

CHRISTCHURCH CITY COUNCIL
RMA/2018/2029
PROPOSED SUPERMARKET – 171 MAIN NORTH ROAD, PAPANUI
MINUTE 2 OF COMMISSIONER

Introduction

1. Further to my Minute dated 24 September 2019, I wish to provide some further information in relation to the upcoming hearing for this application and to make some further directions to the parties.
2. In these respects, this minute covers the following matters:
 - (a) responses to Minute 1 regarding pre-hearing discussions/conferencing;
and
 - (b) hearing schedule and evidence exchange.
3. It is likely that I will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

Responses to Minute 1 & further pre-hearing discussions

4. In my previous correspondence, I requested that all parties intending to call expert evidence advise the Council by midday on Monday 7 October 2019, along with an indication as to whether their experts would be made available for conferencing.
5. My understanding is that the only parties who have responded to that direction are the applicant, Environment Canterbury and the Council. On that basis, I expect that no other party apart from the Council will be calling expert evidence at the hearing.
6. If, however, that is not the case such that other parties intend to call experts, I direct that those parties advise the Council immediately, and no later than **midday on Friday 25 October**. Those parties are to provide reasons why they did not respond in the timeframe previously set out in Minute 1 and why they have not made their experts available for conferencing.
7. I understand that the Council and applicant have coordinated expert conferencing on transport, urban design and planning/policy matters and that this also involves participants from Environment Canterbury and the Christchurch Transport Operations Centre. I am grateful for that initiative by the parties to that end.
8. My expectation per Minute 1 is that all such conferencing will be completed by the end of next week (1 November) at the latest.

9. I am not aware of any (non-expert) discussions between the applicant and other submitters that may have occurred since my previous minute. It remains my preference for such dialogue to occur well before the hearing to the greatest extent possible:
- (a) to discuss any procedural or substantive matters;
 - (b) for submitters to gain a better understanding of what the proposal entails and what the effects and implications may be; and
 - (c) for the applicant and the Council to better understand what the submitter's concerns are and how they might be accommodated / mitigated where appropriate.
10. I ask that the applicant and Council advise of any pre-hearing meetings that have been held since my previous Minute or are scheduled to be held in the foreseeable future **by 5pm on Thursday 24 October**. At that same time, I would appreciate an update from the applicant and the Council regarding scheduled conferencing and an indication when any joint witness statements may be expected so that this information can be shared with all parties.
11. Before leaving this topic I would reiterate to both the applicant and submitters alike (particularly those submitters not represented by experts) the importance of attempting dialogue and agreement in advance of the hearing. The extent to which agreements can be achieved and mitigation agreed to will be of use not only to those parties but also to me in gaining an appreciation of the unresolved issues at the commencement of the hearing. To this end, I do encourage submitters (who haven't already done so) and the applicant to take the initiative and attempt such dialogue.

Hearing schedule and evidence exchange

12. As at the time of writing, my understanding is that hearing arrangements are yet to be finalised, but the earliest likely start date is the first week of December 2019. The Council will be in contact with all parties presently to provide a formal notice of hearing, which will confirm all relevant details.
13. As a reminder, there will be pre-circulation of **expert** evidence as follows:
- (a) the Section 42A Report and any expert evidence called by CCC will be made available a minimum of 15 working days prior to the start of the hearing;
 - (b) the applicant's expert evidence will be made available at least 10 working days before the start of the hearing; and
 - (c) any expert evidence called by submitters must be made available at least 5 working days before the start of the hearing.
14. On the basis that the hearing may commence in early December, the parties should proceed on the basis that the first of these milestones – the Section 42A report – will be circulated the week starting 11 November, with all subsequent exchanges following on a weekly basis thereafter.
15. As noted in Minute 1, submitters do not need to pre-circulate any presentation material they wish to speak to at the hearing. The above circulation requirements

only apply to any expert evidence. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact Ms Ferrari in the first instance.

16. As noted previously, any legal submissions by counsel for the parties can be tabled at the hearing and is not subject to pre-circulation.
17. Once the hearing date has been confirmed, the Council will request an indication from all parties as to the amount of time they require for their presentation so that arrangements can be made. Ms Ferrari will manage this correspondence and advise me accordingly.
18. Please refer to my previous minute for more information on what to expect at the hearing.

Next Steps

19. As summarised above I now direct the following:
 - (a) any submitter that intends to call any expert witness but failed to meet the deadline for advising the Council of that intention as directed in Minute 1 must advise no later than **midday Friday 25 October 2019** of the experts they intend to call, the reasons for failing to meet the previous deadline and for not making their experts available for conferencing;
 - (b) the applicant and Council are to provide an update by **5pm on Thursday 24 October 2019** of any pre-hearing meetings held since Minute 1 was issued or any additional pre-hearing meetings scheduled currently;
 - (c) at that same time, the applicant and Council are to provide an update of the expert conferencing that has been held since Minute 1 and the programme for completing conferencing by end of next week; and
 - (d) the Council is to make all information sought in (a)-(c) above available to all parties as soon as practicable.
20. Once again, Ms Ferrari can be reached at the following email address CCCResourceconsentapplications@ccc.govt.nz.

DATED this 22nd day of October 2019



DJ McMahon
Independent RMA Hearings Commissioner