

**CHRISTCHURCH CITY COUNCIL**

**RMA/2019/1330**

**PROPOSED NEW MIXED USE DEVELOPMENT AT COLLETT'S CORNER**

**MINUTE 1 OF COMMISSIONER**

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## **Introduction**

1. This Minute is being sent to you because you are either the applicant, or a submitter to the above application.
2. Pursuant to section 34A of the Resource Management Act 1991 ("**RMA**") I have been appointed by the Christchurch City Council ("**CCC**") to hear and determine this application for resource consent for a new three-storey building containing a health spa, restaurant, gymnasium, offices, retail activity and 26 residential units or guest accommodation at Collett's Corner in Lyttelton.
3. The general function of this Minute is to set out some preliminary matters in preparation for the hearing, which has been tentatively set down for **the second week of March 2020**. All parties will be advised by the Council of the final hearing dates and venue once that information is confirmed.
4. In the meantime, my objective at this preliminary stage is to establish some procedures so as to facilitate a smooth and effective pre-hearing and hearing process for all parties. This requires some actions from all the parties in readiness for the formal proceedings.
5. In this respect, this minute covers the following matters:
  - (a) hearing attendance
  - (b) revised plans
  - (c) pre-hearing discussions/conferencing;
  - (d) circulation of evidence;
  - (e) hearing process and presentations; and
  - (f) site and locality visits.
6. It is likely that I will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

## **Hearing attendance**

7. The submission form you completed last year asked you to indicate whether or not you wished to attend the hearing to present information in support of your submission on the application. Notwithstanding this, and given that circumstances can change, it would be useful if you could re-confirm attendance or otherwise. This applies to all submitters but particularly to those submitters not in the Lyttelton or Christchurch areas who had originally indicated an intention to attend.
8. Your response will help the Council's administrator particularly in sizing a venue to match the number of persons attending. Please respond no later than **7 February**.

## Revised Plans

9. I have been advised by the Council that following the close of submission the applicant has revised the design of the building so as to generally change the profile of the roof line and lower the height of the building.
10. This alteration will be explained in greater detail at the hearing, but should you wish to view the altered plans they can be found at the following link: <http://www.ccc.govt.nz/the-council/consultations-and-submissions/haveyoursay/show/279>

## Pre-hearing discussions & conferencing

11. With most hearings of this nature, I encourage all parties to engage in constructive discussions where practicable before the hearing commences so as to minimise the range of issues in contention. This may occur through expert witness conferencing, pre-hearing meetings or other informal exchanges – and all are welcome.
12. Without wanting to pre-judge any issues prior to the hearing, it is apparent from my preliminary review of submissions that have been lodged that a number of matters are worthy of discussion between the parties prior to the hearing commencement, namely:
  - (a) transportation effects, including parking;
  - (b) urban character, form & design, building bulk & appearance and visual amenity; and
  - (c) other amenity effects, including noise and sunlight access.
13. I do not intend to direct that expert conferencing be conducted in respect of this proposal, primarily due to the time available before the hearing must be completed; however, if there is a desire from the applicant, Council and/or submitters for expert conferencing to occur, then I strongly encourage that.
14. In order to provide sufficient time for any conferencing to feed into the exchange of evidence, experts will need to complete conferencing sessions in the next 10 working days (14 February 2020). I accept that this is a very tight turnaround, so again, my expectation is that conferencing will be a 'nice to have' in relation to this application, rather than a mandatory direction.
15. Relatedly, if any submitter intends to call expert evidence at the hearing, that should be conveyed to the Council as soon as practicable (and no later than **7 February**), along with an indication as to the fields of expertise for each witness and whether the expert(s) are available for conferencing.
16. It is also open to the applicant and submitters to meet before the hearing to:
  - (a) discuss any procedural or substantive matters;
  - (b) provide submitters with a better understanding of what the proposal entails and what the effects and implications may be; and
  - (c) enable the applicant to better understand what the submitters' concerns are and how they might be accommodated / mitigated where appropriate.

17. The parties are free to initiate formal or informal discussions as they see fit, and I note that the Council is also able to schedule a pre-hearing meeting if it deems appropriate. My only request is that any resolution of issues (involving an RMA solution) or narrowing of any issues in contention are recorded and submitted to the Council Consents Administrator – Ms Karen Manson – where possible prior to the commencement of the hearing for my information.

### **Circulation of evidence before hearing**

18. As the application was publicly notified, s103B of the RMA requires that evidence be exchanged before the hearing starts, 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.

19. I will follow this up with actual dates for the above listed pre-circulations once the hearing dates are locked in. This information will either be emailed to parties or made available on the CCC website. Further detail to this end will be clarified to all parties in due course.

20. To be clear, 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 that submitters wish to call. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact Ms Manson in the first instance.

21. Any legal submissions by counsel for the parties can be tabled at the hearing and is not subject to pre-circulation.

### **Hearing process and presentations**

22. I anticipate that a hearing of this nature will be a new experience for many submitters involved, so I will take a brief moment here to provide some information about the hearing for context.

23. For starters, I encourage all submitters to refer to the useful guides about resource consents and hearings available from the Ministry for the Environment website. The link below, in particular, is a great source of information:

<http://www.mfe.govt.nz/node/16376>

24. Consistent with this guide, my preference is for proceedings to be relatively informal. However, a degree of formality is inherent in hearings of this nature, and I will speak to that at the outset of proceedings.

25. More substantively, the hearing enables me to hear the issues raised in submissions in greater detail, and to be able to ask questions to improve my understanding of those issues.
26. As a rule of thumb, parties should target presentations of 15-30 minutes or so. This is less a rigid requirement than it is a rough indication, and all parties appearing will be given sufficient time to present their views.
27. I observe, however, that there is a high degree of commonality amongst many of the submissions. To the extent that submitters with like views can present cases jointly (and thus avoid unnecessary repetition), that is very welcome and will make for an efficient hearing process.
28. Once a hearing date has been confirmed, I will request an indication from all parties as to the amount of time they require for their presentation so that Ms Manson can make the necessary arrangements.

### **Site and locality visits**

29. I am familiar with the site and general locality.
30. I expect that I will need to undertake more detailed site and locality visits both before and after the hearing. In that respect, if any party has a desire for me to visit particular sites/localities they should advise Ms Manson as soon as possible.

### **Next Steps**

31. The hearing dates will be confirmed in the coming days and details will be provided to all parties.
32. In the meantime, the parties are encouraged to meet to narrow any issues in contention to the extent practicable in the short time available.
33. All correspondence relevant to the above should be directed to Ms Manson, who can be reached at [karen.manson@ccc.govt.nz](mailto:karen.manson@ccc.govt.nz).

**DATED** this 30<sup>th</sup> day of January 2020



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DJ McMahon  
Independent RMA Hearings Commissioner