

BEFORE THE CANTERBURY REGIONAL COUNCIL AND THE WAIMAKARIRI DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991 ('the RMA')

AND

Resource consent applications by Taggart Earthmoving Limited (The applicant) to establish, maintain and operate an aggregate quarry located at the Rangiora Racecourse, 309 West Belt, Rangiora. In particular the applicant has applied for the following resource consents from-

Canterbury Regional Council;

*CRC 204106- A land use consent to excavate material;

*CRC204107- A discharge permit to discharge contaminants into air from an industrial or trade premise or process;

*CRC204143- A discharge permit to discharge contaminants to land from backfilling with virgin excavated natural materials;

*CRC 211629- A water permit to divert flood water.

Waimakariri District Council;

*RC 205104- A land use consent to establish, maintain and operate an aggregate quarry in the Rural Zone

MINUTE 1-DIRECTIONS FOR HEARING

18 MARCH 2021

INTRODUCTION

- 1 On 16 March 2021 the Waimakariri District Council and on 5 March 2021 the Canterbury Regional Council under section 34 A of the RMA jointly appointed us to be hearing Commissioners :
 - 1.1 Paul Rogers (chair);
 - 1.2 Reginald Proffit;
 - 1.3 John Iseli.
- 2 The Councils delegated us the functions and duties of dealing with any preliminary matters and the hearing and issuing a decision in respect of the above described resource consent applications.
- 3 This minute confirms the dates for the hearing, the venue, directions as to the circulation of evidence prior to the hearing, where to view evidence, an outline of the conduct of the hearing, and information about hearings.

HEARING DETAILS

- 4 The hearing will be held:

Tuesday 4 May – Wednesday 5 May – Showgrounds Function Centre, 158 Ashley Street, Rangiora

Thursday 6 May – Friday 7 May – Rossburn Receptions, Sparks Road, Rangiora

Monday 10 May – Tuesday 11 May – Showgrounds Function Centre, 158 Ashley Street Rangiora
- 5 The hearing will commence each day at 9.00am. It will be held on Tuesday 4 May 2021 to Tuesday 11 May 2021 inclusive. If further hearing days are required they will be scheduled as soon as possible after the hearing commences.

JOINT HEARING PROCESS

- 6 As this is a joint hearing, involving both the Regional Council and the District Council, as is usual practice the Regional Council will be the lead administrator.
- 7 The Regional Council will be the sole contact point to receive all evidence and materials from all parties and distribution of all evidence and materials to all parties.
- 8 The Regional Council will place all evidence and materials including the application on its website (: <https://www.ecan.govt.nz/do-it-online/resource-consents/notifications-and-submissions/current-consent-projects/taggart-earthmoving-ltd/>.) as the single source of information for all parties.

EVIDENCE

- 9 Pursuant to s41C(1) of the RMA, the Panel directs that; :
 - (a) a copy of the councils section 42A report be provided to all parties who wish to be heard no later than 5.00pm on Monday 12 April 2021
 - (b) The Applicant is to by email, provide its expert evidence to the hearing administrator no later than 5.00pm on Monday 19 April 2021.
 - (c) Any person who has made a submission and who is intending to call expert evidence is to, by email, to provide that evidence, including any rebuttal to the Applicants expert evidence, to the hearing administrator no later than 9.00am on Tuesday 27 April 2021.
 - (d) Council's section 42A report and all pre-circulated expert evidence will be taken as read, meaning there will be no need for persons to read out pre-circulated information. However drawing the panel's attention to key parts of pre-circulated information is required and or providing a summary of the same.
 - (e) Non-expert evidence, including submitter lay evidence and any legal submissions should be tabled and read aloud on the day that the relevant party appears at the hearing.
- 10 The Panel requests, well in advance of the hearing date, and led by the Applicant, that all parties calling expert witnesses liaise amongst themselves in order to facilitate their respective expert's conferencing on matters relevant to their specific areas of expertise prior to the hearing (including wording of intended plan provisions).

