

**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 3 – REQUEST FOR HEARING ADJOURNMENT, CHRISTCHURCH CITY COUNCIL**

### **Introduction**

1. On 11 May, the Panel received a Memorandum from Mr Brent Pizzey, counsel for Christchurch City Council (the Council), seeking adjournment of the hearing for Plan Change 4 (PC4), vacating of timetable directions for rebuttal evidence and legal submissions, and direction for an amended timetable<sup>1</sup>.
2. The Council is the proponent of PC4. The timetable for filing the Council's s.42A report and the evidence for the hearing is well advanced, with rebuttal evidence due to be filed on Friday 14 May and the hearing to commence on Monday 17 May. The Council's Memorandum seeks a delay of approximately 3.5 months.
3. The Council's Memorandum provides its explanation for the adjournment. In summary, Mr Pizzey advises that submitter evidence has highlighted, and the Council has accepted, that the economic component of the Council's notified s.32 assessment is likely to be insufficient to allow a plan change decision to be made on the merits. The adjournment is sought to enable the Council's economic expert to complete an economic cost benefit analysis sufficient for a s.32 assessment and for evidence exchange to be provided for in relation to that assessment prior to a new hearing date. On balance, Mr Pizzey submits that this process will provide for the most efficient and effective use of all participants' time and effort.
4. Mr Pizzey expresses his and the Council's regret that this situation has arisen.

### **The Council's Explanation**

5. A report by Property Economics is attached as Appendix 5 to the Council's s.32

---

<sup>1</sup> Memorandum of Counsel for Christchurch City Council seeking adjournment and timetabling directions, 11 May 2021

report. Mr Pizzey advises that the Property Economics report was prepared prior to PC4 being drafted. The Council's preparation of proposed PC4 and planning assessment in the s.42A report has relied on the Property Economics report for the purposes of its s.32 assessment. Mr Osborne is an author of the Property Economics report and the Council has intended to call evidence from him for the PC4 hearing.

6. Airbnb Australia Pty Ltd (Airbnb) is a submitter on PC4 (S112 / FS04). Airbnb filed expert evidence on Friday 7th May by Ms Hampson, an economist. Mr Pizzey notes that Ms Hampson's evidence is critical of the adequacy of the information in the Property Economics report for the purposes of the Council's economic s.32 assessment.
7. The Council's Memorandum states that, while not necessarily accepting all of Ms Hampson's criticisms, Mr Osborne has advised the Council this week that the Property Economics report, being prepared at a high level prior to the detailed drafting of PC4, is not a full report on the economic impacts of PC4. In particular, he advises that it has not qualified and quantified the likely net economic benefits and costs of PC4 in comparison to a permissive counterfactual planning framework.
8. Mr Pizzey advises that this is a material issue and the Council has reached the view that more detailed economic information analysis will be necessary in order for the Panel to be in a position make a recommendation on PC4. Mr Pizzey submits that it would be inefficient and potentially unfair for the hearing to commence in the absence of that assessment. In addition, as a result of the interconnectedness of the economic assessment with planning evidence and legal submissions, Mr Pizzey submits that no part of the hearing should proceed until an economic assessment sufficient for s.32 purposes is available.
9. In terms of timetabling, the Council's Memorandum indicates that Mr Osborne's preparation of an economic assessment sufficient for s.32 purposes will take approximately 6-8 weeks. A further consequential difficulty also arises for the Council's timing. Mr Pizzey advises that the Council planner who has been leading the preparation of PC4 is taking up other employment at the end of May. The Council will need to appoint a new planner to lead this proposed plan change and it will take time for that to occur.

### **Directions' Sought**

10. The Council's Memorandum seeks the following directions from the Panel:
  - (a) That the hearing that was to commence on 17th May is adjourned and the

timetable for rebuttal evidence and legal submissions is vacated;

- (b) The Council is to file and serve an economic assessment of PC4 for s.32 together with s.42A report, including s.32AA evaluation, by 13 August 2021;
- (c) Submitters are to file and serve expert evidence responding to that new information by Friday 10th September 2021;
- (d) Rebuttal evidence (if any) is to be filed and served by Friday 24th September 2021; and
- (e) A new hearing date will be set for a date following that timetable.

### **The Panel's Consideration**

11. While we acknowledge that the Council expresses its regret this situation has arisen, the Panel wishes to note the last-minute nature of this request for an adjournment. This is likely to have negative impacts for many parties to the PC4 hearing process, including the numerous submitters preparing for the hearing next week, the Council's administrative staff facilitating the hearing, and the Panel members themselves.
12. The Panel has discussed this matter. One option available to us would be to proceed with the hearing next Monday on the evidence available to us - we presume with limited, if any, economics evidence from the Council. Whilst this may be more convenient for many parties and avoid a delay and possible additional costs, the Panel considers this would be inefficient. We consider it would be unfair to those submitters who rely on the Council to present adequate evidence to the hearing. It could make it difficult for the Panel to reach a well-informed and well-considered recommendation on PC4. It is possible the Panel could get to the end of the scheduled hearing time and find we had insufficient information from the Council to make a recommendation based on the evidence before us. This would not be an efficient or effective use of the hearing process.
13. Accordingly, despite the delay, inconvenience and potential costs involved, we regretfully accept the Council's request for an adjournment and amended timetabling directions. We accept that, on balance, this will provide for more efficient and effective use of all participants' time and effort and better enable a fair and well-informed hearing process.
14. Given the length of the extended timeframe sought and the need to find a workable date for the rescheduled hearing itself, I queried the Council as to whether it is efficient to specify exact dates at this stage for filing of evidence-in-chief and rebuttal evidence. While the Council may be able to commit to a date for preparation of a new

s42A report and s.32AA evaluation, I consider the timeframes for evidence filing is more efficiently set around the date of the hearing itself. Mr Stevenson, the Council's Team Leader City Planning, responded with an amended request providing greater flexibility for the Panel to set specific timetable directions at an appropriate time in the future. We have accepted Mr Stevenson's amended timeframes below.

### **Directions**

15. I direct that the timetabling directions for the filing of evidence and the hearing of PC4 be amended as follows:
  - (a) The hearing that was to commence on 17th May is adjourned and the timetable for rebuttal evidence and legal submissions is vacated;
  - (b) A new hearing date is to be set, with the hearing being no sooner than **Monday 4th October**;
  - (c) The Council is to file and serve an economic assessment of PC4 for the purposes of s.32 together with a s.42A report, including s.32AA evaluation, **seven weeks prior to the hearing**;
  - (d) Submitters are to file and serve any expert evidence responding to that new information from the Council **three weeks prior to the hearing**; and
  - (e) Rebuttal evidence (if any) and legal submissions are to be filed and served **one week prior to the hearing**.
16. Once a new hearing date has been determined, I will make further directions specifying the timetable requirements.

**Sarah Dawson (Chair)**

**12 May 2021**