

SECTION 32AA CONSIDERATIONS

This is a Section 32AA further evaluation to support my statement of evidence regarding recommended changes to the proposal. CIAL's submission points detailing the changes sought to the District Plan text are summarised below.

1. CIAL 852.4: Amend new Strategic Objective 3.3.8 (Well-functioning urban environment). The specific relief sought by CIAL was not accepted. However, I support Council's proposed amendment to Objective 3.3.8 (renumbered to 3.3.7) as follows:

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; including by recognising and providing for;

...

v. ensures the protection and/or maintenance of specific characteristics of qualifying matters.

2. CIAL 852.5: Amend Chapter 6.1A (Qualifying Matters) to reflect the spatial extent of the remodelled 50dB Ldn Outer Envelope Air Noise contour ("**Remodelled OE Noise Contour**") and how it is described, a minor rule correction and add reference to the Commercial Office Zone to reflect its inclusion with the Remodelled OE Noise Contour extent.
3. CIAL 852.6: Amend Chapter 8 (Subdivision) rule 8.6.1a and Tables 1 and 6 to reference the Remodelled OE Noise Contour or the Airport Noise Influence Area qualifying matter.
4. CIAL 852.1 – 852.3, 852.13: Amend the planning maps to:
 - a. include the Remodelled OE Noise Contour as a "Provisional Airport Noise Qualifying Matter";
 - b. retain the operative District Plan residential zones beneath the Remodelled OE Noise Contour, rather than applying the MRZ and HRZ;
 - c. replace the Residential New Neighbourhood Zone at Yaldhurst with the Residential Suburban Zone or Residential Suburban Density Transition Zone.
5. CIAL 852.24 – 852.26: Amend Chapter 6.5 (Scheduled Activities), Chapter 13.6 Specific Purpose (School) and Chapter 13.7 Specific Purpose (Tertiary Education) zones to ensure sites within the Airport Noise Influence Area Qualifying Matter retain the operative District Plan Residential Suburban and Residential Suburban Density Transition zones.
6. CIAL 852.17 – 852.23: Amend Chapter 15 (Commercial) rules to reference the Airport Noise Influence Area Qualifying Matter.



7. CIAL 852.7 – 852.12, 852.15: Amend Chapter 14 (Residential) objectives, policies and rules RD26 and RD34.
8. CIAL 852.14: Amend Chapter 14 (Future Urban Zone) rule RD16.

The summary above shows that the recommended changes to the proposal are a package of measures with a uniform focus on recognising the Remodelled OE Noise Contour as a qualifying matter and amending the District Plan maps and provisions to limit the intensification of noise-sensitive activities in the extent of the Remodelled OE Noise Contour to the pre-PC 14 state.

Given the consistent theme and interconnectedness of the recommended changes, it is appropriate and efficient to evaluate them together. As such, an integrated s32AA evaluation is tabled below.

Efficiency and Effectiveness		
Economic	Costs	The recommended changes to the proposal may result in less economic activity associated with subdivision and development for noise-sensitive activities (such as dwellings, rest home facilities and visitor accommodation) in the Remodelled OE Noise Contour extent compared to the activity that might occur if PC 14 was applied without the Remodelled OE Noise Contour qualifying matter.
	Benefits	<p>The recommended changes will reduce potential risks (such as curtailed operating hours / conditions, constraints on expansion) to the nationally and regionally significant economic activity associated with Christchurch International Airport’s operations.</p> <p>I understand that the economic benefits of avoiding risks to the Airport likely prevail over the economic costs of reduced development capacity in the Remodelled OE Noise Contour extent, as noted in Ms Hampson’s evidence:</p> <p><i>“At an aggregate level, the economic benefits of applying an Airport Area of Influence Qualifying Matter that restricts further intensification of noise sensitive activities outweighs the economic costs of reduced development capacity in parts of the Christchurch urban area”.</i>¹</p>
Environmental	Costs	<p>No environmental costs have been identified as likely to arise as result of adopting the recommended changes to the proposal.</p> <p>The effect of the changes would be to maintain the pre-PC 14 level of development capacity over land in the Remodelled OE Noise Contour extent. As such there will be less intensive</p>

¹ Statement of Evidence of Natalie Hampson (economics), 20 September 2023, at [13].

