



12 August 2009

Attention: R D Crosby  
PC1 Commissioners  
C/- Environment Canterbury  
PO Box 345  
Christchurch 8140

Email: [rpspc1@ecan.govt.nz](mailto:rpspc1@ecan.govt.nz)

Dear Sir

### RESPONSE TO SIXTH AND NINTH MINUTE OF THE COMMISSIONERS

We refer to the sixth and ninth minutes of the Commissioners dated 3<sup>rd</sup> and 30<sup>th</sup> of July respectively. These minutes set out a range of questions for the s42A report writers and the Commissioners' expectations about the nature of the responses.

We recognise and understand the approach the Commissioners have adopted in order to ensure that the hearing proceeds in a timely manner without unnecessary repetition. However, we still have some concerns about the potential for new information or explanations to be provided by the report writers and the ability for submitters to respond. We therefore have some suggestions around process that the Commissioners may wish to consider.

Firstly, we suggest that all of the material that will be presented by the report writers in response to the Commissioners' questions should be made available on the Environment Canterbury website in advance of the hearing. This is consistent with the procedure that was adopted for evidence of submitters and will enable submitters to determine whether there is any material of relevance to their submissions.

Second, at the conclusion of the officer recall hearing (31 August – 2 September), we suggest that all submitters should be given 5 working days to provide a written request seeking the opportunity to respond to any new material. As noted in the ninth minute, any such request would need to be supported by clear reasons as to why a further response is necessary. We consider that this approach is preferable to submitters and their representatives interjecting throughout the officer recall hearing, which will unnecessarily elongate the process.

Thirdly, if you are able to provide a more detailed timetable for when the various report writers will be presenting their responses and which questions they will be addressing that would be very helpful. As you will appreciate, the hearing process since the time that PC1 was notified has been a time consuming and costly one for many submitters. We do not consider that it is not an efficient or effective use of time if all submitters and/or their representatives are required to attend the officer recall hearing for three days to ensure they are aware of any responses that may be of relevance to their submission.

Finally, could you please also confirm whether you expect to issue any further minutes similar to the sixth minute setting out any additional questions for the report writers.

If you consider that there is some merit the above suggestions, we would encourage you to issue a further minute to all submitters clarifying the process for this part of the hearing.

We look forward to hearing from you as soon as possible.

Yours faithfully  
**ADDERLEY HEAD**

A handwritten signature in black ink, appearing to read 'Paul Rogers', written in a cursive style.

**Paul Rogers**  
Partner

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