

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 2 – WAIVER OF EVIDENCE DEADLINE, AIRBNB AUSTRALIA PTY LIMITED

Introduction

1. On 26 March, I directed that briefs of expert evidence in chief on behalf of submitters and further submitters be provided by 1pm on Friday 7 May. I also provided the opportunity for rebuttal evidence to be filed by 1pm on Friday 14 May.
2. The Panel has received a request for waiver of the direction regarding filing of expert evidence in chief from Airbnb Australia Pty Limited (Airbnb) (Submitter #112 / Further Submitter #4). Ms Appleyard and Ms Hill have applied on behalf of Airbnb for an extension for the filing of planning evidence from Mr Matthew Bonis to 5pm on Monday 10 May.
3. Ms Appleyard and Ms Hill advise that Mr Bonis had to undergo emergency dental treatment on 3 May. Their Memorandum states that both leading up to, and following, this treatment, the situation has placed a significant constraint on Mr Bonis' ability to progress his brief of evidence in order to meet the 7 May deadline. A medical certificate confirming this was provided with the Memorandum.

Consideration

4. The information supplied to me by the Council indicates there are several further submitters¹ on the Airbnb submission whose interests I need to consider. In addition, Airbnb is itself a further submitter (in support, opposition and neutral) to a large number of submissions whose interests I also need to consider. I also need to consider the position of the Council, given it has the right to file rebuttal evidence in response to the expert evidence of Airbnb.

¹ Victoria Neighbourhood Association (FS3); Christchurch International Airport Limited (FS8); Bob Pringle (FS10); Coalition for Safe Accommodation in Christchurch (FS11); Jeff Peters (FS12); Accommodation Association of New Zealand (FS14) and Ricki Jones (FS15).

5. Ms Appleyard and Ms Hill seek a modest extension of time, 1.5 working days. However, there is no potential for an equivalent extension to the deadline for filing planning rebuttal evidence as the hearing starts with the Council's evidence on the next working date following that deadline. The Council's planning witness is entitled to have adequate time to consider all planning rebuttal evidence received prior to her presentation at the hearing. Similarly, for any affected submitters and further submitters who are appearing on the early day(s) of the hearing. The Panel also needs to have considered all planning rebuttal evidence prior to questioning the Council's planning witness and other submitters from the start of the hearing.
6. Given the explanation provided in the Memorandum, I accept an extension for the filing of planning evidence from Mr Bonis is reasonable. The extension sought is brief, however, it constitutes 1.5 of the five working days provided for the preparation and lodging of planning rebuttal evidence. Any resulting prejudice to affected submitters or further submitters (who are intending to lodge expert planning rebuttal evidence) and to the Council needs to be addressed.
7. To make the most effective use of the available time, Mr Bonis' evidence should be provided to the Council by 4pm on Monday 10 May (rather than 5pm as requested). This is not an unreasonable reduction in available time for Mr Bonis and is substantially more efficient for the Council and other affected parties. It allows the Council time to make Mr Bonis' evidence available to other parties (including the Panel) before the end of that working day.
8. There is also potential for an extension for rebuttal evidence to 4pm on Friday 14 May, which would give the Council just enough time to make rebuttal evidence available to all parties before the end of that day.
9. The Council has informed me that, although the adjusted time would be tight, it is able to accommodate the above timeframes for lodging its planning rebuttal evidence and preparation for the hearing.
10. For other potentially affected submitters and further submitters, the above timeframes would still enable a reasonable, albeit tight, timeframe for the preparation of any expert planning rebuttal evidence and for preparation of presentations for the hearing the following week. The Council is not currently aware of affected parties intending to file expert planning evidence, however, some parties may be intending to file such evidence as rebuttal. As set out in my direction below, it may be possible to find a way to address any resulting prejudice to the filing of this rebuttal evidence, but this would need to avoid any corresponding prejudice to the fair and effective operation of

the hearing itself.

Directions

11. I direct that the timetabling directions for the filing of evidence be varied as follows:
 - (a) Airbnb Australia Pty Limited (Airbnb) (Submitter #112 / Further Submitter #4) can file its planning evidence in chief from Mr Matthew Bonis on or before **4pm on Monday 10 May**;
 - (b) Any rebuttal evidence may be filed on or before **4pm on Friday 14 May**.
12. Any further submitter to Airbnb's submission (refer Footnote 1 above) or any submitter for whom Airbnb is a further submitter, who is intending to file expert planning evidence in rebuttal to that of Mr Bonis and who considers their ability to file that evidence by 4pm on Friday 14 May will be prejudiced by the late filing of Mr Bonis' evidence, may file a memorandum seeking a further deadline waiver. However, I note that the considerations above regarding prejudice to the fair and effective operation of the hearing, including to the Council and submitters appearing early in the hearing, would need to be satisfactorily addressed.

Sarah Dawson (Chair)

5 May 2021