

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
IN CHRISTCHURCH**

**TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

---

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL IN  
RELATION TO LATE FURTHER SUBMISSION LODGED BY MR DAVID LAWRY**

**Dated 21 November 2023**

---

**BUDDLE FINDLAY**

Barristers and Solicitors  
Wellington

Solicitors Acting: **Dave Randal / Cedric Carranceja**  
Email: david.randal@buddlefindlay.com / cedric.carranceja@buddlefindlay.com  
Tel 64 4 462 0450 / 64 3 371 3532  
Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

**MAY IT PLEASE THE INDEPENDENT HEARINGS PANEL:**

1. The purpose of this memorandum of counsel for Christchurch City Council (**Council**) is to:
  - (a) inform the Panel of a late further submission received on 19 November 2023 from Mr David Lawry in opposition to a submission by Christchurch International Airport Limited (**CIAL**) (submission #852); and
  - (b) seek directions from the Panel on the late further submission.

**Background**

2. The Council notified Plan Change 14 (**PC14**) on 17 March 2023, and the submission period closed on 12 May 2023. CIAL's submission (#852) was lodged on 12 May 2023.
3. Mr Lawry also lodged a submission (#873) on 11 May 2023.
4. The further submission period commenced on 30 June 2023 and closed on 17 July 2023.
5. The Council subsequently notified an addendum with additional and amended points on 24 July 2023, with further submissions on those points closing on 7 August 2023. The Council notified a further addendum with corrections of errors relating to three submissions on 23 August 2023. Submissions on those points closed on 6 September 2023. Neither of the notified addenda related to CIAL's submission.
6. On 5 September 2023, Mr Lawry emailed to Ms Jane West (the Friend of Submitters) a document headed "*David Michael Lawry submitter 873 Makes further submissions to Plan change 14*". A copy of the relevant email and document is attached as **Appendix A**. Ms West forwarded this email to Mr Mark Stevenson at the Council on the same day.
7. By phone call and email dated 13 September 2023, Mr Stevenson sought to clarify with Mr Lawry whether the document in Appendix A was to be treated as supplementary to his original submission, or as a late further submission. Mr Lawry advised by email dated 14 September 2023 that it was fine to treat the document as a supplementary submission. Mr Lawry also advised that a copy of the document had been sent to Ms Appleyard (counsel for CIAL). A copy of the email correspondence between Messrs Stevenson and Lawry is attached as **Appendix B**.

8. The Council understands from an email from the IHP Secretariat dated 13 November 2023 that Mr Lawry wishes the Appendix A document to be tabled as a further submission.
9. By email dated 19 November 2023, the Council received from Mr Lawry:
  - (a) a further submission form; and
  - (b) a document outlining Mr Lawry's qualifications.
10. Copies of the further submission form and document outlining Mr Lawry's qualifications are attached as **Appendix C**.
11. The date on the further submission form states "*submitted on 6 September 2023 resubmitted 19/11/2024 (sic)*". While the document in Appendix A was received by Council (via Ms West) on 5 September 2023, the Council had not received the further submission form or Mr Lawry's qualification document until 19 November 2023.

#### **Directions sought**

12. A copy of this memorandum is being served on both Mr Lawry and CIAL.
13. In the circumstances, the Council respectfully suggests the IHP issues the following directions:
  - (a) Mr Lawry to provide to the IHP Secretariat by noon on Friday 24 November 2023 the reasons why the set of further submission documents (Appendix C) was filed late and should be received by the IHP;
  - (b) Mr Lawry to also serve a copy of those reasons on Council and CIAL by noon on Friday 24 November 2023; and
  - (c) following receipt of Mr Lawry's comments, the Council and CIAL to provide any comments on the reasons offered by Mr Lawry by noon on Tuesday 28 November 2023.

Date: 21 November 2023

---

**D G Randal / C O Carranceja**  
Counsel for Christchurch City Council

# Appendix A

---

**From:** Jane West <jane@jwest.co.nz>  
**Sent:** 5 September 2023 12:20  
**To:** Engagement  
**Cc:** Stevenson, Mark  
**Subject:** FW: David Lawry PC14 further submission  
**Attachments:** Plan change 14 submissions.docx

Hi there

Please see the below email and attachment.

