

In the Matter

Of: **Proposed Change No. 1 to the Canterbury Regional Policy Statement Chapter 12A (Development of Greater Christchurch) including Variations 1, 2, 3 and 4**

9 September 2009

Fourteenth Minute of Commissioners

1. In the 11th Minute dated 13 August we directed that :

“...any submitter wishing to seek leave to have further material considered in reply to entirely new material provided by the report writers will need to make formal application in writing for such leave accompanied by the full material in writing in respect of which such leave is sought by 5 p.m Friday 54 September, 2009.”

2. A number of submitters have made such requests which we have now considered and address in the following paragraphs.
3. G.F. Case, M.M. Case and M.G.M Case

Requests are made to have short briefs of evidence from Mr. Robin Brooks and Mr. Rob Kerr considered (copies of which were lodged with the request), in response to limited aspects of statements made by Mr. Theelen and Mr. Tremaine which arguably raised limited new matters. We are of the view these requests are appropriately made and we allow them and indicate that we intend to take those statements lodged as read without requiring further hearing.

Counsel for the Cases also sought to support the allowing of a request on behalf of Prestons Rd Limited to call further evidence of Mr. Peter Cook in relation to the comments of Mr. Theelen relating to the Boffa Miskell and Simes reports on intensification. We address that request below.

4. Franco Farms Limited, Nevele R Stud Limited, Wayne Francis Property & Bloodstock Trust and Spreydon Lodge Limited

These submitters sought a 3 week extension to review the 2009-2019 LTCCP of Christchurch City on the basis they asserted it was referred to as new material in the s42A reports and had not been available to them until 21 August.

We note however that the document has been in the public arena for many months for the consultation process under the Local Government Act, it was published in final form on 30 June and became operative from 1 July, 2009 and, most importantly, has been referred to by numerous submitters throughout the hearing. We ourselves have been considering various aspects of it and raising questions in relation to the LTCCP through the latter part of the

hearings. Reference to it by the report writers was not, therefore, new; opportunity had existed for submissions to have been made about it at a far earlier stage.

This request is declined.

5. The Isaac Related Companies and The National Investment Trust

These two sets of submitters have filed Memoranda rather than seeking to file briefs of evidence in which points in response to asserted new material has been advanced. In the case of the Isaac related Companies we are of the view the memorandum is clearly addressing new issues to which it is proper those submitters should be able to respond and we have accepted and read that memorandum which will be taken into account in our deliberations.

The situation is more finely balanced in relation to the National Investment Trust as most of that Memorandum in our view merely repeats or re-emphasises points made in its own presentation but there are sufficient intermingled issues that are arguably new that we have decided to accept and read that Memorandum also and it too will be taken into account in our deliberations.

6. Christchurch Golf Resort Limited

This submitter has identified a number of features that we accept are 'new' in the report of Mr. McCallum in the sense that either they are genuinely new issues not previously referred to in relation to its submission, or they involve a change of stance in the recommendation finally made from that reported on in recommendations earlier made in relation to the treatment of this submission as to inclusion of the land within the Urban Limits. We record therefore that we have accepted and read the Memorandum lodged by this submitter and will take it into account in our deliberations.

7. Prestons Road Limited

As outlined above this submitter has made a request to enable an opportunity for Mr Peter Cook to provide additional evidence in relation to the geographical details of a map supporting a Table of building permit statistics in the report of Mr. Theelen on intensification requirements. The particular matters sought to be able to be addressed in that regard relate to issues relating to the different geographical area Mr. Theelen referred to, as compared to the Boffa Miskell and Simes reports. It is asserted his approach is "*new material which submitters could not reasonably have been expected to foresee.*"

An added complication for the submitters and for us is that Mr. Cook is evidently overseas and will not return until 16 September. As a consequence no draft evidence as we required has been lodged, and we are left completely in the dark as to whether Mr. Cook will even have a contrary view to those expressed by Mr. Theelen on the limited aspects of the matter he was responding to.

8. Counsel for the submitter has, however, been able to advance some strenuously made points in rebuttal of the points made by Mr. Theelen in paragraphs 8-13 of the Memorandum which we do propose to take into account in our deliberations.

9. However, we are of the view for a number of reasons, that we cannot properly delay the decision making process to wait and see what Mr. Cook may or may not think about Mr. Theelen's Table and associated comments. Those reasons include: the fact that all that Mr. Theelen's Table did was refer to publicly available building permit statistics (limited to CCC boundaries) and included with those Living 1 zone infill permits that could have been accessed by Mr. Cook; the fact that Mr. Cook did his own detailed analysis of historical records of building permits over the whole Greater Christchurch region but from a different viewpoint to Mr. Theelen; and most importantly the reality that all this evidence and the reports from Boffa Miskell, Simes, and the CCC Strategy Group (the latter provided to us by Prestons Road Limited), are all addressing issues of future projections where scientific certainty will never be possible. For example, the Boffa and Simes reports for very sound reasons do not proceed on the basis of absolute theoretical maximum development (if such an absolute could ever be said to exist given the ability for plan provisions to be changed over time). Rather they effectively discount the household provision that might be able to be achieved because of some factors (such as existing plan provisions), and even then model the outcomes further against likely conservative, moderate and aggressive outcomes. The range between all those outcomes is significant in itself. Moreover, we have had other detailed evidence from Mr. Phillip Donnelly and Mr. D. Shaw and many others on closely related issues. At the end of the day we have to make a judgement call on what we think is the most likely outcome.
10. We are satisfied in those circumstances that there is no real prejudice to Prestons Road Limited in our deciding not to allow for further opportunity for input from Mr. Cook .We consider we have been provided with sufficient material for us to be able to form an informed view as to the reasonableness of the various viewpoints argued before us about the intensification targets being able to be met.

11. Mills Road /Hills Road Groups

Counsel for these submitters lodged a late Memorandum on 8 September seeking to support the Prestons Rd request in respect of Mr. Cook and advancing various additional submissions about Mr. Theelen's answers. For the reasons in the preceding paragraphs we do not need to address this Memorandum any further, save that we intend to take its critical content into account in the same way as we have those submissions made by Counsel for Preston's Rd Limited as outlined in paragraph 8 above.

In doing so we are not opening the process to any further parties as the submissions made are along similar lines made by Counsel for Prestons Rd Limited within the time limit we set.

12. In short no further submissions of any kind are required or will be received.

Dated the 9th September, 2009



R.D.Crosby
Chairman of Commissioners