

Before Independent Commissioners Appointed by the Canterbury Regional Council and Selwyn District Council

In the matter of The Resource Management Act 1991

And

In the matter of Applications by **Fulton Hogan Limited** for all resource consents necessary to establish, operate, maintain and close an aggregate quarry (**Roydon Quarry**) between Curraghs, Dawsons, Maddisons and Jones Roads, Templeton

MEMORANDUM OF COUNSEL FOR FULTON HOGAN LIMITED
OUTLINE OF MATTERS INTENDED TO BE ADDRESSED IN REPLY

DATED: 19 December 2019

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MAY IT PLEASE THE COMMISSIONERS:

1. At the adjournment of the hearing¹ directions were made regarding a written reply on behalf of Fulton Hogan Limited (**Fulton Hogan**). Throughout the hearing the Panel identified a number of matters upon which it wished to hear further from Fulton Hogan. The hearing spanned 4 weeks and – as is usual for resource consent applications of this scale – the Proposal was subject to both evolution and refinement.
2. In order to ensure the Panel receives the further information it is expecting, Counsel for Fulton Hogan offered to provide an outline of the matters that are intended to be addressed. If the outline does not conform to the Panel's expectations (having now had some time to reflect on the hearing as well), Fulton Hogan would be happy to include additional material in order that its Reply is of as much assistance as possible.

Supplementary Statements

3. **Mr Metherell** provided supplementary evidence in the final week of the hearing and with respect to the routing of traffic. It is acknowledged this particular aspect of traffic and noise effects was the subject of a considerable body of submitter evidence. However, as a result of the material put before the Panel on day 10 of the hearing, it is not anticipated any further information is required from Mr Metherell.
4. **Mr Van Nieuwkerk** has prepared a supplementary statement addressing a few of the matters raised by Ms Davina Penny. The particular matters covered include the water balance assessment, the Highest Recorded Groundwater Level taking into account the bore readings Ms Penny was referring to and water quality effects including clean fill and nitrate levels.
5. It is intended **Mr Mthamo** will provide a brief statement regarding the issue of versatile soils, which assumed some prominence in the last few days of hearing.
6. It is also intended that **Mr Cudmore** will provide a short, supplementary brief responding to the criticisms of the MOTE Report and the preceding reports. Again, the concerns raised by submitters about these reports came to the fore in the last couple of days of hearing. We have asked Mr Cudmore to

¹ On 11 December 2019

consider the relevant submissions made at the hearing and the questions asked of Ms Deborah Ryan, by the Panel.

7. As foreshadowed, **Mr Bligh** will provide a supplementary statement attaching and explaining a further, refined condition set. Amongst other things, Mr Bligh's evidence will include updated versions of the Traffic Queue Management Plan and the Traffic Routing Management Plan.
8. **Mr Chittock** will provide a brief statement encapsulating the narrative he provided to the Panel at the commencement of day 12 of the hearing. Mr Chittock will attach the same diagrams he spoke to, when he addressed the Panel. Mr Chittock will also append a letter from the Founder and General Manager of Husky Rescue NZ to address some of the statements made by submitters toward the end of the hearing.

Closing legal submissions

9. Although not exhaustive, Counsel can confirm an intention to traverse the following topics in closing (in no particular order):
 - (a) Dust suppression after hours.
 - (b) What the process would be and what approvals would be needed to advance Option 2 of the round-about options.
 - (c) What is being offered in terms of a walking track around the site and a viewing platform.
 - (d) Clarification of what is to happen and when in terms of conditions precedent and construction activities.
 - (e) Water races and their relevance to the Proposal.
 - (f) Duration of all consents.
 - (g) Whether conditions can be imposed on the District Council consent (and possibly one or more of the Regional Council consents) that will endure beyond expiry of the relevant consent.
 - (h) Clarification of what the Fulton Hogan case is in relation to all three sites of concern to Brackenridge.
 - (i) The presence and relevance of any versatile soils on site including with regard to statutory water take and nutrient discharge restrictions.

- (j) The relevance of the Christchurch City Quarry Zone to this Proposal.
 - (k) How Fulton Hogan proposes to manage the few extant noise issues, including tonal reversing beepers and engine braking.
 - (l) Discussion of Regulation 17 of the NES on Air Quality - particularly in light of the second Joint Witness Statement from the air quality experts. This will include a discussion on the offsetting option under Regulation 17(3).
10. If there is a matter of particular interest to the Panel which may not be addressed above, Fulton Hogan would welcome identification of additional topics to be canvassed.

Dated 19 December 2019



D C Caldwell
Counsel for the Applicant