

## **Resource Management Act 1991**

### **Christchurch City Council**

#### **Application for Resource Consent**

**Application Number:** RMA/2020/376 and RMA/2020/679

**Applicant:** Ryman Healthcare Limited

**Site address:** 78 Park Terrace, 100 – 104 Park Terrace, 20 Dorset Street

**Description of Application:** Construction, operation and maintenance of a comprehensive care retirement village

#### **Minute 1 from Hearings Commissioners**

1. We have been appointed and given delegated authority by the Christchurch City Council (the Council) as Independent Hearings Commissioners to hear and decide two resource consent application from Ryman Healthcare Ltd for a comprehensive care retirement village at Park Terrace in central Christchurch.
2. This application has been publicly notified by the Christchurch City Council and submissions have been received.
3. A hearing notice has issued, with the hearing set down for the week commencing 25 January 2021. This Minute is to expand and clarify the actions to be taken in preparation for the hearing, as follows:
  - (a) The Council has prepared and distributed the Officer's report pursuant to s42A of the Resource Management Act 1991 (the Act). That was distributed on 14 December 2020.
  - (b) While the hearing notice directs the applicant to provide its Briefs of Evidence by 5pm on Monday 11 January 2021, we understand the applicant intends to lodge its Briefs of Evidence with Council by 18 December 2020. In those circumstances, we request, and strongly urge that the applicant provide its evidence by 5pm on Friday 18 December 2021. That will be of considerable assistance to us and to submitters

- (c) If any of the submitters wish to present expert evidence in support of their submissions, that is to be lodged with the Council and sent to the applicant by 5 pm on Monday 18 January 2021. It will be distributed to ourselves and the submitters as soon as possible after that. If any submitters wish to work together to have expert evidence prepared then this is encouraged.

*Note:*

*Expert evidence is evidence prepared by qualified persons in technical subjects such as traffic engineering, landscape assessment, urban design, geotechnical engineering and any other relevant specialisations, prepared in accordance with the Environment Court's Practice Note 2014 for expert witnesses.*

4. We will read all the expert evidence in advance of the hearing and will not require it to be read in full at the hearing. We direct however that all the experts prepare a written summary of the evidence to be read at the hearing. This should focus on the key assumptions, methodology conclusions and the reasons for those conclusions. It would be particularly helpful if areas of disagreement with the reporting officers can be identified.
5. Evidence from submitters who are not experts may be presented orally or in writing at the hearing and is not required to be presented and distributed in advance. We do however encourage submitters to provide any written statements of evidence to Council by email to [resourceconsentapplications@ccc.govt.nz](mailto:resourceconsentapplications@ccc.govt.nz) by 5 pm 18 January 2021 if possible. This a request rather than a direction.
6. Legal submissions on behalf of all parties are to be in writing, need not be submitted in advance and will be read in full at the hearing.

### **Commissioners' Interests**

7. As is to be expected in a publically notified application which has attracted a significant number of submissions, both Commissioners have identified that they know or have worked with a number of the participants in this process. That is to be expected given that we have both been involved in resource management in Christchurch and elsewhere for many years.
8. Commissioner Caldwell has identified, from a search of the Companies Office register, that he knows one of the directors of the applicant – Ms J Appleyard. Commissioner Caldwell may see Ms Appleyard approximately three to four times a

year at various functions. Ms Appleyard also appears as counsel before Commissioner Caldwell from time to time and currently is opposing counsel on a matter where Commissioner Caldwell is acting for the applicant/appellant. He has met submitter Mr Max Bremner. He knows submitter Sheila Watson from her time as an Environment Court Commissioner and Dr Judith Roper-Lindsay professionally.

9. Commissioner Caldwell has not discussed this application with any of those identified above, or indeed with any of the other participants. He has no financial or any other interest in Ryman Healthcare Limited or the outcome of this application. Commissioner Caldwell does not consider any actual or potential conflict arises. He discloses the above in the interests of transparency.
10. Commissioner Mountfort also knows Ms Appleyard professionally and has done so for a number of years. As a Commissioner he has met Phil Mitchell and Rebecca Skidmore, who are consultants and expert witnesses for the applicant. He has met professionally with two submitters, Mr Greg Dewe and Dr Judith Roper-Lindsay. It is possible that he may know other parties in his professional capacity but that is unknown at this stage. His parents were previously residents in the Bishops Park retirement village that was formally on this site under different ownership. They left that village on good terms when its forthcoming closure was announced, before Ryman Healthcare became the owner of the site.
11. Commissioner Mountfort was previously appointed as a Chairman of a Christchurch City Council Hearings Panel to consider this application, and in that capacity chaired an informal meeting convened to consider the extent to which these applications should be notified. In recent months he has, as a Commissioner, considered and granted two other resource consent applications by Ryman Healthcare Ltd to establish another comprehensive retirement facility along with an integrated catchment stormwater facility at Main North Rd, Belfast.
12. Commissioner Mountfort has not discussed this application with any of those identified above, or indeed with any of the other participants, except during the pre-notification meeting on this application described previously. He has no financial or any other interest in Ryman Healthcare Limited or the outcome of this application. Commissioner Mountfort does not consider any actual or potential conflict arises. He discloses the above in the interests of transparency.

## Order of Appearance

13. The general order of appearance will be:

- Procedural matters
- Applicant
- Submitters
- Section 42A reporting officers
- Applicant's right of reply (which may be given at the hearing or subsequently in writing)

14. We anticipate there may be further directions following the receipt of evidence.

15. Any correspondence relating to this minute must be addressed to Council.



David Caldwell

15 December 2020



David Mountfort

15 December 2020