

Independent Hearings Panel

Christchurch Replacement District Plan

Te paepae motuhake o te mahere whakahou a rohe o Ōtautahi

Christchurch Replacement District Plan

PRE-HEARING CONFERENCE: CHAPTER 21: SPECIFIC PURPOSE ZONES (PART)

TRANSCRIPT OF PROCEEDINGS

Heard at: Christchurch Plan Independent Hearing Venue
348 Manchester Street, Christchurch

Date: 07 August 2015

Hearing Panel: Sir John Hansen
Judge John Hassan

[12.38 pm]

5 SJH: Yes, thank you. Just briefly if there are submitters in the back that have not been here previously the purpose of this hearing is not to consider merits in any way, it is simply to look at processes and procedures through to the hearing of this matter when the merits and the evidence will be heard.

10 The first thing we will do is to consider the statement of issues filed by the Council so, Ms Scott, have you got anything to add to that?

15 MS SCOTT: Thank you, good afternoon, sir, just a couple of points. First of all on page 7 of the statement of issues under the heading "School Tertiary Education" there are issues listed 15 to 21. There are also some submissions that seek a rezoning to the Specific Purpose zone. One example is the Holistic Education Trust so that is an additional issue that we can add to that in a revised version.

20 SJH: Right, okay.

MS SCOTT: And just at issue 22 on page 8 under the heading "Golf Resort", I just want to clarify the issue there. The first point is that the Airport has made a submission which seeks to apply policy 6.3.5 of the RPS to intensification under the northwest runway contours.

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[12.40 pm]

30 Then there is a separate submission by Clearwater which challenges the accuracy of the airport noise modelling and that relates to the main runway contour and I apologise, I think it is better worded as just described and we can also amend that. The affected submitters might want to comment on that in response

35 And that is all I have to add at the moment, sir.

SJH: Thank you. Mr Carranceja?

40 MR CARRANCEJA: Yes, sir, I appear for the Crown. In terms of the Council's memorandum, sir, first of all the list of definitions we would like to add one definition that is contained in the definitions proposal and that actually applies to the Specific Purpose School and the Tertiary Education zones. That definition is a community facility. Community activities is listed but not community facility, sir.

45 SJH: All right.

MR CARRANCEJA: That is the first thing. Sir, looking now at the statement of issues, the Ministry of Health has identified some additional issues for the Specific Purpose Hospital zone. I will just read them out, sir, it thinks that there are five additional issues that need to be covered.

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The first issue is whether the provisions provide for appropriate activities including car parking and overnight accommodation for staff. The second issue is what relationship should the Specific Purpose Hospital zone have with the underlying zone. The third issue is the formatting of the standards appropriate. The fourth issue is whether vehicle access provisions are appropriate and the fifth issue is are the assessment matters appropriate and are there assessment matters for all restricted discretionary activities. So I am happy to provide that to the Council.

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SJH: Then that can be added in.

MR CARRANCEJA: Yes, sir.

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SJH: Thank you.

MR CARRANCEJA: Now, for the Ministry of Education, sir, two matters and really could be one. The first issue, and I am hoping this will be the only one, whether the assessment matters can be simplified including the removal of transport issues.

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Sir, I won't mention the second issue just yet because in terms of scope I just wish to query, sir, as to whether the airport noise contour issues, which I guess is a wider issue dealt with I think under general, related to the Special Purpose School zone should be addressed as part of, if you like, the bigger picture general rules section in which case we don't need to add an additional issue here regarding airport noise contours.

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SJH: Well, it seems to be no one will miss a chance to challenge it, Mr Carranceja, whatever the hearing is.

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MR CARRANCEJA: Yes.

SJH: So we will see what Mr Cleary has to say about it.

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MR CARRANCEJA: Yes, sir, but maybe - - -

SJH: But I understand what you are saying.