Thank you  
Jane

Jane West  
Friend of Submitters

## JWest

Jane West (BRS, MNZPI)  
m: 021 323 040  
e: jane@jwest.co.nz

---

**From:** Shirley La <143walk143@gmail.com>  
**Sent:** Tuesday, September 5, 2023 12:15 PM  
**To:** Jane West <jane@jwest.co.nz>  
**Subject:** David Lawry PC14 further submission

Jane please acknowledge receipt of this further submission.

Please file it into the council system as again my attempt failed

If you txt me on 0272348119 when done that would be great I will ensure a copy gets to CIAL counsel Appleyard.

Kind regards Dave Lawry

David Michael Lawry submitter 873 Makes further submissions  
to Plan change 14

This further submission is made pursuant to the following requirements relating to further submissions.

Any person representing a relevant aspect of the public interest

And

Any person that has an interest in the proposed plan greater than the interest that the general public has.

The relevant aspect of the public interest is the dishonest representation of the need for protections from the risk of any possible curfew or core aviation business continuity disruption resulting from noise complaints arising from Christchurch International Airport Limited (CIAL) activities.

I submit dishonest assertions of the need for protection asserted to the Commissioners as a business continuity risk while seeking further benefits is a public interest aspect.

My interest in this proposed plan and indeed the many that have proceeded this plan has been in my Commissioner accepted role as an expert investigator to expose the still expanding competitive advantages that Christchurch City Council (CCC) has assisted CIAL to obtain. Most of which have nothing to do with business continuity risk and everything to do with CAIL property management and development. CIAL earns more revenue than its core aviation roles from property management and development and is enable it to be the worst night time noise polluter in the District via on aircraft wing engine testing with complete impunity. One reason the engine maintenance arm at Nelson was closed and that maintenance is now carried out at Christchurch International Airport (CIA) is

that the Nelson City Council was taking excessive noise enforcement action with regards to on wing engine testing there. As stated no such risk exists at CIA

My previous submission to for example Plan change 4 and 5 and before that the Judge led Christchurch District Plan review articulates the wide range of extreme competitive advantages CIAI enjoys. I request that all this information is also included into this Plan Change. It forms evidence of my interest greater than the average member of the public with regards to not only this Plan change but the ongoing development of the competitive advantages CIAI enjoys and seeks to enlarge as well as CCC's failure to address the conflicts of interest.

It is noted at Appendix A of Jo Appleyards submission (852) in the summary at point 4.3 she seeks that the Commissioner's for PC14 should define all areas potentially subject to noise levels of 50 dBA Ldn or greater and prevent intensification within that defined area.

Using the word "POTENTIALLY" that Counsel seeks to even further expand the already world-wide unique benefits Christchurch Airport enjoys. All based on a dishonest business continuity risk.

Seeking a modicum of reality there seems to be a total failure to scrutinize if any risk at all exists to CIAI from business continuity from members of the public complaining about the noise they generate.

Here lies the dishonesty.

**CCC despite its regulatory role to investigate and enforce excess noise standards has for many years totally forbidden its noise enforcement offices to take any action whatsoever with regards to Airport related noise complaints.**

Most Christchurch International Airport (CIA) noise complaints relate to on wing aircraft engine testing following the revenue earning engine maintenance activities.

An independent committee housed at CIA, one that members of the public have to seek permission to address, should they desire to, is the sole arbiter of these complaints. They have never elevated any complaint issue to CIA's board let alone owners. They have never taken any action that could in any manner bring on any form of business continuity risk. They work to a Ldn seven-day average metric not the world wide Leq metric used to measure industrial pollution, unquestioningly. They fail to believe that on wing engine testing is industrial noise and require no at source noise mitigation for what is the worst night time noise pollution across Canterbury.

There is a huge difference between a fully resourced enthusiastic and trained excess noise investigative team with strong enforcement coercive powers and a friendly in-house committee.

The conflict of interest in enabling this industrial noise pollution and the also world- wide unique, engine testing noise contours, that further victimises the receivers of the noise pollution by restricting their land uses, should be obvious to CCC. Again despite being made fully aware no action is taken.

Any objective assessment of the level of risk to business continuity arising from noise complaints is zero. Indeed, the regime as it currently exists enables night time extreme noise pollution with impunity. The financial gains of removing this risk are considerable. No at source noise mitigation at all is a direct result, and cost advantage.

