

Before an Independent Hearings Panel  
appointed by Christchurch City Council

---

*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

Statement of Evidence of Darryl Millar (planning)

---

Dated: 20 September 2023

---

Counsel: A M Lee (annabelle.lee@chapmantripp.com)  
J M Appleyard (jo.appleyard@chapmantripp.com)

chapmantripp.com  
T +64 3 353 4130  
F +64 4 472 7111

PO Box 2510  
Christchurch 8140  
New Zealand

Auckland  
Wellington  
Christchurch



## STATEMENT OF EVIDENCE OF DARRYL MILLAR

### INTRODUCTION

- 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. I am based in the Christchurch office.
- 2 I have 40 years' experience in planning and resource management and am an accredited (and practicing) Hearing Commissioner. My time has been spent with a large urban-based territorial authority and with two planning consultancies. I have been with RMG since early 2001.
- 3 In general terms I manage the planning and resource management inputs into a large number of consenting and policy development projects. My work involves the assessment and preparation of Plan variations and changes, preparation of resource consent applications, notices of requirements and the associated assessments, policy formulation and related evidence and hearing fixtures. A focus of my experience has been with the RMA/planning processes facing infrastructure and utility providers. This includes Waka Kotahi, Orion New Zealand Limited, MainPower New Zealand and several local authorities.
- 4 In the last two years I have assisted Christchurch International Airport Ltd (*CIAL*) with the provision of planning services. This has included obtaining planning/RMA approvals for a range of on-campus development projects. I have also assisted CIAL with its planning responses to variations proposed by the Selwyn District Council (*SDC*) and the Waimakariri District Council (*WDC*), and proposed Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan (*PC14*), which addressed those Councils' duties under the Enabling Housing Supply and Other Matters legislation. This involved policy assessment and effects assessments associated with the potential residential intensification beneath Christchurch International Airport's (*Airport*) 50dB Ldn Air Noise Contour.
- 5 Given this, I am familiar with the Airport's operational characteristics and the planning framework supporting the noise contours.
- 6 Finally, in my role as an Independent Planning Commissioner, I was appointed by the WDC to hear and decide Plan Change 45 (Rangiora Airfield). The Plan Change proposed to insert new Plan provisions dealing with noise contours, take off and approach obstacle limitation surfaces (runway ends and side), and related objectives

and policies. There was also a related Notice of Requirement to designate land.

- 7 I have been authorised by CIAL to provide evidence in relation to its submission and further submission on PC14.

#### **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 AND THE CORE ISSUES**

- 6 My evidence considers all of the submissions of CIAL on PC14. By way of summary, CIAL submitted on the following elements of PC14 to the District Plan:

- 6.1 The Planning Maps;
- 6.2 Chapter 3 Strategic Directions;
- 6.3 Chapter 6.1A Qualifying matters;
- 6.4 Chapter 8 Subdivision – rules;
- 6.5 Chapter 14 Residential – objectives, policies and rules;
- 6.6 Chapter 15 Commercial – rules;
- 6.7 Chapter 13 Specific Purpose (School) and Specific Purpose (Tertiary Education) – rules; and
- 6.8 Chapter 6 Scheduled Activities.

- 7 CIAL also lodged numerous further submissions. They fundamentally relate to the core topics covered in this evidence and, therefore, I do not propose to comment specifically on them. I have, however, prepared a table summarising CIAL’s further submissions, the relevant original submission, and the s42A report recommendations. The table is extensive and for that reason I have not included it with my evidence. I can supply the table to the Hearings Panel if it would assist.

