

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 14 Housing and Business Choice
pursuant to Part 5, subpart 5A and Part 6 of Schedule
1 of the Resource Management Act 1991

**MEMORANDUM OF COUNSEL FOR SUMMERSET GROUP HOLDINGS
LIMITED (SUBMITTER 443) – FOR PRE-HEARING MEETING**

28 July 2023

GREENWOOD ROCHE
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May it please the Panel:**1. Introduction**

1.1 This memorandum addresses matters raised in:

- (a) the Panel's Third Procedural Minute dated 10 July 2023; and
- (b) the agenda for the pre-hearing meeting to be held on 1 August 2023.

2. Representation at Hearing and Evidence

2.1 Counsel will be appearing for Summerset at the hearing(s) in relation to PC14. At this stage, Summerset intends to call planning evidence and possibly landscape evidence. Summerset does not intend to call a further witness to present material providing background or corporate information about the submitter given the indication by the Panel that such information is unnecessary¹. Any relevant information in that regard can be included in planning evidence.

3. Preliminary Legal Issue – Scope of CIAL Submission

3.1 Summerset lodged a further submission in opposition to the submission by Christchurch International Airport Limited (CIAL) (Submission 852). CIAL (in its submission) requested the introduction of updated remodelled 50 DBA Ldn Air Noise Annual Average and Outer Envelope Contours. The remodelled contours would affect one of the existing Summerset villages.

3.2 As set out in its further submission, Summerset considers that introduction of the remodelled air noise contours by way of CIAL's submission on PC14 is beyond the scope of the plan change. Further, insufficient time has been provided to consider the implications of this material on properties owned by Summerset (or other submitters).

3.3 Summerset therefore requests that this issue of scope is considered and decided by the IHP as a preliminary matter, and wishes to

¹ Minute 3 at [61].

provide legal submissions on this issue (which could perhaps be included as part of the strategic overview hearing).

4. Draft Hearing Schedule

- 4.1 It is not clear whether/how the date for lodging further submissions on the addendum to the summary of submissions will affect the indicative timetable outlined by the Panel in its Minute 1. Counsel assumes that this this will be addressed at the pre-hearing meeting.
- 4.2 Summerset supports a hearing sequence where topics are grouped according to zone categories, followed by qualifying matters that affect all zones. This would enable Summerset to only attend the hearing once to present substantive legal submissions and evidence, provided that the Panel agrees that the CIAL submission in relation to the remodelled airport noise contours is out of scope.
- 4.3 Provided the Panel agrees that the CIAL submission in relation to the remodelled airport noise contours is out of scope, Summerset would likely only need to attend the hearing for the Residential Zone topics.
- 4.4 If the Panel were to decide that the CIAL submission in relation to the remodelled airport noise contours is within scope, Summerset would also need to attend the hearing for the Air Noise Contour Qualifying Matter.

5. Any Matters Arising from Further Submissions on Addendum to Summary of Submissions

- 5.1 The submission lodged by Summerset was one of a number included in the addendum to the summary of submissions notified by the Council for further submissions on 24 July 2023. Further submissions close on 7 August 2023, after the pre-hearing. Summerset seeks leave (if necessary) to file a memorandum seeking directions in relation to any matters arising from those further submissions.



Monique Thomas

Counsel for Summerset Group Holdings Limited

28 July 2023