

Before an Independent Hearings Panel
appointed by Christchurch City Council

under: the Resource Management Act 1991

in the matter of: the hearing of submissions on Plan Change 14 (Housing
and Business Choice) to the Christchurch District Plan

and: **Christchurch International Airport Limited**
Submitter 852

Memorandum of counsel on behalf of Christchurch
International Airport Limited seeking leave to file rebuttal
evidence

Dated: 3 October 2023

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MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL

- 1 This memorandum of counsel is filed on behalf of Christchurch International Airport Limited (*CIAL*) (#852).
- 2 *CIAL* filed evidence in relation to its submission and further submission on proposed Plan Change 14 – Housing and Business Choice (*PC14*) on 20 September 2023.
- 3 In accordance with the Independent Hearings Panel (*Panel*) Hearing Procedures,¹ *CIAL* seeks leave from the Chair to file rebuttal evidence from the following witnesses:
 - 3.1 **Mr Darryl Millar** (planning);
 - 3.2 **Mr Gary Sellars** (housing capacity);
 - 3.3 **Ms Natalie Hampson** (economics);
 - 3.4 **Mr Chris Day** (acoustics); and
 - 3.5 **Ms Laurel Smith** (acoustics).
- 4 In accordance with clause 8.4 of the Environment Court Practice Note 2023, rebuttal evidence from the above witnesses is required to respond to certain matters that could not reasonably have been anticipated before prior to the filing of primary evidence. Their rebuttal briefs will only address those matters and will not repeat their earlier evidence.
- 5 The specific reasons for *CIAL*'s request in relation to each witness are outlined below.

Mr Gary Sellars – Housing Capacity
- 5 *CIAL* seeks leave to file rebuttal evidence from Mr Sellars in relation to the evidence of:
 - 5.1 Mr Jonathan Clease on behalf of Kāinga Ora Homes and Communities. Mr Clease addresses the broad question of whether a greater High Density Residential zoning is appropriate and/or necessary in Riccarton, including when taking into account the level of existing development and fragmentation of ownership. Mr Sellars did not anticipate the need to undertake this type of analysis at Riccarton and seeks the opportunity to do so.
 - 5.2 Ms Pauline Fiona Aston on behalf of Miles Premises Limited and Equus Trust. Ms Aston addresses housing supply in the

¹ Updated 23 August 2023 at paragraphs [85] to [87].

northwest/west sector and this area, as it relates to CIAL's specific interests in PC14, was not reasonably contemplated by Mr Sellars when preparing his evidence.

Ms Natalie Hampson – Economics

- 6 CIAL seeks leave to file rebuttal evidence from Ms Hampson in relation to the evidence of:
- 6.1 Ms Meg Buddle on behalf of Environment Canterbury. Ms Buddle comments on the timing of the Canterbury Regional Policy Review process relative to PC14. This is not something that was considered relevant by Ms Hampson from an economics perspective until reviewing Ms Buddle's comments.
 - 6.2 Mr John Falconer on behalf of Waka Kotahi NZ Transport Agency. Mr Falconer provides information in relation to the impact of Airport Noise Influence Area on Riccarton as a mass rapid transit station. Ms Hampson had not contemplated this issue when preparing evidence for PC14.
 - 6.3 Ms Catherine Heppelthwaite on behalf of Waka Kotahi NZ Transport Agency. Ms Heppelthwaite discusses the rationale for including High Density Residential land north of Riccarton and concludes that the same rationale applies to other areas in Riccarton. Ms Hampson did not reasonably contemplate the need to consider other areas of Riccarton when preparing her brief of evidence.

Mr Darryl Millar – Planning

- 6 CIAL seeks leave to file rebuttal evidence from Mr Millar in relation to the evidence of:
- 6.1 Mr Matthew Lindenberg on behalf of Kāinga Ora Homes and Communities. Mr Lindenberg's evidence raises matters that have not been addressed (nor contemplated) by Mr Millar. These are:
 - (a) Aspects of the Canterbury Regional Policy Statement (CRPS) that have not been addressed by Mr Millar. To ensure the Panel receive the benefit of fulsome planning analysis on those aspects, Mr Millar seeks to provide a response.
 - (b) Timing of CRPS review and merits of implementing a new contour in the interim.
 - (c) Relief sought in relation to land within the 55dB and the 50dB contour.

Mr Christopher Day and Ms Laurel Smith – Acoustics

- 7 CIAL seeks leave to file rebuttal evidence from Mr Day and Ms Smith in relation to the evidence of:
- 7.1 Professor John Paul Clarke on behalf of Miles Premises Ltd and Equus Trust Ltd. Professor Clarke makes statements in relation to the World Health Organisation Guidelines (*WHO Guidelines*), including its survey techniques and interpretation, that were not understood to be in issue by CIAL's acoustic experts. Furthermore, Professor Clarke addresses technical aspects of the recent Christchurch Airport air noise contour remodelling process that were not anticipated to be addressed in the PC14 process.
- 7.2 Dr Stephen Chiles on behalf of Waka Kotahi NZ Transport Agency. Dr Chiles puts forward a proposition in relation to noise sensitive activities that is ordinarily used in the road and rail context. This approach could not reasonably have been contemplated by CIAL's acoustic experts in the airport context. Furthermore, Dr Chiles' analysis of the WHO Guidelines, including the internal noise environment, is an interpretation that was not anticipated by CIAL's acoustic experts and therefore requires response.

CONCLUSION

- 7 This application for CIAL has identified the specific parts of the evidence for other submitters that CIAL's witnesses consider require response by way of rebuttal evidence. The parts identified have raised new matters or are matters that could not reasonably have been anticipated when CIAL's experts were preparing their statements of evidence.
- 8 By giving leave to file rebuttal evidence on these limited points, CIAL's experts will enable the Panel to be fully informed and to make robust, fair decisions on these matters.

Dated 3 October 2023



J Appleyard / A Lee
Counsel for Christchurch International Airport
Limited