

12 November 2021

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Dunedin City Council  
PO Box 5045  
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Dear Sir/Madam,

**Submissions on Dunedin City Council Smooth Hill landfill**  
**RM20.280: Discharge permit, water permits and land use consent**  
**LUC-2020-405: Land use consent**

I refer to the applications by Dunedin City Council for resource consents for development and operation of the proposed Smooth Hill landfill at Big Stone Road, Brighton.

Please find enclosed a submission by the Director-General of Conservation Tumuaki-Ahurei in respect of these applications. You will notice the submission seeks that if consents are granted then appropriate conditions are imposed to protect conservation values. The submission identifies the Director-General's concerns.

Please contact Murray Brass in the first instance if you wish to discuss any of the matters raised in this submission [REDACTED]

Yours sincerely



Elizabeth Anne Wallace

**Operations Manager Pou Matarautaki, Coastal Otago**

Copy: Dunedin City Council c/o Anderson Lloyd Ltd, by email to [REDACTED]

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**Form 13: Submission on publicly notified application concerning resource consent**

**Resource Management Act 1991**

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**To:** Otago Regional Council  
Dunedin City Council

**Name of submitter:** Penny Nelson, Director-General of Conservation Tumuaki-Ahurei

**Applicant:** Dunedin City Council

**Location:** Big Stone Road, Brighton

**Description of activity:** RM20.280:

- Discharge Permit to discharge waste and leachate onto land, and discharge landfill gas, flared exhaust gases, dust and odour to air, and to discharge water and contaminants from an Attenuation Basin and sediment retention ponds, for the purpose of the construction and operation of a Class 1 landfill.
- Water Permit to take of up to 87 m<sup>3</sup>/day of groundwater, and use of up to 50 m<sup>3</sup>/day of groundwater, for the purpose of managing groundwater collected beneath a Class 1 landfill.
- Water Permit to divert surface water within the Ōtokia Creek catchment for the purpose of the construction and operation of a Class 1 landfill and associated road realignment works.
- Water Permit to dam water within an Attenuation Basin for the purpose of the construction and operation of a Class 1 landfill.

- Land Use Consent to alter, reclaim, and place structures on, the bed of waterbodies and wetlands for the purpose of road realignment works.

LUC-2020-405: Road widening and upgrades, and clearance of indigenous wetland vegetation, lizard habitat, exotic grasslands and riparian wetland.

**Application number:** Application to Otago Regional Council: RM20.280  
Application to Dunedin City Council: LUC-2020-405

**Trade competition:** I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

**My submission relates to:** The whole application

**My submission is:** I am neutral on the application, but consider that if consents are granted then conditions are required to protect conservation values.

**The reasons for my submission are that:**

1. The site of the proposed landfill and associated works is likely to include habitat of indigenous lizards, including the southern grass skink (At Risk – Declining).
2. The site of the landfill and associated works provides habitat for the kārearea / eastern falcon (At Risk - Recovering).
3. The site of the landfill and associated works do not contain any significant freshwater fish values, but there are wetlands present at the site, and the Ōtokia Creek catchment downstream also contains wetlands and has records for the At Risk - Declining species tuna / longfin eel and giant kokopu. Other At Risk – Declining species (kōura, inanga and kōaro) have been recorded in adjacent catchments.
4. The development and operation of the landfill has the potential to adversely affect these conservation values through direct disturbance, loss of habitat, sedimentation, leachate, and changes to hydrology.
5. Although the information provided with the application states that adverse effects on these conservation values are likely to be low, there remains some risk and uncertainty. This is highlighted by the Tonkin and Taylor peer review of the ecological assessment.

6. The risk and uncertainty are exacerbated by an apparent reliance on management plans which are yet to be finalised.
7. If consents are granted, appropriate conditions are required to ensure that the activity and effects are as outlined in the application, that management plans are effective, and that there is adequate monitoring to detect and respond to any adverse effects which do arise.
8. I note that there will be other submissions on these applications, and other issues raised. These will be for the Hearing Panel to consider, and my submission does not prejudge whether the outcome of that process will be to grant or decline consents. Rather, I am concerned that if consents are granted, then appropriate conditions are imposed to ensure that conservation values are adequately protected.

**Decision sought:**

Conditions:

That if consents are granted, they include conditions requiring:

- Continuous water level monitoring in the wetlands;
- Bi-annual water quality, fish and invertebrate surveys for the first five years of operation (subject to review after this);
- Annual wetland health monitoring e.g., wetland extent and vegetation cover;
- Provision of completed ecological management plans, including Lizard Management Plan, Kārearea Falcon Management Plan, Vegetation Restoration Management Plan, and Bird Management Plan, to be in accordance with the points below.
- Provision to review the consents if adverse effects are detected by monitoring.

Management Plans:

Although the application refers to various management plans, including a number relating to conservation values, the plans themselves are yet to be finalised. Management plans are only of value where they provide certainty of environmental outcomes, so conditions should ensure that all management plans:

- Contain clear and effects-based objectives and performance standards, to ensure that environmental outcomes are understood from the outset, and that the management plans will lead to actions 'on the ground' to achieve those outcomes;

- Have ongoing effect, and require ongoing implementation;
- Set intervention thresholds to allow review and intervention if objectives are not being met;
- Require ongoing monitoring and reporting;
- Provide for adaptive management where appropriate;
- Are enforceable throughout the duration of the consents.

Wildlife Act 1953:

I note that consent conditions imposed will need to be consistent with the existing Wildlife Act authorisation for lizard survey, and I advise that a further authorisation is likely to be required for the actual landfill development and operation. The proposed Lizard Management Plan will also need to be consistent with any Wildlife Act authorisations.

**I do not wish to be heard** in support of my submission.



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Elizabeth Anne Wallace

**Operations Manager Pou Matarautaki, Coastal Otago**  
Acting pursuant to delegated authority

12/11/21

Date

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Electronic address for service of submitter: [REDACTED]

Telephone: [REDACTED]

Postal address: [REDACTED]

Contact person: Murray Brass, Senior RMA Planner