

Before the Independent Hearings Panel
at Christchurch

under: the Resource Management Act 1991 and the
Canterbury Earthquake (Christchurch
Replacement District Plan) Order 2014

in the matter of: Submissions and further submissions in relation
to the proposed Christchurch Replacement
District Plan

and: The Chapter 9: Natural and Cultural Heritage –
Stage 3 proposal

and: **Greg & Mia Gaba**
Submitter 3639 / FS-5060

and: **The Roman Catholic Bishop of the Diocese of
Christchurch**
Submitter 3692 / FS-5007

and: **Tailorspace Property Limited**
Submitter 3718 / FS-5061

and: **Church Property Trustees**
Submitter 3610/ FS-5023

**MEMORANDUM OF COUNSEL FOR GREG & MIA GABA, THE ROMAN
CATHOLIC BISHOP OF THE DIOCESE OF CHRISTCHURCH AND
TAILORSPACE PROPERTY LIMITED**

Dated 7 December 2015

May it please the Panel:

- 1 This memorandum is filed on behalf of the following parties (*the Submitters*):
 - 1.1 Greg and Mia Gaba (*the Gabas*), submitter 3639;
 - 1.2 The Roman Catholic Bishop of the Diocese of Christchurch (*the Diocese*), submitter 3692;
 - 1.3 Tailorspace Property Limited (*Tailorspace*), submitter 3718; and
 - 1.4 Church Property Trustees (*CPT*), submitter 3610.

- 2 The purpose of this memorandum is to respectfully request an extension to the filing of evidence for the Natural and Cultural Heritage Hearing, which is currently due **5.00pm Thursday 10 December 2015**.

- 3 The Christchurch City Council (*the Council*) filed a memorandum with the Panel dated Wednesday 2 December 2015 (*the Memorandum*) seeking an extension to the filing of some evidence¹. The Council was timetabled to file its evidence by 5.00pm Wednesday 2 December 2015. The Memorandum sought an extension until **4.00pm Thursday 3 December 2015** for several briefs of evidence relating to Topics 9.3 and 9.4. This extension was granted by the Panel.

- 4 The Submitters were not served with all of the remaining briefs of evidence before the extended deadline of 4.00pm Thursday 3 December. The following evidence was received after the extended deadline and is relevant to the Submitters' submissions:
 - 4.1 **Andrew Marriott:** heritage engineering evidence including site specific evidence relating to the Gabas' and Tailorspace's properties. This evidence in chief was received 4.08pm Thursday 3 December, however, the appendices to Mr Marriott's evidence were received later:
 - (a) Appendices A, B, D and E were received at 5.28pm Thursday 3 December; and
 - (b) Appendix C was received at 6.09pm Thursday 3 December.

¹ Memorandum on behalf of the Christchurch City Council, 2 December 2015 at para 4

- 4.2 **Jennifer May:** heritage evidence relating to Topic 9.3 including site specific evidence relating to the Tailorspace property. This evidence in chief was received at 5.28pm Thursday 3 December;
- 4.3 **Jacqueline Gillies:** heritage evidence relating to Topic 9.3 including site specific evidence relating to the Gabas' and Tailorspace's properties. This evidence in chief was received at 5.28pm Thursday 3 December; and
- 4.4 **Douglas Fairgray:** economic evidence was not served on the Submitters until 12.51pm Friday 4 December.
- 5 The following relevant evidence was received prior to the extended deadline but after the original deadline of 5.00pm Wednesday 3 December. We note that none of the following briefs of evidence were listed in paragraph 4 of the Memorandum as the briefs for which an extension was being sought and were therefore, still expected these by the original deadline:
- 5.1 **William Blake:** valuation evidence relating to heritage listed buildings. This was received at 5.04pm Wednesday 2 December;
- 5.2 **Helen Beaumont:** evidence on the Council's approach to heritage. This was received at 5.04pm Wednesday 2 December;
- 5.3 **Amanda Ohs:** heritage evidence relating to Topic 9.3. This was received at 10.15pm Wednesday 2 December. However, appendices to Ms Ohs evidence were not received until 1.01pm Thursday 3 December; and
- 5.4 **Fiona Wykes:** heritage evidence relating to Topic 9.3 including site specific evidence relating to the Gabas' and the Diocese's properties'. This was received at 9.00pm Wednesday 2 December.
- 6 Additionally, the evidence of **Gavin Stanley** has been served on the Submitters, however, at paragraph 2.2 of his evidence Mr Stanley notes that he is "in the process of preparing Cost Estimate Reports for...152 Oxford Terrance". Any Cost Estimate Reports are yet to be received.
- 7 The Submitters' submissions and corresponding evidence relates largely to Topic 9.3. Therefore, experts providing evidence on behalf of the Submitters were expecting to respond to Council evidence on Topic 9.3. The delay in receiving this evidence has left insufficient

time for experts to adequately review and respond to the Council evidence in their own briefs of evidence.

- 8 The Council's Memorandum stated that should a submitter wish to seek an extension, the Council would not oppose the equivalent extension if the Panel were minded to grant it². This would be an extension until 4:00pm Friday 11 December. The Council also stated that it would abide by any decision of the Panel in relation to extensions granted.
- 9 Given the Council was later in providing evidence than it initially anticipated, we respectfully submit a further extension is warranted.
- 10 Furthermore, additional mediation sessions on Topic 9.3 are being held on Wednesday 9 September. This includes site specific sessions for each of the Submitters. Accordingly, a number of the experts providing evidence on behalf of the Submitters will be in attendance at those mediation sessions and, therefore, will not be working on their evidence during those sessions. All of the experts providing evidence on behalf of the Submitters will need to update their evidence to reflect the outcomes of those mediation sessions.
- 11 The site specific mediation sessions have been set down for 3.00pm – 5.00pm Wednesday 9 December. This leaves insufficient time for the experts to amend their evidence before 5.00pm Thursday 10 December.
- 12 As a result, we seek leave for an extension until **5:00pm Monday 14 December 2015** for the following briefs of evidence:
- 12.1 For the Gabas:
- (a) Brett Gilmore – engineering;
- 12.2 For the Diocese:
- (a) Keith Beal – entity evidence;
- (b) Julian Mace – quantity surveying;
- (c) Mike Copeland – economics;
- (d) Marianne Halliday – engineering; and
- (e) Carole-Lynne Kerrigan – heritage;

² Memorandum on behalf of the Christchurch City Council, 2 December 2015 at para 7

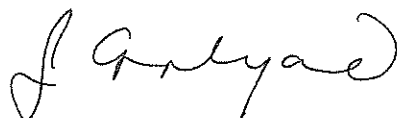
12.3 For Tailorspace:

- (a) Glenn Taylor – company evidence;
- (b) Mike Copeland – economics;
- (c) Craig Oldfield – engineering;
- (d) Keely Pomeroy – quantity surveying;
- (e) Scott Ansley – valuation;
- (f) Craig Armitage – costs analysis; and
- (g) Brian Vincent.

12.4 For CPT:

- (a) Win Clark; and
- (b) Dave Pearson

Dated: 7 December 2015



JM Appleyard

Counsel for Greg & Mia Gaba,
The Roman Catholic Bishop Of The Diocese Of Christchurch
and Tailorspace Property Limited