The fact that the entire suit of world- wide unique land planning and residential restricting development rules, CIAL enjoys is based on business continuity risk is a disgrace.

As Commissioners to this Plan change in your quasi -judicial role it really is about time you at the very least elevated your concerns to someone who can make a difference. It should not fall on the public to have to risk financial costs before this house of cards is exposed.

It is my understanding the intention of the intensification legislation is that a very high threshold of evidence must be established before a “qualifying matter” can stand. Counsel for CIAL tries to put to you that the 50dBA Ldn or greater is an existing qualifying matter” it is not.

I am unsure if you have even seen the air noise contours but the 50 dBA Ldn contour passes all most to Hagley park. It did cover for example Canterbury University before, after litigation CIAL offered exemption to that organisation from its restrictions in a closed deal. Since when can airport can give exemptions to a District Plan but it has again CCC supported.

The point is that thousands of hectares of land are impacted. If you where to accept this point intensification from a few streets above Hagley Park to the airport is totally negated. Again, all based on a risk lie.

With regards to the high level of evidence required to establish a qualifying matter, what is that evidential level? Is it beyond reasonable doubt or on the balance of probabilities clarification is needed. **I seek clarification on this point.**

**I seek that you reject CIALs request to have the 50dBA Ldn or greater air noise contour as a qualifying matter.**



**I seek that you take actions that will result in a review of the risk of any curfew or business continuity interruption arising from noise complaints. If the foundation for the rules is flawed are not the rules themselves contrary to the intend of the RMA.**

I suspect Political direction will overcome this very broken process. Hopefully before the Housing crisis reaches the stage of direct public action due to the inaction in solving the issue through failures to address the very obvious conflict of interest bias and competitive advantages being sought and agreed to.

David Lawry

5.9.2023

# Appendix B

---

**From:** Shirley La <143walk143@gmail.com>  
**Sent:** 14 September 2023 09:24  
**To:** Stevenson, Mark  
**Subject:** Re: David Lawry PC14 further submission  
**Attachments:** image002.jpg; image003.png; image004.png; image005.png; image006.png; image007.png; image008.png; image009.png; image010.jpg; image007.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Note Dave Lawry

The goal is to get it into the system before the commissioners. Your advice that submitting it as a supplementary submission is fine by me if thats the best/easiest approach.

I have sent a copy to Ms Appleyard

It would be appreciated if you raise our conversation with Dawn and that she confirms that she received my email that had this matter attached and that my question as to when and why Council noise enforcement were directed to not investigate CIAL related noise complaints of which there were thousands.

Thanks for your clarification of your view relating to these matters. Its very helpful.

Kind regards David Lawry

On Wed, Sep 13, 2023 at 3:31 PM Stevenson, Mark <[Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)> wrote:

Hi David

Thank you for your time earlier. From our conversation, I understand you intend for the document attached to be tabled with the IHP as supplementary to his primary submission, rather than being a late Further submission. Can you please confirm my understanding is correct,

Thank you  
Kind Regards

Mark

---

**From:** Stevenson, Mark  
**Sent:** Sunday, September 10, 2023 10:16 PM  
**To:** '143walk143@gmail.com' <143walk143@gmail.com>  
**Subject:** RE: David Lawry PC14 further submission

Hi David

Jane West forwarded the attached to me. Can you please advise if the document is intended to be

1. Supplementary to your original submission or
2. A late further submission.  
A further submission can only support or oppose an original submission. For example, a further submission could support or oppose the original submission of CIAL. Can you please therefore advise of the original submission your further submission is in support or opposition to.

Thank you  
Regards

**Mark Stevenson**  
Manager Planning



03 941 5583



Mark.Stevenson@ccc.govt.nz



Te Hononga Civic Offices, 53 Hereford Street, Christchurch



PO Box 73012, Christchurch 8154



ccc.govt.nz



---

**From:** Jane West <[jane@jwest.co.nz](mailto:jane@jwest.co.nz)>  
**Sent:** Tuesday, September 5, 2023 12:20 PM  
**To:** Engagement <[engagement@ccc.govt.nz](mailto:engagement@ccc.govt.nz)>  
**Cc:** Stevenson, Mark <[Mark.Stevenson@ccc.govt.nz](mailto:Mark.Stevenson@ccc.govt.nz)>  
**Subject:** FW: David Lawry PC14 further submission

Hi there

Please see the below email and attachment.

