

**ROYDON QUARRY, TEMPLETON**  
**DIRECTIONS OF THE COMMISSIONERS**  
**MINUTE 1**

**INTRODUCTION**

[1] Pursuant to section 34(A)(1) of the Resource Management Act 1991 (RMA), Canterbury Regional Council (Environment Canterbury) and the Selwyn District Council (the Councils) have delegated to independent commissioners Sharon McGarry, Paul Thomas and Rob van Voorthuysen the function to jointly hear the submissions on applications made by Fulton Hogan Limited (the applicant) relating to a proposed quarry near Templeton (Roydon Quarry).

[2] The following directions and requests relate to the hearing.

**HEARINGS ADMINISTRATOR**

[3] The Councils have appointed a Hearings Administrator who is:

Alison Cooper

[Hearings@ecan.govt.nz](mailto:Hearings@ecan.govt.nz)

+64 27 549 7661

**HEARING DATES AND TIMES**

[4] The hearing venue (or venues) will be advised in the notice of hearing which will accompany the Council's Section 42A Reports. These reports will be available on the Environment Canterbury website (see paragraph 33) and submitters will also receive the notice of hearing by email or surface mail.

[5] The hearing dates are:

- Monday 18 November to Friday 22 November 2019
- Monday 2 December to Friday 6 December 2019
- Monday 9 December to Friday 13 December 2019

[6] If additional hearing days are required then these will be scheduled for early 2020.

[7] The hearing will commence at 9am each day.

[8] The hearing will generally conclude at 5.00pm each day, except for the last day of each week when the hearing will conclude at 4.00pm.

[9] Breaks during the day will be as follows:

- Morning tea            10.30 to 10.45am
- Lunch                    12.30 to 1.30pm
- Afternoon tea        3.00 to 3.15pm

[10] The Hearings Administrator will be contacting submitters who stated in their submission that they wished to be heard to confirm their attendance at the hearing and to determine an allocation of speaking time. Thereafter, a schedule of appearances will be developed and distributed to submitters. That hearing schedule may be subject to change as the hearing proceeds and any changes will be posted on the Environment Canterbury website.

[11] The general order of appearance will be:

- Procedural matters (if any)
- Applicant

- Submitters
- Section 42A report authors
- Applicant's right of reply (which may be given at the hearing or in writing thereafter)

[12] Submitters wishing to be heard (and who are not calling witnesses to support their case) will generally each be allocated **15 minutes** to speak to their submissions, unless a longer time slot is specifically requested.

[13] Submitters raising the same or similar matters of concern are encouraged to group together and make joint presentations at the hearing.

#### **PRE-CIRCULATION OF MATERIAL**

[14] The Councils' section 42A reports<sup>1</sup> will be made available on or before **Monday 2 September 2019** and shortly thereafter posted on the Environment Canterbury website, 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 whether or not they agree or disagree (with reasons) with the section 42A report authors' conclusions and recommendations.

[15] Pursuant to section 41B(2) of the RMA, the applicant is directed to provide their briefs of evidence to the Hearings Administrator no later than 4.00pm on **Monday 23 September 2018**.

[16] If expert witnesses for the applicant intend to base their briefs of evidence on technical reports that they authored, and which were included as appendices to either the application or the applicant's section 92 response, then the expert witnesses need not repeat material contained in those reports in their evidence. It will be sufficient for the evidence to cross-refer to that material.

[17] Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence<sup>2</sup> in support of their submissions are directed to provide a written briefs of that evidence to the Hearings Administrator no later than 4.00pm on **Monday 14 October 2019**.

[18] 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 Hearings Administrator no later than 4.00pm on **Monday 14 October 2019**.

[19] If expert witnesses for the applicant prepare rebuttal evidence in response to expert evidence lodged by submitters, then the applicant is directed to provide their briefs of expert evidence to the Hearings Administrator no later than 4.00pm on **Monday 21 October 2018**. The Commissioners anticipate that any rebuttal evidence will be concise and not raise new issues.

[20] All expert witnesses presenting briefs of evidence are to include a summary statement that is no more than two A4 pages long at the beginning of their evidence.