- 11 The aim of the expert conferencing is to identify areas of agreement and disagreement which can then be noted in an Addendum to Councils section s42A reports and or agreed statements between experts which are then provided to the panel.
- 12 Expert evidence is to be provided to the Regional Council by email to the Consents Hearings Officer Alison Cooper (Hearings@ecan.govt.nz) Cell phone 0275497661.

VIEWING OF EVIDENCE

- 13 Environment Canterbury will advise those parties who wish to be heard, by email, of the availability of minutes, evidence and materials it receives as soon as possible following receipt.
- 14 All evidence and material will be available to read and download from: <https://www.ecan.govt.nz/do-it-online/resource-consents/notifications-and-submissions/current-consent-projects/taggart-earthmoving-ltd/>. from the dates noted above.

THE HEARING

- 15 At commencement of the hearing any procedural matters will be addressed and dealt with.
- 16 The Applicant will then commence providing a summary of legal submissions and;
 - (a) The Applicant is to call any expert witness who has pre circulated evidence in person;
 - (i) The witness should be introduced and asked to confirm his or her qualifications and experience and the content of their pre-circulated evidence;
 - (ii) The witness will then be given an opportunity to draw to the attention of the Panel the key points in their brief. The witness should present a summary of their pre-circulated evidence (supported by power point presentations if desired), endeavouring to be succinct.
 - (b) No new evidence shall be introduced, other than in relation to areas of agreement and disagreement following expert conferencing, unless it is

specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party.

- (c) In such cases the responding evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness.
- (d) If there is any variation between what the witness says and what is in the brief of evidence, the Panel will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;
- (e) The witness may then be questioned by the Panel.
- (f) There is no right to cross-examine.

- 17 Following the Applicant submitters in support followed by those in opposition will present utilising the same procedures. Submitters when presenting need ensure if there are any matters they wish to respond to arising from any materials available to us they do so when first presenting. Unless we direct otherwise submitters do not receive a right of reply
- 18 Non-expert evidence (including submitter lay evidence and legal submissions) should be tabled and read aloud on the day that the relevant party appears at the hearing.
- 19 Following the submitters we will hear from the Councils reporting officers. Given reports will be pre circulated and pre read summarising main points and raising matters in response to evidence presented at the hearing is our expectation of officers.
- 20 During the hearing we may well have questions for any party that may require preparation of additional information. If so, we will ensure a process fair to all is followed.
- 21 Finally the Applicant will have a right of reply. That reply maybe provided at the hearing or in writing at a later date.
- 22 We will receive evidence spoken or written in te reo Maori and will accommodate disabilities which affect submitters or witnesses for example by accommodating sign language. However to enable preparations for these circumstances we need at least 5 working days' notice before the hearing commences of the intention to present in te reo or sign language.
- 23 The hearing is in public. It will be conducted in a manner which is appropriate and fair, but without unnecessary formality.
- 24 The Panel will attempt to focus on the issues of contention during the hearing and in deliberations thereafter. So the assistance of the parties to clearly

identify areas of expert agreement and disagreement in this manner will be greatly appreciated by the Panel.

- 25 To assist those presenting at the hearing, presentation aids will be available including a whiteboard and data-projector.

SITE VISIT

- 26 We will undertake a site visit of the intended site, described above, and its surrounds. If any party wishes us to consider viewing particular sites or areas they can provide details to the hearing administrator as soon as possible following receipt of this minute.
- 27 The timing of any site visit remains to be set. We will once the site visit is completed advise parties of the sites we viewed.

OTHER MATTERS

- 28 If any party has any issue with the information/directions or wish to undertake any contact with the Panel, please do so by contacting Alison Cooper, Hearings Consent Officer (Hearings@ecan.govt.nz) as soon as possible following receipt of this minute.



Paul Rogers

Independent Commissioner – Chair - on Behalf of the Panel