

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND an appeal under s 120 of the Act

BETWEEN FRIENDS OF CONICAL HILL  
INCORPORATED

(ENV-2022-CHC-007)

Appellant

AND HURUNUI DISTRICT COUNCIL

Respondent

AND HANMER SPRINGS THERMAL  
POOLS

Applicant

---

**MINUTE OF THE ENVIRONMENT COURT**

**Timetable directions  
(28 July 2022)**

---

**Introduction**

[1] This Minute is issued for the purpose of case management and responds to the joint memorandum of counsel dated 22 July 2022.

[2] I will direct the timetable as set out in the memorandum.



## Expert conferencing

[3] An Environment Commissioner is available to conference on the following dates:

- **Monday 31 October 2022 – Friday 4 November 2022;** or
- **Monday 7 November 2022 – Thursday 10 November 2022.**

[4] The respondent, having conferred with the other parties, is to file a memorandum by **Friday 12 August 2022** giving the following (preferably agreed) details:

- (a) the **number of persons** anticipated to attend conferencing;
- (b) the **availability** of experts for conferencing on the dates indicated;
- (c) the **estimated time** required for conferencing; and
- (d) **facilities** required.

## Agenda

[5] With the court's direction in mind, a conference agenda is to be prepared prior to the conference identifying the key issues for discussion. The agenda for the conference is to be (at least) reviewed but preferably prepared by the relevant experts to ensure it captures the issues adequately. When preparing the agenda, the experts should consider the interests and concerns of the parties involved. Before filing, a copy of the draft agenda is to be sent to the facilitating Commissioner for their comment.

[6] Each agenda must be filed **five working days** prior to conferencing commencing.

## Responsibilities of counsel

[7] Counsel are to provide their respective experts with a copy of the

Environment Court's Expert Witnesses Code of Conduct (Part 7, Environment Court Practice Note 2014) and Protocol for Expert Witness Conferences (Appendix 3, Environment Court Practice Note 2014) and to brief them on their responsibilities under these. Particular attention is to be drawn to those parts which require experts to express their views independent of counsel and the parties who have engaged them.

[8] Participants are to be advised by counsel that expert witness conferencing is privileged, except for the signed joint witness statement prepared by the experts following the conference, which will be part of the public record.

### **Scribe**

[9] Counsel are to liaise on the provision of a suitable recorder to attend the conference and prepare the joint witness statement under the direction of the experts. For small conferences (two to three experts) this may be one of the experts, but it is preferable that a non-participant is made available for all conferences. Recorders are to be supplied with the necessary technical equipment, including a laptop computer.

### **Joint witness statement**

[10] The joint witness statements agreed from the conference will identify the issues, both agreed and not agreed, accompanied by the experts' reasoning set out as succinctly as the circumstances allow. A joint witness statement will be filed within three working days of the conference concluding, or as directed by the facilitating commissioner.

### **Hearing**

[11] As discussed at the pre-hearing conference,<sup>1</sup> hearing time is not available

---

<sup>1</sup> Held on 14 July 2022.

until the first quarter of 2023.

[12] To that end, parties are to confirm the hearing time required and propose dates for the hearing after 6 February 2023.

### Directions

[13] I direct:

<b>Timetable</b>	
Parties to confer and file a memorandum reporting on hearing time required and proposing hearing dates and a response to the matters set out at paragraphs [3] and [4].	12 August 2022
Appellant's evidence to be filed and served.	16 September 2022
Applicant's and respondent's evidence to be filed and served.	21 October 2022
Expert conferencing of herpetologists and expert conferencing of the noise experts.	During the week of 31 October or 7 November 2022.
Herpetologists JWS to be filed.	3 working days of the conference concluding, or the date directed by the facilitator.
Noise experts JWS to be filed.	3 working days of the conference concluding, or the date directed by the facilitator.

Reply evidence (if any) of the appellant to be filed and served.	18 November 2022
--	------------------

[14] Leave is reserved for the parties to seek further (or other) directions.

*Jane S.*



---

**J E Borthwick**  
**Environment Judge**

Issued: 28 July 2022