

**BEFORE THE HEARINGS PANEL  
FOR THE PROPOSED WAIMAKARIRI DISTRICT PLAN**

**UNDER** the Resource Management Act 1991 (RMA)

**IN THE MATTER** of the Proposed Waimakariri District Plan

**AND**

**IN THE MATTER** of Hearing Streams 7 and 10A

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE CANTERBURY  
REGIONAL COUNCIL – CIAL EVIDENCE**

**16 October 2024**

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**MAY IT PLEASE THE PANEL**

- 1 The Canterbury Regional Council (**Regional Council**) refers to Minute 42 issued by the Independent Hearings Panel (**Panel**), responding to the memorandum of counsel for the Christchurch International Airport Ltd (**CIAL**) seeking leave to introduce further evidence.
- 2 The purpose of this memorandum is to set out the Regional Council's position (as a submitter on Hearing Stream 10A) in respect of the request to introduce further evidence (given the Panel's indication it is treating this request as a request to introduce evidence on Hearing Stream 10A).

**Regional Council's position under section 37 and 37A**

- 3 The Regional Council's position is that timeframes should not be extended under section 37 and 37A to allow the introduction of further evidence in this case.
- 4 The Regional Council's evidence as part of Hearing Stream 10A was focused on planning matters, and so did not seek to introduce evidence as to the impacts of airport noise on health (or otherwise). The Regional Council's position was informed by the Canterbury Regional Policy Statement, to which the proposed Waimakariri District Plan (**pWDP**) is required to give effect to.
- 5 Under section 37A, a timeframe must not be extended under section 37 without taking into account the factors in section 37A(1)(a) to (c), including the interests of any person directly affected by the waiver and a local authority's duty to avoid unreasonable delay.
- 6 In this case, the evidence relates to a hearing stream that was heard eight months ago, and in the context where the Panel has very nearly completed all hearings on the pWDP.
- 7 While the Regional Council has not called health or acoustic evidence in relation to Hearing Streams 7 or 10A, it notes that other parties may be prejudiced by the introduction of this evidence at this late stage in the process. In these circumstances, the Regional Council considers that the principles of natural justice would require an opportunity for other submitters to respond to this evidence and its potential implications for the Hearing Stream 10A matters, given that it is evidence provided by an entirely new expert.

- 8      Additionally, as noted in the Panel’s Minute, accepting this late evidence would also potentially be inconsistent with the approach the Panel has previously adopted in other hearing streams, and so could cause prejudice to other parties that have complied with timetabling directions.
- 9      It is the nature of a plan review process that some matters change throughout the process. However, in order to ensure efficiency in hearings processes, it is important that there is a ‘cut off’ for accepting further evidence. The Regional Council’s position is that this point has already been reached.
- 10     It is also not clear how the information sought to be introduced through this evidence assists the interests of the community in achieving adequate assessment of the effects of the plan (which must be taken into account under section 37A(1)(b)). It is not clear from CIAL’s memorandum whether the evidence is necessary for the Panel in that regard (given the volume of other evidence also received on Hearing Stream 10A). Therefore, the Regional Council does not consider this to be a persuasive factor in allowing an extension of time in this case.
- 11     The Regional Council considers that allowing the further evidence to be introduced (and then providing an opportunity to other submitters to respond), would lead to potentially significant delay in finalising the recommendations of the Panel and be prejudicial to those parties that have complied with relevant timetabling directions and/or who may also wish to have ‘more to say’ on matters that have been already heard.
- 12     For these reasons, the Regional Council opposes the acceptance of the further CIAL evidence.

Dated this 16<sup>th</sup> day of October 2024



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**L F de Latour / K T Dickson**

Counsel for the Canterbury Regional Council