- 8 I discuss each original CIAL submission in more detail, outline the s42A reporting recommendations, and provide my assessment and recommendations later in my evidence.
- 9 The fundamental purpose of the submissions on PC14 largely stem from a single overarching issue; being the proposal for a qualifying matter that maintains development potential to a “pre-PC14” state for land beneath the recently remodelled 50dBA Ldn Air Noise Outer Envelope contour (*Remodelled Contour*). The reasons for this status quo approach are outlined in detail in a s77k report that I prepared in July 2022<sup>1</sup>. For the purpose of the submission and this evidence the remodelled contour will be referred to as the “Airport Noise Influence Area Qualifying Matter” (*Qualifying Matter*).
- 10 While the s77K report predated notification of PC14 earlier this year and used a version of the then remodelled Annual Average contour, the findings and conclusions remain valid in my view.
- 11 In summary the report found:
- 11.1 Christchurch Airport is nationally significant infrastructure and fulfils an important role in domestic, national and international passenger and freight services;
  - 11.2 The timing and frequency of international air services are often beyond the control of the Airport; being dictated by other parties (slot taker restrictions);
  - 11.3 As the Airport operates 24/7 without curfew or capacity constraint, it is a significant contributor to the national and regional economy;
  - 11.4 The reports supporting the S77K assessment (Airbiz, Paling Consulting):
    - (a) note the significance and importance of Christchurch Airport in international and domestic passenger travel and freight movements, and the interconnectivity between domestic and international networks;
    - (b) highlight the commercial international passenger “slot taker” restrictions and the significance of the domestic multi modal night-time freight network;
    - (c) identify the risk to Airport operations from reverse sensitivity effects that could lead to constraints on

---

<sup>1</sup> The s77k report and Appendices were included in the package of s32 reports that were notified with PC14 and can be found here <https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/changes-to-the-district-plan/proposed-changes-to-the-district-plan/pc14/>

Airport operations. This includes 5 international case studies illustrating the adverse results arising from a lack of or late adoption of safeguarding principles;

- 11.5 The Property Economics report identifies the risks that constraints on Airport operations poses to the economic wellbeing of Canterbury and the South Island;
- 11.6 Tying these themes together, the Marshall Day Acoustics (*MDA*) report identifies the amenity impacts that arise from noise exposure for sensitive activities within a 50dB Ldn Air Noise Contour, and the increasing annoyance level trend for those living in such locations;
- 11.7 The current regional and district planning regime provides a clear and coherent policy platform built on the above, and seeks to avoid sensitive activities within the 50dB Ldn contour as this:
  - (a) recognises the social and economic importance of the Airport, and the need to integrate land use development with infrastructure;
  - (b) seeks to avoid incompatible activities within the 50dB contour which may result in reverse sensitivity effects on the Airport;
  - (c) recognises that it should not be compromised by urban growth and intensification; and
  - (d) enables the Airport's safe, efficient and effective operation and development.
- 12 Overall, exposure of people and communities to the adverse effects of aircraft noise can then result in complaints and pressure to reduce airport operations (for example, via imposition of a night-time curfew) and other adverse reverse sensitivity effects on Airport operations.
- 13 Those reverse sensitivity effects could significantly impact upon the efficient operation of the Airport. This is a matter which is largely tied to residential density, as allowing more people to establish homes or other sensitive activities within the areas where they may be exposed to aircraft noise of 50dB and above would correspondingly increase the risk of adverse reverse sensitivity effects which inhibit Airport operations.
- 14 Given this, the overall conclusion of that report was that PC14 should include alterations to the MDRS to accommodate the airport

noise qualifying matter, with retention of existing zonings, density standards and development controls.

15 I note for completeness that additional evidence is presented at this hearing that is complimentary to the above conclusions. I refer to this in my evidence, where relevant. This includes the evidence of:

15.1 **Gary Sellars** (Housing Capacity);

15.2 **Sebastian Hawken** (Aviation);

15.3 **Natalie Hampson** (Economics);

15.4 **Chris Day** (Acoustics); and

15.5 **Laurel Smith** (Acoustics).

16 Given the broad scope of the submissions and relief sought, and the staggered hearing streams, I have structured the balance of my evidence as follows:

16.1 Part One – Background;

16.2 Part Two – The policy framework, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act, and the NPS-UD;

16.3 Part Three – The CIAL submissions; and

16.4 Part Four – The s42A reports and my assessment.

17 In preparing my evidence, I have reviewed and considered the following:

17.1 The evidence listed above in paragraph 15;

17.2 Sarah Oliver – s42A report;

17.3 Ike Kleynbos – s42A report;

17.4 Clare Piper – s42A report;

17.5 Ian Baylis – s42A report and

17.6 The “Plan Change 14 Provisions – updated”.

### **SUMMARY**

18 It is my view that the Remodelled Contour can be included in the District Plan as an existing qualifying matter.

- 19 Related to this, the status quo District Plan development conditions should be retained. I have highlighted in my evidence where these changes are required.
- 20 There is policy support for this approach and the evidence of CIAL's witnesses highlight the effects issues that may arise for the Airport and for people and communities if this does not occur.
- 21 Overall, the proposed MDRS can be considered as the antithesis of the provisions that unpin the current planning regime designed to achieve appropriate amenity outcomes for residents beneath the contours and to ensure effective and efficient operation of the Airport. As a result, it is appropriate to make the MDRS less enabling within the Remodelled Contour by way of an airport noise qualifying matter.

