

**IN THE MATTER**

of the Resource Management Act  
1991

AND

**IN THE MATTER**

of Proposed Plan Change 4 to the  
Christchurch District Plan: Short-  
Term Accommodation

### **MINUTE 9 – EXPERT WITNESS CONFERENCING**

1. The Panel's Minute 7<sup>1</sup> provides guidance on the need for expert witness conferencing. Attached to that Minute are Hearing Procedures and Panel Directions<sup>2</sup> which state:

14. The Commissioners may request that experts in common fields participate in expert conferencing in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014 to clarify areas of agreement and disagreement and produce a Joint Witness Statement. The Commissioners will make any directions regarding expert conferencing after receipt of expert evidence from submitters responding to the new information from the Council<sup>3</sup>, with a view to conferencing occurring prior to the filing of expert rebuttal evidence.

2. The Panel has now received the Council's economic assessment of Plan Change 4 (PC4) and an Addendum to the section 42A report<sup>4</sup>. The Addendum to the s42A report takes account of the economic assessment and records matters where the expert planning opinion of Mr Bayliss, the new planner engaged by the Council, differs from that of the Council's original s42A report writer. Submitters may provide expert evidence responding to this new information from the Council by Friday 24 September<sup>5</sup>. Expert rebuttal evidence may then be filed by Friday 8 October<sup>6</sup>.
3. Our guidance regarding expert conferencing<sup>7</sup> indicates we may make directions after receipt of the further expert evidence from submitters, so that expert conferencing can occur prior to filing rebuttal evidence.
4. The Panel has now had the opportunity to review the new information from the Council.

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<sup>1</sup> Minute 7 – Further Directions specifying Hearing Timetable and Expert Conferencing Arrangements, and Request for Change of Directions regarding amended Section 42A Report, Christchurch City Council, dated 10 August 2021

<sup>2</sup> Christchurch City Council, Plan Change 4: Short-Term Accommodation. Hearing Procedures and Panel Directions, 10 August 2021

<sup>3</sup> As directed in Clauses 8 & 9

<sup>4</sup> As directed by clause 8 of the Hearing Procedures and Panel Directions

<sup>5</sup> As directed by Clause 9

<sup>6</sup> As directed by Clause 10

<sup>7</sup> Clause 14 of the Hearing Procedures and Panel Directions

This has confirmed our initial view that expert witness conferencing and the preparation of Joint Witness Statements would be helpful to the Panel. However, we are mindful there are only 2 weeks between receipt of the further expert evidence from submitters and the filing of rebuttal evidence. This is a reasonably tight time period for expert witness conferencing and rebuttal evidence preparation to occur, especially if it needs to wait for a Minute from the Panel directing this occur. In order to make the most efficient use of the 2 weeks' time period, the Panel has decided to make its directions regarding expert witness conferencing now, so that parties have the opportunity to make the necessary arrangements in advance.

5. We direct below that expert witness conferencing occurs between the expert economics witnesses and separately between the expert planning witnesses. To date, we have received expert economics evidence from Ms Hampson and Mr Osborne, and expert planning evidence from Mr Bayliss, Mr Bonis and Mr Giddens. Our direction below applies to these witnesses. However, other submitters (who have indicated they want to be heard) may choose to call expert economics or planning evidence in response to the new information from the Council and, should this be the case, our direction below also applies to any such expert witnesses.
6. The Panel does not consider that assistance with expert witness conferencing by way of a Panel-appointed facilitator is required in this instance.
7. We consider it would be efficient for the expert economics witnesses to conference and prepare their Joint Witness Statement first, followed by the expert planning witnesses, in order that the planners can take account of the Joint Witness Statement from the economists. Our direction requires this. However, as we note above, there are only 2 weeks for this to occur, along with the preparation of expert rebuttal evidence. We have decided not to set specific timeframes for each part of this process as we consider the parties can make the necessary arrangements between themselves. However, we note that our current timeframe for filing any expert rebuttal evidence remains as no later than **4pm on Friday 8 October**.
8. One final matter the Panel notes is that we found the identification of plan change amendments somewhat confusing in the Addendum to the s42A Report prepared by Mr Bayliss, dated 1 September. Our initial impression is that Mr Bayliss has not highlighted (in yellow) all of his recommended amendments to those contained in the Council's original s42A report. We request that, by the start of the hearing, the Council provides a version that more clearly identifies Mr Bayliss' recommended changes. We also include directions below regarding clarity and highlighting in relation to the

planners' Joint Witness Statement.

## **Directions**

9. I direct that:

- (a) Expert witness conferencing and the preparation of Joint Witness Statements (JWS) occur as set out below, in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014<sup>8</sup>.
- (b) All economics witnesses (including Ms Hampson and Mr Osborne), who have provided expert economics evidence to the Panel by 4pm on Friday 24 September, shall attend expert witness conferencing and prepare a JWS. The conferencing and JWS shall focus on the identification of issues agreed and not agreed with succinct reasoning for any disagreements.
- (c) All planning witnesses (including Mr Bayliss, Mr Bonis and Mr Giddens), who have provided expert planning evidence to the Panel by 4pm on Friday 24 September, shall attend expert witness conferencing and prepare a JWS. The conferencing and JWS shall focus on:
  - (i) the identification of issues and plan change provisions agreed and not agreed with succinct reasoning for any disagreements;
  - (ii) the clear identification of plan change provisions which are agreed, including highlighting any additional amendments beyond those recommended in the attachment to the Addendum to the s42A Report.
  - (iii) The clear identification of plan change provisions which are not agreed but which are recommended by one or two of the expert planning witnesses.
- (d) The expert witness conferencing and preparation of JWS by the economics witnesses shall occur prior to the expert witness conferencing of the planning witnesses.
- (e) Subject to (d) above, the parties shall make their own timetable arrangements for the expert witness conferencing and preparation of JWS. However, the JWS are to be provided to Lloyds Scully at Christchurch City Council no later than **4pm on Friday 8 October**.

**Sarah Dawson (Chair)**

**9 September 2021**

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<sup>8</sup> Environment Court of New Zealand, Practice Note, 2014