

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 14 Housing and
Business Choice pursuant to Part 5, subpart
5A and Part 6 of Schedule 1 of the Resource
Management Act 1991

**MINUTE 19: WAIVER FOR LATE FILING OF REBUTTAL EVIDENCE, EXTENSION FOR
THE FILING OF LEGAL SUBMISSIONS AND DECISION ON REQUEST FOR CROSS
EXAMINATION**

- [1] This is the nineteenth procedural Minute to be issued by the Independent Hearings Panel (IHP) established by the Christchurch City Council (the Council) to conduct the hearing of submissions on proposed Plan Change 14 Housing and Business Choice (PC 14) notified by the Council and to make recommendations to the Council, after the hearing of submissions is concluded, pursuant to Part 5, subpart 5A and Part 6 of Schedule 1, of the Resource Management Act 1991 (RMA).
- [2] The purpose of this Minute is to record the IHP's decisions on:
- (a) A request for a waiver for the late filing of rebuttal evidence by the Council
 - (b) A request for an extension for the late filing of legal submissions for two submitters
 - (c) A request to cross examine Mr Bonis appearing for Woolworths New Zealand Limited by the Council.

Memorandum of Counsel for Christchurch City Council

- [3] Counsel for Christchurch City Council filed a memorandum on 16 October 2023 with the rebuttal evidence of Ike Kleynbos relating to the residential topic of the hearings commencing on 31 October 2023.
- [4] Counsel had indicated in memorandums filed on 3 October 2023 and 9 October 2023 that the rebuttal evidence for Mr Kleynbos was to be filed late.
- [5] The memorandum sought that the IHP waive the timeframe for the filing of late evidence. The IHP Hearing Procedures¹ required that where leave had been granted rebuttal evidence was required to be filed 12 noon on 9 October 2023.
- [6] The memorandum and rebuttal evidence filed was also served by Counsel for the Council on residential zones submitters' representatives.
- [7] The requested waiver for the late filing of rebuttal evidence for Ike Kleynbos is granted.

Memorandum of Counsel for Carter Group Limited and Catholic Diocese of Christchurch

- [8] Counsel for Carter Group Limited #814, #824 #2043 and Catholic Diocese of Christchurch #823 #2044 filed a memorandum on 18 October 2023 seeking an

¹ Paragraph [83]

extension to the time period for the filing of legal submissions on behalf of these submitters due to illness.

[9] Carter Group Limited and the Catholic Diocese of Christchurch are scheduled to appear at the Central City and Commercial Zones hearing on 25 October 2023.

[10] The IHP Hearing Procedures ²require that legal submissions must be provided to the Secretariat five working days prior to the submitters allocated speaking time.

[11] The requested extension to file legal submissions on behalf of Carter Group Limited and Catholic Diocese of Christchurch by 12 noon on Tuesday 24 October 2023 is granted.

Request by Christchurch City Council for leave to cross examine Mr Bonis for Woolworths New Zealand Limited

[12] By memorandum of counsel dated 19 October 2023, the Council requests leave to cross examine Mr Bonis for Woolworths New Zealand Limited (Woolworths) in relation to his evidence on commercial centres matters when he appears on 26 October 2023. Counsel asks that Mr Bonis also be made available for cross examination on Tree Canopy matter in week 9.

[13] We confirm leave is granted to the Council to cross examine Mr Bonis following his evidence in chief on 26 October 2023.

[14] We understand from the Secretariat that Woolworths may have only requested to attend once to address their submission. The Secretariat is seeking to confirm this.

[15] The IHP refer the Council to paragraph [50] of the hearing procedures which entitles submitters to appear once at the hearing unless they seek otherwise and the Council should assume that is the case, unless Woolworths also requests to be heard in week 9. On that basis the IHP declines the request from the Council to have Mr Bonis recalled for cross examination in week 9. It may assist if counsel for the Council makes contact with the submitter directly to clarify their intentions. The IHP, however, remind the submitter that in the event the IHP wishes to question Mr Bonis at a later date in accordance with paragraph [53] of the hearing procedure he will need to appear again.

² Paragraph [94]

Dated 19 October 2023

A handwritten signature in black ink, appearing to read 'C. Robinson', with a long, sweeping flourish extending to the right.

Cindy Robinson

Chair

for Independent Hearings Panel