

Before an Independent Hearings Panel  
appointed by Christchurch City Council

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*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

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Dated: 6 November 2023

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**MAY IT PLEASE THE HEARINGS PANEL**

- 1 This memorandum of counsel is filed on behalf of Christchurch International Airport Limited (*CIAL*). *CIAL* filed primary evidence on 20 September 2023. *CIAL*'s acoustics experts participated in airport noise expert conferencing on 24 October 2023.
- 2 In accordance with the Hearing Procedures<sup>1</sup> and the Panel's Minute #16, *CIAL* seeks leave to file rebuttal evidence on airport noise matters from the following witnesses:
  - 2.1 **Mr Chris Day** (acoustics);
  - 2.2 **Ms Laurel Smith** (acoustics);
  - 2.3 **Mr Darryl Millar** (planning); and
  - 2.4 **TBC** (urban design).
- 3 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 and that remain in contention following the airport noise expert conferencing. The rebuttal briefs will only address those matters and will not repeat earlier evidence.
- 4 The specific reasons for *CIAL*'s request in relation to each witness are outlined below.
 

**Mr Christopher Day and Ms Laurel Smith (Acoustics)**
- 5 *CIAL* seeks leave to file rebuttal evidence from Mr Day and Ms Smith in relation to the evidence of:
  - 5.1 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. Further, 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.
  - 5.2 Professor John Paul Clarke on behalf of Miles Premises Ltd and Equus Trust Ltd. Professor Clarke's evidence makes statements in relation to the WHO Guidelines, including its survey techniques and interpretation, that were not understood to be in issue by *CIAL*'s acoustic experts. While

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<sup>1</sup> Updated 23 August 2023 at paragraphs [85] to [87].

these matters are addressed at a high level in the Joint Witness Statement produced following conferencing, this is not at the level of detail of Professor Clarke's evidence, therefore they still require response. Further, Professor Clarke addresses technical aspects of the recent Christchurch Airport air noise contour remodelling process that were not anticipated to be addressed in such detail in the PC14 process. These matters too remain to be responded to at the specific level of detail in Professor Clarke's evidence.

**Mr Darryl Millar (Planning) and TBC (Urban design)**

- 6 CIAL seeks leave to file rebuttal evidence from Mr Millar and an urban design expert in relation to the evidence of:
- 6.1 Dr Chiles and Mr Jon Styles on behalf of Kāinga Ora – Homes and Communities. Their evidence, and their position in the Joint Witness Statement, take a stance on the impact of airport noise on outdoor living environments that was not anticipated at the primary evidence stage by CIAL's acoustics and other experts and therefore is considered to require a response.
- 7 We note that while there may have been an anticipation that rebuttal evidence on airport noise matters would be from the acoustic engineers involved in conferencing, the request in paragraph 6/6.1 above arises out of statements made in these experts' evidence and in the Joint Witness Statement that CIAL's acoustic experts consider requires additional expertise to rebut.

**CONCLUSION**

- 8 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. 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 6 November 2023

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J Appleyard / A Lee  
Counsel for Christchurch International Airport  
Limited