

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 REGARDING
SYNOPSIS OF CLOSING SUBMISSIONS AND PM10 OFFSETTING**

DATED: 30 January 2020

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MAY IT PLEASE THE COMMISSIONERS:

1. Fulton Hogan Limited (**Fulton Hogan**) was due to file its closing materials yesterday (29 January 2020). Accordingly, Fulton Hogan filed supplementary evidence from the following witnesses yesterday:
 - (a) Don Chittock;
 - (b) Kelvyn Jolly
 - (c) Audrey Wagenaar;
 - (d) Victor Mthamo;
 - (e) Eric Van Nieuwkerk;
 - (f) Roger Cudmore; and
 - (g) Kevin Bligh.
2. However, Fulton Hogan has not yet finalised its position regarding a PM10 offset. Details of such an offset were specifically sought in the Commissioners' Minute 13 (paragraph 2(a)). Calculations regarding some of the options are still being finalised.
3. Consequently, the evidence prepared by Mr Cudmore and Mr Bligh (and possibly by either Mr Chittock or Mr Jolly too) is incomplete in that regard. It is envisaged both witnesses (and, if required, a Fulton Hogan representative too) will file addendums exclusively addressing the Offset design. If it is acceptable to the Commissioners, it is anticipated such addendums can be filed by the end of the day on Monday 3 February – based on the current expectation that all calculations will be complete by Friday (31 January).
4. As the Commissioners might expect, this has also had an impact on the finalisation of legal submissions. Similar to what has been done and is further proposed for the relevant evidence, Counsel intends to finalise the legal submissions today but omitting the section regarding PM10 and Regulation 17 of the National Environmental Standard for Air Quality. An addendum as to that issue could also be filed on Monday 3 February, if this was convenient to the Panel.
5. As such, the following timetable amendments are respectfully sought:

- (a) Fulton Hogan's synopsis of closing legal submissions – on all topics except air quality, PM10 and Regulation 17 of the NES – to be filed today, 30 January 2020;
 - (b) Fulton Hogan's additional evidence addressing paragraph 2(a) in Minute 13 (i.e. a specific PM10 offset) to be filed on Monday 3 February 2020;
 - (c) Fulton Hogan's additional legal submissions addressing air quality, PM10 and Regulation 17 of the NES, to also be filed Monday 3 February 2020.
6. It is again submitted that no other party is prejudiced by the amendments sought.
7. Further, it is respectfully submitted any inconvenience caused for the Commissioners should be minimal given that the majority of Fulton Hogan's closing materials are already filed, with further material (legal submissions) to be filed by the end of today.

Dated 30 January 2020



D C Caldwell
Counsel for the Applicant