

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 in opposition to Mr David Lawry's
application for leave to file late further submission

Dated: 4 December 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*) in relation to the Independent Hearings Panel (*IHP*) Minute 27 dated 22 November 2023 concerning the late further submission by Mr David Lawry.
- 2 *CIAL* acknowledges the personal circumstances that provide context for Mr Lawry's late further submission.
- 3 However, *CIAL* opposes the request to file the late further submission due to the impacts it may have on fairness and the proper process of PC14. More specifically:
 - 3.1 The further submission addresses broadly similar issues to Mr Lawry's original submission dated 11 May 2023. However, it raises some additional matters that *CIAL* has not had the opportunity to address in evidence.
 - 3.2 It is somewhat unclear when the further submission should be considered to have been received. Mr Lawry emailed the document to counsel on 15 September 2023 but (as explained in the Council's memorandum dated 21 November 2023) at that stage it was unclear if it was a further submission. *CIAL* only received formal notice of the further submission via the Council's memorandum dated 21 November 2023, which is over four months after the further submissions period closing (17 July 2023).
 - 3.3 In the period between further submissions closing and formal receipt of Mr Lawry's further submission:
 - (a) the Council's section 42A reports and evidence were issued;
 - (b) submitter evidence and rebuttal evidence was exchanged;
 - (c) expert conferencing for airport noise took place;
 - (d) a joint witness statement for airport noise was filed; and
 - (e) the PC14 hearings had been progressing for six weeks (since 10 October).
 - 3.4 In light of the fact that the PC14 process is now at an advanced stage, *CIAL* considers it would raise fairness issues (for *CIAL*, the Council and potentially other submitters that

have provided evidence in relation to airport issues) for Mr Lawry's further submission to be accepted.

- 3.5 Furthermore, CIAL considers that the prejudice to CIAL in either not being able to respond to the additional matters raised in Mr Lawry's further submission, or having to respond to them at this late stage, outweighs any prejudice to Mr Lawry, who is already a submitter. Not accepting Mr Lawry's further submission does not prevent him from participating in the remaining PC14 hearings, including the qualifying matters hearing that will address airport noise. He will be able to appear and speak to matters raised in his primary submission.
- 4 Ultimately, CIAL considers the fair and proper outcome in the circumstances is for the IHP not to accept the further submission.

Dated 4 December 2023



J Appleyard / A Lee
Counsel for Christchurch International Airport
Limited