MR CARRANCEJA: As a matter of caution, depending on whether the airport noise issue is dealt with here or later, the other issue would have

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been whether and to what extent education activities should be controlled for schools inside the airport noise contours. That would be the only additional issue if it was in.

5 SJH: Right, thank you.

MR CARRANCEJA: Thank you, sir.

SJH: Ms Mehlhopt?

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MS MEHLHOPT: Sir, happy with the memorandum of issues and the Regional Council is particularly interested in paragraph 2.2 in relation to the airport noise contour and having that matter resolved.

15 SJH: Thank you. Mr Cleary?

MR CLEARY: Obviously, sir, I am interested in how that 2.2 is resolved but can I just, without going into the merits at all, can I just clarify that the submission that is under attack so to speak from my friends is actually
20 a submission challenging the adequacy of the section 32 analysis. And I didn't understand that a submitter could not challenge the section 32 analysis by way of submission and in actual fact that is the only way a submitter can lodge a challenge on the section 32 analysis is by a submission.

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JUDGE HASSAN: Bearing in mind the Panel's role as under section 32AA of course governed by what we are here for our purposes under section 32 and 32AA.

30 SJH: And the provisions of the RPS.

MR CLEARY: Indeed, sir, and I am obviously not asking the Panel to amend the RPS because that of course is outside your remit, I fully accept that.

35 SJH: Just so we can understand though are you challenging yet again the 50 dB level or the line of the 50 dB level?

MR CLEARY: Well, it is not of course just the 50 dB line and associated provisions that affect Clearwater Resort or the Golf Resort zone, it is
40 also the 55 and the 55 runs right down the middle of the Golf Resort.

[12.45 pm]

45 SJH: No, no, I am sorry, that is not answering my question because the 50 dB level is specifically mentioned in the RPS.

MR CLEARY: I accept that, yes.

SJH: And we are bound by that. Subject to any legal argument we may hear -
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MR CLEARY: Yes, yes.

SJH: --- but on its face ---

10 MR CLEARY: On its face.

SJH: --- we are bound by it. What I am trying to understand is are you
trying to get that level changed, or the line of that level changed?

15 MR CLEARY: It would be the line.

SJH: Okay, I understand that but it was a bit confused the way it is, is it
appears that there is yet another attack on the actual level in this
hearing and I am not sure in terms of the RPS, I was struggling if that
20 was the case, but if it is a line we will have to hear evidence and make a
decision on that.

MR CLEARY: And as I said, all the lines are inter-related including the 65,
55 and 50 because they all come out of the same data, but I believe that
25 was acknowledged in the residential hearing.

JUDGE HASSAN: Mr Cleary just in terms of looking at 2.2(a) and the first
four words “as a preliminary matter”, as a preliminary matter. Am I
hearing you correctly, which is what I understood you to say in essence
30 what your client wants to bring is evidence which would test whether
the line should be in one place or another. In other words it is a matter
for the hearing as opposed to a preliminary hearing matter, isn’t it? On
the basis of the evidence.

35 MR CLEARY: I mean it certainly can be done. I do not think that that sort of
evidence needs to be tested as a preliminary matter.

JUDGE HASSAN: Yes.

40 MR CLEARY: The preliminary matter is whether or not the submission
lodged on my client’s behalf is within the scope of the hearing of either
6 or paragraph, proposal 21 in paragraph ---

SJH: But you are confirming the scope of your submission is the actual line -
45 --

MR CLEARY: The location of the line.

SJH: - - - location of the line?

5 MR CLEARY: And associated of course restrictions on that line, that fall from that one.

SJH: But not the decibel levels themselves?

10 MR CLEARY: Well I mean I cannot challenge the RPS, the location of the lines.

SJH: Yes, well that is the point.

15 MR CLEARY: Yes.

SJH: And if that is the case, that that seems to me anyway to be a matter of resolving at hearing, after hearing, on expert evidence?

20 MR CLEARY: Indeed, sir.

SJH: It is not a preliminary issue.

