

Jenna Silcock

From: Jenna Silcock
Sent: 15 December 2011 11:41
To: 'david.goodman@justice.govt.nz'
Cc: Kerry Smith
Subject: Meridian Energy Limited direct referral - ENV-2011-CHC-90
Attachments: 20111209142701090.pdf

Good morning,

Please see **attached** Mr Carr's completed questionnaire, received by Hurunui District Council as reporting council on 9 December 2011.

Because it is only one questionnaire and it is self explanatory we do not propose to reduce it to a formal memorandum.

Please note that there is a disparity in the page numbering of this questionnaire. However while page 7 is omitted, it appears that all the questions in the Council's questionnaire have been considered with answers being provided for questions (a) through to and including (u) without omission.

We confirm that a copy of this email and questionnaire is being served on all parties to above proceeding.

Regards,
Jenna Silcock

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TO HELGA RIGG
FROM JOHN CARR

HURUNUI District Council

RECEIVED
- 9 DEC 2011
Hurunui District Council

PO Box 13, AMBERLEY 7441, NEW ZEALAND Phone: +64 3 314 8247 Fax: +64 3 314 9181 info@hurunui.govt.nz www.hurunui.govt.nz

7 November 2011

Meridian Energy Limited (Direct Referral) - ENV 2011-CHC-090

1. Hurunui District Council has agreed to perform the role of reporting Council, discussed in the Minute to the parties issued by Her Honour Judge Borthwick on 3 October 2011 ("the Court's Minute"). As reporting Council, Hurunui District Council must file a reporting memorandum with the Court by 21 November 2011.
2. To prepare that memorandum Hurunui District Council needs your assistance, by answering the attached questions.
 - 2.1 If you provided your email address in your s274 notice, this document has been emailed to you as a word document so you can type in your answers. If you prefer, please feel free to write your answers on the hard copy of the letter. If necessary, additional pages may be attached to your response, provided the questions being answered are clearly identified. If you would like an electronic copy, but did not receive one, please contact us.
 - 2.2 As Hurunui District Council is required to collate the responses of 40 parties, it would be grateful if you could provide your responses by:
 - (a) Email to helga.rigg@hurunui.govt.nz; or
 - (b) Post to Hurunui District Council, PO Box 13, Amberley 7441: Attention: Helga Rigg; or
 - (c) Fax to 03 314 9181,no later than 4pm, Wednesday 16 November 2011.
 - 2.3 If you are unable to respond by these methods, please contact Helga Rigg, at Hurunui District Council, on 03 314 0020.
 - 2.4 Please note, that if your response is not received by 4pm, Wednesday 16 November, we will be unable to include your comments in the reporting memorandum.
3. The Hurunui District Council, in filing the reporting memorandum, takes a neutral position. Its role is to simply collate information to assist the Court.

QUESTIONS - RESPONSES TO BE RECEIVED BY 4PM, WEDNESDAY 16 NOVEMBER 2011

Your name: | John Carr

Your address: | TIPAPA, KOTUNUWA BEACH ROAD, GRETA VALLEY,
NORTH CANTERBURY

Parties' conference and pre-hearing conference

- (a) Would you like the Court to refer this matter to a conference for the purpose of explaining the Court's process?

Yes / No	<u>YES</u>
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- (b) If so, would you like an Environment Commissioner to run the conference, at no cost to the parties?

Yes / No	<u>YES</u>
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- (c) At this stage, do you consider that a further pre-hearing conference, after the conference scheduled for 5 December, is required?

Yes / No	
Comments:	<u>YES</u>

Document service and availability of evidence and Court documents

- (d) How do you wish to serve and be served evidence?

Please select one of the following:
<u>i. Hard copy by post; or</u>
ii. CD by post; or
iii. Fax; or
iv. Email. <u>to TIPAPAEVENTS@TIPAPA.COM.</u>

If you wish to be served by email and you did not provide your email address on your s274 notice, what is your email address?

TIPAPA EVENTS @ TIPAPA.COM (LOWER CASE)

(e) Do you wish to waive your rights to service by methods (d)(i) to (d)(iv) above and instead download evidence from a website?

Yes / No NO

(f) Do you want copies of evidence and Court directions to be available on a website?

Yes / No YES

Preliminary matters

(g) Do you have any comments on the Draft Hearing Procedures attached to the Court's Minute?

Yes / No NO
Comments:
THE MEETING ON 5 DECEMBER WAS VERY USEFUL.

(h) Do you require any directions from the Court about access to information held by other parties, or anyone else?

Yes / No NO
Directions required:

[Empty box]

(i) Do you want to raise any concerns about any matters which should be argued as preliminary points to the substantive hearing?

