

Environment Court of New Zealand  
Christchurch Registry

I mua i te Kōti Taiao o Aotearoa  
I te rohe o Ōtautahi

ENV-2022-CHC-007

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*under:* the Resource Management Act 1991 (*Act*)

*in the matter of:* an appeal under s 120 of the Act

*between:* **Friends of Conical Hill Incorporated**  
*Appellant*

*and:* **Hurunui District Council**  
*Respondent*

*and:* **Hanmer Springs Thermal Pools & Spa**  
*Applicant*

Joint memorandum of counsel

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Dated: 22 July 2022

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## **JOINT MEMORANDUM OF COUNSEL**

May it please the Court:

- 1 This memorandum addresses directions made by Your Honour at the pre-hearing conference held on 14 July 2022 (and set out further in the Court's record of 14 July 2022).
- 2 Those directions were for the following to be completed by Friday 22 July 2022:
  - 2.1 Counsel, having conferred, to file a joint memorandum proposing a timetable for evidence exchange and the facilitated conferencing of expert witnesses;
  - 2.2 The Appellant to:
    - (a) Confirm the scope of Professor Ogilvie's evidence; and
    - (b) Confirm witnesses to attend at an expert conference on the topic of noise.
  - 2.3 Any application seeking orders for confidentiality in relation to the disclosure of the Lizard Management Plan and associated documents to Professor Brower be filed.
- 3 Given the above, paragraphs 6 to 8 are provided solely by the Appellant. The balance of the memorandum is provided jointly.

### **Evidence timetable and expert conferencing**

- 4 The parties propose the following timetable for evidence exchange:
  - 4.1 Appellant's evidence to be filed and served by 16 September 2022;
  - 4.2 Applicant's and Respondent's evidence to be filed and served by 21 October 2022;
- 5 The parties propose the following timetable for the facilitated conferencing of expert witnesses:
  - 5.1 Herpetologists conferencing to be completed no later than 11 November 2022;
  - 5.2 Noise expert conferencing to be completed no later than 11 November 2022.

### **Scope of Appellant's evidence**

- 6 In response to paragraph [4] of the record of the PHC, the Appellant advises that the focus of Professor Ogilvie's evidence will be on the

importance of the fauna at Conical Hill, including falcon and lizard/gecko and skink species, and how these contribute towards the site of the proposed development being a significant habitat of indigenous fauna under section 6 (c) of the Act.

- 7 Professor Ogilvie will address the actual and potential effects of the proposal on these species and their habitat, and will also assess the proposed mitigation and biodiversity compensation offered by the Applicant.
- 8 The witness attending the expert conferencing on noise will be Professor Pearse.

**Orders for confidentiality**

- 9 The Appellant confirms that an application for disclosure of the Lizard Management Plan and associated documents to Professor Brower will not be made.

Dated: 22 July 2022



**Gerard Cleary**  
Counsel for Appellant



**Cedric Carranceja**  
Counsel for Respondent



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**Jo Appleyard**  
Counsel for Applicant