

Before an Independent Hearings Panel  
appointed by Christchurch City Council

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*under:* the Resource Management Act 1991

*in the matter of:* the hearing of submissions on Plan Change 14 (Housing  
and Business Choice) to the Christchurch District Plan

*and:* **Christchurch International Airport Limited**  
Submitter 852

Rebuttal evidence of Darryl Millar (planning)

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Dated: 9 October 2023

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## **REBUTTAL EVIDENCE OF DARRYL MILLAR**

- 1 My full name is Darryl Kenneth Millar. I am a Director and Principal Planner with Resource Management Group Limited (*RMG*), a planning consultancy practicing in Christchurch, Nelson, New Plymouth and Wellington.
- 2 I provided a statement of evidence in relation to the relief sought by Christchurch International Airport Limited (*CIAL*) on proposed Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan (*PC14*) dated 20 September 2023 (*primary evidence*). My experience and involvement with CIAL are set out in my primary evidence and I do not repeat those here.

### **CODE OF CONDUCT**

- 5 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with it in preparing my evidence on technical matters. I confirm that the technical matters on which I give evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed.

### **SCOPE OF EVIDENCE**

- 6 My rebuttal evidence responds to the brief of evidence from **Mr Matthew Lindenberg** on behalf of Kāinga Ora Homes and Communities. In summary, my rebuttal evidence addresses:
  - 6.1 The approach to interpreting Canterbury Regional Policy Statement (*CRPS*) Policy 6.3.4 and the methods required to be implemented by territorial authorities;
  - 6.2 The CRPS review, sequencing, and alignment with PC14; and
  - 6.3 The recommended planning approach.

### **RESPONSE TO MR LINDENBERG**

#### **Canterbury Regional Policy Statement – Policy 6.3.5**

- 7 At paragraph 4.5(c) of his evidence Mr Lindenberg comments on the identified methods listed in the CRPS to implement policy 6.3.5. Specifically, he refers to method 2 and notes that:

*The identified 'methods', relevant to territorial authorities, which flow from the above direction set out in Policy 6.3.5 of the CRPS,*

*specifically states that objectives, policies and rules will be included in District Plans to **manage** (but not specifically to "avoid") reverse sensitivity effects between strategic infrastructure and subdivision, use and development, including for residential and rural-residential activities.*

- 8 I do not agree with Mr Linderberg's interpretation for two reasons.
- 9 First, there are two methods listed in the CRPS which implement the stated outcomes sought in the policy. Method 2 listed by Mr Lindenberg relates, in my view, to clause 5 of the policy which refers to "*managing effects of land use activities on infrastructure, including by avoiding...*", and thus does not relate to Christchurch International Airport (the *Airport*) avoid component of clause 4. I note, however, that if I am incorrect about this, clause 5 of the policy clearly states that "manage" includes avoidance.
- 10 Second, the CRPS also includes method 1 which reads:
- Include in district plans objectives, policies and rules (if any) to give effect to Policy 6.3.5*
- 11 This is a mandatory requirement for territorial authorities as the CRPS states that they "will" do this, as they must with method 2. Within this context, and with reference to clause 4 of the policy, my opinion is that there is a clear requirement for the Council to include (and also consider) the avoidance outcomes sought by the stated method.
- 12 Overall, the policy and the stated directions go beyond just managing effects, as is suggested by Mr Lindenberg.

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

- 13 At paragraphs 6.5 and 6.6 Mr Lindenberg discusses the currently understood programme for the CRPS review (notification late 2024) and considers that it is inappropriate to include the 2023 remodelled contours (*remodelled contours*) into the District Plan via PC14 ahead of the CRPS review. Specifically at paragraph 6.6 he comments:

*In light of the above, I am 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. Instead, I consider that any such updated contours would first need to be considered, assessed and confirmed through the currently scheduled review of the CRPS. Once this process has been completed, with any updated noise contours incorporated through the review of the CRPS, I then consider it would be appropriate to seek to incorporate any updated noise*

*contours into the District Plan – via a future, separate, plan change process.*

- 14 I disagree with Mr Lindenberg’s perspective on this issue. In my opinion there are strong planning reasons for including a qualifying matter (QM) in the District Plan based on the remodelled contours ahead of the CRPS review; noting that the outcome being sought in CIAL’s submission is to insert a QM, not to insert the remodelled contours per se. This is a subtle, but important difference given that the process we are currently engaged in provides for such QM’s to be considered.
- 15 Should a QM not be inserted into the District Plan (in full or part), then this will enable development to proceed under medium density residential standards (MDRS), thereby exposing people and communities to aircraft noise that could result in adverse amenity and reverse sensitivity effects. By development I mean more than the physical establishment of multi-unit complexes, but also future development opportunities that could be secured through obtaining certificates of compliance and/or resource consents that would potentially lock in significant development opportunities. Once residential development is established, or the right to develop is obtained, it is simply not possible to wind back from this. Within this context, I have taken a strategic view on this issue and in my opinion it is more appropriate to be conservative now and restrict intensification pending completion of the CRPS review process.
- 16 This approach means a two-year period where intensification is potentially on hold. The alternate approach recommended by Mr Lindenberg proposes the opposite; where a two-year period could enable intensification beneath the remodelled contour. On balance I prefer a conservative approach with the option of pursuing a plan change (if required) once the CRPS review is settled.
- 17 Finally, I do not consider that adopting a QM will jeopardise, or impact on the integrity of, the CRPS review process that will follow. Moreover, as I have discussed in my primary evidence (paragraph 44-46), I do not agree with Mr Lindenberg that this approach is contrary to the CRPS.

### **Recommended Planning Approach**

- 18 In section 8 of his evidence, and in Attachment B (Chapter 6 only), Mr Lindenberg provides recommendations for rule amendments affecting sensitive activities in proximity to the Airport. In summary this includes permitted activity standards for noise sensitive activities within the 55dBA contour with no specific restrictions on density, and no density standards with permitted activity standards for sensitive activities/residential units within the operative 50dBA contour.

- 19 If I have understood Mr Lindenberg's approach correctly this proposal would amount to the full application of MDRS beneath the existing operative contours, with no recognition of the remodelled contour. For reasons outlined in my primary evidence and where relevant as discussed above, I do not support this approach. I note also that it amounts to a significant relaxation of the existing District Plan standards currently applying beneath the operative contour.

**Darryl Millar**

**9 October 2023**