

**IN THE MATTER OF** Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Plan Change 14 Housing and  
Business Choice pursuant to Part 5, subpart  
5A and Part 6 of Schedule 1 of the Resource  
Management Act 1991

---

**MINUTE 35:**

**DIRECTIONS IN RESPONSE TO CHRISTCHURCH INTERNATIONAL AIRPORT  
LIMITED'S (CIAL #852 FS#2052 #2105) REQUEST TO SUBSTITUTE WITNESSES**

---

- [1] This is the thirty fifth (35) procedural Minute to be issued by the Independent Hearings Panel (IHP) established by the Christchurch City Council (the Council) to conduct the hearing of submissions on proposed Plan Change 14 Housing and Business Choice (PC 14) notified by the Council and to make recommendations to the Council, after the hearing of submissions is concluded, pursuant to Part 5, subpart 5A and Part 6 of Schedule 1, of the Resource Management Act 1991 (RMA).
- [2] The purpose of this Minute is to:
- (a) Issue directions to Christchurch International Airport Limited (CIAL), Council and airport related submitters in response to a request for the substitution of expert witnesses.

## **Background**

- [3] By memorandum of 14 March 2024 counsel for CIAL advised that two of its expert witnesses are not available to appear at the rescheduled hearings for the airport qualifying matter scheduled for 23 and 24 April 2024.<sup>1</sup>
- [4] Mr Darryl Millar (planning) and Ms Laurel Smith (acoustics) are not available as both are overseas for an extended period and do not have access to the technology at the time required to enable them to appear remotely.
- [5] Mr Lawry #873<sup>2</sup> has filed a memorandum responding to CIAL's request and, amongst other matters raises potential issues of fairness to other parties.

## **Directions**

- [6] The IHP accepts counsel for CIAL's explanation and allows the substitution of Mr Kyle for Mr Millar on the understanding that apart from Mr Kyle identifying any differences in opinion on matters covered by Mr Millar's brief, CIAL are not seeking to introduce new evidence on matters outside of the matters addressed by Mr Millar. In the event that Mr Kyle raises any new material, or raises any significant differences in opinion from Mr Millar the IHP reserves the ability to make further directions regarding the admissibility of that evidence, given the lateness of the substitution and any issues of fairness that may arise in respect of other parties.

---

<sup>1</sup> [Memorandum-of-Counsel-for-Christchurch-International-Airport-Ltd #852 - 14 March 2024.pdf \(ihp.govt.nz\)](#)

<sup>2</sup> [Memorandum-David-Lawry #873 - 19 March 2024.pdf \(ihp.govt.nz\)](#)

- [7] The IHP further directs that the evidence of Mr Kyle must be filed with the Secretariat and served on the Council and all airport related submitters who have indicated that they wish to be heard, before **3pm Monday 8 April 2024**. That is because, there needs to be a fair opportunity for Council or any submitter planning witnesses to prepare any changes to their rebuttal evidence, if any (or file rebuttal evidence if they had not needed to do so in reliance on Mr Millar's evidence) to address any difference of opinions of Mr Kyle to that of Mr Millar. It will also enable sufficient time for Council and submitters to consider whether or not to make an application to cross examine Mr Kyle.<sup>3</sup>
- [8] Should Council and/or submitters planning witnesses wish to file amended or new rebuttal statements in response to Mr Kyle's brief then they may do so by **3pm Monday 15 April 2024**. Any rebuttal statement must be served on CIAL.
- [9] In terms of the unavailability of Ms Laurel Smith, Mr Day, in offering any assistance to answer questions from the Panel will be expected to adhere to the expert witness code of conduct. To the extent that any party may have intended to cross examine Ms Smith, or the Panel may have had questions for Ms Smith that Mr Day is unqualified to assist with, this will be considered by the IHP when it considers the weight to be given to Ms Smith's written evidence. CIAL, Counsel and submitters may wish to address this in their legal submissions (if applicable).
- [10] The IHP is grateful for the ongoing cooperation of all parties with the Secretariat to reschedule the hearings of submissions on PC14, notwithstanding the delays that have occurred.

Dated 21 March 2024



Cindy Robinson  
Chair  
for Independent Hearings Panel

---

<sup>3</sup> Cross examination as allowed for in paragraphs [83] and [84] of [IHP-Hearing-Procedures-UPDATE-FINAL-23-August-2023.pdf](#)