### **PART ONE: BACKGROUND**

- 22 Policy 6.3.11(3) of the Canterbury Regional Policy Statement prescribes a process for undertaking remodelling of the Christchurch Airport air noise contours. **Ms Smith's** evidence outlines the processes that have been completed. My understanding is that the CIAL independent experts and the ECan independent expert review panel have agreed on the technical modelling inputs and assumptions. In short, this has enabled a final set of updated remodelled contours to be prepared. In terms of the 50 dBA noise contour two models have been produced; being:
- 22.1 An Annual Average (AA) contour; and
- 22.2 An Outer Envelope (OE) contour.
- 23 The evidence of **Ms Smith** describes the difference between the two. I rely on the evidence of **Ms Smith** where it is stated (paragraphs 9 and 60) that the OE "*provides a technically robust and up-to-date identification of the location of future aircraft noise exposure above 50 dB L<sub>dn</sub>...*".
- 24 I note also that, in a general sense, the OE is spatially more extensive than the AA (and the operative contour currently shown on the planning maps in the District Plan). By way of an introductory comment, my view from a planning perspective, is that it is correct to use the most spatially extensive contour indicating where people and communities may be exposed to noise levels of 50dBA and above as a measure for determining the application of development provisions less enabling than those anticipated by the medium density residential standards (*MDRS*) under the Resource Management (Enabling Housing Supply and Other Matters) legislation. This is based on my review of CIAL's other expert evidence, as I explain below.

- 25 A table to be attached to CIAL's legal submissions will provide a timeline of the contour review process relative to the PC14 process that originally commenced in 2022. The key point to note here is that the PC14 processes started ahead of the aforementioned remodelling work being completed. This created somewhat of a conundrum for both CIAL, and the CCC, with respect to what a qualifying matter may look like including its spatial extent – in other words the AA, the OE, the operative District Plan contour, or nothing at all.
- 26 The July 2022 s77k report referred to above was prepared to assist the CCC in making a decision on whether to include a remodelled contour as the qualifying matter, rather than defaulting to the operative District Plan contour or not including a qualifying matter at all. At that time, the ECan expert panel review had not been completed. Within this context the s77k report relied on the modelling that had been completed by CIAL's experts to date. Moreover, it used the AA model as the base for assessment. The AA was chosen as it generally resembled the operative District Plan contour, and as initial engagement with the CCC (and Waimakariri District) resulted in significant negative feedback on the potential use of the more spatially extensive OE. The real risk facing CIAL at that time was that if the Council did not agree to the inclusion of a qualifying matter in PC14, then the immediate effect of the MDRS provisions would enable intensification to proceed in areas where exposure to noise levels of 50dBA and above could occur. Ultimately, however, this situation has not arisen given the Council's decision not to proceed with PC14 at its August 2022 meeting and ultimately the inclusion of a recession plane qualifying matter in the notified version (March 2023) of the revised PC14. CIAL of course, could not have predicted those events.
- 27 Finally, by way of background, I wish to highlight that despite the AA being used for the s77k report, it was stated at paragraph 11 that:
- It needs to be acknowledged, however, that should the ECan Review Panel recommend the Outer Envelope contour be used for land use planning, or a combination of the Outer Envelope and Annual Average, then a submission on Plan Change 14 will be required in order to give the Hearings Panel scope to confirm the correct contour and qualifying matter within the District Plan. It is accepted that this it is not an ideal situation, but it is, unfortunately, a product of the programming of both Plan Change 14 (as directed by legislation) and the timing of the review of the contours.*
- 28 While the ECan Review Panel did not recommend one contour over the other, CIAL's submissions on PC14 sought that the spatial extent of the Qualifying Matter be the combined outer extent of the operative contour, the remodelled AA and the remodelled OE. The



spatial extent of these contours are illustrated in the map attached as Appendix A to the submission.

