

**BEFORE THE INDEPENDENT HEARINGS PANEL
OF CHRISTCHURCH CITY COUNCIL**

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

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of Proposed Plan Change 14 ("**PC14**") to the
Christchurch City Plan ("**District Plan**")

**SUBMISSIONS ON BEHALF OF
NEW ZEALAND AIRPORTS ASSOCIATION INCORPORATED**

17 APRIL 2024

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1. SUMMARY

- 1.1 New Zealand Airports Association Incorporated ("**NZAA**") is the industry association for New Zealand's airports and related businesses. Members of NZAA operate 46 airports across the country, including both the international gateways to New Zealand and the domestic airports comprising the national air transportation network.
- 1.2 These airports, including Christchurch Airport, are infrastructure assets of national and regional significance which play a crucial role in the economic and social wellbeing of our communities. They have a strong multiplier effect on the economies they serve, enabling the development of additional industry and employment in their respective regions.
- 1.3 NZAA supports the identification of the Airport Noise Influence Area as a qualifying matter in the notified version of PC14 ("**Airport Noise QM**"). NZAA also supports the relief sought by Christchurch International Airport Limited ("**CIAL**") to limit the potential for residential intensification through this plan change to a "pre-PC14" state in areas which will be subject to projected levels of airport noise of 50dB LdN or greater, and that those areas should be based on the spatial extent of the remodelled 2023 contours.
- 1.4 Including the Airport Noise QM in the District Plan is the most appropriate way to achieve the sustainable management purpose of the RMA, provide healthy and high amenity living environments for residents within proximity to the Airport, and ensure the ongoing safe and efficient operation of nationally significant infrastructure in the Christchurch District.

2. IMPORTANCE OF NOISE CONTOURS

- 2.1 Noise contours are a critical planning tool for airports around New Zealand to manage adverse effects of noise sensitive activities (such as housing) locating in proximity to essential airport infrastructure. NZAA supports the application of qualifying matters to limit intensification in aircraft noise contours.
- 2.2 It would be contrary to planning standards and best practice (including the New Zealand Standard 6805:1992 "Airport Noise Management and Land Use Planning") to intensify housing in areas within an airport's noise contours due to the health and amenity risks to sensitive receivers from living in a high noise environment, and the real risk of reverse sensitivity effects.

- 2.3 Reverse sensitivity is a well-established legal concept. It is an adverse effect under the RMA.¹ It refers to the susceptibility of lawfully established activities and/or infrastructure (which cannot internalise all their effects) to adverse effects arising from a conflict with a new land use that is sensitive to the existing activities. Reverse sensitivity effects can place significant constraints on the ongoing use and operation of lawfully established activities, as well as their potential for growth and development in the future.
- 2.4 Enabling the development of sensitive activities near airports will increase the number of people exposed to high levels of aircraft noise, thereby increasing the potential for complaints about that airport's operations. This in turn has significant implications for critical transport and freight connections and an airport's ability to contribute to local and regional economies, particularly in New Zealand's tourism and trade sectors.

3. NOISE CONTOURS AS A QUALIFYING MATTER

- 3.1 Under sections 771(e) and 770(e) of the RMA, a qualifying matter includes "a matter required for ensuring the safe and efficient operation of nationally significant infrastructure". Christchurch Airport is nationally significant infrastructure.² Matters which ensure the safe and efficient operation of Christchurch Airport are clearly qualifying matters.
- 3.2 The Council's discretion to incorporate the Medium Density Residential Standards ("**MDRS**") and Policy 3 of the National Policy Statement on Urban Development 2020 into its District Plan is expressly subject to an ability to make those requirements less enabling of development where a qualifying matter applies.³
- 3.3 The Select Committee Report on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill also expressly recognised that airport noise effects areas can be a qualifying matter:⁴

[...] the qualifying matters set out in new section 77G include a matter of national importance and a matter required to ensure that nationally significant infrastructure operates safely or efficiently, and avoid reverse sensitivity concerns. This could include ensuring

¹ *Affco New Zealand v Napier City Council* NZEnvC Wellington W082/2004, 4 November 2004 at [29] as cited in *Tasti Products Ltd v Auckland Council* [2016] NZHC 1673 at [60].

² See the definitions in section 1.4 of the National Policy Statement on Urban Development 2020. RMA, ss 771 and 770.

⁴ Report of the Environment Committee *Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill*, December 2021, page 15.

residential housing is safely set back from high voltage transmission lines, **and other infrastructure such as airport noise areas, in order to avoid reverse sensitivity concerns.**

(emphasis added)

4. CONCLUSION

4.1 In our submission, the inclusion of the Airport Noise Influence Area as a qualifying matter, based on the remodelled 2023 contours, is reasonable and appropriate and clearly aligns with the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act.

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