

BEFORE THE CANTERBURY REGIONAL COUNCIL

UNDER The Resource Management Act 1991 (**Act**)

AND

IN THE MATTER OF Application CRC190445 by the Christchurch City Council for a comprehensive resource consent to discharge stormwater from within the Christchurch City area and Banks Peninsula settlements on or into land, into water and into coastal environments

**MINUTE OF COMMISSIONERS IN RESPONSE TO MEMORANDUM OF
COUNSEL FOR THE APPLICANT DATED 5 APRIL 2019 AND ADDRESSING
REPLY AND RECONVENED HEARING**

- 1 Counsel for the applicant has sought directions concerning the provision of its right of reply. Counsel has advised that the applicant is in a position to provide its right of reply on 8 April 2019, together with the applicant's final proposed conditions.
- 2 The applicant has sought directions reserving leave for the applicant to file a supplementary right of reply to address any matters arising from the water quantity topics of the 15 March 2019 hearing and to address any other questions of the Commissioners.
- 3 In response to that Memorandum, we have received emails from two submitters, Ms Burney and Ms McLaughlin, requesting they be allowed to respond to the right of reply. The responses may have been prompted by Counsel's Memorandum seeking directions to *"reinforce that other parties do not have the opportunity to respond to that right of reply ..."*.
- 4 The right of reply is just that. It allows the applicant to respond to matters which have been raised through the hearing. It is not a vehicle to introduce new matters and evidence. It is not one which parties then have a further right to address. If that were to be enabled, then the applicant may wish to reply and so on.
- 5 We have received a considerable amount of evidence from submitters and we appreciate the contribution they have made. We have provided the submitters with the opportunity to respond to further information and documents which have been provided post hearing. A number of submitters have availed themselves of that opportunity and again we appreciate that. Those responses will be considered as part of our overall evaluation.
- 6 We confirm the submitters do not have a further right of reply to the applicant's reply. That is the standard and appropriate course.
- 7 We will receive the applicant's written reply along with the final draft proposed conditions today. We will reserve leave for the applicant to lodge a further reply relating only to matters arising from reconvened hearing and to respond to any further question we may have. The date for such will be subject of further direction.

Reconvened Hearing

- 8 In relation to the reconvened hearing, we confirm this is for the purposes of enabling us to ask questions of the stormwater quantity

experts. It is not an opportunity for further evidence or submissions from submitters. The opportunity to comment on the stormwater quantity Joint Statement statements has been provided and responses received.

- 9 As at the substantive hearing, there is no right of cross examination. We may consider questions of clarification which will be put through the commissioners.

A handwritten signature in blue ink, appearing to read "D. Caldwell", is positioned above a horizontal line.

David Caldwell

Chair

Dated: 8 April 2019

