

CHRISTCHURCH CITY COUNCIL
RMA/2018/2029
PROPOSED SUPERMARKET – 171 MAIN NORTH ROAD, PAPANUI
MINUTE 3 OF COMMISSIONER

Introduction

1. Since the circulation of Minute 2 on 22 October 2019, the Council has provided its s42A Report and the applicant has provided its expert evidence, both in accordance with the timetable required under the RMA.
2. On Tuesday of this week, the Council also received an independent peer review report from Mr John Falconer of Quality Transport Planning, and that report was made available to all parties along with the applicant's evidence as advised by Ms Ferrari. Mr Falconer's report ("the peer review report") was commissioned jointly by the applicant and the Council and focusses on transport modelling.
3. This minute briefly covers the following matters related to the peer review report:
 - (a) circulation of s42A Report addendums from Mr Harris and Mr Gregory in response to the peer review report; and
 - (b) process for other parties to address the peer review report and the s42A addendums.
4. I also set out some brief procedures for expert evidence presentations at the hearing.

Addendums to s42A Report

5. Mr Harris and Mr Gregory have produced addendums to their s42A Reports which are now available for all parties to review. These addendums update the previous positions of Mr Harris and Mr Gregory, who now have had the opportunity to consider the peer review report.
6. It is appropriate for this information to be made available before the hearing starts so that all parties are clear about the Council Officers' position on substantive matters – particularly where their respective positions have evolved since the s42A Report was circulated last week.
7. There is a corresponding need, however, to consider how all parties can be afforded fair opportunity to address these addendums within the current timetable, and I expand upon the process for this below.

Addressing the peer review report and s42A addendums

8. Expert evidence is due next week from the submitters who have indicated they will be calling experts at the hearing. Those parties will have had access to the s42A Reports, the applicant's evidence and the peer review report in sufficient time to address them in evidence. However, they will only have received the s42A addendums two days prior to the evidence due date.
9. I understand that Mr Harris has contacted the submitters who have indicated they will be pre-circulating expert evidence next week to appraise them of the addendum reports, and this will go some way to mitigating those timing circumstances.
10. Nevertheless, in the event the experts for the submitters are unable to address the matters raised in the s42A addendums by next Tuesday, they will be afforded the opportunity to do so at the hearing out of fairness.
11. The applicant and its experts will also be given the opportunity to address the s42A addendums at the hearing, given that the addendums postdate the applicant's evidence. My understanding from reviewing the applicant's evidence is that its experts have read the peer review report and addressed its substance.
12. All submitters appearing at the hearing will, of course, be able to address the reports and evidence made available to date to the extent relevant to their submission.
13. I do not envisage the above arrangements will present any procedural issues for the applicant or any need for deferment; but if the applicant has any concerns in this respect, it is able to raise those via Ms Ferrari for my consideration.

Expert evidence presentations at the hearing

14. With the benefit of pre-circulation, I will have read all expert evidence before the hearing commences. Accordingly, it will not be necessary for experts to read that material verbatim at the hearing.
15. Rather, I ask that experts commence their presentations with a brief 'highlights' summary of their evidence – either by drawing on specific excerpts and paragraphs in their evidence in chief, or through a separate printed summary document that can be circulated and read on the day. Experts should target 10-15 minutes for their summary presentations, though this is a guideline only.
16. It is likely I will have questions for the experts during and/or after those presentations.
17. To avoid any confusion for submitters, I note that the above procedures do not apply to their presentations. Parties will be able to have their say on the matters of importance to them and they can present in the manner most comfortable.
18. As with the expert evidence, I will have read all submissions before the hearing has commenced, and will be familiar with the key issues at hand. To the extent

that submitters can present their views in an organised and concise manner, that is encouraged.

19. Also, I want to remind submitters (and all other parties) that there will be no cross examination of witnesses or submitters from other parties at the hearing. It is likely, however, that I will ask questions of submitters to assist my understanding of all relevant issues – this is normal for hearings of this nature. As I noted in my first minute, I will endeavour to keep the proceedings as informal as possible.

Next Steps

20. There are no directions arising from this minute, but if there are any matters arising for others in relation to the above, they may be directed to Ms Ferrari in the first instance.
21. Once again, Ms Ferrari can be reached at the following email address CCCResourceconsentapplications@ccc.govt.nz.

DATED this 22nd day of November 2019



DJ McMahon
Independent RMA Hearings Commissioner