

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER OF The Resource Management Act 1991 (**Act**)

and

IN THE MATTER OF an application by Christchurch City Council for a discharge permit to discharge water and contaminants to land and water, including coastal water, from

- the existing and future stormwater network;
- stormwater generated from roofs of individual existing sites, greenfield development sites and redevelopment sites and as discharged within the site; and
- stormwater generated from hard standing areas of individual existing residential sites, greenfield developments sites and redevelopment sites and as discharged within the site

**FIRST MINUTE AND DIRECTIONS OF HEARING COMMISSIONERS RELATING
TO EVIDENCE TIMETABLE**

Introduction

- 1 Canterbury Regional Council has appointed a panel of independent hearing commissioners to hear and determine the above application.
- 2 The hearing commissioners are:
Mr David Caldwell (Chair);
Mr Hugh Leersnyder;
Ms Emma Christmas; and
Mr Hoani Langsbury
- 3 This Minute addresses directions in relation to the exchange of evidence for the hearing which is to commence on Monday 5 November 2018.
- 4 The statutory directions in s103B of the Act require the provision of any S42A Report 15 working days prior to hearing; applicant's evidence 10 working days prior to hearing; and submitter expert evidence 5 working days prior to hearing.
- 5 Pursuant to s37, s41, s41B of the Act, the applicant has requested an alternative timetable, seeking the following:
 - the applicant to have at least 10 working days following receipt of the S42A Report for filing and serving evidence in chief;
 - expert evidence from any submitters be filed and served 5 working days thereafter, and 10 working days before the start of the hearing; and
 - any rebuttal evidence from the applicant to be filed and served 5 working days thereafter, and 5 working days before the commencement of the hearing.
- 6 The grounds for the application are that the above timetable: is in the interests of efficient and effective conduct of the hearing; seeks to ensure that issues are adequately identified prior to the hearing commencing; and is therefore in the interests of the participants.
- 7 Further, given the anticipated size and technical nature of the S42A Report, a timetable providing 5 working days following receipt of that report for the applicant to file its expert evidence would, it is submitted,

not be in the interests of an orderly hearing and decisionmaking process.

Consideration

- 8 Prior to exercising a power of waiver or extension of time limits, we are required, pursuant to s37A, to take into account:
- (a) the interests of any person who, in our opinion, may be directly affected by the extension or waiver; and
 - (b) the interests of the community in achieving adequate assessment of the effects of the proposal, policy statement or plan; and
 - (c) our duty under s21 to avoid unreasonable delay.
- 9 We agree, given the anticipated size and technical nature of the S42A Report, it is appropriate that the applicant has an additional period for providing its evidence in chief; provided that does not prejudice the submitters.
- 10 We are advised that the S42A Report can be provided on 1 October, which is 25 working days prior to the hearing. S 103B requires that to be provided at least 15 days prior to the hearing. Providing the 10 working days requested, would take the due date for the applicant's evidence through to 15 October. Providing the submitters with the 5 working day period for their expert evidence to be filed takes that date to Tuesday 23 October, accounting for Labour Day.
- 11 In terms of rebuttal, while in our view it is somewhat unusual for rebuttal to be filed and exchanged prior to the hearing, it may be helpful, particularly for the submitters' experts, if that is done.
- 12 Having considered the relevant factors identified above, we consider the requested timetable is, overall, appropriate.

Directions

- 13 We therefore direct the following:
- S42A Report and briefs of any other evidence to be called by CRC – 1 October 2018;
 - applicant's evidence in chief – 15 October 2018;
 - submitters' expert evidence – Tuesday 23 October 2018;

- applicant's rebuttal – Tuesday 30 October 2018.

- 14 If there are any issues arising out of these directions, they should be raised with Ms Alison Cooper as soon as possible. Ms Cooper's email address is alison.cooper@ecan.govt.nz.
- 15 We anticipate further directions relating to the hearing will be issued in due course.



David Caldwell

Chair

On behalf of the Panel

Dated: 13 September 2018