Thank you

Jane

Jane West

Friend of Submitters



Jane West (BRS, MNZPI)

m: 021 323 040

e: [jane@jwest.co.nz](mailto:jane@jwest.co.nz)

---

**From:** Shirley La <[143walk143@gmail.com](mailto:143walk143@gmail.com)>  
**Sent:** Tuesday, September 5, 2023 12:15 PM  
**To:** Jane West <[jane@jwest.co.nz](mailto:jane@jwest.co.nz)>  
**Subject:** David Lawry PC14 further submission

Jane please acknowledge receipt of this further submission.

Please file it into the council system as again my attempt failed

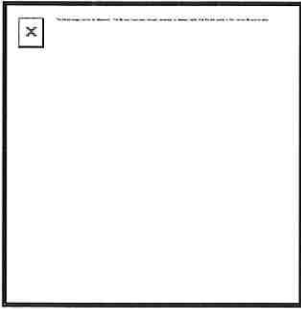
If you txt me on 0272348119 when done that would be great I will ensure a copy gets to CIAL counsel Appleyard.

Kind regards Dave Lawry

This electronic email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

The views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Christchurch City Council.

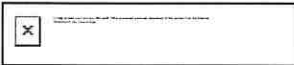
If you are not the correct recipient of this email please advise the sender and delete the email.



This electronic email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

The views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Christchurch City Council.

If you are not the correct recipient of this email please advise the sender and delete the email.



# Appendix C

## Further submission on a publicly notified plan change to the Christchurch District Plan

For office use only  
F-Submission no:

Clause 8 of Schedule 1, Resource Management Act 1991

Further submissions can be:

**Posted to:** City Planning Team  
Christchurch City Council  
PO Box 73012  
Christchurch 8154

**Delivered to:** Ground floor reception  
53 Hereford Street  
Christchurch  
Attn: City Planning Team

**Emailed to:** [PlanChange@ccc.govt.nz](mailto:PlanChange@ccc.govt.nz)

For Office Use Only  
Received in Council Office

Date

Time

Person

\* Denotes required information

I wish to make a further submission on:

Plan Change Number:\* *Plan Change 14*

Your name and contact details

Full name of person **or** organisation making submission:\*

*DAVID MICHAEL LAWAY*

Address for service:\*

*500 GALTHURST ROAD  
RD 6  
CHRISTCHURCH 7676*

Email:

*143WALIKI43@GMAIL.COM*

Phone:\*

*0272348119*

Person of interest declaration\* (select appropriate)

I am (state whether you are):

- (a) a person representing a relevant aspect of the public interest, or
- (b) a person who has an interest in the proposal that is greater than the interest the general public has, or
- (c) the local authority for the relevant area.

Explain the grounds for saying you come within category (a) or (b) above:

I am a trained investigator refer attached documentation  
I have investigated the many competitive advantages CCC has  
granted to its competing CIAL. Assertion of business interests dishonest

Note to person making further submission

**A further submission can only support or oppose an original submission listed in the summary. It is not an opportunity to make a fresh submission on matters not raised in the submissions.**

**A copy of your further submission must be served on the original submitter within 5 working days of making the further submission to the Council.**

I ~~support~~ / oppose (choose one) the submission of:\*

(Please insert the name and address of the original submitter, and submission number of the original submission. If you are making a further submission on multiple submitters, please use the **table form** on the last page and make sure it is attached.)

I oppose CIAL's submission to have  
air noise contours be deemed to be  
qualifying matters in its attempt to limit  
residential intensification in the PC14 process

The particular parts of the submission that I support / oppose (choose one) are:\*

(You should clearly indicate which parts of the original submission you support or oppose (**state S and D number as shown in the summary of submission**), together with the relevant provision of the proposed Plan Change.)

As stated I oppose any CIAL submission that  
seeks air noise contours to be deemed a  
qualifying matter in the PC14 process

The reasons for my support (or opposition) are:\* (Please give precise details)

Reasons for opposition

- ) Dishonest assertion by CIAL that their company's business continuity is at risk in the absence of air noise contours being considered as a qualifying matter. There is zero risk of ever imposing any business continuity constraints arising from airport noise complaints

I seek that the whole or part of the submission be ~~allowed~~ / disallowed:\* (Please specify the relevant parts)

I seek that air noise contours be disallowed from being deemed to be a qualifying matter in terms of PC14

Please indicate by ticking the relevant box whether you wish to be heard in support of your further submission\*

I wish to /  I do not wish to speak at the hearing in support of my further submission.

