

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
AT CHRISTCHURCH**

**I MUA NGĀ KAİKŌMIHANA WHAKAWĀ MOTUHAKE  
KI ŌTAUTAHI**

**IN THE MATTER  
AND**

**of the Resource Management Act 1991**

**IN THE MATTER**

**of the hearing of submissions and further  
submissions on Plan Change 14 to the  
Operative Christchurch District Plan**

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**STATEMENT OF EVIDENCE OF BRENDON SCOTT LIGGETT ON BEHALF  
OF KĀINGA ORA – HOMES AND COMMUNITIES**

**CORPORATE**

**STATEMENT 4 – AIRPORT NOISE**

**24 APRIL 2024**

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## **STATEMENT OF EVIDENCE OF BRENDON SCOTT LIGGETT ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

### **1. INTRODUCTION AND EXECUTVE SUIMMARY**

- 1.1. My full name is Brendon Scott Liggett. I hold the position of Manager of Development Planning within the Urban Planning and Design Group at Kāinga Ora. I am authorised to give corporate evidence on behalf of Kāinga Ora in respect of PC14.
- 1.2. My qualifications and experience along with the background to Kāinga Ora and the statutory context in which it operates are outlined in my first statement of evidence dated 22 September 2023.
- 1.3. This is the fourth and final statement of evidence on behalf of Kāinga Ora. This statement addresses the corporate position on airport noise following s42A reporting, expert conferencing and rebuttal evidence.
- 1.4. Kāinga Ora objects to the Airport Noise Influence Area Qualifying Matter (QM) and seeks that this is removed. Kāinga Ora proposes that it is sufficient to achieve the land-use protection required by way of a restriction of development within the existing 65dB noise contour and application of medium or high density zoning along with acoustic insulation requirements within the existing 55dB air noise contour.
- 1.5. Kāinga Ora strongly objects to a further limitation of intensification through application of the remodelled 50dB noise contour as:
  - i. This is premature in the context of a future review of the Canterbury Regional Policy Statement (CRPS) and prejudices this process, limiting the ability for Kāinga Ora to fully argue its case and given the current process be provided with rights of appeal afforded under a schedule 1 process.
  - ii. Kāinga Ora contends that the priority for management of adverse effects airport should first seek opportunities to mitigate or minimise noise at the source consistent with s16 and s17 of the Act before costs of the operation of the airport are transferred to others via overly restrictive and unnecessary land

use restrictions are imposed. Kāinga Ora argues that this is particularly the case in reference to Riccarton, a location where Kāinga Ora (through its predecessor organisations) has owned residential land since 1937 and provided social housing since 1938<sup>1</sup> prior to the commencement of any commercial flights at the airport in 1940<sup>2</sup> and decades before substantial development of the airport runway to enable commercial jets and international flights from operating at the airport site. Continued expansion activity by the airport is imposing actual adverse effects and real cost implications through mitigation requirements and restrictions on surrounding landowners, including Kāinga Ora. As proposed via the s42A reporting and mapping Kāinga Ora will now experience restrictions on its ongoing land use as a result of airport activities resulting in a shift of the mitigation burden to Kāinga Ora as opposed to the airport, including those costs arising from the airports assertion of potential for it to be subject to reverse sensitivity effects.

- iii. Such an unusually conservative approach fails to strike an appropriate balance between providing for the on going use, development and operation of airport while managing adverse effects, maintain the health and safety of residents, allowing for use of residential land consistent with the operative Canterbury Regional Policy Statement and the NPS-UD; and
- iv. The proposed mapping and associated zoning in the s42A within the Airport Noise Influence Area Qualifying Matter has been applied in a haphazard and inconsistent manner that demonstrates a lack of appropriate rigour associated with its application.