[21] If the applicant proposes to have legal counsel present opening legal submissions, the applicant is requested to provide those submissions to the Hearings Administrator no later than **4.00pm on Wednesday, 13 November 2019**.

[22] All original submissions and pre-circulated written evidence 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 they and their experts will not be required to read any such material out loud at the hearing. Reading that material out loud at the hearing would be an inefficient use of time as the Commissioners will have already read it.

[23] However, experts will be asked to read out their summary statements and submitters will similarly be asked to highlight key points for the benefit of the Commissioners. The Commissioners will then ask any questions they may have.

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<sup>1</sup> The s42A Report includes a discussion of the submissions. It recommends (with reasons) whether the consent applications should be granted or not. Those recommendations do not bind the Commissioners.

<sup>2</sup> 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.

[24] 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 Hearings Administrator, as soon as possible, but prior to **Monday 14 October 2019** regarding their needs.

### RECORDING

[25] The hearing will be recorded but the recording will not be transcribed.

### PRE-HEARING MEETINGS

[26] If participants (the applicant, the s42A report authors, or submitters) wish to hold pre-hearing meetings<sup>3</sup> then resultant pre-hearing reports are to be prepared and provided to the Hearings Administrator by 4.00pm on **Monday 11 November 2019**. The Hearings Administrator can assist with organising pre-hearing meetings.

### EXPERT CONFERENCING / CAUCUSING

[27] Either prior to or following the exchange of expert evidence as detailed above, the Commissioners request that all participants calling expert witnesses liaise amongst themselves, along with the Hearings Administrator, in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise (including any applicable conditions of consent).

[28] If expert conferencing occurs then a Joint Witness Statement (JWS) is to be prepared for each specific topic of expertise (such as dust, noise, traffic, landscape, water quality, clean fill, etc) and be provided to the Hearings Administrator by 4.00pm on **Monday 11 November 2019**. The Commissioners anticipate that experts for the applicant will assume responsibility for preparing each JWS, unless the conferencing experts decide otherwise amongst themselves. The Commissioners may request further conferencing during the course of the hearing.

[29] All expert witnesses, in both preparing and presenting their evidence as well as when attending expert conferencing, are expected to comply with the Environment Court Consolidated Practice Note 2014 – Expert Witness Code of Conduct available at the following website

*<http://www.justice.govt.nz/courts/environment-court/legislation-and-resources/practice-notes/expert-witness.html>*

### SITE VISIT

[30] The Commissioners intend to undertake a preliminary site visit prior to the hearing commencing. Participants are requested to inform the Hearings Administrator by 4.00pm on **Friday 9 August 2019** of any areas of interest, along with supporting reasons, that they would wish the Commissioners to include within their site visit. A further site visit may be undertaken before the hearing is closed.

### CORRESPONDENCE

[31] Participants must not attempt to correspond with or contact the Commissioners directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator.

### SERVICE ON THE COUNCILS

[32] All written material (evidence, pre-hearing reports, JWS's and legal submissions) addressed by this Minute must be lodged with the Hearings Administrator by either:

- Preferably email to Alison Cooper at [Hearings@ecan.govt.nz](mailto:Hearings@ecan.govt.nz) or
- Post addressed to Alison Cooper, Environment Canterbury, PO Box 345, Christchurch 8140; or
- Hand delivery to Alison Cooper, Environment Canterbury, 200 Tuam Street, Christchurch.

<sup>3</sup> The Councils may invite or require the applicant and some or all of the submitters to attend a meeting, the purpose of which is usually to clarify submitter issues and seeing if those issues can be resolved. Section 99 of the RMA describes this process.

[33] All written material received will be available as soon as reasonably possible to participants from the Environment Canterbury website at the following link:

<https://ecan.govt.nz/do-it-online/resource-consents/notifications-and-submissions/current-consent-projects/fulton-hogan-ltd-proposed-roydon-quarry/>

**DEVIATION REQUESTS**

[34] If any participant wishes to deviate from any timetable or other requirement identified in this Minute a written request to do so (inclusive of reasons) must be addressed to the Commissioners, and be provided to the Hearings Administrator. The Commissioners will consider and determine any such requests.



Rob van Voorthuysen

**Independent Commissioner – Chair - on Behalf of the Commissioners**

Dated: 15 July 2019