

Memorandum

Date: 9 July 2021

To: Tina Van Der Velde
Hearings Manager
Selwyn District Council

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Proposed Selwyn District Plan Hearings

- 1 We act for the following parties in relation to the proposed Selwyn District Plan (*Proposed Plan*):
 - 1.1 Christchurch International Airport Limited, DPR-0371 (*CIAL*);
 - 1.2 Lyttelton Port Company Limited, DPR-0453 (*LPC*);
 - 1.3 Orion New Zealand Limited, DPR-0367 (*Orion*);
 - 1.4 Rolleston West Residential Limited, DPR-0358 (*RWRL*);
 - 1.5 Rolleston Industrial Developments Limited, DPR-0384 (*RIDL*);
 - 1.6 Rolleston Industrial Holdings Limited, DPR-0374 (*RIHL*);
 - 1.7 IPort Rolleston Holdings Limited, DPR-0363 (*IRHL*);
 - 1.8 CSI Property Limited, DPR-0392 (*CSI*);
 - 1.9 Fonterra Limited, DPR-0370 (*Fonterra*);
 - 1.10 Dairy Holdings Limited, DPR-0372 (*DHL*);
 - 1.11 Rakaia Irrigation Limited, DPR-0390 (*RIL*); and
 - 1.12 Craigmore Farming Services Limited, DPR-0388 (*Craigmore*).
- 2 The purpose of this memorandum is to give the Council an indication of how our various clients' cases might be run at the hearing and to raise one procedural consideration for the Council to raise with the panel (although if the Council would prefer we raise it with the panel direct it should feel free to advise).



Hearings and timings generally

- 3 Given that we act for a large number of submitters on the Proposed Plan, some of whom will be appearing at multiple chapter hearings and the rezonings hearings we are keen to ensure that the hearings process is conducted in the most effective and efficient manner possible for the Panel, Council and submitters.
- 4 This includes:
 - 4.1 avoiding unnecessary duplication of submissions and appearances; and
 - 4.2 ensuring presentation by experts is done in an efficient manner.
- 5 In this regard, many of our clients will be using the same experts to provide evidence for each of the hearing topics, and counsel will all be personnel from the Christchurch office of Chapman Tripp. We therefore anticipate seeking directions that our clients are heard sequentially (i.e. are grouped together) so as to not require counsel or experts (some of whom will come from out of town) to make repeated appearances at many stages throughout any week of a particular chapter hearing.
- 6 Although final timing can presumably be worked through with the Hearings' officer, at this stage we can give you the following preliminary indications:
 - 6.1 it is highly likely that RWRL, RIDL, RIHL, and IRHL will be represented by the same legal submissions and expert evidence and therefore these would only need to be heard once for each topic;
 - 6.2 DHL, RIL and Craigmore are similarly likely to present joint cases on some topics;
 - 6.3 for topics where the submitters listed are appearing, it is anticipated that counsel will generally require approximately 20 minutes for the presentation of each set of legal submissions (whether that be by way of individual submitters or joint presentations). There are some specific topics that may require additional time such as the application of the NPS-UD and some more complex legal matters relating to specific clients such as Christchurch International Airport Limited. Those will be signalled before each chapter hearing; and
 - 6.4 Past experience with a number of other plan hearings involving pre-circulated evidence, particularly expert evidence, has shown that each witness requires approximately 20 minutes for a short summary of their statements of evidence, response to other opposing evidence received, and for answering Panel questions.
- 7 Again, the above is provided on a preliminary basis but we thought it useful to provide an outline of the proposed approach and respectfully invite the Hearings Officer to discuss timetabling for each stage with counsel on the basis stated.



Topic 1 Strategic Directions hearing timing

- 8 We are unsure whether the Panel is aware that one of the submitters we represent is involved as Plan proponent in Plan Change 66. The land which is subject to PC66 is also subject to a rezoning request under the Plan process. The PC66 hearing is being held on the first two days of the Topic 1 hearing.
- 9 Counsel therefore will not be available to appear at the Topic 1 hearing on 9 and 10 August and nor will that submitter or their witnesses be available. We will therefore be seeking that all submitters we represent are heard later in the week on 12 and/or 13 August. Counsel will provide the Council with its list of witnesses and timeframes required for each in relation to Topic 1 by 16 July 2021.

Procedural consideration for the panel

- 10 With regard to procedural matters, we note the Minute 1 direction of the hearing panel states that recommendations on each topic will not be released sequentially, with an overall Recommendation Report to be released at the conclusion of the hearings in mid-2022.
- 11 Chapman Tripp would ask the Panel to follow the approach adopted by the Independent Hearings Panel in relation to the Christchurch District Plan and to release its Strategic Directions decision at least in draft form subject to later amendment if other evidence indicates a change is needed. It is very difficult to run a case for a submitter on other Chapters without at least some indication from the Panel on key Strategic Objectives even if actual drafting of the Objectives is left to later. There are some significant differences between the submitters we represent and the s42A officer on some key strategic matters and an early indication of the Panel's thinking would greatly assist all parties.
- 12 Strategic Directions play a crucial role in setting the tone of and shaping the entire rest of the plan. As such, the relief that will be pursued by our clients in all subsequent chapters will be highly dependent on the Panel's recommendations on Strategic Directions. Should these not be made known prior to the hearings for the other topics, then it is anticipated that many of our clients may have to present their relief sought in the alternative (i.e. dependent on the direction and recognition of certain matters in the Strategic Directions) and this is not efficient.
- 13 We therefore respectfully request that the Panel consider releasing its recommendations on the Strategic Directions topic as soon as possible even if specific drafting is left until later.
- 14 Similarly, it would be helpful if the Panel could release a decision on key definitions as soon as possible as a decision on the wording of these is likely to affect the relief sought in subsequent chapters where those definitions are used. Again these can be subject to refinement and sanity check at the end of the process as well.

CIAL relief

- 15 CIAL has sought a broad suite of relief related to reverse sensitivity effects (aircraft noise and bird strike) which it seeks be inserted into various zone chapters. CIAL is not yet sure when this relief will be scheduled to be heard but suggests that, for reasons of efficiency, CIAL present its case on that relief once rather than at multiple



hearings. This was the approach taken by the Independent Hearings Panel in Christchurch which held a separate hearing in relation to airport related matters.

- 16 In addition, CIAL is in the process of liaising with ECan with respect to the noise contour remodelling process. This is a method required under the RPS. CIAL does not yet know what the remodelled contours will look like, and is awaiting formal request from ECan for those contours to be handed over to an expert panel peer review process. However, CIAL anticipates that this work will occur in late 2021. CIAL therefore requests that the hearing of CIAL's relief related to airport noise and reverse sensitivity might sensibly be scheduled later in the hearings timetable, at which time further evidence may be available to assist the Panel.
- 17 We trust this memorandum assists you. Please do not hesitate to get in touch if you have any queries.

Jo Appleyard / Ben Williams

Partner / Partner