## **2. THE KAINGA ORA SUBMISSION AND POSITION**

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<sup>1</sup><https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC13/HA-9-RHA-Report-and-Record-Forms-final-for-notification.PDF>

<sup>2</sup> <https://www.christchurchairport.co.nz/about-us/who-we-are/airport-history/>

- 2.1. In its primary submission on Plan Change 14 (PC14) Kāinga Ora considered restricting density through the application of the Airport Noise Influence Area QM was not necessary to avoid reverse sensitivity effects.
- 2.2. Instead, the primary submission of Kāinga Ora advances the position that the health, safety and amenity of existing and future residents living within the Airport Noise Influence Area would be appropriately maintained if the land was zoned Medium or High Density Residential. Any new buildings and additions to existing buildings located within the 55dB noise contour or the 55dB engine testing contour would continue to be subject to the acoustic insulation standards set out at Rule 6.1.7.2.2 (Activities near Christchurch Airport) in the District Plan as required by Policy 6.1.2.1.5 b. ii. (Airport noise).
- 2.3. Consequently, Kāinga Ora sought the removal of the Airport Noise Influence Area as a Qualifying Matter (QM) so as to allow residential zoned land within the Airport Noise Influence Area to be zoned Medium Density. This is further detailed in the evidence of Mr Lindenberg<sup>3</sup>.
- 2.4. Kāinga Ora objects to a further limitation of intensification through application of the remodelled 50dB noise contour as proposed by Christchurch International Airport Limited (CIAL) and adopted through the s42A mapping. Application of the remodelled 50dB noise contour is a blunt tool which places inappropriate costs onto landowners and is premature in the context of the proposed replacement CRPS.

#### **Responsibility for managing effects.**

- 2.5. The remodelled 50dB Air Noise Outer Envelope contour extends significantly beyond the spatial extent of the notified Airport Noise Influence Area QM and has a corresponding significantly greater impact on development capacity<sup>4</sup>. Kāinga Ora notes the s42A report supports a change to the spatial extent of the Airport Noise QM based on the updated 50dB noise contour, and consequential limitation of residential intensification on most of the land within this new contour.

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<sup>3</sup> Evidence of Mr Matthew Lindenberg on behalf of Kāinga Ora – Homes and Communities, dated 20 September 2023

<sup>4</sup> Council's s42A report para 10.40

- 2.6. The outcome is that the proposed approach to land use planning has become even more conservative than the Operative District Plan and since PC14 was notified, through further application of an avoidance approach to a greater spatial area of existing residential zoned land, including land used for residential purposes prior to the establishment of airport operations.
- 2.7. Kāinga Ora considers that opportunities should be explored to mitigate noise at the source, consistent with s16 and s17 of the Act before implementing avoidance approaches or shifting the majority of the costs of airport operations and mitigation burden to the affected environment. Mr Styles<sup>5</sup> considers ways of managing adverse noise effects.
- 2.8. Kāinga Ora understands that CIAL is not proposing to offer acoustic treatment to existing dwellings inside the 50-55dB contours, or following its acoustic evidence presented yesterday Kāinga Ora understands that acoustic treatment to dwellings would appear not to even be required in order to provide a safe living environment and an appropriate level of residential amenity for occupants. The CIAL position is therefore that the noise receivers (i.e. landowners) should be shouldering the burden, which in the case of Kāinga Ora also represents a significant loss of future use and development of its land in order to provide much needed housing in a highly accessible location well served by commercial and community services.
- 2.9. Kāinga Ora position is that the effects generator should be responsible for addressing any adverse health effects that may arise from the proximity of existing residential land to airport noise.
- 2.10. Kāinga Ora considers Policy 6.3.5(4) of the Canterbury Regional Policy Statement encourages such an approach by referring to ‘including’ avoiding (i.e. there are other options to consider including mitigation at the source, not simply avoidance). It is also of note that the policy excludes residentially zoned urban land when considering whether avoidance is appropriate:

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<sup>5</sup> Evidence of Mr Jon Styles on behalf of Kāinga Ora – Homes and Communities, dated 20 September 2023, Section 5

*...4. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, **including** by avoiding noise sensitive activities within the 50dBA airport noise contour for Christchurch International Airport, **unless the activity is within an existing residentially zoned urban area...***

### **The CRPS Review and Sequencing with PC14**

- 2.11. Environment Canterbury Regional Council (Environment Canterbury) has received and reviewed updated noise contours from CIAL. This work will inform a review of the CRPS in due course. The Environment Canterbury Regional council website states:<sup>6</sup>

*At this stage, the new contours are considered to be technical information only. The noise contour considered to be appropriate for land use planning purposes will continue to be that in Map A of the operative Canterbury Regional Policy Statement.*