25 MR CLEARY: I don't think – the preliminary issue as I understood was whether or not Clearwater's submission was in scope of the hearing. I might have – I am firmly of the view that it is.

JUDGE HASSAN: For this hearing. So what is your client's position on (b)?

30 MR CLEARY: Look it seemed to me, to me sir, it seems logical that it be heard as part of the further hearing.

SJH: So should the whole thing go to there?

35 MR CLEARY: Well there is going to be a sort of a very minor delay between the hearing so I do not see why anybody is necessarily prejudiced by a delay - - -

40 SJH: It has been debated for 20 years or so after all so a couple of months are not going to make a hell of a lot of difference are they.

MR CLEARY: Well I can say that our clients have been waiting for a hearing for about nine years now.

45 SJH: Well that is not the point. Should it be rolled out, so all of this 2.2 be rolled over to stage 3?

MR CLEARY: It would appear eminently sensible.

5 SJH: You are going to be appearing on stage 3 and making the same submissions presumably.

MR CLEARY: Absolutely.

10 SJH: Yes.

MR CLEARY: It would appear - - -

SJH: It is not economic or efficient to do it twice, is it?

15 MR CLEARY: It would be eminently sensible to have it heard once - - -

SJH: So you would not oppose such an order?

20 MR CLEARY: No sir.

SJH: Okay, thank you. Anything else from your perspective, Mr Cleary?

MR CLEARY: No.

25 SJH: With the statement of issues?

30 MR CLEARY: I think the statement of issues appears largely appropriate. There seems to be a question in terms of whether or not a hotel at Clearwater is a noise sensitive activity for the purposes of the definition of sensitive activities.

SJH: So that would remain in this hearing?

35 MR CLEARY: Well, it should all be dealt with at the same time.

SJH: Again, it should be deferred to Stage 3?

MR CLEARY: I would have thought so.

40 SJH: All right.

MR CLEARY: Be appropriate.

45 SJH: Thank you.

MR CLEARY: I am essentially in your hands, sir, as to when you want to deal with it.

5 SJH: I am sure nobody wants to hear it more than once. Thank you.
Ms Nicol?

MS NICOL: No issues sir.

10 SJH: Thank you.

JUDGE HASSAN: Can I just – Ms Nicol, does that indicate that the airport's position is consistent with Mr Cleary's on when things are heard?

15 MS NICOL: We are happy with that, yes.

JUDGE HASSAN: All right, thank you.

[12.50 pm]

20 SJH: Just before we go to others, Ms Scott, the Council wouldn't oppose a roll over to Stage 3 of all of these matters so they are all heard together would it?

25 MS SCOTT: No, the Council supports that approach.

SJH: Yes.

30 MS SCOTT: Could I just take this opportunity to confirm the Council's position on the 50 dBA and what is in the RPS. You asked a question of my friend if his issue is to do with the level or the line location. The 50 dBA location is also set out on the map, on map A in the RPS. So the Council's position is that the location of the 50 dBA contour must be given effect to. There is of course - - -

35 SJH: Because it is a superior document again?

40 MS SCOTT: That is right, and there is of course opportunity to submit on how it is given effect to. The Council is not saying that that is outside the scope but the location of it itself in the Council's view is already in the RPS and my friend can respond to that for the regional council as well.

SJH: But it still belongs all in the same hearing.

45 MS SCOTT: Absolutely and the Council supports that deferral.

SJH: Right. Ms Mehlhopt?

5 MS MEHLHOPT: Yes sir, I support what Ms Scott has just said in relation to the location of the 50 dBA contour in map A of the RPS. I also note that there is another submission by Mr Lawry, I think that is submission number 2514 - - -

SJH: Yes we heard from him the other day.

10 MS MEHLHOPT: - - - who also seeks a review of the contour so I think rolling over into Stage 3 where it can all be dealt with together is appropriate.

