

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 5 from Hearings Commissioners

A. Hearing Adjournment

1. As advised at the conclusion of the hearing on 29 January 2021, the hearing is adjourned until completion of the matters specified in this Minute.

B. Conditions

2. The Commissioners wish to make it clear that at this early stage in their deliberations they have reached no conclusions and have not decided whether or not to approve the applications. However, it is apparent that if the applications are approved conditions will be required to mitigate any adverse effects that may arise during the construction and ongoing operation of the proposed Comprehensive Care Retirement Village. It will be helpful to have the parties views on proposed conditions during the Commissioner's deliberations.
3. In her report on these applications under section 42A of the Resource Management Act 1991, Ms Armstrong for the Council recommended a set of conditions to be applied, if the consents are approved. In his evidence at the hearing Dr Mitchell for the applicant attached a revised set of conditions. Further revisions to the potential conditions were discussed at various times during the hearing of the applications.
4. We therefore direct that a further revised set of conditions be produced by the applicant and considered and commented on by the Council and any submitters who wish to do so.

5. To achieve this the applicant is directed to produce a further draft set of conditions, based on the set attached to Dr Mitchell's evidence and including any revisions it may wish to make arising out of the hearing. Such revisions are to be highlighted. This is to be forwarded to the Council by Friday 12 February 2021 in Microsoft Word format to enable the Council to insert its comments and any revisions it wishes to propose using the track changes format, by Friday 19 February 2021.
6. The annotated set is then to be sent by the Council to the submitters who wished to be heard for any revisions or comments they may wish to make. Submitters are requested not use the tracked changes method but simply to provide their comments for each of the revisions that is relevant to them. This should be done by email to the Council. The Council is to set a date for receipt of submitter's responses, no later than 10 working days from the date of its email to the submitters.

C. Site visit

7. The Commissioners wish to make site visits to the two application sites and to the following properties, where that is possible, acknowledging current construction and safety issues.
 - 5 Salisbury St
 - 13 Salisbury St
 - 15 Salisbury St
 - 18 Salisbury St
 - 15 Peterborough St
 - 76 Park Tce
 - 2-16 Dorset St (the Dorset St flats)
8. If any further site visits are required after that we will inform the parties and make the necessary arrangements.
9. The Council is requested to make the necessary arrangements with the Commissioners and the owners of these properties and is to arrange for a representative of the owners to accompany the Commissioners at the site visit for the purpose of pointing out the features of the properties. These site visits should be conducted as soon as arrangements can be made. The site visits are not an opportunity for any person accompanying us to make further submissions or provide further evidence.

D. Further information

10. At the conclusion of the hearing counsel for the applicant invited the Commissioners to identify any amendments to the proposed they might wish to consider. We have

the following questions in that regard. Again, we stress that we have made no findings or reached any conclusions in relation to any matters.

- a) Would it be feasible to set back the northern facades of Buildings B01 and B03 to a distance of 4.0 metres from the respective northern boundaries and what would be the implications for the applicant in doing so?
 - b) What would be required to ameliorate late afternoon shading effects at 18 and 15 Peterborough St caused by buildings B07 and B08? What would be the implications for the applicant in doing so?
11. At the conclusion of Mr Hinchey's oral reply, he requested an indication from us as to any matters we would like to be addressed in closing. We will consider that following our site visits and receipt of the comments on conditions.
12. If there are any matters arising from this minute, they are to be raised by minute in the usual way.

E. Further disclosure

13. During the course of the hearing Commissioner Caldwell discovered that he has met a party to one of the submissions. A further disclosure statement is attached.



David Mountfort

Hearings Panel Chairman

4 February 2021

Further Disclosure

1. Commissioner Caldwell advises that he knows Mr Andrew Craw, and may have met Mrs Johanna Craw, who form part of the submission on behalf of the owners of 18 Salisbury Street. This was not identified on the summary of submissions and therefore did not form part of the original declaration/disclosure. Commissioner Caldwell had no knowledge that Mr and Mrs Craw owned a unit in Salisbury Street.
2. Commissioner Caldwell's son and the son of Mr & Mrs Craw played rugby for the same teams when they were pupils at Christchurch Boys High and became friends. Commissioner Caldwell and Mr Craw chatted on a social basis while attending games, drop offs and similar.
3. Commissioner Caldwell advises that, to the best of his recollection, he has not spoken to Mr Craw for approximately three years.
4. Commissioner Caldwell makes this disclosure in the interests of transparency. Commissioner Caldwell is entirely comfortable, as an experienced Barrister and decisionmaker, that there is no conflict of interest or risk of actual, potential, or reverse bias.