

**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

**of hearing of submissions and further
submissions on Variation 1 to the
Proposed Waimakariri District Plan**

**MINUTE 38 – EVIDENCE RELATED TO THE
AIRPORT NOISE CONTOUR FROM CIAL
AND MOMENTUM IN RESPECT TO
VARIATION 1**

INTRODUCTION

1. The purpose of this Minute is to address the Christchurch International Airport Ltd (CIAL) and Momentum evidence which has been submitted in advance of Hearing Stream 7B. The IHP has reviewed this evidence, which in respect to CIAL includes new evidence from Professor Charlotte Clark, as well as additional evidence from Mr Kyle and Ms Smith and legal submissions from Ms Appleyard. The Momentum evidence includes legal submissions from Ms Perpick and evidence from Mr Allan, which also address the Airport Noise Contour.
2. The IHP was surprised to receive this evidence from CIAL and Momentum, given that matters relating to the Airport Noise Contour, including Variation 1, were addressed in Hearing Stream 10A, and that the Hearing Stream 7A and B section 42A reports do not address the Airport Noise Contour (beyond a matter of correction in respect to the HS7B s42A report).
3. That all matters relating to the Airport Noise Contour, including Variation 1, would be heard in Hearing Stream 10A was recorded in our Minute 5, dated 4 July 2023, which the CIAL and Momentum inputted into. The separation of the hearing of Airport related matters from rezoning requests and other Variation 1 matters was further confirmed through the Panel's Minute 11, dated 2 October 2023. Hearing Stream 10A was held on 19 February 2024, and involved:
 - a. two officer's s42A reports responding to submissions and further submissions relating to the Airport Noise Contour, and bird strike, on the PDP and Variation 1
 - b. the provision of evidence from submitters and further submitters
 - c. expert conferencing and the provision of joint witness statements, including from acoustic experts
 - d. final reply reports from the two reporting officers, produced on 6 and 7 June 2024.
4. The IHP is not aware of CIAL or Momentum seeking leave or seeking an extension under s37 and 37A RMA to provide new evidence in respect to Hearing Stream 10B at this late stage of proceedings, particularly after the hearing has concluded, expert conferencing has occurred, and the Reply Reports have been provided.
5. We have noted that Counsel for CIAL has said that Professor Clark's evidence is new evidence and has not been heard to date. That well may be the case, however, the IHP finds that it would be contrary to natural justice and fair process to allow new evidence to be produced at this point of proceedings. In particular, the IHP notes that it did not allow the provision of late evidence from the Ohoka Residents Association after hearing from submitters on Hearing Stream 12D, and it has also not accepted leave by other submitters to provide new information or evidence after a hearing has been completed.
6. To that end, the IHP will not accept new or additional evidence from either CIAL or Momentum as it relates to the Airport Noise Contour and associated noise. Both parties

may still choose to appear at the hearing, but evidence and submissions presented will need to be limited to matters that were not the subject of Hearing Stream 10A, and specifically not the Airport Noise Contour.

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
12 September