15 SJH: All right, do you have any other issues with the statement of issues?

MS MEHLHOPT: No, my client's interest is purely in relation to the noise contour so that if that is deferred - - -

20 SJH: All right, thank you.

MR CLEARY: It may be of some interest, perhaps not, in terms of the review of the Land Use Recovery Plan and chapter 6 of the RPS that a request has been made to actually review the contours by other parties and it may well be some progress is made on those requests prior to a hearing at stage 3.

SJH: Thank you. Mr O'Flaherty?

30 MR O'FLAHERTY: Sir, with the hearing for Whisper Creek Golf Resort the only issue that concerns my client, sir, is issue number 30, and the only comment I would make about that sir, is my understanding is that we were going to record 338 as the minimum number of resort apartment bedrooms. I wonder whether that might be a typographical error of 330 but my understanding from my meeting with Council was that the baseline would be 338, otherwise no other issues sir.

SJH: Thank you. So Mr (**INDISTINCT 3.01**) you are appearing for him?

40 MR O'FLAHERTY: For Whisper Creek Golf Resort, yes.

SJH: Right. So that is who is sitting beside you?

MR O'FLAHERTY: No, this is my junior sir.

45 SJH: Well if he is your junior are you a lawyer?

MR.....: Me?

SJH: No.

5 MR O'FLAHERTY: Yes, yes sir.

SJH: Well if he is your junior, talk to him about how he dresses, appearance is a virtue.

10 MR O'FLAHERTY: I have done that, sir.

SJH: We may be casual in this place but not that casual. The Health Board?

MR.....: No, we have no issues, sir.

15

SJH: Thank you. Ms Flemere, is it?

MS FLEMING: Fleming.

20 SJH: Ms Fleming.

MS FLEMING: I act for the University and CPIT and we have no issues.

SJH: Thank you. Ms McLeod?

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MS MCLEOD: I am representing the Elmwood Club Incorporated, no issues.

SJH: Thank you. Now across the other side, Mr Cleese? Just wait for the microphone so it goes on the record, Mr Cleese please.

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MR CLEESE: Yes, here for Nurse Maude, Pegasus Health and the Methodist Central Mission regarding the hospital zones and, we are happy with the statement of issues.

35 SJH: Thank you. Mr Nixon?

MR NIXON: I am here for the Catholic Bishop of Christchurch and Rangiora Ruru Girls' School with respect to the Special Purpose School Zone.

40 SJH: Thank you. Mr McCracken?

MR MCCRACKEN: Here for St George's Hospital, sir and we have no problem with the issues.

45 SJH: Thank you Mr McCracken, and Ms Aston?

MS ASTON: I am here for the Holistic Education Trust and no problem with the amended issues statement.

5 JUDGE HASSAN: Thank you. Mr Nixon, I presume that is the case for your clients? Thank you.

10 SJH: All right, how long for an amended statement of issues, Ms Scott which should include the order of this Panel that the airport matters relating to the 50 dB, the placement or location of the 50 dB line to be rolled over to stage 3?

[12.55 pm]

15 MS SCOTT: Sir, is Thursday next week?

SJH: Thursday?

MS SCOTT: Thursday okay for you?

20 SJH: Okay, yes, close of business Thursday. Mediation, is it going to be evidence based?

MS SCOTT: Yes, sir, a date has been tentatively set for 12 October.

25 SJH: 12 October?

MS SCOTT: Yes.

30 SJH: Facilitated by Mr Mills?

MS SCOTT: By Mr Mills, thank you sir. Would it assist you to give you a very quick update on the - - -

35 SJH: It would.

MS SCOTT: - - - on the Council's position as it has been considering the submissions - - -

40 SJH: Thank you.

45 MS SCOTT: - - - and I think it would be helpful. I will just go through each zone. The Wigram Defence Zone, there are approximately 25 submission points. At this stage over half have been accepted or accepted in part and it is anticipated that there will be limited issues remaining.