- 2.12. Given the new CRPS has not even reached notification stage, Kāinga Ora is of the opinion that it would be both inappropriate, as well as contrary to the operative CRPS, to seek to incorporate any updated noise contours for Christchurch Airport through the PC14 process.
- 2.13. Kāinga Ora is concerned that incorporating the updated noise contours into the District Plan through this IPI process avoids a proper planning process complete with opportunities for natural justice through rights to participate and if necessary, appeal the decision. This amounts to 'planning by stealth'.
- 2.14. Kāinga Ora also notes that while CIAL has requested that the Airport Noise Contour QM is updated in accordance with the 50dB noise contour, Environment Canterbury may through this process determine

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<sup>6</sup><https://www.ecan.govt.nz/get-involved/news-and-events/2021/council-reviews-airport-noise-contours/>

to adopt another modelled contour, for instance the 55dB contour. This would result in confusion for plan users and the need for a further plan change to rectify the situation.

- 2.15. I note that Mr Millar in his evidence for CIAL<sup>7</sup> prefers the option of pursuing a plan change (if required) once the CRPS review is settled. In the view of Kāinga Ora this points to willingness to circumvent the correct planning process and remove the opportunity for affected landowners to participate in that process. Mr Lindenberg<sup>8</sup> provided more detail on this issue and arrived at the same conclusion, which Kāinga Ora supports.

### **Conservatism of the 50dB Noise Contour**

- 2.16. Christchurch is the only major airport in the country which seeks to restrict development within the 50dBA noise contour<sup>9</sup>.
- 2.17. Mr Lindenberg<sup>10</sup> provided comparisons to other airports and approach taken by other Council's through other planning processes which highlights the unusually conservative approach taken by CCC in adopting the 50dBA noise contour sought by CIAL.
- 2.18. The impact on development of accessible and well served residential land and the capacity of this land to provide much needed housing due to the airports desired provisions and the extent of the 50dBA contour is significant compared with alternative approaches that seek to promote acoustic mitigation measures within the 55dBA contour and limiting intensity of residential landuse within the 65dBA contour. Given the factors discussed above including the approach taken for other airports and the advice provided in relevant New Zealand Standards, Kāinga Ora sees no reason to take such a conservative approach in Christchurch.
- 2.19. Kainga Ora considers that its proposed approach is within the area of land contained within the 50-64dBA contours is entirely consistent with

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<sup>7</sup> Evidence of Mr Darryl Millar on behalf of CIAL, dated 9 October 2023, para 16

<sup>8</sup> Evidence of Mr Matthew Lindenberg on behalf of Kāinga Ora – Homes and Communities, dated 20 September 2023, para 6.6

<sup>9</sup> Council's s42A report para 12.37

<sup>10</sup> Evidence of Mr Matthew Lindenberg on behalf of Kāinga Ora – Homes and Communities, dated 20 September 2023, Section 7

Policy 6.3.5(4) of the Canterbury Regional Policy Statement. Kainga Ora observes that this policy excludes existing residentially zoned urban land when considering whether avoidance is appropriate:

*...4. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, **including** by avoiding noise sensitive activities within the 50dBA airport noise contour for Christchurch International Airport, **unless the activity is within an existing residentially zoned urban area...***

- 2.20. It is the view of Kāinga Ora that Council has not struck the right balance when weighing up the importance of managing adverse effects against the realities of dealing with existing exposure and managing future growth.
- 2.21. Kainga Ora is concerned that the airport's desired landuse controls arise from its perception of reverse sensitivity effects that it maybe exposed to in the future. Kainga Ora does not consider that the on going use, development and operation of residential land used for that purpose a) prior to the establishment of the airport; and b) predates the exposure of affected land to effects operation of the airport. Further Kainga Ora is not aware of any evidence demonstrating that the airport has been subject to inappropriate restrictions of its operation, in fact the contrary is true in that the airport has continued to grow and develop its operation since originally being developed and extend if external effects. It is in this context that the airport now seeks to impose inappropriate restrictions on the on going use, development and operation of residentially zoned land
- 2.22. Kainga Ora also questions if the airport has fully considered all information relating to the variation in levels of expressed annoyance. Mr Day noted yesterday that a range of matters may also be relevant to peoples expressed level of annoyance. There is limited exploration of these factors but arising from this annoyance the airport asserts that density limitations are necessary to manage this annoyance. If it is asserted that landuse controls maybe derived from levels of annoyance it is unclear if all information is available to impose such controls. The evidence does not explain why the survey also did not ask if landowners



would be highly annoyed they would be exposed to costs arising from the operation of the airport including having restrictions placed on their ongoing development of their land as a result of the operation of the airport, one might assume a majority of respondents may well be highly annoyed by that prospect also.

