

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: Submitter David Michael Lawry

In reply to Memorandum of counsel on behalf of Christchurch International
Airport Submitter 852, Dated 14 March 2024

Reply to CIAL Memorandum

Dated 19 March 2024

I have received the memorandum of Counsel on behalf of Christchurch International Airport Limited relating to the availability of witnesses they indicate are unable to appear remotely and their proposed approach to their problem.

It is unclear what part of the world these key witnesses will be in, but it would be remote indeed if they could not access any technology that would allow them to appear remotely.

It is fundamental to fairness in the current process that witnesses called are presented and available for questioning as to the veracity of their evidence. In this matter expert witnesses holding differing views to those of CIALs witnesses have at considerable expense been engaged in this process.

The suggestion that Mr. Christopher Day would appear and “**adopt and address**” Ms. Smiths evidence is fundamentally flawed. The suggestion that Mr. Day would present as an acoustical expert then proceed to give evidence that he has not been the author of and for which he has not researched and that he is not accountable for I submit may well fall fowl

of the Environment Court Appendix 3 Practice note requirements. The further suggested approach that Mr. Day would then answer questions **“in so far as they relate to matters addressed in Ms. Smith evidence and are within Mr. Days expertise”** has the effect of allowing Ms. Smiths evidence in chief to be presented and then denying all other parties the opportunity to question that evidence in-depth. It may well be that Mr. Days expertise is so poor as to reduce other submitter's ability to question that evidence thereby making a mockery of questioning.

Acoustical evidence is central to this process and the issue of CIAL's alleged need for protection from noise complaints at the 50dBA Ldn noise level, as is the real level of any risk CIAL faces from operational disruption arising from future noise complaints. Both issues are pillars of the airport noise qualifying matter.

I request that the panel refuses the suggested approach and requires the best evidence rules and submitter's ability to robustly question that evidence to be maintained. It may well be that access to suitable technology can be located with further effort.

David Lawry