

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 43: CROSS-EXAMINATION REQUESTS HEARING WEEK 10:

**CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED,
KĀINGA ORA – HOMES AND COMMUNITIES,
MILES PREMISES LTD AND EQUUS TRUST AND
CHRISTCHURCH CITY COUNCIL**

- [1] This is the forty third (43) 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.
- [2] The purpose of this Minute is to respond to the following memoranda of Counsel filed by submitters:
- (a) Memorandum of Counsel for Christchurch International Airport Limited (CIAL) seeking leave to cross-examine Council and submitter witnesses in week 10 hearings on airport noise qualifying matter.
 - (b) Memorandum of Counsel for Kāinga Ora – Homes and Communities (Kāinga Ora) seeking leave to cross-examine Council and submitter witnesses in week 10 hearings on airport noise qualifying matter.
 - (c) Memorandum of Counsel for Miles Premises Ltd and Equus Trust seeking leave to cross-examine a submitter appearing in week 10 hearings on the airport noise qualifying matter...
 - (d) Memorandum of Counsel for Christchurch City Council seeking leave to cross-examine a submitter witness appearing in week 10 hearings on the airport noise qualifying matter.

Cross-Examination Requests – Christchurch International Airport Limited

- [3] On 8 April 2024 Counsel for Christchurch International Airport Limited¹ filed a memorandum² seeking leave to cross-examine nine Council and submitter witnesses appearing in relation to the airport noise qualifying matter on 23 and 24 April 2024.
- [4] The memorandum sought leave to undertake cross-examination of the following witnesses:
- (a) Ms Sarah Oliver – Council Planning Officer
 - (b) Mr Phil Osborne – Council economics witness

¹ Christchurch International Airport Limited #852 #2052 #2105

² [Memorandum-of-Counsel-for-CIAL-Cross-Examination-8-April-2024.PDF \(ihp.govt.nz\)](#)

- (c) Mr Chris Morahan – Council transport witness.
- (d) Ms Meg Buddle – Canterbury Regional Council planning witness
- (e) Ms Fiona Aston – Miles Premises and Equus Trust planning
- (f) Mr Jonathan Selkirk – Kāinga Ora Homes and Communities witness for ventilation
- (g) Mr Matthew Lindenberg – Kāinga Ora Homes and Communities planning witness.
- (h) Mr John Paul Clarke – Miles Premises and Equus Trust witness for airport noise
- (i) Mr Jon Styles – Kāinga Ora Homes and Communities acoustics witness,

[5] The published hearing schedule at that date indicated that Council witnesses Mr Osborne and Mr Morahan were appearing at hearings for all topics including airport noise qualifying matter on Monday 15 April 2024. Since the memo was filed Counsel for Council has advised that Mr Osborne and Mr Morahan will be available for cross-examination on 23 April 2024 and the hearing schedule updated to reflect this.

[6] All other witnesses are scheduled to appear on the airport noise qualifying matter on 23 or 24 April 2024.

[7] The memorandum from CIAL acknowledged the tight timeframes, and that counsel will endeavour to keep cross-examination to 15 minutes per witness, with the possible exceptions of Mr John Paul Clare and Mr Jon Styles on the topic of acoustics that may require 30 minutes.

[8] Having considered the request, the allocations requested and granted to other parties, and the efficient use of the remaining hearing time leave is granted for the request in part for Counsel for CIAL to cross-examine the submitter witnesses as below:

- (a) For up to ten minutes per witness, during the scheduled appearance of the witness on 23 or 24 April 2024:
 - (i) Ms Sarah Oliver – Council Planning Officer
 - (ii) Mr Phil Osborne – Council economics witness
 - (iii) Mr Chris Morahan – Council transport witness.
 - (iv) Ms Meg Buddle – Canterbury Regional Council planning witness

- (v) Ms Fiona Aston – Miles Premises and Equus Trust planning witness
 - (vi) Mr Jonathan Selkirk – Kāinga Ora Homes and Communities witness for ventilation
 - (vii) Mr Matthew Lindenberg – Kāinga Ora Homes and Communities planning witness.
- (b) For up to twenty minutes per witness, during the scheduled appearance of the witness on 23 or 24 April 2024:
- (i) Mr John Paul Clarke – Miles Premises and Equus Trust witness for airport noise
 - (ii) Mr Jon Styles – Kāinga Ora Homes and Communities acoustics witness.