- 2.23. Kāinga Ora also questions what effect limiting development across a significantly larger area in the manner proposed will have in terms of deterring development and upgrades in these areas. It is Kainga Ora experience that inappropriate limitations on the development of existing residentially zoned land to an intensity less than what is provided in other parts of the City and district is likely to deter redevelopment investment in the area and impacts on the ability for landowners, including Kainga Ora, to turnover and improve existing housing stock. Kāinga Ora is concerned that this could result in greater levels of deferred maintenance and an overall reduced quality of housing, with negative effects on living conditions for those within the affected area.

### **3. LOSS OF DEVELOPMENT POTENTIAL**

- 3.1. Kāinga Ora has modelled within the best of its ability the application of a revised Airport Noise Influence Area Qualifying Matter on the Kāinga Ora portfolio and the application of the revised contour results in a significant loss of development potential in contrast to both the adoption of Kāinga Ora's relief, as well as the notified contour.
- 3.2. Kāinga Ora had twenty-six (26) sites located under the notified QM, compared to one hundred and forty-six (146) under the contour now contained within Council's s42A report. This represents approximately 1.8 ha and 7.98 ha respectively. A significant portion of these now included sites, are located in the Riccarton and Riccarton West areas.
- 3.3. Kainga Ora observes that its homes in this area are some of the best located public housing in Christchurch. These homes provide Kāinga Ora Tenants to close access to great schools, a service centre, the Riccarton town centre, wharenui pool, medical centres, community service, parks, frequent public transport routes, and employment centres. The loss of future development potential of this land should the revised airport noise contour be adopted and the subsequent

restrictions in zoning will represent a significant impact for future public housing development in Christchurch.

- 3.4. Kāinga Ora and its predecessor organisations have own land for residential use since 1936/1937 and provided public housing to tenants in this location since 1938, which is prior to the construction of the airport commencing commercial flights in 1940. The residential activity that we have provided in this area has not had any impact on the safe or efficient operation of the airport, however the land use restrictions that are now sought by CIAL will have a significant impact on Kāinga Ora providing public housing in the future.
- 3.5. Kāinga Ora has provided in Appendix 1 a table demonstrating as near as accurately as possible based on the information available the impact of the s42A proposal, to demonstrate the significance of the adoption of a revised Airport Noise Contour.

#### **4. INCONSISTENT APPLICATION OF ZONING**

- 4.1. Kāinga Ora is concerned that the application of zoning in the s42A proposed mapping is inconsistent and demonstrates a lack of rigor.
- 4.2. In *Appendix 2: Demonstration of Inconsistent Zone Application in Riccarton – Notified and s42A Recommendation* – Kāinga Ora notes two sites in Riccarton West area that are proposed to be covered by the Airport Noise Influence Area QM; 143 Peverel Street, Riccarton and 148 Peverel Street, Riccarton. Despite being 40m apart the application of zoning on 148 Peverel Street, Riccarton is proposed to be retained as Residential Suburban Density Transition Zone, as opposed to Residential Medium Density Zone at 143 Peverel Street, Riccarton. This difference in zoning represents a significant lost development opportunity on 148 Peverel Street, Riccarton.
- 4.3. The lost development opportunity not only includes a reduced number of units able to be constructed, but also more onerous built form controls including a reduced height limit, and more restrictive recession plane requirements. There was no conclusive s42A analysis that Kāinga Ora could find to support this or other similar decisions related to zoning application in the Riccarton area.

- 4.4. Kāinga ora believe that this and other similar zoning applications within the Airport Noise Influence Area QM represent a considerable lack of rigour or site by site analysis required of the Council in application of qualifying matters.