- 29 As signalled above, I am comfortable with this approach. That said, I understand that CIAL has considered whether it is appropriate for the Qualifying Matter to include land that is located outside of the Remodelled Contour but within the operative District Plan 50dBA Ldn contour as shown on the Planning Maps. There are two occurrences where the Remodelled Contour steps inside the operative District Plan contour; being land west of Hei and Islington, and land west of Casebrook, Northwood and Belfast. Given that the Remodelled Contour represents the best technical advice as to aircraft noise levels, and given the operative contour will remain in the District Plan, I do not see a need to extend the Qualifying Matter over these areas.

**PART TWO: THE POLICY FRAMEWORK, THE RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT ACT 2021, AND THE NPS-UD**

**Introduction**

- 30 In this section of my evidence, I provide my opinion on the application of the policy frameworks of the Canterbury Regional Policy Statement (*CRPS*), the Christchurch District Plan (*CDP*) and the National Policy Statement on Urban Development (*NPS-UD*); and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. The assessments are in no particular order as the framework in its entirety is important context for consideration of CIAL's submissions.
- 31 I am mindful that the CRPS pre-dates the NPS-UD and the Enabling Housing Supply legislation. This does not mean that the CRPS should be ignored or discounted in favour of the other higher order documents. Rather it means that an assessment is required to consider application, relevance and how the documents can best be reconciled, where appropriate.

**Canterbury Regional Policy Statement (CRPS)**

- 32 The Airport is defined, and specifically listed, as "regionally significant infrastructure" and "strategic infrastructure" in the CRPS. The definition of "strategic infrastructure" notes that it includes "facilities, services and installations which are greater than local importance, and can include infrastructure that is nationally significant".

- 33 The term nationally significant infrastructure is not defined in the RMA or in the CRPS, but is defined in the National Policy Statement on Urban Development (NPS UD)<sup>2</sup>, and includes:

*any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers.*

- 34 On this basis it is clear that Christchurch Airport is infrastructure that is nationally significant.

- 35 Chapters 5 and 6 of the CRPS establish a policy framework recognising this importance and the need to ensure appropriate integration of new development with infrastructure and the avoidance of reverse sensitivity effects.

- 36 Chapter 5 deals with land use and infrastructure. **Objective 5.2.1(f)** and **(g)** requires that development is located and designed so that it functions in a way that:

*enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:*

...

- f. is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;*
- g. avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure...*

- 37 **Objective 6.2.1** (Recovery Framework) reads, in part:

*Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:*

...

- 10. achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;*
- 11. optimises use of existing infrastructure...*

---

<sup>2</sup> NPS UD – Section 1.4 Interpretation.

- 38 The CRPS includes the operative Contour on Map A, but does not at this point include the Remodelled Contours. Relevant to this, **Policy 6.3.5(4)**, which implements **Objective 6.2.1**, specifically references the Contour and requires that new development should only be provided for if it does not affect the efficient operation, use, development, upgrading and safety of existing strategic infrastructure, *"including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28)..."*
- 39 **Policy 6.3.5(5)**, similarly, reads:
- Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.*
- 40 The 'Principal reasons and explanation' for **Policy 6.3.5** states (in part with my emphasis):
- "Strategic infrastructure represents an important regional and sometimes national asset that should not be compromised by urban growth and intensification... The operation of strategic infrastructure can affect the liveability of residential developments in their vicinity, despite the application of practicable mitigation measures to address effects... It is better to instead select development options ... where such reverse sensitivity constraints do not exist."*
- 41 There are two issues that arise from this:
- 41.1 what is the impact of the phrase "unless the activity is within an existing residentially zoned urban area" as used in Policy 6.3.5(4)? and
- 41.2 also, when considering policy 6.3.5(4), is the "avoidance" limited to the 50dBA Ldn airport noise contour shown on Map A?
- 42 With respect to the broader reference to *"existing residentially zoned urban area"* used in the policy, it is valid to consider how a district plan should give effect to the CRPS. Some guidance on this issue can be found in the earlier decisions of the Independent Hearings Panel (the *Panel*) appointed to consider the Replacement Christchurch District Plan. Overall, the Panel determined that, although there is no absolute direction in the CRPS to avoid any further noise sensitive activities in existing residentially zoned land within the Air Noise Contour, there is still a need to evaluate whether such activities should be avoided or restricted so as to give

