

Before the Independent Hearing Panel
Appointed by the Christchurch City
Council

Under the Resource Management Act 1991
In the matter of a hearing of submissions on Plan Change 14 (Housing
and Business Choice) to the Christchurch District Plan
Topic: Airport noise qualifying matter
Miles Premises Limited (#883 #2050 #2100)
Equus Trust (#2102 #2107)

Legal submissions on behalf of Miles Premises Limited and Equus Trust

16 April 2024

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May it please the Commissioners

- 1 These submissions are provided jointly on behalf of Miles Premises Limited (**Miles**) and Equus Trust (**Equus**) on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan (**CDP**).
- 2 Miles and Equus (**the Submitters**) are unrelated entities, but their land is located in close proximity to each other.
- 3 Miles owns land (**the Miles Site**) located between Memorial Avenue, Russley Road and Avonhead Road,¹ which is currently zoned Industrial Park Zone (Memorial Avenue). The majority of the Miles Site is located between the operative 50 and 55 dBA noise contours, with a smaller area (generally towards Avonhead Road) located within the Airport Noise 55 dBA contour in the CDP.²
- 4 Equus owns 76 Hawthornden Road Christchurch (**the Equus Site**), which is currently zoned Rural Urban Fringe. The Equus Site is located within the Airport Noise 50 dBA Ldn contour in the operative CDP.
- 5 The Submitters seek the same relief in respect of the proposed Airport Noise Influence Area (**AN-QM**). Given the common position of the Submitters, and the shared witnesses on this topic, we present their submissions relating to the AN-QM together.
- 6 The Submitters position, supported by expert evidence, is that the existing 50dB airport noise contour is unnecessarily restrictive, having regard to potential effects in relation to both amenity for residents and protection of airport operations from reverse sensitivity effects. It is also out of step with national and international direction for and management of airport noise. In this context, the Submitters strongly oppose the proposed AN-QM which would both further extend the reach of the airport noise contours, and restrict development of land for residential purposes within those extended contours. The costs associated with an overly restrictive approach to land use within the airport noise contours are borne by landowners and through dis-enablement of residential development over large areas of Christchurch, including locations which are otherwise highly desirable for residential development, in close proximity to employment hubs, schools and amenities, have strong transport connectivity and are serviced. The benefits of this approach, in terms of protection of residential amenity and airport operations, is not supported by the evidence.

¹ 400, 475 Memorial Avenue and 500, 520 and 540 Avonhead Road.

² Evidence of Fiona Aston, dated 20 September 2023, at paragraph 25.

- 7 If the Panel is minded to apply an AN-QM, the Submitters seek that this apply only within the 55dB Annual Average contour, and that between the 55dB contour and the Outer Noise Control Boundary (65dB contour), residential development be enabled subject to provision of acoustic insulation.
- 8 Additionally, Miles seeks to rezone part of the Miles Site to Medium Density Residential³ (**MDR**), retaining the remainder of the Miles Site as Industrial Park (Memorial Avenue). Equus also has aspirations for residential rezoning of the Equus Site in future, but does not pursue that rezoning through PC14.
- 9 The following evidence is provided in support of the submissions:
 - (a) John-Paul Clarke – Airport Noise (Miles and Equus)
 - (b) Fiona Aston – Planning (Miles and Equus)
 - (c) Jonathan Manns – Housing and industrial market analysis (Miles)
 - (d) Mike Blackburn – Residential construction analysis (Miles)

Structure of submissions

- 10 These legal submissions are set out in two parts addressing:
 - (a) The Airport Noise Qualifying Matter; and
 - (b) Rezoning of the Miles Site.

Statutory tests

- 11 I adopt CCC's legal submissions⁴ on the legal tests that must be applied when the Panel considers and makes recommendations on PC14, with reference to *Colonial Vineyards v Marlborough District Council* and including the more recent requirements for an IPI process.⁵
- 12 We address these matters below, in respect of both the AN-QM and rezoning of the Miles Site.

³ Figure 1, Evidence of Fiona Aston, dated 20 September 2023.

⁴ Appendix to Christchurch City Council Legal submissions: Residential zones, dated 26 October 2023.

⁵ *Colonial Vineyards v Marlborough District Council* [2014] NZEnvC 55 at [17].

Airport Noise Qualifying Matter

- 13 The Submitters oppose the proposed AN-QM, which unnecessarily limits potential residential development within the 50 dB Ldn airport noise contour.