## **5. CONCLUSION**

- 5.1. Kāinga Ora supports a management approach to landuse controls, including requirement to provide acoustic mitigation measures in new dwellings within the 55-64dBA contour and limiting intensification only where necessary (within the 65dBA contour) provided this is only to the extent necessary to accommodate a qualifying matter in accordance with Policy 4 of the NPS-UD and section 77I of the RMA, to strike an appropriate balance between the enablement of growth over time, whilst ensuring appropriate management of any relevant adverse effects.
- 5.2. Kāinga Ora does not consider the unusually conservative approach to airport noise as proposed in PC14 is supported by sufficient evidence to justify a Qualifying Matter under s77I or that the assessment has met the tests of s77L to become a Qualifying Matter.
- 5.3. If the requested relief is adopted, Kāinga Ora will be enabled to improve and increase its public housing provision, particularly in the Riccarton area. This area represents the most well located Kāinga Ora owned land in Christchurch and it has the potential if zoned for high and medium density residential to provide for significant development capacity. Similarly, if a reasonable approach to managing land use controls associated with airport noise was adopted, this would aid in the providing for housing choice, including affordable housing and homes for first-home buyers.

Dated: **24 April 2024**

## Appendix 1: PC14 Airport Noise Contour – Comparative Analysis

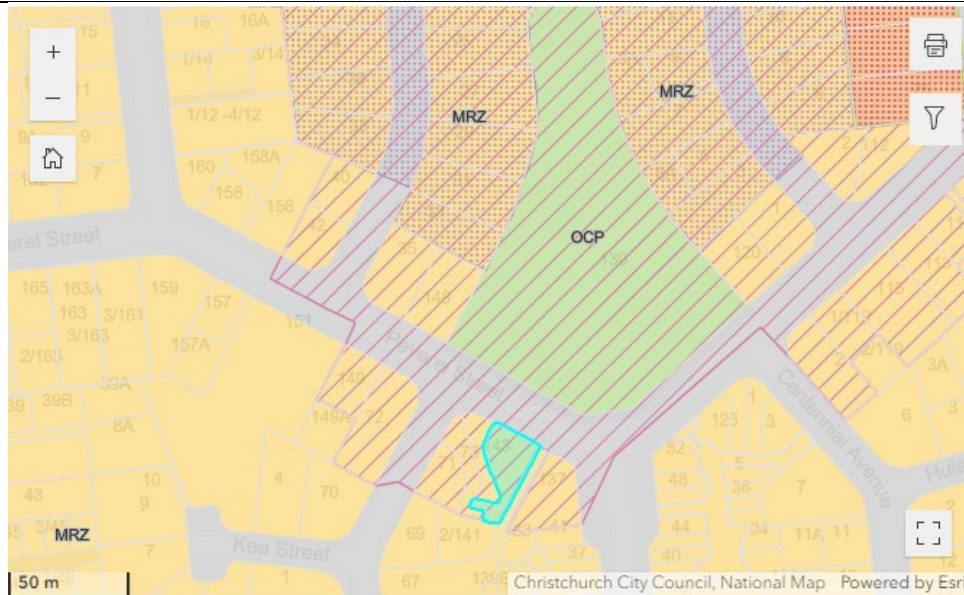
	<b>Notified version</b>	<b>s42A mapped revised contour</b>
<b>Number of Kāinga Ora owned sites impacted by Airport Noise Influence Qualifying Matter</b>	26 Sites	146 Sites
<b>Land Area of Kāinga Ora owned sites impacted by Airport Noise Influence Qualifying Matter</b>	1.8 ha *Approx	7.98 ha *Approx