Cross-Examination Requests – Kāinga Ora – Homes and Communities

[9] On 9 April 2024 Counsel for Kāinga Ora – Homes and Communities³ filed a memorandum⁴ seeking leave to cross-examine one Council and two submitter witnesses appearing in relation to the airport noise qualifying matter.

[10] The memorandum sought leave to cross-examine the following witnesses:

- (a) Chris Day for Christchurch International Airport Limited
- (b) John Kyle for Christchurch International Airport Limited
- (c) Sarah Oliver for Christchurch City Council.

[11] Having considered the request, leave is granted for Counsel for Kāinga Ora to cross-examine the witnesses listed in paragraph [11] for up to ten minutes per witness during the scheduled appearance of the witnesses on 23 of April 2024.

³ Kāinga Ora – Homes and Communities #834 #2082 #2099

⁴ [Memorandum-of-Counsel-Kainga-Ora-834-2082-2099-Request-to-cross-examine-witnesses.pdf \(ihp.govt.nz\)](#)

Amendment to IHP Minute 37 – Cross-Examination Hearing Week 9 - Kāinga Ora - Home and Communities

[12] The IHP records an amendment to directions included in Minute 37⁵ issued on 5 April 2024 that granted leave for Counsel for Kāinga Ora to cross-examine Council witnesses in week 9 hearings.

[13] In response to a request from Counsel for Kāinga Ora on 11 April 2024, and with the consent of Counsel for Council, the IHP amends its direction in Minute 37 to allow for the cross-examination of Council witnesses Sarah Oliver and Anita Hansbury for up to ten minutes per witness on the afternoon of Thursday 18 April, directly ahead of the scheduled appearance by Kāinga Ora. This amends the date of cross-examination of these witnesses, which was to be during their respective scheduled appearances on 16 and 17 April 2024.

Cross-Examination Request – Miles Premises Ltd and Equus Trust

[14] On 12 April 2024 Counsel for Miles Premises Ltd⁶ and Equus Trust⁷ filed a memorandum⁸ seeking leave to cross-examine the following witness:

(a) Chris Day, witness appearing for Christchurch International Airport Limited.

[15] Having considered the request, leave is granted for Council for Counsel for Miles Premises Ltd and Equus Trust Ora to cross-examine the witness listed in paragraph [14] for up to ten minutes during the scheduled appearance of the witness on 23 of April 2024.

Cross-Examination Requests – Christchurch City Council

[16] On 12 April 2024 Counsel for Christchurch City Council filed a memorandum⁹ seeking leave to cross-examine the following witness:

(a) Fiona Aston, appearing for Miles Premises Ltd and Equus Trust.

⁵ [IHP-Minute-37-Cross-Examination-5-April-2024.pdf](#)

⁶ Miles Premises Ltd #883 #2050 #2100

⁷ Equus Trust #2102 #2107

⁸ [Memorandum-of-Counsel-Miles-Premises-883-Equus-Trust-2102-2107-Seeking-leave-to-cross-examine-12-April-2024.PDF \(ihp.govt.nz\)](#)

⁹ [Memorandum-of-Counsel-for-Christchurch-City-Council-12-April-2024-Week-10-cross-examination-notice.pdf \(ihp.govt.nz\)](#)

[17] Having considered the request, leave is granted for Counsel for Christchurch City Council to cross-examine the witness in listed paragraph [16] for up to ten minutes during the scheduled appearance of the witness on 23 of April 2024.

[18] Where possible, if Counsel determines in advance of the scheduled appearance that they no longer wish to cross-examine a witness notice should be given to Counsel for the submitter or Council, and the IHP Secretariat.

[19] All Counsel are reminded that cross-examination needs to be focused and of assistance to the IHP.

Dated 12 April 2024

A handwritten signature in black ink, appearing to read 'Cindy Robinson', with a long, sweeping flourish extending to the right.

Cindy Robinson

Chair

for Independent Hearings Panel