

Before an Independent Hearings Panel
appointed by Christchurch City Council

under: the Resource Management Act 1991

in the matter of: the hearing of submissions on Plan Change 14 (Housing
and Business Choice) to the Christchurch District Plan

and: **Lyttelton Port Company Limited**
Submitter 853

Summary statement of Andrew Purves (planning)

Dated: 17 April 2024

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SUMMARY STATEMENT OF ANDREW PURVES

INTRODUCTION

- 1 My name is Andrew Purves and I am a planning consultant on my own account. I have provided planning advice to Lyttelton Port Company Limited (*LPC*) for many years.
- 2 I prepared a brief of evidence addressing the relief sought by LPC in relation to the proposed Plan Change 14 to the Christchurch District Plan (*PC14*).
- 3 There are two errors in my Evidence in Chief (*EiC*) that need to be recorded. Firstly, paragraph 56 should refer to Rules 14.5.2 and 14.5.1.5 rather than 15.5.2 and 15.5.1.5. Secondly, paragraph 81 should refer to the s42A report prepared by Kirk Lightbody rather than Ike Kleynbos.

SUMMARY OF EVIDENCE

- 4 Lyttelton Port and the Inland Port are identified as strategic infrastructure under the Christchurch District Plan (*CDP*).
- 5 The *CDP* policy framework is for the role and function of strategic infrastructure to be protected from incompatible activities. Reverse sensitivity effects are to be avoided.
- 6 The carrying over of the Lyttelton Port Influences Overlay at Lyttelton with associated land-use provisions that seek to avoid reverse sensitive effects on port activities is consistent with this policy framework and is supported.
- 7 *PC14* could also result in the intensification of residential activity on Port Hills Road opposite the Inland Port and residents may be exposed to levels of noise that they were not expecting, which heightens the risk of reverse sensitivity effects on operations at the Inland Port.
- 8 An Inland Port Influences Overlay is proposed with provisions that require acoustic treatment to achieve the appropriate internal sound design levels for new habitable spaces, or extensions to existing habitable spaces. The proposed provisions are attached in **Appendix A**.
- 9 As set out in the Section 32 / 32AA evaluation attached in **Appendix B**, the adoption of provisions requiring acoustic treatment is more appropriate in achieving the purpose of the RMA than *PC14* as notified, not least because there is a minimal cost involved and the provisions would not impact on residential intensification per se.
- 10 Turning to the management of tsunami risk, it appears the s42A Report prepared by Sarah Oliver is recommending the removal of the Tsunami Risk Management Area from the Inland Port which is supported.
- 11 However, Policy 5.2.2.5.2 (a) and (b) proposed in the s42A Report needs to be substantially amended to ensure the policy is applying only to those zones that maybe the subject of residential intensification. Such change is consistent with the heading to the policy.

- 12 Policy 5.2.2.5.2 (a) in my opinion should confine itself to the criteria being used to map the Tsunami Risk Management Area while Policy 5.2.2.5.2 (b) should address the management response to residential intensification in the mapped areas.
- 13 Policy 5.2.2.5.2 (a) assumes that risk to life would be unacceptable and damage to property will be significant within the mapped areas. In my view, the assumption is unlikely to stand up to scrutiny in relation to the activities and structures at the Inland Port. In fact, I am unclear as to what measures could be reasonably imposed to mitigate the risk of tsunami impact at the Inland Port, but this will presumably be a matter for Council evaluation during the forthcoming Plan Change 12.
- 14 In the meantime, I recommend Policy 5.2.2.5.2 be amended along those lines contained in **Appendix C**.
- 15 The potential issue of industrial brownfield development and papākainga housing causing reverse sensitivity effects on the Lyttelton Port or the Inland Port have been adequately addressed in the s42A reports, subject to a minor amendment to the Industrial Policy 16.2.2.2 (c) concerning brownfield development attached in **Appendix D**. The additional words referencing both the "*establishment or ongoing operation or development*" of strategic infrastructure should be adopted in the same way as for industrial activities more generally.

Andrew Purves

17 April 2024

APPENDIX A

PROPOSED ACOUSTIC TREATMENT PROVISIONS

1 Insert a new built form standard 14.5.2.19:

"14.5.2.19 Acoustic Treatment – Inland Port Qualifying Matter

- a. *Any new or extensions to existing habitable space of any development located within the Inland Port Influences Overlay **shown on Planning Map 47** shall be designed and constructed so that noise in any habitable space from the Inland Port will not exceed internal sound design level of 30dB LAeq with ventilating windows or doors open or with windows or doors closed and mechanical ventilation installed and operating.*
- b. *Determination of the internal design sound levels required under Clause (a), including any calculations, shall be based on noise from the Inland Port as follows:*
 - i. *50dB LAeq on any façade facing north to north-east towards the Inland Port;*
 - ii. *47dB LAeq on any façade within 90 degrees of facing north to north-east and has partial line of sight to any part of Inland Port.*
- c. *Compliance with this rule shall be demonstrated by providing the Council with a design report prior to the issue of the building consent, which is prepared by a suitably qualified acoustics specialist, stating that the design proposed will meet the required internal noise levels."*

2 Insert a new non-complying activity rule 14.5.1.5 NC4:

"Any building for a residential activity that does not meet Rule 14.5.2.19 - Acoustic Treatment – Inland Port Qualifying Matter"

3 Insert on Planning Map 47:

- a. Inland Port Overlay
- b. Inland Port Influences Overlay

APPENDIX B

SECTION 32 / 32AA CONSIDERATIONS FOR PROPOSED ACOUSTIC TREATMENT STANDARD – INLAND PORT INFLUENCES OVERLAY

This Section 32 / 32AA evaluation supports new provisions under PC14 to address the potential for reverse sensitivity associated with residential intensification in the Medium Density Residential Zone located on the south-west side of Port Hills Road opposite the Inland Port. A new Inland Port Influences Overlay and the associated provisions requiring acoustic treatment for any new habitable spaces, or extensions to existing habitable spaces, is set out in the planning Evidence in Chief (EiC) of Andrew Purves. The text amendments sought to the Christchurch District Plan were attached as **Appendix A** to the summary evidence presented at the hearing by Andrew Purves.