### Notes:

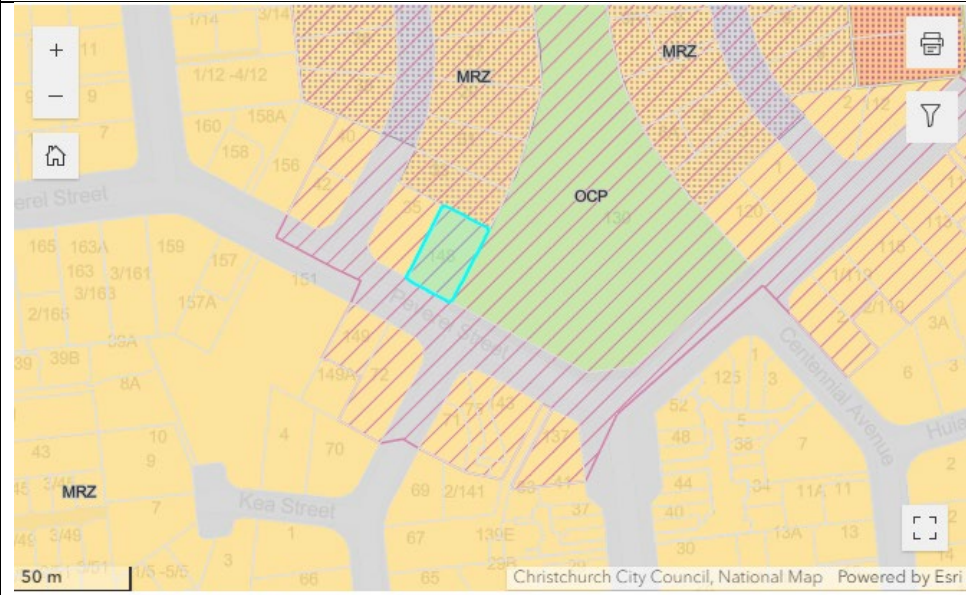
- (1) The term 'sites' above represent any continuous Kāinga Ora owned land holding and may encompass multiple parcels and units within one site, or may be an identified portion of a leasehold property.
- (2) Five Kāinga Ora owned sites are identified as within the operative contour, which are identified as located outside of the revised contour. These are included and represented in the figures above.

Appendix 2 – Demonstration of Inconsistent Zone Application in Riccarton – Notified and s42A Recommendation <sup>1</sup>

143 Peverel Street Riccarton – Notified



148 Peverel Street, Riccarton – Notified



143 Peverel Street, Riccarton

Land Use Zones

Residential

**MRZ** Medium Density Residential Zone

This zone allows buildings up to 12m (generally 3 storeys) and up to 3 residential units per section. This zone is mainly for residential buildings, including apartments and detached, semi-detached, and terraced housing.

The Sunlight Access Qualifying Matter applies to the entirety of this zone, with associated controls captured in 14.5.2.6 - Height in relation to boundary - of the zone standards.

Qualifying Matters

Natural and Cultural Heritage

**Residential Heritage Area**

This Qualifying Matter protects areas with significant heritage values. Development is restricted within these areas in line with Plan Change 13 controls.

148 Peverel Street, Riccarton

Land Use Zones

Residential

**MRZ** Medium Density Residential Zone

This zone allows buildings up to 12m (generally 3 storeys) and up to 3 residential units per section. This zone is mainly for residential buildings, including apartments and detached, semi-detached, and terraced housing.

The Sunlight Access Qualifying Matter applies to the entirety of this zone, with associated controls captured in 14.5.2.6 - Height in relation to boundary - of the zone standards.