Qualifying matters

- 14 The Submitters generally accept the Council's description of the legal framework for IPIs and QMs.⁶ QMs may limit development in limited circumstances and only to the extent necessary to accommodate the QM.⁷ Evaluation reports must demonstrate why the qualifying matter is incompatible with the level of development permitted by the MDRS and assess the impact on development capacity, costs and broader impacts of imposing those limits.⁸
- 15 For the reasons set out below, it is submitted that the proposed AN-QM goes beyond what is required to protect Airport operations or the health and amenity of future residents.

The appropriate contour and management within the contour

- 16 The Submitters position is that the appropriate contour for management of intensification is the 2023 modelled 55dB Ldn Annual Average contour (**55dB Ldn contour**).⁹ Within the 55dB Ldn contour, the Submitters seek that residential development and intensification be enabled subject to a requirement for acoustic insulation. The reasons for this position are set out below:

- (a) **It is supported by the expert evidence of Prof. John-Paul Clarke, which:**
- (i) Explains why the CIAL modelling takes unreasonable worst-case assumptions that will not eventuate in practice. Reasons for this include:
- (A) The assumptions with respect to aircraft noise characteristics (eg no improvement with fleet upgrades) and air traffic management procedures (eg flight tracking)

⁶ Christchurch City Council Opening Legal Submissions, dated 3 October 2023, at Section 2.

⁷ Section 77I Resource Management (Enabling Housing Supply) Amendment Act 2021.

⁸ Section 77J Resource Management (Enabling Housing Supply) Amendment Act 2021.

⁹ The Submitters initially sought that the ANQM be amended to apply to the 57 dBA contour, but now seeks that the ANQM apply at the 55dBA contour, consistent with the expert evidence filed.

assume that there will be no improvement over the next 60 years when CIAL is forecast to reach the modelled practical capacity of the airport. Prof. Clarke expects that at that time, single-aisle aircraft will be at least 5 dB quieter than the current fleet.

- (B) The Outer Envelope contour (worst 3 months) is a scenario for which there is no known relationship with annoyance – the correlations applied are based on "a yearly average exposure" and should not be applied to an outer envelope.
 - (ii) Considers that, as a result of these assumptions, the remodelled contours are significantly larger than they should be.
 - (iii) Identifies that most countries that have land use planning controls have limits corresponding to 55 dB Ldn or higher. This contour is considered the onset of adverse effects and special low-noise features may be recommended above that level (ie within the 55 dBA contour). Development of noise sensitive buildings is typically discouraged or restricted at a level 10 dB above the "onset contour" (ie within the 65 dBA contour).
 - (iv) Outside of the 55dB Ldn contour very few people will be affected, and only sporadic noise complaints will be registered. The number of complaints will remain relatively stable for exposure levels below this limit as there will always be a small percentage of complainers that will react negatively no matter how low the limit exposure level is defined.
- (b) **It is consistent with the NZS 6805** Airport Noise Management and Land Use Planning, which provides a flexible approach but generally recommends an outer control boundary of 55dB Ldn, with a requirement for acoustic treatment of buildings between the outer control boundary and the air noise boundary (ie between the 55 – 65 dB contours).
 - (c) **It is consistent with the CRPS.** CRPS Policy 6.3.5 directs that new development of noise sensitive activities within the 50dBA contour be avoided, except within existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A. CIAL and CCC interpret "existing residentially zoned" to mean consistent with the level of development enabled within the existing residential zones at the time the policy was introduced, and make reference to previous findings of

the Replacement Plan IHP. That is clearly not the interpretation made by the Replacement Plan IHP, which recorded that there was no absolute bar on further development of noise sensitive activities within the 50dBA contour, this was a matter to be assessed on its merits. Generally, adoption of an AN-QM based on the 55dB contour creates no inconsistency with the CPRS policy, and is appropriate having regard to the expert evidence of Prof. Clarke. With respect to new residential zones outside greenfield priority areas (as is proposed by Miles, and ultimately, over time, by Equus Trust), there is potentially conflict with Policy 6.3.5.4 which specifies that elsewhere the 'avoidance' policy apply at the 50 dB contour. I address this below as relevant to Miles' rezoning submission.

