

IN THE MATTER OF *the Resource Management Act 1991*

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IN THE MATTER OF *an application by Káinga Ora on behalf of the Department of Corrections for a resource consent to use an existing property at 14 Bristol Street, St Albans, Christchurch to provide residential accommodation for men as part of a rehabilitative and reintegrative programme*

(RMA/2020/173)

*MINUTE OF COMMISSIONERS APPOINTED BY THE
CHRISTCHURCH CITY COUNCIL*

DATED 23rd AUGUST 2021

1. *Covid restrictions*

This minute is being issued in response to certain matters which have arisen by reason of the coming into force of Level 4 restrictions imposed by the New Zealand Government relating to Covid 19.

At the time of issuing this minute, we are awaiting an announcement from the New Zealand Government as to whether the Level 4 restrictions will be maintained beyond the present expiry time namely 11.59pm on Tuesday 24 August 2021.

2. *Application by Bristol Street Community Network Inc for extension of time to file evidence*

On 20 August 2021 we received a memorandum from counsel for the Bristol Street Community Network Incorporated ("the Network") seeking an extension of time to file expert evidence in the light of the difficulties associated with the Level 4 restrictions.

An extension of time was sought until 9am on Friday 27 August 2021 to both file (with the Council) and serve (directly on the applicant's counsel) the evidence of Mr Giddens.

A memorandum in response to the memorandum of the Network was filed by Ms L J Semple, counsel for Ara Poutama Aotearoa/The Department of Corrections, on 20 August 2021. In that memorandum counsel noted that the applicant did not object to the extension given what were termed the challenging circumstances in which all parties currently found themselves but considered that a revised deadline of 5pm on Thursday 26 August 2021 (with the evidence directly served on the applicant at the same time) represented a fairer arrangement for all parties. The memorandum went on to state that it was filed on the basis that the hearing proceeded as planned on Monday 30 August 2021. Counsel went on to state that it was appreciated that if the hearing was not to proceed, the difference between 5pm Thursday and 9am Friday would be inconsequential.

We considered the application for an extension of time on 20 August 2021, and having regard to the relevant matters in ss37

and 37A, agreed that the extension for filing and serving evidence should be granted. In all the circumstances the extension was granted until 9am on Friday 27 August 2021.

We took the view that in the light of the significant difficulties associated with the Level 4 restrictions, we should accommodate the request made by the applicant. Should the hearing proceed on Monday 30 August 2021 (a matter addressed hereafter) and the extension beyond Thursday next at 5pm cause difficulties to the applicant, we will address those difficulties at the time that they arise. If the applicant requires further time to consider the evidence filed, it is likely that we will give further directions with a view to ensuring that the applicant has a proper opportunity to consider the evidence in question.

3. *The hearing on Monday 30 August 2021*

As noted above, we are awaiting the announcement of the New Zealand Government in relation to Covid restrictions beyond tomorrow evening.

Once the announcement has been made, we will consider the question of whether the hearing can proceed on Monday next. Clearly the hearing will be unable to proceed if the Level 4 restrictions are maintained. We have also been advised that the hearing will also be unable to proceed if Level 3 restrictions apply. A decision will be made shortly on whether the hearing should be postponed.

DATED this 23rd day of August 2021

A C Hughes-Johnson

A C HUGHES-JOHNSON QC
COMMISSIONER

K LAWN
COMMISSIONER

A handwritten signature in black ink, appearing to read "H. L. Linn". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

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