5 For the Cemetery Zone there are around 20 submission points and there is a strong possibility of all of these submission points being accepted. Styx Mill Road Transfer Zone, there are only around six submission points there and it is anticipated that there will be very few or limited issues that may remain.

10 The Schools Zone, there we have approximately 85 submission points. I am advised that over three quarters have been accepted or accepted in part at this point in time. Again, limited issues likely to be remaining there.

15 Tertiary Education Zones, 175 submission points. Over half of them have been accepted or accepted in part. The Golf Resort Zone, approximately 70 submission points there. That is the one that is likely to be more contentious coming to a hearing, although with the direction about the airport noise that is likely to be now cut down as well.

20 Finally, the Hospital Zone, could be a number of issues, still working through that one so that is work in process, but I hope that assists.

SJH: Thank you. And you would say a day for mediation is sufficient?

MS SCOTT: Yes, that is what we have advised the Secretariat today.

25 SJH: All right, thank you. Does any Council or submitters here have any issue with mediation on 12 October? Thank you. Expert conferencing, Wednesday 25 September. Again a day, that should be sufficient, Ms Scott?

30 MS.....: 23 September.

SJH: Sorry, 23 September, Wednesday 23 September. Do any Council or submitters have issue with that date?

35 JUDGE HASSAN: Just noting Environment Court Commissioner Mills is assigned to that as well, so he could have a dual role facilitating mediation in expert conferencing.

40 SJH: Someone has blues piano on their telephone. The red line version of an update, it is suggested 7 October. Can you manage that?

MS SCOTT: Sorry sir, this is just different to what we have outlined in our memorandum but things might have moved on.

45 SJH: Well wait a moment, make sure I am looking, no I am looking at Special Purposes Zone.

MS KARDOS: It has moved on because facilitators were not available on the day that previously discussed.

5 SJH: Well it really needs to be after the mediation, doesn't it, Ms Scott?

MS SCOTT: We have generally been circulating the revised proposal prior to the expert conferencing. So if we have 23 September for the - - -

10 SJH: But you are being asked now, with the amendments that have been made to the suggestions, to have mediation after your red line version and after you are meant to file evidence which seems to be a bit inefficient. It would be preferable afterwards, wouldn't it?

15 MS SCOTT: Sorry sir, the way we have been going is to circulate a revised proposal then the experts enter into conferencing, Council then files its evidence-in-chief, and then before the submitters file their evidence-in-chief is the facilitated mediation session.

20 SJH: Yes, it is just likely to lead to new evidence though. Well, that is all right, so 7 October suits you?

MS SCOTT: Yes sir, thank you.

25 SJH: Your evidence by 15 October? We will come back to the witnesses that are going to be called in a moment. Rebuttal or, sorry, your evidence is 7 October. Submitter evidence by 15 October. Do any Council or submitters take issue with that date? Rebuttal evidence by 22 October? All right, Ms Scott how many witnesses do you propose?

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MS SCOTT: Sir, we have 11 witnesses at the moment listed.

[1.00 pm]

35 SJH: Thank you. But that may narrow.

MS SCOTT: Obviously if matters get resolved, hopefully that will narrow.

SJH: Understood.

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MS SCOTT: Thank you.

SJH: Mr Carranceja, for the Crown?

45 MR CARRANCEJA: Sir, nine witnesses although that may narrow as a consequence of discussions sir but this is I guess a worst case scenario.

For the Ministry of Defence and New Zealand Defence Force three witnesses. They will be a general operational witness, a witness discussing operation of the Air Force Museum, and a planner.

5 Sir, for the Cemetery Zone a planner. For the Hospital Zone two Ministry of Health witnesses, that will be a hospital operational witness and also a planner. For the Specific Purpose School Zone for the Ministry of Education sir, again it will be an education operational witness as well as a planner.

10 For the Tertiary Education Zone and also for the Golf Resort Zone one planner addressing New Zealand Fire Service issues sir.

