

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of applications to the Canterbury Regional Council by Woodstock Quarry 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 Quarry 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)**

**19th Minute to parties
Dated 22 December 2023**

- 1 We acknowledge the Memorandum filed by Counsel for the Applicant on 18th December 2023. The Applicant has agreed to provide the information requested by the Panel in Minute 18, and has consented to an extension of the statutory time-frames for our Decision. We respond below to matters of clarification raised by Counsel for the Applicant, before confirming our directions.

Independent peer review of dispute over engineering design and drawings

- 2 Minute 18 requested an independent peer review of the unresolved engineering dispute about the landfill drawings.
- 3 The Applicant agrees that it is unacceptable that this technical dispute has not been resolved between the engineering experts.¹ But has proposed further expert caucusing, and not a peer review, to provide further information to resolve the dispute.
- 4 We agree that in principle the disputed issues should be capable of resolution between the experts. However, expert caucusing has failed to resolve this issue to date, which is the context to our proposal for peer review. We therefore reluctantly agree to the proposal for caucusing, rather than commissioning a peer review, on the basis that:

¹ Counsel for the Applicant was critical of Messrs Shamrock and Abernethy for (in Counsel's view) their belated identification of numerous detailed design issues. We agree these issues could have been identified earlier than in the summary statements. But we also consider the issues raised by these witnesses were important, in context of the Applicant's continued changes to the proposal over the course of the hearings process.

- Messrs Pinkham, Pattle, Abernethy, Shamrock (and Walter Starke if the Community Board wishes to have him involved), must appoint a facilitator to manage the caucusing process.
- The experts should update the Panel and all parties as soon as possible, if it transpires that an unresolvable dispute emerges during the course of caucusing, in which case an independent peer review may still be required.
- We otherwise accept the proposal by the Applicant, with a final report-back date of 15 March 2024.

Identification of “lower” wetlands

- 5 We do not propose to go into detail on the definition and spatial extent of the “lower wetlands”. Suffice to say that our site visit, and the Applicant’s AEE, both confirm that the “lower wetlands” extends beyond the Narbey property, up to and including the lower working quarry area.
- 6 In that regard, we note that the 2018 resource consent prohibits quarrying within 50 metres of any water body and that this condition does not seem to be being met.² **Attached** is a plan taken from the AEE which identifies the upper part of the “lower wetlands” adjacent to the quarry working face itself. As a result, we maintain our request for a Canterbury Mudfish presence/absence survey, in at least 3 locations, including the wetlands within the Narbey site (if landowner consent is granted), but we will leave it to Dr Greer and Ms Hayward to resolve the final location of surveys.

Evidence of Chad Croft on ecological compensation

- 7 While it is for Mr Croft to address the values of the compensation site proposed, we note that the Applicant has already identified the intended compensation site in plans produced to our hearing. It would assist us, to better understand the spatial extent of the area where values are being lost, as well as the spatial extent and flora and fauna values of the “compensatory” site. In addition, consideration may need to be given to the edge effect of future quarrying in areas adjacent to the compensatory site to understand whether it will meet the criteria of being truly compensatory.³

² The Applicant may dispute or address this point if they wish, again by 15 March 2024.

³ As noted, this is an Augier proposal by the Applicant, so the Panel needs to better understand the proposed compensation in principle being offered (if consent is ultimately granted).

Environment Court decision for ARL landfill

- 8 We note for the benefit of all parties that the Environment Court released its decision on the Auckland Regional Landfill (**ARL**) on 21 December 2023.⁴ It is a lengthy decision. Given the reliance placed by the Applicant, and issues raised by Transwaste, the Community Board, and other submitters about the management plans and consent conditions framework, we will allow an opportunity for parties to comment on the relevance of the decision.
- 9 In that regard, we note the Applicant relied on the ARL decision (albeit at consent authority level), as relevant to the proposed consent conditions framework including management plans, both in evidence and legal submissions.
- 10 Given this reliance, we consider that the Applicant and submitters may (if they wish) provide succinct legal submissions on the relevance of the decision (including the consent conditions framework), albeit bearing in mind that the Auckland regional planning framework is materially different. This can be accommodated within the timeframes now agreed by the Applicant.

11 Our directions are as follows:

- (a) The Applicant is to file a further consolidated version of consent conditions in track-changes format. This should identify all changes made, since the version issued on 29 August 2023. This should be filed with Council by **31 January 2024**.
- (b) By 15 March 2024, the Applicant is to provide:
- the outcomes of expert caucusing on engineering drawings, as identified in the Applicant's memorandum dated 15 December 2023;
 - results of the presence/absence surveys for Canterbury Mudfish;
 - evidence of Mr Chad Croft on ecological compensation, and any amendments to proposed condition [8.1] for the district consents.
- (c) By 15 March 2024, the Applicant and any submitter may make submissions on the relevance of the Environment Court on the ARL landfill in [2023] NZEnvC 277 to the proposed consent conditions and management plan framework. If needed, a link may be able to be provided to that decision (after the statutory break for Xmas).

⁴ Commissioner Enright has previously advised parties that he is Counsel for an Iwi Authority in the ARL proceeding.

- (d) Any reply comments by submitters on information being provided by the Applicant, are to be filed by 5 April 2024.⁵
 - (e) Any reply comments by s42A officers on information being provided by the Applicant, are to be filed by 12 April 2024.
 - (f) Any final comments in reply by the Applicant are to be filed by 19 April 2024.
- 12 Subject to our review of the above information, we then expect to close the hearing to allow our decision to be issued.

Dated 22 December 2023



Rob Enright
Chairperson and Independent Commissioner



Dean Chrystal
Independent Commissioner



Dr Ngaire Phillips
Independent Commissioner

⁵ This allows for Easter.