

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY CANTERBURY
REGIONAL COUNCIL AND WAIMAKARIRI DISTRICT COUNCIL**

IN THE MATTER Of the Resource Management Act 1991 (**RMA** or **the Act**)

AND

IN THE MATTER Of the Waimakariri River Regional Plan (**WRRP**); the Canterbury Land and Water Regional Plan (**LWRP**); the Proposed Plan Change 7 to the LWRP (**pPC7**) and Proposed Plan Change 2 to the WRRP (**pPC2**); the Canterbury Air Regional Plan (**CARP**) and the Waimakariri District Plan (**WDC**)

AND

IN THE MATTER Of applications to the Canterbury Regional Council by **Woodstock Quarries Limited** for various resource consents to establish and operate a hard rock quarry and a landfill (**CRC214073-CRC214077**)

AND

IN THE MATTER Of an application to the Waimakariri District Council by **Woodstock Quarries Limited** for resource consents to establish a landfill and associated earthworks at 513 Trig Road within an area currently being used as a quarry (**RC215276 / 221101189245**).

MEMORANDUM OF COUNSEL FOR THE APPLICANT

15 December 2023

Presented for filing by:

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MAY IT PLEASE THE COMMISSIONERS

- 1 This Memorandum is filed in response to the Commissioners' 18th Minute dated 5 December 2023.

Engineering Drawings Peer Review

- 2 The Panel has noted that there remain areas of disagreement between the technical experts for the Applicant and Council regarding the design drawings which form part of the application (Issue 6, dated September 2023), and that these are matters that would normally be capable of agreement between technical experts, following a process of caucusing.
- 3 The Applicant agrees that such matters would normally be capable of agreement through witness-caucusing. Given that caucusing had taken place and Joint Witness Statements had been produced, the Applicant believed that the Councils' consultants had agreed there was no need for further or amended drawings until after the consents were granted.¹
- 4 It was therefore surprising to the Applicant that the "summary" statement of Peter Abernethy raised at least 14 matters which Mr Abernethy considered needed to be addressed by the Applicant prior to consent, while the "summary" statement of Jonathan Shamrock raised at least 27 such matters (some of which duplicate those raised by Mr Abernethy). Although there was ample opportunity for Mr Abernethy and Mr Shamrock to raise these concerns prior to these experts' appearances at the hearing, including through expert witness conferencing, these matters were either not raised until the "summaries" were presented, or when they were raised prior to that, there was agreement amongst the experts that more detailed design and drawings could be left to the post-consent stage.
- 5 In the Applicant's view, the most useful and efficient way forward at this point is for there to be a further witness conference between the engineering expert witnesses, including Mr Pattle as Peer Reviewer of the Applicant's engineering evidence, with a view to reaching agreement between the Councils' consultants and the Applicant's experts as to the further drawings to be produced or amended. Those drawings will be produced by the Applicant's experts, to the satisfaction of Mr Shamrock, and peer reviewed by Mr Pattle. The engineering experts for the Oxford-Ohoka Community Board will be welcome to take part in these meetings, or will be kept informed of their outcomes.

¹ except as specified at paragraph 22(d) of the JWS Liner Design, Underdrainage System, and Potential Volume of Liner Leachate Leakage.

- 6 Through this causing process, the guidance of the Panel, as set out in paragraph 11(a)-(d) will be kept in mind, to ensure that:
- (a) The final set of drawings accurately reflect the Applicant's current proposal; and
 - (b) There will no inconsistencies/errors in the drawings; and
 - (c) The level of detail in the drawings will be appropriate for the consenting stage; and
 - (d) There will be no further need for amended drawings or related actions.

In these circumstances, it is submitted that there is no need for any other independent expert review of the drawings, and that the course of action proposed by the Applicant is more likely to result in a helpful situation for the Panel's decision-making.

- 7 Mr Pattle has discussed this course of action with Mr Shamrock, and understands that he is willing and available to take part, although both Mr Shamrock and Mr Pattle have a number of current commitments which will need to be accommodated. Nevertheless, Mr Pattle advises that Mr Shamrock has confirmed that he is available for a meeting on 10 January 2024. On that basis, it is anticipated that a final set of drawings, agreed to and approved of by the Councils' consultants and OOCB's experts, and peer-reviewed by Mr Pattle, will be available by **15 March 2024**.

Mudfish Monitoring

- 8 The Applicant will provide the Canterbury Mudfish monitoring as requested by the Panel, with the geographical clarification provided by my email to ECan dated 6 December 2023. A methodology has been agreed between Ms Hayward and Dr Greer. The mudfish survey results, together with any fish survey data that is gathered in the same process, will be provided to the Panel by **15 March 2024**.

Proposed Ecological Compensation – Baseline Assessment

- 9 The Applicant will provide the further statement of evidence of Mr Chad Croft which has been requested, including a baseline assessment of the flora, fauna, and spatial extent of the intended compensation site, on the basis of the assessment's purpose being a "proof of concept" and "in principle indication of likely compensatory values", by **15 March 2024**.

Track Changes Version of Conditions and Revised Wording for Condition [8.1]

- 10 The Applicant is happy to provide these. Although it is not anticipated that there will be any further need to amend conditions (apart from [8.1]), I submit that it would be sensible to wait until the work programs outlined above have been completed and the results made available before filing this last set of proposed

conditions. On that basis, the Applicant seeks an amendment to the direction in paragraph 18, so that the track changes version of proposed consolidated conditions, including amended condition [8.1] of the District Council conditions, is to be filed by **15 March 2024**.

A handwritten signature in black ink, appearing to read 'M Perpick', with a stylized, cursive script.

M Perpick
Counsel for the Applicant