

Before the Independent Hearings Panel
in Christchurch

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: **Various submitters represented by Chapman
Tripp**

Memorandum of counsel in response to Minute 2 on behalf of
various submitters represented by Chapman Tripp

Dated: 23 June 2023

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**MEMORANDUM OF COUNSEL IN RESPONSE TO MINUTE 2 ON
BEHALF OF VARIOUS SUBMITTERS REPRESENTED BY CHAPMAN
TRIPP**

- 1 Chapman Tripp represents the following parties who have made submissions in respect of Plan Change 14 – Housing and Business Choice (*PC14*):
 - 1.1 Christchurch International Airport Limited;
 - 1.2 Lyttelton Port Company Limited;
 - 1.3 Orion New Zealand Limited;
 - 1.4 Carter Group Limited;
 - 1.5 The Catholic Diocese of Christchurch;
 - 1.6 Church Property Trustees.
 - 1.7 Daresbury Limited;
 - 1.8 Carter Group Limited; and
 - 1.9 LMM Investments 2012 Limited.
- 2 This memorandum addresses matters raised Minute 2 of the Independent Hearing Panel (*IHP*). Minute 2 invites comments from submitters as to the amended timetable requested by the Christchurch City Council (*Council*).
- 3 The Council by way of memorandum to the IHP sought changes to the IHP’s proposed timetable in Minute 1. Of particular relevance are the following changes sought by Council:
 - 3.1 To push the deadline for the filing and service of the section 42A report and Council evidence by 2 weeks from 4 August 2023 to 18 August 2023; and
 - 3.2 To push the deadline for the filing and service of submitter expert evidence by 1 week from 8 September 2023 to 15 September 2023.
- 4 The Council sought these changes on the basis that a substantial number of submissions have been received, and a substantial amount of work is required to be done by Council witnesses. The Council’s memorandum notes these changes to the timetable will *“help facilitate the preparation of quality evidence to assist the Panel, while maintaining an efficient and fair process.”*

- 5 The memorandum goes on to note that this would give submitters four, rather than five weeks (as originally proposed by the IHP) to respond to the Council evidence and section 42A report, but that this would "*not materially prejudice submitters*" because they would still be provided an extra week and much of the evidentiary basis for the Council's position was included in the notified documents.
- 6 We do not necessarily agree with these statements and have some concerns regarding the timing of submitter evidence proposed by Council on the basis that:
 - 6.1 Submitters also have the desire to provide the IHP with quality evidence that will assist decision-making;
 - 6.2 The likely complexity of the section 42A report and accompanying Council evidence, which given the 900+ submissions it is required to address will be a substantial document to review; and
 - 6.3 It is very possible that the evidence of the Council will vary from the documents notified alongside PC14 as a result of submissions, or new information that might have come to light since the preparation of that information.
- 7 We will leave any amendments to the indicative timetable in the hands of the IHP, however, we suggest that one option to deal with this issue might be to set separate timeframes for the provision of the s 42A reports and submitter evidence working back from the date of each of the hearing streams (which are yet to be determined).

Dated: 23 June 2023



Jo Appleyard
Counsel for various submitters