- (d) **It is consistent with the Christchurch District Plan (CDP).** In terms of the general application of an AN-QM based on the 55dB contour, there is no conflict with the CDP objectives and policies in relation to airport noise and reverse sensitivity effects, based on Prof. Clarke's assessment of effects. Within existing residential zones, avoiding CIAL related reverse sensitivity effects is currently achieved by way of rules¹⁰ which require new residential development to provide acoustic insulation where that development occurs within the 55 dB contour. There is no noise insulation requirement for construction of new residential dwellings within the 50dB contour. The Submitters proposed approach to the AN-QM is consistent with the current rules.
- (e) **It is consistent with the approach to management of other strategic infrastructure.** As identified by Ms Aston, enabling activity outside of the 55dB contour and providing for noise sensitive activities within it when acoustic insulation is provided, is consistent with the CDP approach to protection of other strategic infrastructure.¹¹
- (f) **It is consistent with the Greater Christchurch Spatial Plan (GCSP)** which states that urban development is to be carefully managed (but not avoided, as initially proposed) around strategic infrastructure, including Christchurch Airport. In terms of the spatial extent of the airport noise contours, the relevant GCSP maps show the existing contours but note that the CRPS review will be the process by which changes to the spatial extent of the operative contours and the associated policy framework will be considered.¹² The GCSP approach to the extent of the airport noise contours is

¹⁰ Rule 6.1.7.2.2 - Activities near Christchurch Airport, Christchurch District Plan

¹¹ 6.1.7 Rules – Activities near infrastructure, Christchurch District Plan

¹² Greater Christchurch Spatial Plan, page 53

consistent with the submission by Miles and Equus on the GCSP, which was made with regard to the fact that the GCSP was set through a Local Government Act process that did not enable the testing of expert evidence considered necessary for determination of appropriate airport noise contours, and that the GCSP has no direct operational application, but is instead a statutory policy document to be had regard to in relevant planning processes.

(g) It better enables housing capacity and gives effect to the NPS-UD.

(i) The NPS-UD is designed to improve responsiveness,¹³ and recognises the national significance of:

(A) having well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and in the future;¹⁴ and

(B) providing as a minimum sufficient development capacity at all times to meet the different needs of people and communities.¹⁵

(ii) Restricting urban development between the 50 and 55 dB Ldn contours, and within the 55 – 65 dB Ldn contours subject to provision of acoustic insulation, is inconsistent with and does not give effect to the NPS-UD. It unnecessarily restricts housing development in a location that is otherwise ideally suited to meeting the Council's obligations to provide at least sufficient development capacity to meet expected demand for land for housing and that would otherwise contribute to a well-functioning urban environment.

17 It is acknowledged that a 50dB contour has previously been accepted and applied in the CRPS and CDP, and accordingly there is case law that outlines why that was considered the most appropriate response at that time. It is submitted that, in the context of internationally recognised aircraft noise limits and national direction to provide at least sufficient housing development capacity at all times under the NPS-UD, it is inappropriate for the proposed airport noise contour to effectively sterilise the use of land for

¹³ Objective 6 and Policy 8 NPS-UD 2020.

¹⁴ Objective 1 NPS-UD 2020.

¹⁵ Such as type, price and location of households in accordance with definition of Well-functioning Urban Environment is defined in Policy 1 NPS- UD; Policy 1(a)(i) referenced in this statement.

residential purposes, which is otherwise well located, serviced and desirable, when this is the primary issue that PC14 seeks to address.

- 18 In respect of the LURP, it is noted that this was prepared with limited input from the public and had no right of appeal. It was effectively a roll-over of the CRPS position.
- 19 In this context, and having regard to the matters set out above in terms of both effects and alignment with the statutory planning framework, it is submitted that an AN-QM utilising the 50dB contour is unnecessarily restrictive and goes beyond the extent required to constrain residential development to protect Christchurch Airport. If the Panel agrees that an AN-QM is required, an AN-QM that applies from the 2023 modelled 55dB Ldn Annual Average contour, with residential development within the 55 – 65dB contours enabled subject to provision of acoustic insulation, is the most appropriate response.

A provisional AN-QM?

