

IN THE MATTER of
the Resource Management Act 1991

AND

IN THE MATTER of
hearing of submissions and further submissions
on the Proposed Waimakariri District Plan and
Variation 1 to the Proposed Waimakariri District
Plan

MINUTE 42 – REQUEST BY THE CHRISTCHURCH
INTERNATIONAL AIRPORT LIMITED TO FILE LATE
TECHNICAL EVIDENCE FOR HEARING STREAM
7/10A

REQUEST BY CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED TO FILE LATE TECHNICAL EVIDENCE FOR HEARING STREAM 7/10A

1. This Minute responds to the Memorandum of Counsel for the Christchurch International Airport Limited, dated 30 September 2024, to the IHP (CIAL Memo) and the attached technical evidence from Professor Charlotte Clark. In summary, the CIAL seeks leave to provide additional material following the hearing of submission and evidence on Hearing Stream 7, in the form of evidence on the effects of aviation noise on a range of health outcomes. The Memo is available on the [Council website](#).
2. The CIAL Memo requests that the evidence be accepted as late evidence for Hearing Stream 7. The CIAL position is that the evidence was filed to address the distinction between the Christchurch City Council's PC14 IHP recommendations and what other parties have raised that PC14 had a legal or evidential precedent for us. CIAL's position was the evidence was filed to respond to the PC14 Panel's position that they had not received evidence on health effects. The stated intent was the evidence was to support Ms Smith's evidence given in Hearing Streams 10A and 7.
3. As we set out in our Minutes 38 and 39, Hearing Stream 10A was specifically focussed on the Airport Noise Contour and was held on 19 February 2024. In our Minutes, we were clear that we would not be accepting new evidence as it relates to the Airport Noise Contour and associated noise, but we would accept submissions and evidence in Hearing Stream 7 relating to PC14 and its relevance to our proceedings.
4. While we appreciate Counsel's position that they provided Professor Clark's evidence to address the criticism in the PC14 IHP's recommendations, we find that this was a step too far in what we had set out could be addressed in evidence in Hearing Stream 7. In effect, it is additional evidence to support their position set out in Hearing Stream 10A. Accordingly, we are treating it as late evidence for Hearing Stream 10A.
5. As we set out previously, there are significant issues of natural justice and fair process arising from the CIAL request to file evidence after the hearing has been held. As the CIAL memo points out, other parties may want to file their own expert health practitioner evidence in response to Professor Clark's evidence. In a similar vein to the ORA memo and evidence we previously responded to, our initial view is that accepting this late evidence would not only prejudice submitters to Hearing Stream 10A, it would also prejudice other submitters on other hearing streams who have met the requirements set out in our Minute 1.
6. We are very conscious that hearings on the PDP and Variation 1 are almost complete, with only one further hearing scheduled at this point in time. Accordingly, should we accept this late evidence, we will need to consider how best that any parties have to be able to respond to Professor Clark's evidence. It is because of this that we provide

other parties to Hearing Stream 10A to set out their positions under sections 37 and 37A of the RMA as to whether the expert health practitioner evidence should be accepted for us to consider and submitters to respond to through a yet to be determined process. We hereby request that submitters provide us with their positions on this by no later than **4pm Wednesday 16th October 2024**.

CORRESPONDENCE

7. Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator on 0800 965 468 or Audrey.benbrook@wmk.govt.nz.



Gina Sweetman
Independent Commissioner – Chair - on behalf of the IHP members
2 October 2024