

Before an Independent Hearings Panel
appointed by the Waimakariri District Council

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to the
proposed Waimakariri District Plan, Variation 1 and
Variation 2

and: Hearing Stream 7: Residential, Large Lot Residential,
Ecosystems and Indigenous Biodiversity, Variation 1
and Variation 2

and: **Christchurch International Airport Limited**
Submitter 254

Memorandum of counsel for Christchurch International Airport
Limited regarding Minute 38

Dated: 13 September 2024

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MAY IT PLEASE THE HEARINGS PANEL

Introduction

- 1 This memorandum of counsel is filed for Christchurch International Airport Limited (*CIAL*) in response to the Independent Hearings Panel's (*IHP*) Minute 38 dated 12 September 2024.
- 2 The purpose of this memorandum is to:
 - 2.1 Set out *CIAL*'s position in relation to evidence and legal submissions filed in respect of hearing streams other than Hearing Stream 10A.
 - 2.2 Seek that the *IHP* accept the evidence and legal submissions filed for *CIAL* in respect of Hearing Stream 7, enable this material to be fully addressed at the Hearing Stream 7 hearing, and confirm that the material and appearance will be considered by the *IHP* when forming its recommendations.

Background to Hearing Stream 10A

- 3 Hearing Stream 10A came about as a result of the suggestion from Momentum Land Limited (*Momentum*) in a memorandum dated 4 May 2023 that the *IHP* should first make a decision on the Kaiapoi growth issue, before deciding what associated amendments would be required to the various chapters of the Proposed Plan.
- 4 The *IHP*'s Minute 4 asked any other submitters with an interest in the matter to respond. *CIAL* responded in support of *Momentum*'s suggestion by email dated 15 June 2024. In that email, *CIAL* expressly noted that if the *IHP* was minded to establish an additional hearing stream, it would clarify its attendance at other chapter hearings.
- 5 The *IHP* then issued Minute 5 which directed the Council to produce an updated Hearing Schedule that accommodated an Airport-specific hearing (i.e. Hearing Stream 10A). The Minute states that this hearing stream will cover the Airport Noise Contour, bird-strike and growth-related policies in the Canterbury Regional Policy Statement (*CRPS*). Specifically, the intent of the hearing was to deal with the "Kaiapoi growth issue" in a more comprehensive manner, the crux of the matter being the application and interpretation of the Airport Noise Contour and bird-strike controls, and growth-related policies in the *CRPS*.

***CIAL*'s understanding of the scope of Hearing Stream 10A and its ability to participate in other hearing streams**

- 6 *CIAL* accordingly focused its efforts in terms of evidence and legal submissions on Hearing Stream 10A. However, as acknowledged in *CIAL*'s 15 June email, *CIAL*'s understanding was that while this would be the primary Airport-related hearing, *CIAL* was able to participate

in other hearing streams as and when required. This would avoid repetition and ensure efficiency by subsequently addressing new matters arising that were not covered in Hearing Stream 10A or addressing specific amendments required to certain chapters of the Proposed Plan.

- 7 CIAL considered that this was the approach envisaged in the original Momentum request.
- 8 Further, CIAL was not aware that there was anything in Minute 5 preventing it from appearing at subsequent hearing streams, otherwise CIAL would have sought clarification from the IHP on this matter at the time. This is particularly given the Proposed Plan process is, in effect, one overall hearing which will result in one overall set of recommendations and one overall decision. The fact of the hearing stream separation is, from CIAL's understanding, for administrative purposes to efficiently manage the breadth of submissions and evidence received by the IHP.
- 9 Since Hearing Stream 10A, CIAL has filed evidence and legal submissions and appeared at both Hearing Stream 12B (Rural Rezoning) and Hearing Stream 12E (Rangiora, Kaiapoi and Woodend Rezoning). Without understanding there was any requirement to seek leave, CIAL has been careful in filing evidence and submissions and appearing at these hearings not to repeat earlier evidence filed. All the evidence relates to matters within the scope of CIAL's primary and further submissions.
- 10 CIAL took the same careful approach to Hearing Stream 7, only filing evidence and legal submissions that address matters relevant to this hearing stream. The focus of Hearing Stream 7, relevant to CIAL, is intensification of existing residentially zoned areas in Kaiapoi. CIAL understands this to be different to the "Kaiapoi growth issue" covered in Hearing Stream 10A, which essentially relates to residential rezoning in Kaiapoi.
- 11 In particular, CIAL expressly acknowledged that the evidence of Dr Charlotte Clark (addressing health effects) is new evidence but that it can properly be taken into account by the IHP in respect of Hearing Stream 7 (intensification).
- 12 At the Hearing Stream 12E hearing, counsel indicated that CIAL would be appearing at Hearing Stream 7 to address the distinction between the Christchurch City Council's Plan Change 14 findings and what this IHP ought to find. Other parties have raised in legal submissions and evidence that Plan Change 14 is some sort of legal or evidential precedent for this IHP. We consider it important that the IHP is addressed on this matter.

Request for CIAL's evidence to be accepted and taken into account in the formation of the IHP's recommendations

- 13 On the above basis, CIAL considers that the evidence and legal submissions filed for Hearing Stream 7 are appropriate and relevant. CIAL requests that this material be:
- 13.1 accepted for filing;
 - 13.2 fully addressed at the Hearing Stream 7 hearing; and
 - 13.3 considered by the IHP when forming its recommendations.

Dated: 13 September 2024



Jo Appleyard/Meg Davidson
Counsel for Christchurch International Airport Limited