- 20 As Ms Oliver acknowledges in her rebuttal, there is uncertainty in the expert evidence regarding the appropriate airport noise contour for use as a QM.¹⁶ Ms Oliver proposes that the Updated Outer Envelope contour be used as a basis for a provisional AN-QM and that the operative CDP zoning be retained for the area subject to the AN-QM, until after the CRPS review process has been completed (notification expected in Dec 2024). A subsequent plan change would then be required to give effect to any changes to the CRPS airport noise policy and any related provisions.¹⁷
- 21 In my submission, if the Panel is not minded to make a final determination on the appropriate spatial extent of the AN-QM contour in advance of the CRPS review, the appropriate response is to apply the current CDP 50dB contour, rather than the 2023 50dB Outer Envelope contour. As set out above, the operative 50dB contour is already very conservative, and no further expansion of this contour is necessary as a holding position. If the current CDP 50dB contour is applied, the Submitters maintain their requested relief that residential development be enabled within the AN-QM area (up to the current CDP 65dB contour), subject to provision of acoustic insulation.

¹⁶ Rebuttal evidence of Sarah Oliver dated 9 October 2023 at paragraph 16.

¹⁷ Rebuttal evidence of Sarah Oliver dated 9 October 2023 at paragraph 21.

Rezoning of land within the Miles Site

Scope

- 22 The Reporting Officer has recommended that the initial relief sought by Miles be rejected, based on scope.¹⁸
- 23 The usual approach to scope under the RMA requires that a submission must be "on" (that is, within the ambit of) a plan change. Case law has established a number of principles:
- (a) Whether a submission is "on" a variation will be a question of scale and degree in the particular circumstances;¹
 - (b) The general test relates to procedural fairness, and requires consideration of:²
 - (i) whether the submission addresses the change to the status quo advanced by the variation; and
 - (ii) whether there is a real risk that persons potentially affected by the submission would be denied an effective opportunity to respond in the variation process.
 - (c) "Consequential amendments" are provided for by Schedule 1, clause 10(2). In the case of zoning changes, incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s32 analysis is required.
- 24 In my submission, the usual approach to scope needs to be considered in the context of the planning process. In *Albany North Landowners v Auckland Council*, the High Court indicated that a full district plan review context would necessarily result in a broader lens when it came to scope. In particular, a section 32 report will not fix the final frame of the instrument as a whole, and is therefore not determinative of scope.
- 25 This has also been recognised by the Auckland IHP Panel,¹⁹ which identified the following principles that apply to determining whether a submission is "on" a plan change:
- (a) A determination as to scope is context dependent and must be analysed in a way that is not unduly narrow. In considering whether a submission reasonably falls within the ambit of a plan change, two things must be considered: the breadth of alteration to the status quo proposed in the plan

¹⁸ Officer Report of Kirk Lightbody at page 140

¹⁹ Auckland IHP PC78 – Interim Guidance on matter of statutory interpretation and issues relating to the scope of the relief sought by some submissions – 12 June 2023

change; and whether the submission addresses that alteration.

(b) For relatively discrete plan changes, the ambit of the plan change (and therefore the scope for submissions to be “on” the plan change) is limited, compared to a full plan review (i.e., the proposed AUP process in *Albany Landowners* which we address below) which will have a very wide ambit given the extent of change to the status quo proposed.

(c) The purpose of a plan change must be apprehended from its provisions (which are derived from the section 32 evaluation), and not the content of its public notification.

26 While the PC14 Intensification Planning Instrument (**IPI**) is not a full district plan review, it is relevant that:

(a) The scope of an IPI is broad. The process was introduced through the Amendment Act, with the broad purpose of increasing housing supply and allowing a wider variety of homes to be built.²⁰ The legislative framework provides broad scope for amendment to District Plans and enables the creation of new residential zones (including rezoning of land). It also enables the Panel to make decisions beyond the scope of submissions.²¹ Although that relates to the scope of the Panel's decision, rather than the scope of what may be sought in a submission, it reinforces the broader approach to scope to be taken through an IPP.

(b) The ambit of PC14 itself is also broad and complex, "in essence, setting out a much bigger building envelope for the city".²² It applies to, and amends CDP provisions for, extensive areas of the City in a way that (for the most part) increases the enablement of housing. It introduces new residential zones, rezones some areas, and introduces an array of qualifying matters and new standards.

(c) Section 80E directs what must be within an IPI, and provides that it:

(i) must incorporate the MDRS and give effect to Policies 3 and 4 of the NPS-UD; and

²⁰ Schedule 3A, clause 6 Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

²¹ Schedule 1, Clause 99(2) Resource Management Act 1991.

²² Summary Statement of Evidence of Sarah Oliver at paragraph [11].