RESIDENTIAL INTENSIFICATION ALONG PORT HILLS ROAD

- 1 Land adjoining Port Hills Road on the opposite of the Inland Port is currently zoned Residential Hills.
- 2 The Council's submission to PC14 sought that the land be rezoned to Medium Density Residential Zone.
- 3 The rezoning would enable additional residential development on along Port Hills Road opposite the Inland Port without resource consent.
- 4 Seven properties identified within the new Medium Density Residential Zone would be potentially subject to noise nuisance from activities associated with the Inland Port.
- 5 The seven properties are generous in size ranging from over 1ha down to approximately 900m². Subject to other qualifying matters acting as a constraint, there is potential for residential development on these sites, including subdivision of the larger sites for further residential development.

ACOUSTIC TREATMENT REQUIREMENTS

- 6 Any new habitable spaces or extensions to existing habitable spaces of residential development located within the Inland Port Influences Overlay would be designed and constructed so that noise in any habitable space from the Inland Port will not exceed an internal sound design level of 30dB LAeq with ventilating windows or doors open or with windows or doors closed and mechanical ventilation installed and operating.

Effectiveness	<ul style="list-style-type: none"> • The acoustic treatment provisions would be a moderately effective means to reduce the potential for reverse sensitivity effects. Without imposition density controls there remains an increased risk of complaint associated with new residential occupants regardless of acoustic treatment noise. Nevertheless, acoustic treatment down to a desired internal design sound is an important and accepted part of reducing the potential reverse sensitivity effects.
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Efficiency	<ul style="list-style-type: none"> • Similar acoustic treatment requirements are contained in the Christchurch District Plan. An acoustic design report needs to be prepared prior to the issuing of a building consent. This is an efficient process that removes the need for a resource consent and the associated transaction costs.
Costs/Benefits	<ul style="list-style-type: none"> • The installation of a ventilation system should be the only acoustic treatment needed within the Inland Port Influences Overlay.¹ Such a system enables windows to be closed to reduce noise if necessary. Ventilation systems are more routinely installed these days to avoid moisture build up in weathertight houses. • In the context of a build, the costs of a ventilation system would be minimal as a measure to reduce reverse sensitivity effects. No resource consent costs are needed for this matter. • The benefit of achieving an appropriate internal design sound level is to reduce the potential for complaint which could in turn lead to constraints on the operations of the Inland Port. Any additional constraints to the Inland Port are likely to affect the logistics of LPC's wider container operation.
Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not acting is that residents would be exposed to levels of noise that they were not expecting. Disgruntled occupants can urge other neighbours to complain thereby putting pressure on the Council and LPC. • There is no risk in acting.

¹ Nevil Hegley EIC, paragraph 25.

Decision about more appropriate	<ul style="list-style-type: none"> Following the above evaluation, the introduction of the built form standard, and the introduction of an Inland Port Overlay and an Inland Port Influences Overlay on the planning maps, is a more appropriate in achieving the purpose of the RMA than PC14 as notified.
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APPENDIX C

PROPOSED AMENDMENTS TO NATURAL HAZARDS POLICY 5.2.2.5.2

1 Amend Policy 5.2.2.5.2 as follows:

"5.2.2.5.2 Policy – Managing residential intensification development within Qualifying Matter Tsunami Risk Management Area

- a. ~~Map areas where in a major tsunami event the risk to life will be unacceptable and the extent of property damage will be significant,~~ **Identify and map areas of potential residential intensification that are vulnerable to the risk of a major tsunami event** in accordance with the thresholds as set out in Table 5.2.2.5.2a:

....."

- b. Within the Tsunami Risk Management Area, avoid residential intensification **due to the risk to life of life being assessed as unacceptable and the extent of property damage to residential development being significant.**"

2 Or Alternatively (less preferably) amend Clause (a) only:

- a. Map areas where in a major tsunami event the risk to life **from residential intensification** will be unacceptable and the **increased** extent of property damage from **residential intensification** will be significant, in accordance with the thresholds as set out in Table 5.2.2.5.2a:"

APPENDIX D

PROPOSED AMENDMENT TO BROWNFIELD POLICY 16.2.2.2 (C)

1 Amend Clause (c) (i) (a) and (b) to read:

"c. Brownfield regeneration redevelopment proposals as provided for in sub-clause a. and b. above shall also ensure that:

- i. any development will not give rise to:

- a. *significant reverse sensitivity effects on existing industrial activities, or other effects, that may hinder or constrain the establishment or ongoing operation or development of industrial activities*
- b. *reverse sensitivity effects on strategic infrastructure; **or other effects, that may hinder or constrain the establishment or ongoing operation or development of strategic infrastructure***