

Before the Independent Hearing Panel
Appointed by the Christchurch District Council

Under the Resource Management Act 1991

In the matter of Plan Change 14 (Housing and Business Choice) to the
Christchurch District Plan

Miles Premises Limited

Submitter 883

Memorandum of Counsel seeking waiver for late filing of evidence

27 September 2023

Submitter's solicitors:

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**anderson
lloyd.**

- 1 Miles Premises Limited (**MPL**) respectfully seeks a waiver for the late filing of the following evidence:
 - (a) Michael Blackburn – evidence regarding consenting of dwellings in the northern suburbs of Christchurch in the period 2018 – 2023, and development of greenfield subdivisions in the northern suburbs from 2016; and
 - (b) Jonathan Manns – evidence regarding the housing and industrial land market within a 5km radius of the MPL site, located on the corner of Memorial Avenue and Russley Road. The evidence considers population and resident profile, existing housing stock, and availability of vacant residential and industrial land.
- 2 The evidence supports the MPL submission, which seeks the rezoning of part of the MPL site from Industrial Park to Medium Density Residential. In both cases the evidence provides data analysis, giving a more detailed picture of housing capacity (by type) in the locality, as relevant to Policy 1 of the National Policy Statement for Urban Development.
- 3 The evidence was not available on the filing date of 20 September, as a result of challenges in confirming availability of expert witnesses and the late engagement of Mr Blackburn and Mr Manns. Other evidence for MPL, being that of Professor Clarke (airport noise) and Ms Aston (planning) was filed on 20 September.
- 4 Mr Blackburn's analysis was complete (but not fully drafted) on 20 September. He attended the expert witness conferencing for the economics topic on 21 and 22 September and advises that he presented his analysis for discussion in that forum.
- 5 Mr Manns analysis was not complete in time for expert conferencing and he did not attend, but will be in a position to address any relevant conclusions from the expert conferencing when presenting evidence.
- 6 The evidence is of specific relevance to MPL's requested rezoning, rather than the wider approach to intensification. The following further submissions on MPL's submission were filed (**further submitters**):
 - (a) Christchurch International Airport Ltd (FS2052) – opposes the relief sought in respect of rezoning of land within the 50dB airport noise contour;
 - (b) Troy Lange (FS2087) – supports the relief sought;

- (c) Kāinga Ora (FS2082) – supports the relief sought in respect of the Airport Noise QM and Low Public Transport QM (does not relate to rezoning).
- 7 The evidence of Mr Blackburn and Mr Manns would be served directly on the Council and further submitters, by email.
 - 8 Based on the IHP's Hearing Schedule (18 August 2023), it is anticipated that the evidence would be heard in the "Residential" topic, as part of the final sub-topic "Rezoning of residential zones and other zones to residential", in the latter part of the 7 – 30 November 2023 hearing stream.
 - 9 Given the nature of the evidence and the anticipated timing of the hearing, it is submitted that there is no prejudice to other parties arising from the late filing of evidence.
 - 10 Applications for rebuttal evidence are due on Tuesday 3 October 2023. Counsel considers that parties could reasonably meet that timeframe if evidence was served by Thursday 28 September. Alternatively, the Panel may consider it appropriate to provide a short extension for applications for rebuttal of the evidence of Mr Blackburn and Mr Manns.
 - 11 Accordingly, MPL seeks:
 - (a) Waiver for the late filing of the evidence of Mr Blackburn and Mr Manns;
 - (b) Directions that MPL is to serve the evidence of Mr Blackburn and Mr Manns on Council and the further submitters; and
 - (c) Any further directions as to the timeframe for rebuttal applications that the Panel considers appropriate.



Sarah Eveleigh

Counsel for Miles Premises Limited

27 September 2023