- (ii) may include related provisions, including zones, that support or are consequential on the MDRS or Policies 3 or 4 of the NPS-UD.
- (d) PC14 rezones other industrial zoned land to MDR, on the basis that this is appropriate to give effect to Policy 3 of the NPS-UD.²³
- (e) As Council acknowledges in the section 32 report, while the NPS-UD is directive as to **what** is to be “enabled” (such as in Policy 3), the document does not clarify **how** local authorities are to “enable” these outcomes.²⁴ There are two aspects ...**the first being around the spatial extent of enablement, principally given effect through zoning** and associated provisions relating to density and height. The second aspect of enablement is in relation to the requirement for resource consent.²⁵ Housing affordability issues are complex, with many potential mechanisms to address affordability being beyond the realm of a District Plan. **What is within the influence of the District Plan, is where the highest densities are enabled, to what spatial extent, and the appropriate design controls to ensure matters of quality, not just quantity, are well addressed.**²⁶
- (f) Implementation of the MDRS requires inclusion of a number of objectives and policies prescribed in Schedule 3A of the RMA,²⁷ seeking to provide a well-functioning urban environment, enable a variety of housing types with a mix of densities, and enable housing to be designed to meet the day-to-day needs of residents.
- (g) Specifically, and consistent with the requirements of the MDRS, PC14 introduces new objectives and policies into the CDP, including:
 - 3.3.7 Objective – a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health as safety, now and into the future...

²³ PC14 Public Notice dated 17 March 2023 records under 'Changes we are proposing to the Christchurch District Plan' at v: "*changes to zoning and associated policies and rules for some industrial areas located within walking distance of the central city and the introduction of a brownfield overlay for some industrial areas with walking distance of large commercial centres. ...*"

²⁴ Section 32 report, Part 1, Introduction, Issues and Strategic Direction at paragraph 2.3.2.

²⁵ Section 32 report, Part 1, Introduction, Issues and Strategic Direction at paragraph 2.3.3.

²⁶ Section 32 report, Part 1, Introduction, Issues and Strategic Direction at paragraph 3.2.12.

²⁷ See Objective 1, Policies 1 and 4, Schedule 3A, RMA

(h) In my submission, that is critical to the assessment of scope. The objectives of a plan change play a fundamental role in setting the scope of that plan change and the matters which ought to be addressed in the section 32 assessment. The provisions advanced must be the most appropriate to achieve the objectives, having been assessed against other reasonably practicable options.²⁸ They must also meet the statutory requirement to give effect to the NPS-UD.

27 I submit that the relief sought can be considered within the scope of PC14 because:

(a) PC14 includes rezoning of other industrial land in accordance with s80E; and

(b) The relief sought by Miles would make an important contribution to housing capacity and choice in this location that would:

(i) incorporate the MDRS, and support the MDRS objectives and policies contained in Schedule 3A; and

(ii) is the most appropriate to achieve the new objectives introduced by PC14.

28 In my submission, these factors are also relevant to the issue of prejudice to would be submitters. Affected parties (if any) have had the opportunity to comment on the proposed rezoning by way of further submission.²⁹

Merits of the rezoning

29 Miles seeks to rezone approximately 8 hectares of the Miles Site, on the Avonhead Road side of the Site, to MDR. As set out in the evidence for Miles, this land is suited to residential zoning for a number of reasons, including:

(a) Compatibility with the surrounding Rural Urban Fringe and Residential Guest Accommodation zoning, and activities enabled within the Industrial Park (Memorial Avenue) Zone;³⁰

²⁸ Section 32(1)(b)

²⁹ *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290 at [90]; *Clearwater Resort Limited v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

³⁰ Statement of Evidence of Fiona Aston dated 20 September 2023, at [29] – [30], and [63]

- (b) Compatibility with existing suburban scale residential development on Avonhead Road, opposite the Site, notwithstanding its current zoning as Rural-Urban Fringe;³¹
- (c) Its proximity to employment hubs, including the airport, Wairakei/Roydvale business park, and accessibility to the central city;³²
- (d) The site is already zoned for urban use and has been the subject of significant technical investigation through the Replacement District Plan zoning process, and more recently in preparation of applications for subdivision across the wider Miles Site;³³
- (e) The roading and intersection design within the proposed (revised) Outline Development Plan is appropriate for the intended traffic generation, which will be less under the requested MDR zoning than under the current Industrial Park zoning;³⁴ and
- (f) Residential zoning will enable provisions of housing capacity and support a well-functioning urban environment.³⁵

National Policy Statement for Urban Development

30 PC14 seeks to align the CDP with government direction in the NPS-UD and the Amendment Act, to enable more housing choice and provide greater opportunities for business development.

