

## BEFORE THE CANTERBURY REGIONAL COUNCIL

In the matter of:       Applications by Lyttelton Port Company Limited to the Canterbury Regional Council to channel deepen dredging at Lyttelton Port

CRC172455 – coastal permit to dredge (disturb the seabed) and deposit material on the seabed

CRC172456 – coastal permit to discharge contaminants and deposit material on the seabed

CRC172522- discharge contaminants into water associated with channel deepening dredging

CRC172523 – discharge permit to discharge contaminants into water associated with maintenance dredging

### 1st Minute of the Commissioners

#### Hearing Timetable

1. The Panel acknowledges the helpful memorandum dated 3 February 2017 filed by counsel for Lyttelton Port Company. It is essential to settle a timetable and hearing dates as soon as possible, particularly given the extensive involvement of experts in relation to those applications. The Panel accepts that need for longer time periods between the provision of the S42A report and the filing of expert evidence by Lyttelton Port Company and submitters as compared to the minimum periods prescribed in s103B of the Act.
2. However, a consequence of this is that the S42A report would need to be available by 3 March to provide 20 working days before the hearing commenced on 3<sup>rd</sup> April. This is only three days after the pre-hearing conference scheduled for 28 February, and more importantly is a date not reasonably attainable by the officers responsible for preparation of the report given its size and complexity.
3. To realistically accommodate the proposed 20, 12 and 7 working day timetable a post – Easter hearing is required. Were the hearing to commence on Tuesday 18 April the following revised timetable would apply:

S42A report	16 March
Lyttelton Port Company evidence	28 March
Submitter's expert evidence	4 April

We note that the weeks of the 18 and 24 April are each of 4 days on account of Easter Monday and ANZAC Day respectively.

4. If any party has any difficulty in meeting the revised timetable please contact the Hearings Officer, Alison Cooper at the Canterbury Regional Council email: [Hearings@ecan.govt.nz](mailto:Hearings@ecan.govt.nz).

### **Panel Membership**

5. Prior to the formal appointment of the three person hearing panel Mr Peter Atkinson alerted Environment Canterbury to a personal connection that he considered could be a potential impediment to his presence on the panel. The relevant circumstances were considered and the view reached that they were not disqualifying in nature, but that the details of the connection should be disclosed so that if any party sought Mr Atkinson's recusal their viewpoint could be considered.
6. Mr Atkinson has a professional connection with MetOcean Solutions Limited, a Taranaki based company of which Dr Peter McComb is the managing director. Founded in 2005, MetOcean director Dr Brett Beamsley is to provide evidence on plume and sediment disposal issues in support of LPC's consent applications.
7. Mr Atkinson worked in various port engineering roles for 28 years until his retirement in 2015, including senior positions with Port Taranaki for 18 years to 2000 and for his last three years to late 2015. He first met Dr McComb in 1996 and has had a professional association with him since that time. Mr Atkinson also knows other members of the MetOcean team, in particular employees in the New Plymouth office.
8. Following retirement Mr Atkinson has undertaken private consultancy work, including one project for MetOcean with another now in prospect. The completed project involved the evaluation of design and construction processes for a proposed marine construction in New Zealand, while the prospective task concerns a breakwater maintenance assessment for an Australian port. The remuneration for both contracts will be less than \$20,000 assuming the prospective one proceeds.
9. In concluding that it remained appropriate to appoint Mr Atkinson to the panel Environment Canterbury took into account a number of considerations. In a country the size of New Zealand there is a limited pool of people who possess expertise and experience in relation to the range of issues raised by the present applications. Mr Atkinson has the requisite background and qualifications. He was a member of the Lyttelton Port Recovery Plan hearing panel in mid-2015 and therefore has an awareness of the present capital and maintenance dredging aspects. It is most unlikely that another appointee will not have a connection with MetOcean, given the size and standing of the company within the port industry nationally. Mr Atkinson's contacts with MetOcean and Dr McComb have not involved anything of relevance to the present applications. He has met Dr Beamsley, but has not had a professional or personal association with him.
10. Ms Raewyn Solomon knows prospective witnesses, Dyanna Jolly and Shaun Ogilvie in a professional capacity, and while she discloses these connections, she does not consider them of further present relevance.

11. Should any party wish to object to the constitution of the Panel could they please do so in writing no later than Tuesday 21<sup>st</sup> February 2017. Any objection to be forwarded to the Hearings Officer, Alison Cooper at the Canterbury Regional Council at PO Box 345, Christchurch 8041 or email: [Hearings@ecan.govt.nz](mailto:Hearings@ecan.govt.nz).

Issued by the Hearing Commissioners

Sir Graham Panckhurst –Chair, Peter Atkinson and Raewyn Solomon

Dated 10February 2017