SJH: All right, thank you.

15 MR CARRANCEJA: Thank you.

SJH: Ms Mehlhopt?

20 MS MEHLHOPT: Sir, if the matters relating to the 50 dBA noise contour are being deferred until stage 3 then it is unlikely that the Regional Council will have any involvement in this.

25 SJH: Okay, thank you. Mr Cleary? Given that that is over to stage 3 you will take no other part in this hearing?

30 MR CLEARY: Can I just say in respect of what Mr Carranceja said regarding the witness from the Fire Service, I do not understand the relief sought in the submission to be disputed by any party in which case we could probably dispense with that witness. The witness will not be required. I can confirm that with Mr Carranceja.

35 JUDGE HASSAN: So that would be by joint memorandum would it? That position would be put to the Panel as agreed?

MR CLEARY: Yes, well, I would expect so. There are probably about five or six submitters in respect of Clearwater.

40 SJH: I imagine it is a repetition of stuff we have heard before.

MR CLEARY: Absolutely.

45 SJH: And I also would have thought that what has happened in the past is that the brief of evidence is filed. If there is no cross examine applications attendance is simply excused unless the Panel has questions.

MR CLEARY: Yes, I might try to even short circuit that as well.

SJH: Right, thank you.

5 MR CLEARY: Yes, thank you sir.

SJH: Ms Nicol?

10 MS NICOL: The Airport is intending to call a planner and a company witness. I am just not sure on the position with noise evidence with the changes today but I could confirm that early next week if that is acceptable. And Orion is planning on calling company and planning evidence.

15 SJH: Thank you. Mr (INDISTINCT 2.42)?

MR: Sir depending on further discussions with Council I anticipate at most there will be one witness, who will be a planner, possibly a company representative, but I suspect just the planner.

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SJH: All right, thank you. And if agreement is reached you just need to notify the Secretariat that you will not be calling evidence.

25 MR: Correct, sir.

25

SJH: That is fine. The Health Board?

MS: The Health Board will be calling two witnesses, one a planner and one an operations manager.

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SJH: Thank you. Ms Lemon?

35 MS LEMON: The University will be calling three witnesses: a planner, an urban designer and a representative from the university, and CPIT will be calling two witnesses, a planner and a representative from CPIT.

SJH: Thank you. Ms McLeod?

40 MS MCLEOD: The Elmwood Club will not be calling any witnesses but will have a member from their board speaking to the submission.

SJH: Thank you. Ms Aston, seeing we are on this side of the room?

45 MS ASTON: If required, which may not be the case, a planner, traffic engineer, and infrastructure engineer.

SJH: Thank you. Mr Clease?

MR CLEASE: Thank you. Nurse Maude, Pegasus Health and the Methodist
5 Central Mission will each be calling a planner and a company
representative. Just to clarify in terms of the scope of evidence or the
timetabling rather, each of those three submitters are seeking re-
zonings from Residential to Special Purpose Hospital and we are
anticipating that the substance of that evidence would fall as part of the
10 Special Purpose Hospital hearing, where it can be considered along
with the rule packages applying to those zones.

Just to clarify, is that the expectation, because I understand - - -

15 SJH: Well, we had this discussion earlier in the day and the submission of the
Council was that the evidence should be adduced in the chapter, in the
zone that people are wanting to go into.

MR CLEASE: Yes.

20 SJH: The issue with that is there has been some coding issues and we are
concerned about people falling through the cracks and being missed
out. So our preference would be that the evidence be lodged in both
chapters and we would only expect to hear from you once unless it is
25 challenged in some way in both of them.

[1.05 pm]

MR CLEASE: So we would submit evidence seeking a rezoning as part of the
30 residential timetable, but wouldn't appear in that chapter, we would
then appear in October.

SJH: Well, you would have to make your own call whether you want to
appear in that.