31 The evidence for Miles is that, within north-west Christchurch:

- (a) Households are predominantly single family households, with a higher than average number of persons per household, higher than average medium age, and higher than average household income;³⁶
- (b) Demand is primarily for single story stand-alone houses, which are currently predominantly delivered through greenfield subdivisions rather than intensification;³⁷

³¹ Statement of Evidence of Fiona Aston dated 20 September 2023, at [29] and [63]

³² Statement of Evidence of Fiona Aston dated 20 September 2023, at [30]

³³ Statement of Evidence of Fiona Aston dated 20 September 2023, at [26]-[27], and [64]

³⁴ Statement of Evidence of Fiona Aston dated 20 September 2023, at [65]

³⁵ Statement of Evidence of Fiona Aston dated 20 September 2023, at [71]

³⁶ Statement of Evidence of Jonathan Manns dated 26 September 2023, at [12] and Appendix 1, section 2.4

³⁷ Statement of Evidence of Michael Blackburn dated 25 September 2023, at [13] – [14]

- (c) Greenfield subdivisions in the north-west are nearing full development, and there is now only approximately three years worth of housing supply remaining within these subdivisions;³⁸
 - (d) Remaining vacant residentially zoned land is primarily held in small parcels, which will not provide master-planned strategic or significant development capacity.³⁹
- 32 Enabling residential development within the Miles site will assist in achieving the NPS-UD direction to have or enable a variety of homes that meet the needs, in terms of type, price, and location, of different households (Policy 1). The evidence for Miles is that this development can occur in a way that achieves a well-functioning urban environment and will not result in adverse airport noise or reverse sensitivity effects.

Regional Policy Statement

- 33 The CRPS relevantly provides direction that:
- (a) Development is in accordance with Map A. Map A shows the Miles site as a greenfield business area.
 - (b) That noise sensitive activities are avoided within the 50dBA airport noise contour. It is accepted that the rezoning of the Miles Site within the 50dBA contour is not consistent with the current CRPS in this regard.
- 34 In our submission, in considering the submission seeking rezoning of part of the Miles Site, more weight should be given to the NPS-UD than the CRPS for the following reasons:
- (a) As a higher-order document, achieving the NPD-UD direction for provision of a well-functioning urban environment, including provision of housing supply (as set out above), should prevail;
 - (b) The rigid Map A approach is inconsistent with the NPS-UD direction for responsive planning (Policy 8 and Implementation Clause 3.8);
 - (c) Notification of a new CRPS is anticipated for the end of 2024. As the Panel will be aware, any new CRPS will be subject to the Schedule 1 procedure and appeals. Waiting for the CRPS review is not an appropriate or sufficient response in the context of the NPS-UD;

³⁸ Statement of Evidence of Michael Blackburn dated 25 September 2023, at [15] – [16]

³⁹ Statement of Evidence of Jonathan Manns dated 26 September 2023, at [16] and Appendix 1, section 4

- (d) The CRPS itself already contains exceptions to the airport noise contour on the basis of development needs (at Kaiapoi);⁴⁰
- (e) Expert evidence establishes that the 50dB contour, as contained in the CRPS, is unnecessarily restrictive.⁴¹

Conclusion

- 35 Application of an AN-QM at the 55 dB contour, with provision for residential development within the 55 – 65 dB contours, is supported by expert evidence with respect to both health and amenity of residents and potential reverse sensitivity effects on the airport; is consistent with the policy direction in the CRPS and CDP; and is consistent with the national and international guidance and approach to management of airport noise effects and land use planning. It is the most appropriate option, particularly in the context of national direction through the MDRS and NPS-UD to enable housing capacity.
- 36 The Miles Site is ideally suited to greenfield residential development, given surrounding land uses, proximity to employment centres, transport connectivity and servicing. Potential adverse effects associated with airport noise can be appropriately managed. Residential development would assist in achieving the NPS-UD direction for a well-functioning urban environment, including by enabling a variety of homes that meet the needs, in terms of type, price, and location, of different households.

Dated 16 April 2024



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⁴⁰ Policy 6.3.5.4 of the CRPS

⁴¹ Evidence of Prof. John-Paul Clarke at [96] – [101]. See also the advice of members of the Airport Noise Contour Review Independent Expert Panel supporting a 55dB contour, as referred to in the evidence of Fiona Aston at [9].