		development activity associated with noise-sensitive activities, but some intensification is enabled under the existing zoning provisions nevertheless.
	Benefits	<p>Maintaining pre-PC 14 development capacity in the Remodelled OE Noise Contour extent will:</p> <ol style="list-style-type: none"> 1. Avoid exposing a larger portion of the community to the adverse amenity / health effects of aircraft noise; and 2. Assist to reduce the prospect of pressure to curtail or alter Airport operations arising from the exposure of more people to the effects of aircraft noise over time.
Social	Costs	<p>Any perception that inclusion of the Remodelled OE Noise Contour qualifying matter could produce a social cost in the form of reduced development capacity is addressed by Ms Hampson’s evidence, which states:</p> <p><i>“Applying the Airport Qualifying Matter as proposed by CIAL does not come close to constraining demand for additional housing over the long term at the district level. The feasible capacity enabled by PC 14 is substantial”.</i>²</p> <p>Ms Oliver also confirms that the sufficiency of development capacity in Christchurch does not rely on enabling intensification in the Remodelled OE Noise Contour extent. Her rebuttal evidence states:</p> <p><i>“...there is no great urgency from a practical sense to provide for any greater enablement, particularly for higher density living, as the city does not have a housing capacity sufficiency issue”.</i>³</p> <p>Consequently, no social costs, such as reduced opportunities for the provision of housing, are identified as arising from the recommended changes to the proposal.</p>
	Benefits	The nationally significant role of Christchurch International Airport as a direct employer, and in supporting indirect employment, to the scale of tens of thousands of jobs, is detailed in Appendix 1 to Ms Hampson’s evidence.

² Statement of Evidence of Natalie Hampson (economics), 20 September 2023, at [12].

³ Statement of Rebuttal Evidence of Sarah-Jane Oliver on behalf of Christchurch City Council, 9 October 2023, at [20].

		Therefore, putting in place measures to avoid or minimise risks to the Airport's ability to continue operating under current conditions, are expected to be significantly beneficial in terms of maintaining the positive social effects deriving from direct and indirect Airport-related employment.
Cultural	Costs	No specific cultural costs have been identified as arising from inclusion of the recommended changes to the proposal.
	Benefits	No specific cultural benefits have been identified as arising from inclusion of the recommended changes to the proposal.
Risk of acting or not acting		<p>The risks of not acting are:</p> <ol style="list-style-type: none"> 1. the adverse implications of reverse sensitivity effects for the economic and social benefits of continued Airport operations; and, 2. the risk of enabling adverse environmental (amenity) effects (like those summarised in Mr Day's evidence⁴) on the future residents who would occupy additional noise-sensitive developments in the Remodelled OE Noise Contour extent.
<p>Efficiency The recommended changes to the proposal will ensure that new noise-sensitive activities:</p> <ol style="list-style-type: none"> 1. are located to avoid adversely affecting the use of nationally and regionally significant Airport infrastructure; and 2. are not unnecessarily exposed to the effects of aircraft noise. <p>This is considered the most efficient way to achieve Regional Policy Statement Objectives 5.2.1 and 6.2.1, and District Plan Objectives 3.3.12, 3.3.14, 14.2.2 and 14.2.3.</p> <p>Together, these objectives seek to avoid adverse effects on significant infrastructure (with various express references to the Airport) as the primary approach and otherwise to ensure that the locations of incompatible activities are controlled to manage the potential for adverse health, safety and amenity effects to arise.</p>		
<p>Effectiveness The recommended changes to the proposal are the most effective means of achieving the objectives for the following reasons.</p> <ol style="list-style-type: none"> 1. They assist with protecting strategic, regionally significant infrastructure, as required by the relevant objectives of the applicable planning instruments, and relevantly, clauses (4) and (5) of Regional Policy Statement Policy 6.3.5 (Integration of Land Use and Infrastructure) which is key to this subject. 		

⁴ Statement of Evidence of Christopher Day (acoustics), 20 September 2023, at [17], [50] and [51].

As described in Mr Millar’s evidence⁵, the exception stated in Policy 6.3.4(4) as “*unless the activity is within an existing residentially zoned urban area*” should be read in the context of the whole policy. In my assessment, the above exception does not exempt activities in existing residential zones from being assessed in terms of how they will assist the recovery of Greater Christchurch by “*Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure*”.

In my view, Mr Lindenberg’s recommendation to enable noise sensitive activities in existing residential zones in the OE on the basis of the words “*unless the activity is within an existing residentially zoned urban area*” appearing in Policy 6.3.5(4) would be a less effective approach, as it would subvert the primary policy direction to safeguard strategic infrastructure and is squarely at odds with subsection (5) of that policy, and the suite of relevant objectives and policies in the District Plan.

2. They will ensure that the existing clear direction in the planning instruments to avoid locating incompatible activities in locations where conflicts are likely to arise is implemented; and
3. They will achieve the above outcomes without causing a housing development capacity shortfall in Christchurch, given the significant and sufficient housing capacity that Ms Hampson and Ms Oliver⁶ identify as enabled by PC 14 outside of the Remodelled OE Noise Contour extent.