35 MR CLEASE: Okay. Respectfully, sir - - -

SJH: We have not yet acceded to the Council's request, I mean it seems
40 sensible, but particularly in the residential we dealt with earlier, there
were many, many people in this situation, and given the coding
difficulties that we've been beset with since the beginning, we just
want to make sure no one falls through the crack.

MR CLEASE: Okay.

45 SJH: If you want to lodge it in residential you can file it within – because I
think that will be the first hearing, you can lodge a memorandum and

you might get agreement from the Council seeking that it be transferred across and ultimately heard and decided in this chapter.

5 MR CLEAVE: Yes, so, sir, mindfully I think there is a reasonable prospect of sort of mediating out the issues.

10 SJH: Well, it probably will and where people are professionally advised, I don't think it is going to be an issue, but a lot of the people seeking this are lay submitters, not in this chapter but in the other one, and we're just trying to have a consistent approach to it.

15 MR CLEAVE: Okay, I appreciate that. I know in the hospital chapter there is only sort of a handful of professional submitters and that's it, so I don't think that risk of falling through the cracks exists there, so, thank you.

SJH: Mr Nixon?

20 MR NIXON: With respect to the Catholic diocese and the Rangī Ruru School, I think they would share a joint planning witness, sir.

SJH: I suppose that's a question I should have put to you, Mr Cleave as well, you said three planners?

25 MR CLEAVE: There will be one planner.

SJH: All right, thank you. Mr McCracken?

30 MR McCracken: If we get to that point there is a planner, a hospital representative and an urban designer.

35 SJH: All right, thank you. Now, I think virtually everyone was here earlier perhaps, apart from you Mr Cleave, and we have – you may have been here yesterday, but we have been making the point that we don't expect repetition of evidence from earlier stages, it can simply be cross-referenced and we don't want everyone to set out three or four pages of the superior documents which we have read once or twice already, so it can just be referred to in shorthand.

40 Now, cross-examination, did you want to say something Ms Aston?

MS ASTON: No.

45 SJH: Sorry, I just saw your hand out, that was all. Cross-examination applications by Wednesday, 28 October. Pre-circulation of evidence if you wish to serve via the website, it is required by 3 pm on the due date, after that you would need to serve it directly, but the onus to serve

remains on parties, not on the Secretariat. If you wish to file late documents, of course, you must seek leave explaining the reasons for delay.

5 The evidence, of course, will be pre-read, and we seek simply a 10 minute highlights package at the hearing; highlights package not being a reading of the executive summary, but a highlights package of the real issues.

10 Standard approach to legal submissions, brief opening legal submissions, if parties wish to rely on written legal submissions they are granted leave so to do, if they had advise the Secretariat they plan to do that. Closing submissions are considered to be and required to be more fulsome, again, however, if parties wish to rely on closing written
15 submissions there is leave to do so, but they should notify the Secretariat of this. Those speaking to submissions should file their written submissions by 3 pm the day prior to presentation.

20 This matter has been set down for 3rd, 4th, 5th and 6th November for four days. I suspect, from what I am hearing, that perhaps two days is more realistic, Ms Scott?

MS SCOTT: Yes, I think if we could keep those days reserved though.

25 SJH: No, we will keep the days in any event, but I am just trying to get a real feel and I suspect from what I am hearing two days would possibly be sufficient.

30 MS SCOTT: Absolutely, and just to confirm those dates earlier on in the process, to ensure the expert witness conferencing is as efficient as possible, I suggest that the Council circulates its revised proposal by Thursday, 17 September, and then the witness conferencing is 23 September, and then the dates are as set out in our memorandum.

35 SJH: All right, I so confirm.

MS SCOTT: Thank you, sir.

40 SJH: I don't think there are any lay submitters here for this, so we don't need to refer to our friend of the submitter. Does anybody have any other issues? All right, thank you, we will adjourn until 2.30 pm. Thank you.

ADJOURNED

[1.10 pm]