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 Commissioners will have already read it.
- (l) At the hearing expert witnesses may table and read aloud supplementary or rebuttal evidence responding to any expert evidence lodged by other parties. The Commissioners anticipate that any such evidence will be concise and limited to matters of fact rather than matters of opinion.
- (m) 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 Commissioners. The Commissioners will then ask any questions they may have.
- (n) 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 29 April 2022** regarding their needs.

Website

[5] 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/dunedin-city-council-rm20280>

Correspondence

[6] Participants must not attempt to correspond with or contact the Commissioners directly. All correspondence relating to the hearing must be addressed to the ORC Hearings Administrator, Karen Bagnall.

Service on the Council

- [7] All evidence and legal submissions addressed by this Minute must be lodged with the ORC:
- Preferably by email to karen.bagnall@orc.govt.nz
 - or
 - By post addressed to Karen Bagnall, Otago Regional Council, Private Bag 1954, Dunedin 9016.

- [8] Evidence and legal submissions lodged must be provided in Microsoft WORD or PDF format. The documents must be 'unlocked' so that they can be easily annotated by the Commissioners.

Covid-19 Restrictions

- [9] We take this opportunity to remind everyone of the Covid-19 requirements for the people attending the hearing in person:
- Masks must be worn at all times unless presenting evidence
 - A minimum of 1 metre distance between people is to be observed at all times
 - Your "My Vaccine Pass" must be valid and presented upon arrival
 - If you are experiencing any covid like symptoms please do not attend the hearing – <https://covid19.govt.nz/prepare-and-stay-safe/about-covid-19/covid-19-symptoms/>
 - If you have been to a location of interest during specified times, please do not attend the hearing – <https://covid19.govt.nz/testing-and-tracing/locations-of-interest/>



Rob van Voorthuysen
On behalf of the Commissioners
16 February 2022