Qualifying Matters

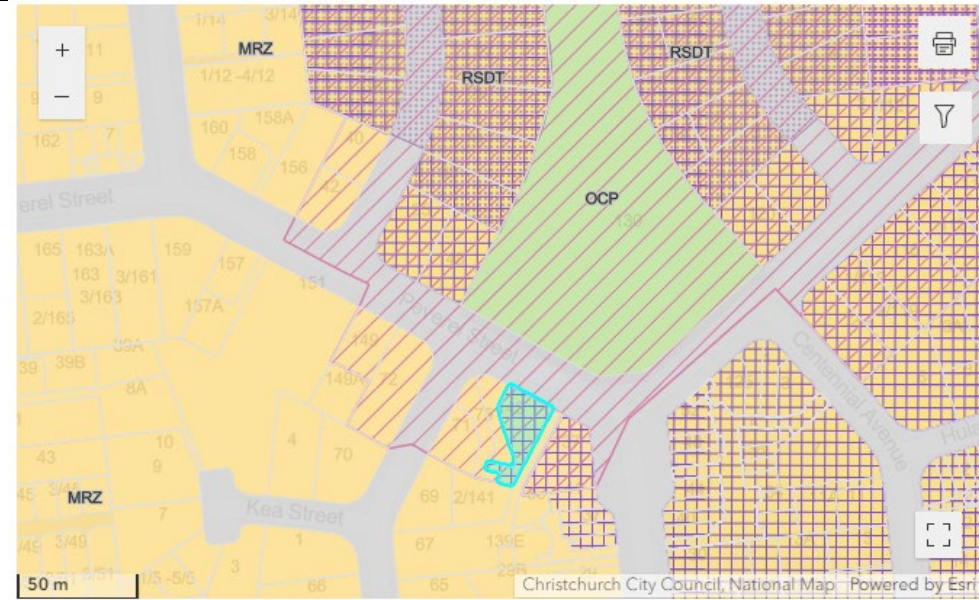
Natural and Cultural Heritage

**Residential Heritage Area**

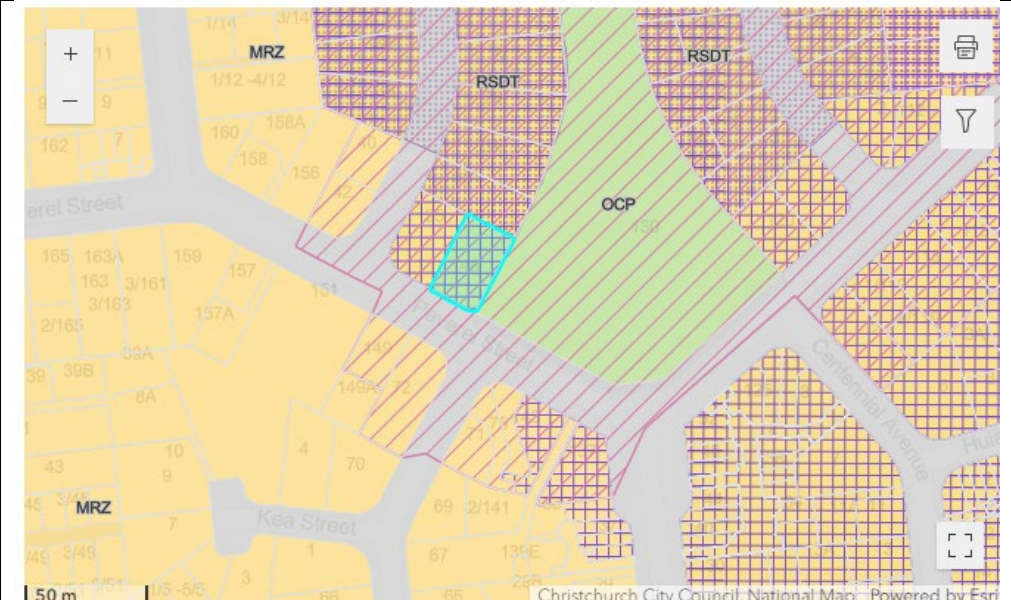
This Qualifying Matter protects areas with significant heritage values. Development is restricted within these areas in line with Plan Change 13 controls.



143 Peverel Street Riccarton – s42A Recommendation



148 Peverel Street, Riccarton – s42A Recommendation



143 Peverel Street, Riccarton

Land Use Zones

Residential


**MRZ** Medium Density Residential Zone

This zone allows buildings up to 12m (generally 3 storeys) and up to 3 residential units per section. This zone is mainly for residential buildings, including apartments and detached, semi-detached, and terraced housing.

The Sunlight Access Qualifying Matter applies to the entirety of this zone, with associated controls captured in 14.5.2.6 - Height in relation to boundary - of the zone standards.

Qualifying Matters

Zones, Other Notations, Designations and Heritage Orders

 Airport Noise Influence Area

This Qualifying Matter protects the operation of the airport by limiting development within the 50 decibel noise contour.

148 Peverel Street, Riccarton

Land Use Zones

Residential

**RSDT** Residential Suburban Density Transition Zone

This zone retains existing District Plan rules.

To view the current planning rules affecting this property, please refer to the current District Plan.

Qualifying Matters

Zones, Other Notations, Designations and Heritage Orders

 Airport Noise Influence Area

This Qualifying Matter protects the operation of the airport by limiting development within the 50 decibel noise contour.

Development controls stay the same as those within the current District Plan, with the extent of