For example,

i. The Court's jurisdiction to hear and decide the referral;

Yes / No | NO

Comments:

ii. The standing of the parties;

Yes / No |

Comments: NOT NOW

iii. Any other matters?

Yes / No |

Comments: NOT NOW

(j) Please list the essential legal issues that you need the Court to decide.

THAT ALL SUBMISSIONS WHETHER 274 OR NOT ARE INCLUDED AS RELEVANT EVIDENCE AND THAT THEY ARE CONSIDERED BY THE JUDGE AND COMMISSIONERS PRESIDING OVER THE CASE

|

(k) Please list the essential issues of fact that you need the Court to decide.

THAT THIS PROPOSAL SHOULD BE REJECTED BY THE COURT FOR THE FOLLOWING REASONS

1. DESTRUCTION OF LANDSCAPE
2. EXTREMELY NEGATIVE TO TOURISM AND RECREATION
3. IMPACT FROM NOISE AND ASSOCIATED HEALTH AFFECTS
4. HIGH DENSITY POPULATION AREA FOR A RURAL ENVIRONMENT.
5. ACCESS ROUTE ~~FROM~~ AT JUNCTION OF SH1 AND MOTUNAU BEACH ROAD, AND ALONG MOTUNAU BEACH ROAD VERY DANGEROUS.
6. DESTRUCTION OF COMMUNITIES IN THE AREA
7. DESTRUCTION OF CAPITAL THROUGH IMPACT ON PROPERTY VALUES.

Expert witnesses

(l) Do you wish to have witnesses summonsed to attend the hearing to give evidence or produce documents?

Yes / No | POTENTIALLY YES

If yes, who are those witnesses?

| TO BE ADVISED

(m) Do you intend to call expert witnesses to give evidence on your behalf?

Yes / No | POTENTIALLY YES

If yes, what are the names of those witnesses and their field of expertise?

| TO BE ADVISED

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- (n) If you intend to call an expert witness, do you consider that expert witnesses should conference?

Conferences streamline the Environment Court process, as expert witnesses, within a particular field, meet to discuss the issues with a view to identifying points of agreement and disagreement.

Yes / No	POSSIBLY
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- (o) If yes, do you think that expert conferences should be facilitated by an Environment Court Commissioner?

Yes / No	WAAH YES
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- (p) Do you have any views on the order in which expert witnesses should be heard?

Yes / No	NO
Comments:	

- (q) Do you think the Court should call any witnesses?

Yes / No	MAYBE. I NEED TO UNDERSTAND THIS
If yes, in what fields of expertise?	QUESTION FURTHER

Exchange of evidence

(r) Do you agree with the following timetable for the exchange of evidence?

Yes / No	NO, HAS BEEN REVISED
If no, how should it be amended?	AT 5 DECEMBER MEETING

*Timetable for the exchange of evidence**

Applicant and project supporter's evidence in chief to be filed and served	20 December 2011
Expert conferencing to take place	20 December 2011 - 10 February 2012
Expert conferencing reports to be filed and served	17 February 2012
Councils' and all other parties' evidence in chief to be filed and served	9 March 2012
Applicant and Councils' evidence in response to be filed and served	30 March 2012
Cross examination notices to be filed with the Court and served on the party calling the witness	5 April 2012
Site inspection	Suitable time for inspection, to be determined by the Court, perhaps following the Applicant's opening address
Hearing start date	A date as soon as possible after 5 April 2012

(s) At this stage, having regard to Appendix C of the Draft Hearing Procedures attached to the Court's Minute, how long do you think it will take you to present your case?

MAXIMUM THREE HOURS.

Requirements for hearing

(t) Do you have any special requirements with regard to the hearing?

For example,

i. The timing of the hearing, including the availability of counsel or witnesses?
Yes / No | YES

ii. Venue? LOCAL IF POSSIBLE
Yes / No |

iii. The need for an interpreter? NO
Yes / No |

iv. The use of other supplementary sources of information or aides to understand the issues? POSSIBLY
Yes / No |

If you answered yes to any of the above, please specify your requirements.

RE (i) ABOVE.
IT IS POSSIBLE I WILL BE AWAY IN EUROPE BETWEEN MID JUNE AND MID JULY. I THEREFORE REQUEST THAT NO HEARING COMMENCE BEFORE 1 AUGUST 2012.

(u) Are there any other matters on which you consider that arrangements should be made or directions given to ensure the fair, orderly and efficient hearing of the proceedings?

Yes / No | YES

Comments:
APPOINTMENT OF A FRIEND OF SUBMITTERS