Alternatives Assessment

1. Enable residential intensification in the OE extent as a permitted activity subject to compliance with acoustic insulation and ventilation performance standards.

Mr Lindenberg recommends enabling the development of noise sensitive activities in the Remodelled OE Noise Contour as a permitted activity, subject to standards requiring a combination of acoustic insulation and mechanical ventilation to be installed⁷.

The evidence of Mr Day⁸ and the rebuttal evidence of Ms Oliver⁹ indicates that that approach would be sub-optimal. My own experience at Wellington and Queenstown Airports supports these conclusions. Aside from the installation and operational costs, it is a less effective and efficient solution compared to avoiding the effect in the first place, because:

⁵ *Statement of Evidence of Darryl Millar (planning)*, 20 September 2023, at [41.1], [42] and [43].

⁶ See footnotes 2 and 3 above.

⁷ *Statement of Evidence of Matthew Armin Lindenberg on Behalf of Kāinga Ora – Homes and Communities*, dated 20 September 2023.

⁸ *Statement of Evidence of Christopher Day (acoustics)*, 20 September 2023, at [88]; and *Rebuttal Evidence of Christopher Day (acoustics)*, 14 November 2023, at [10] and [11.5].

⁹ *Statement of Rebuttal Evidence of Sarah-Jane Oliver on Behalf of Christchurch City Council*, 9 October 2023, at [25].

	<ul style="list-style-type: none"> • It provides no relief from noise in the outdoor environment (such as residential backyards or apartment balconies); • It provides reduced and usually sub-optimal mitigation when windows / doors are open; and, • Adequate acoustic insulation is provided by standard house construction (with doors and windows closed), but 18% to 37% of the population remains highly annoyed by aircraft noise in this setting. Therefore, for a large portion of the community, acoustic insulation alone is insufficient to adequately mitigate noise. <p>Given the evidence of CIAL’s expert witnesses and of the Council’s s42A author, I consider that the alternative proposed by Mr Lindenberg is likely to produce compromised amenity for future residents in the Remodelled OE Noise Contour extent and subsequently risks creating reverse sensitivity effects on the Airport¹⁰.</p> <p>This outcome is, in my view, inferior to CIAL’s proposed approach, which seeks to avoid adverse effects on new residents in the Remodelled OE Noise Contour extent while safeguarding efficient and effective Airport operations.</p> <p>Additionally, as noted above¹¹, the approach recommended by Mr Lindenberg is not necessary to secure sufficient development capacity in Christchurch. Sufficient capacity is present without need to rely on intensification of land in the Remodelled OE Noise Contour extent.</p>
<p>2. Adopt the 50 dBA Noise contour currently included in the Canterbury Regional Policy Statement, rather than the remodelled 2023 OE proposed by CIAL.</p>	<p>The evidence of Mr Lindenberg and Ms Buddle posits that the Remodelled OE Noise Contour should not be adopted by PC 14 as the applicable noise contour in the District Plan. In his view, a future district plan change that follows confirmation of updated contours through a review of the</p>

¹⁰ *Statement of Evidence of Christopher Day (acoustics)*, 20 September 2023, at [109]; and *Rebuttal Evidence of Christopher Day (acoustics)*, 14 November 2023, at [14]; and *Rebuttal Evidence of Laurel Smith (acoustics)*, 14 November 2023, at [44].

¹¹ See footnotes 2 and 3 above.

	<p>Regional Policy Statement is the appropriate vehicle to consider adopting updated noise contours¹².</p> <p>I prefer Ms Oliver's recommended approach of adopting the Remodelled OE Noise Contour now and updating it when the outcomes of the Regional Policy Statement are known¹³.</p> <p>The alternative proposed by Mr Lindenberg would enable noise-sensitive development in the Remodelled OE Noise Contour which could not be disestablished if the Regional Policy Statement review process confirms the Remodelled OE Noise Contour extent.</p> <p>I am concerned that Mr Lindenberg's alternative might allow the horse to bolt where noise-sensitive development in the Remodelled OE Noise Contour occurs ahead of the Regional Policy Statement review.</p> <p>This would be very difficult to unwind. It would promote the exact potential adverse amenity and reverse sensitivity effects that concern CIAL and would fail to protect strategic infrastructure as directed by Policy 6.3.5(4) and (5) of the Regional Policy Statement.</p>
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¹² *Statement of Evidence of Matthew Armin Lindenberg on Behalf of Kāinga Ora – Homes and Communities*, dated 20 September 2023 at [6.6].

Statement of Evidence of Meg Buddle on behalf of the Canterbury Regional Council (Planning), 20 September 2023, at [12] and from [38].

¹³ *Statement of Rebuttal Evidence of Sarah-Jane Oliver on Behalf of Christchurch City Council*, 9 October 2023, at [20] to [21]