

**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.**

**Response to Minute 6: By submitter David Michael LAWRY**

- 1) Should Mr. PIZZEY's request on behalf of Council be accepted the outcome will be that Council will be granted the ability to revisit their already discredited planning evidence. The request should be rejected.
- 2) The approval of such a request would reward Councils already exhibited incompetence by allowing planning evidence to be revisited. This outcome would come about solely due to the fact that Council has decided to engage an external consultant as opposed to summoning their original planner. Maneuvering by Counsel for Council should not be rewarded.
- 3) We are told the original planner has left, has he/she left the country? It is not unusual for persons who have taken up other roles to be recalled to complete matters they have the best knowledge of. This now missing in action ex Council Planner has lobbed a rather significant hand grenade into the PC 4 arena. That person should be summonsed before PC4 in order to account for the reasoning behind their recommendations and be held accountable for them by way of cross examination or rebuttal. Alternatively that planner's work was scrutinized by a person in authority from Council and approved, before being promulgated. Has that person not got the skill set or knowledge to address this matter? Council should not be allowed to engage another planner external to Council staff who approved the initial Plan change.
- 4) It is Council that has put forward this Plan Change thereby necessitating the huge costs in time, research and billable hours for all the usual players who

are attracted to this feast. Only lay submitters bear all the costs themselves. The power imbalance between lay submitters and Council and CIAL is huge as are the motivations to try and make this lame duck of a plan change fly.

- 5) CCC obviously notified CIAL very early in the process of this Plan change, as they are always deemed by CCC to be an affected party for any resource consent or issue that arises under the air noise contours. I was not so advised and happened upon it by chance.
- 6) I have raised this lack of notification of all land owners living under the air noise contours and engine testing contours with the panel. You have found that that process is fine and of no consequence to you. The removal by stealth of owners land use rights sound carry more weight. Councils actions to ensure that CIAL is notified of all resource consent applications made by persons living under the air noise contours or other issues impacting on those air noise contour is clear and has been raised repeatedly. Those actions necessitate that at the very least Council should be notifying all land owners living under those Air Noise contours whenever further moves are being made to reduce what are already very significantly regulated land owners land activity use rights. The ongoing failure to do so represents one major power imbalance. The also ongoing need to try and educate Plan Change Commissioners of this imbalance is yet another burden that lay submitters face.
- 7) The significance of PC4 for land owners living under the air noise contours is the attempt to remove the existing total exemption of Farm Stay activities from the noise sensitive activity definition. None of the persons that currently are operating Farm Stays under the air noise contours have been notified of this Plan Change. However interestingly Mr. Pizzey has been instrumental in having Council enforcement Officer Vanessa Irvine serve on a couple carrying out a Farm Stay at 421 Pound Road known as 'The Bond Estate' an order to cease that activity by October 2020. The timing of this matter is I submit likely to have been the reason for the requested Farm Stay definition change being incorporated into this Plan Change. It seems council is of a view that grazing animals does not constitute a Farm Stay. The point is there is a complete

exclusion of Farm Stay activity from the noise sensitive activity definition. There are no standards as to what a farm stay is, as this activity is totally exempted. No doubt to CIAL's ire. A fact that Mr. Pizzey is fully aware of and which he has ignored in creating the very considerable harm to the Bonds. For clarity I have the Bonds permission to raise this matter as just one example of the bullying behaviours those living under the air noise contours are continually facing. The Bonds despite their Farm Stay matter being the subject of Council Enforcement actions were never notified of Plan change 4 a clear and deliberate Council notification failure.

- 8) The Chair is requested to revisit the panel's decision on the importance of this ongoing refusal of Council to notify the affected land owners of impending Council and CIAL attacks on their land use rights. The abuse of power should be obvious.
- 9) The Chair has emphasized that submitter's raise "any practical consequences for a submitter" should this request be allowed. One is that it totally circumvents your existing direction that Council be only able to revisit the economic evidence. A second practical consequence is that currently only new economic rebuttal evidence will have to be replied to by submitters once we get that. The current planner's evidence is supposed to be set in concrete. While it's obviously seriously flawed, the practical consequence of allowing changes is that submitters have already moved to target their rebuttal to that existing evidence. Any ability for Council to change that evidence places even further burden on submitters to rebut, all in a smaller time frame than that being given to Council. A third practical consequence is that this plan change, as it stood before the Council manoeuvring was so flawed as to be doomed. Ongoing panel decisions allowing Council to try and recover evidentially are very one sided and unjustifiable. With all their experts, consultants and lack of addressing conflict of interest processes CCC have managed to create a dog of a plan change. One in which they cannot even articulate the problem robustly and in which they seek via heavy handed and excessive regulation in total contravention to the requirement to reduce complex regulation and improve transparency. While it is appreciated that you, the Commissioners have a

balancing of needs duty, enabling Council to recover from its evidential failures would I submit be unjustifiable and a failure of that duty to balance.

You have advised that you do not have the delegated power to withdraw this pretty disgraceful Plan Change. I respectfully recommend that you raise it with the responsible minister who does have that authority and seek that the Plan Change be withdrawn before yet more wastage of public funds takes place.

I feel it is only fair to advise that our land owners group has already raised the matters included in this submission and others to Ministerial level.

David Lawry

And

On behalf of Garry and Monique Bond.