

**Before**                      **The Canterbury Regional Council**

**In the Matter**

**Of:**                              **Proposed Change No. 1 to the Canterbury Regional Policy Statement Chapter 12A (Development of Greater Christchurch) including Variations 1, 2, 3 and 4**

13 August 2009

Eleventh Minute of Commissioners as to Process for Answers by Report Writers

1. This Minute is issued in further pursuance of the process for dealing with the questions for the S.42A report writers, particularly given further comments/suggestions received at various hearings subsequent to the issue of our Ninth Minute on the issue, most of which points are encapsulated in a letter dated 12 August, 2009 from Mr P. Rogers who has appeared as Counsel on behalf of many submitters before us (which letter we request be posted on the ECan website).
2. We stress that in issuing this Minute we do not resile from the views expressed in our Ninth Minute as to how we envisage the process operating, but equally we are receptive to any practical solution which ensures a fair hearing process, provided it does not cause further delay in the completion of the hearing and decision making processes.
3. We accordingly have decided that some limited provision should be made for that course in the event we are able to be persuaded new material has been provided in the report writers' answers which could not reasonably be apprehended by submitters affected. For the reasons expressed in the Ninth Minute good reason would still have to be able to be advanced as to why we should receive any further comment on points raised in the answers provided by the s.42 A report writers. In short, we are of the view that every submitter has had full opportunity to adduce whatever material it wishes of relevance to their case. It will only be in rare circumstances that a submitter will be able to persuade us that further information could not reasonably have been foreseen.
4. Subject to the need for any submitter to show such cause for seeking to provide further information in reply to any such new points, however, we now direct that leave can be sought to adduce final reply material which in the rare circumstances that we envisage will be very restricted in nature. The time frame for any such very limited response will need to be tightly restricted to ensure it does not hold up the decision process.
5. We therefore direct that any submitter wishing to seek leave to have further material considered in reply to entirely new material provided by the report writers will need to make formal application in writing for such leave accompanied by the full material in writing in respect of which such leave is sought by 5 p.m Friday 4 September, 2009.

6. For the information of the submitters and the Commissioners the Council report writers are directed to advise the order and anticipated dates of presentation of their answers by the various report writers by 5 p.m Friday 21 August, 2009. This advice is to be posted on the ECan website by that time and date. (It is understood that because of his unavailability in the week commencing 31 August, 2009 Mr. Paul Anderson will be presenting his answers on Thursday 27 August, 2009 at 9 -11 a.m, with the other report writers presenting at 9 a.m Monday , 31 August to noon on Wednesday 2 September, 2009.)
7. The Commissioners further request that as soon as the report writers' answer material is available in the final form it is intended to be presented to the Commissioners that it also be posted on the ECan website.
8. The Commissioners also wish to make it clear that none of the above directions/requests, and nothing contained in the Ninth Minute, in any way restrict the ability of the Commissioners pursuant to s.41(4) of the RMA to pose further questions for answer either orally or in writing. Such questions are able to be posed either to any person who has provided a report or been heard by the Commissioners.

Dated the 13<sup>th</sup> August, 2009



R.D.Crosby  
Chairman of Commissioners