Joint submissions (Please tick this box if you agree)

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

If you have used extra sheets for this further submission, please attach them to this form and indicate below\*

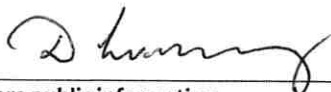
Yes, I have attached extra sheets.

No, I have not attached extra sheets.

Signature of submitter (or person authorised to sign on behalf of submitter)

A signature is not required if you make your submission by electronic means.

Signature:



Date:

submitted on 6 September 2023  
resubmitted 19/11/2024

**Submissions are public information**

The information requested in this submission, including your contact details is required by the Resource Management Act 1991. A copy of your submission will be made available for inspection at all Council service centres and libraries in accordance with the requirements of the Act. A document summarising all submissions and including names and addresses of submitters will be posted on the Council's website.

If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Statutory Administration Advisor at 941 8999.



Original Submitter's Name and Address for service*	Submission No.	Decision No.	Support or Oppose*	Reasons for support / opposition* (Please give precise details)	Decision sought (I seek the whole or part of the submission to be allowed / disallowed)* (Please specify the relevant parts) I seek the whole submission to be allowed.
<p>Example of further submission to John Smith's original submission: John Smith, 53 Hereford Street, Christchurch Central, Christchurch 8013</p>	SI	SI.1	Support	I support this submission because...	
<p>CIAL 852</p>	<p><del>852</del></p>		oppose	<p>Assertions by CIAL that non noise contours should be deemed qualifying matters are dishonest. In fact there is no right to have business continuity arising from Airport noise complaints</p>	<p>I seek the whole submission relating to non noise contours being deemed qualifying matters be disallowed.</p>

My name is David LAWRY. In 2013 I retired from the New Zealand Police after 38 years, with my final position being Northern Canterbury Area Commander.

I have a Master of Public Policy degree from Victoria University a Bachelor of Business Studies degree from Massey University, a diploma in New Zealand Policing from The Royal New Zealand Police College and a Certificate of Law related Education from Virginia University USA. I am also a graduate of the FBI National Academy, 177th session and remain engaged with that organisation.

As well as many years leading complex investigations as a Detective at several ranks, I have also completed three operational tours internationally. I have presented evidence before many levels of court proceedings both internationally and within New Zealand including coronial investigations and before Select Committees.

Internationally I carried out roles such as, peacekeeping, policy development and implementation, mentoring of in county Police incumbents and investigations into war crimes and corruption cases. Examples include.

In 2004 I was a member of the Regional Assistance Mission to the Solomon Islands (RAMSI), where amongst other positions I held, I was the Assistant Commissioner 2 IC (RAMSI) and Officer In-Charge of all of the Solomon Island War Crimes and Corruption Investigations. I was commended by the RAMSI Commander *in this role*.

In 2006 I was the New Zealand Police contingent Commander for Operation Highland based at the Provincial Reconstruction Centre in Bamyan, Afghanistan. There I lead the Police training team and mentored the Afghan Police Commander for the Province. Due to corruption issues that Commander was replaced. As that Commander had been a Northern Alliance, war Hero and was a personal friend of the President of Afghanistan who had also been such a commander, this required negotiation at the presidential level. The revitalization of the narcotics section I facilitated, resulted in the largest opium seizure of 1.5 tons ever achieved in that Province along with machine guns and a number of high level drug and gun dealers being convicted. I received a US Contingent Commanders commendation for this and other actions in this deployment.

In 2008 I was the New Zealand Police Contingent Commander to the United Nations Integrated Mission in Timor-Leste (UNMIT). As the United Nations Police District Commander for the capital city and Dili District, I led numerous corruption

investigations including a human trafficking operation, for which I was commended by the UNPOL Commissioner.

Many of the investigations presented complex investigative and political risks requiring sensitive management. Additionally leadership of and guidance to a very diverse set of working teams was achieved.

I believe this back ground exhibits both academic and practical evidence of investigative skills, combined with the political sensitivity to successfully and at times discreetly achieve the investigative outcomes desired.

I submit that I have the skills to identify criminal, corrupt and or biased decision making when I see it.