proper effect to **Policy 6.3.5** and related CRPS objectives and policies.<sup>3</sup> The Panel recognised the need for an ongoing capacity to assess relevant reverse sensitivity and noise mitigation matters for residential intensification above a certain scale.<sup>4</sup>

- 43 Ultimately, the Panel determined that, for residential zones in the Christchurch District that sit within the Air Noise Contour, residential activities which do not meet permitted zone standards should have restricted discretionary activity status.<sup>5</sup> While this is a specific planning response for Christchurch City at that time, there is no reason why, in my view, the principle of the Panel's findings should not apply to the consideration of potential intensification that may be enabled under PC14. Given this, the direct impact of the Panel's assessment and decision was to reinforce the position that density (amongst other things) was a key matter to control in order to give effect to the CRPS. To further enable intensification beyond the current planning state of the District Plan is at odds with this finding.
- 44 With respect to the second issue, I am of the view that it is important to understand if there is a direct link to Map A in policy 6.3.5(4) when it references the 50dBA Ldn airport noise contour. In my opinion this is not the case. Policy 6.3.5(4) does not refer to the airport noise contour as shown on Map A. Rather, the reference in the policy is to the activities as shown on Map A. Given this, I consider it is arguable that a Council can insert a qualifying matter based on the Remodelled Contour into its District Plan that differ from those shown on Map A, and still be aligned with the CRPS. With this in mind I stress that the submission of CIAL is not seeking the inclusion of updated contours into the District Plan. Rather, the submission seeks the inclusion of a qualifying matter targeted at reducing intensification to status quo levels. This is entirely aligned with the avoidance outcomes sought by policy 6.3.5 when considered in the context of the IHP findings in 2015.
- 45 I note for completeness that Ms Oliver agrees with this approach<sup>6</sup>.
- 46 Overall, the policy thrust of the CRPS is clear, as it:
- 46.1 recognises the social and economic importance of the Airport, and the need to integrate land use development with infrastructure;

---

<sup>3</sup> Decision 10 Residential (Part), Independent Hearings Panel, 10 December 2015, at [195].

<sup>4</sup> Ibid, at [235].

<sup>5</sup> Ibid, at [237].

<sup>6</sup> Ms Oliver s42A report paragraphs 12.13-12.18.

- 46.2 seeks to avoid incompatible activities within the 50dBA contour which may result in reverse sensitivity effects on the Airport;
- 46.3 recognises that the Airport should not be compromised by urban growth and intensification; and
- 46.4 enables the Airport's safe, efficient and effective operation and development.

### **The Christchurch District Plan (CDP)**

- 47 The operative Christchurch District Plan contains a suite of provisions which aim to strike a balance between facilitating residential development and protecting the operations of the Airport as nationally significant infrastructure.

#### Strategic Directions

- 48 Chapter 3 (Strategic Directions) establishes the overarching direction for the District Plan and establish objectives that set the outcomes sought for the district. **Strategic Objective 3.3.12** (Infrastructure) recognises the benefits of strategic infrastructure, which is defined in the District Plan to include the Airport, and seeks to enable the Airport's efficient and effective development, upgrade, maintenance and operation. To achieve this, the objective identifies the need to protect Infrastructure from incompatible development and activities, including reverse sensitivity effects. Specifically, **Objective 3.3.12 (b)(iii)** directs that new noise sensitive activities should be avoided within the 50dB Ldn Air Noise Contour, except within existing residentially zoned areas and other locations specified in subclauses B-D. My view on the interpretation and application of this objective is the same as per my discussion on CRPS policy 6.3.5 above. I note, for completeness, that the Council's s42A reporting officers are not recommending changes to this provision, other than renumbering to 3.3.13. Specifically, the objective reads in part:

#### *3.3.12 Objective – Infrastructure*

- a. The social, economic, environmental and cultural benefits of infrastructure, including strategic infrastructure, are recognised and provided for, and its safe, efficient and effective development, upgrade, maintenance and operation is enabled; and*
- b. Strategic infrastructure, including its role and function, is protected from incompatible development and activities by avoiding adverse effects from them, including reverse sensitivity effects. This includes:*
  - i. ...*
  - ii. ...; and*

- iii. *avoiding new noise sensitive activities within the 50dB Ldn Air Noise Contour and the 50dB Ldn Engine Testing Contour for Christchurch International Airport, except:*
  - A. *within an existing residentially zoned urban area; or*
  - B. *within a Residential Greenfield Priority Area identified in the Canterbury Regional Policy Statement Chapter 6, Map A; or*
  - C. *for permitted activities within the Specific Purpose (Golf Resort) Zone of the District Plan, or activities authorised by a resource consent granted on or before 6 December 2013; and*
  - D. *for permitted, controlled, restricted discretionary and discretionary activities within the Specific Purpose (Tertiary Education) Zone at the University of Canterbury; and ...*

- 49 Related to this, **Objective 3.3.14** (Incompatible activities) recognises the need to control the location of activities to minimise conflicts, and to avoid conflicts where there may be significant adverse health, safety and amenity effects.

#### Residential Chapter

- 50 The residential zone policy framework recognises the need to protect strategic infrastructure from reverse sensitivity effects. Specifically, the following objective and policies are relevant:

##### *14.2.3 Objective - Strategic infrastructure*

- a. *Development of sensitive activities does not adversely affect the efficient operation, use, and development of Christchurch International Airport and Port of Lyttelton, the rail network, the National Grid and the identified 66kV and 33kV electricity distribution lines and the Heathcote to Lyttelton 11kV electricity distribution line, the state highway network, and other strategic infrastructure.*

##### *14.2.3.1 Policy - Avoidance of adverse effects on strategic infrastructure*

- a. *Avoid reverse sensitivity effects on strategic infrastructure including:*
  - i. *Christchurch International Airport;*
  - ii. *...*

##### *14.2.2.2 Policy - Recovery housing - higher density comprehensive redevelopment*

- a. *...*
- b. *To avoid comprehensive development under the Enhanced development mechanism in areas that are not suitable for intensification for reasons of:*
  - i. *vulnerability to natural hazards;*

- ii. *inadequate infrastructure capacity;*
- iii. *adverse effects on Character Areas; or*
- iv. *reverse sensitivity effects on existing heavy industrial areas, Christchurch International Airport, arterial traffic routes, and railway lines.*

- 51 **Policy 14.2.2.2** (relating to housing recovery and higher density development) directs that higher density comprehensive development should be avoided in areas that are not suitable for intensification for reasons of reverse sensitivity effects on Christchurch International Airport. **Objective 14.2.3** and associated **Policy 14.2.3.1** also generally direct that development of sensitive activities should not adversely affect the efficient operation, use and development of the Airport and that, accordingly, reverse sensitivity effects in particular are to be avoided.
- 52 As above, the Council's s42A reporting officers are not recommending changes to these provisions, other than renumbering objective 14.2.3 and related policy 14.2.3.1 to 14.2.4 and 14.2.4.1 respectively.
- 53 Finally, **14.2.3.2 Policy – MDRS Policy 2** recognises that MDRS should not be applied in all relevant residential zones where a qualifying matter is relevant. The policy reads:
- a. *Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).*

#### Commercial Chapter

- 54 The commercial zones anticipate a range of sensitive activities, including residential activities. Within this context, and as a range of commercial zones site beneath the Contours, the policy framework of the District Plan recognises the need to avoid sensitive activities in such locations. Specifically, **Policy 15.2.4.5(b)** reads:

*Provide for the effective development, operation, maintenance and upgrade of strategic infrastructure and avoid adverse effects of development on strategic infrastructure through managing the location of activities and the design of stormwater areas. This includes but is not limited to, avoiding sensitive activities within commercial zones located within the 50 dB Ldn Air Noise Contour and within the Lyttelton Port Influences Overlay Area.*

- 55 The updated provisions reflecting the Council’s s42A reporting officers report recommends that this part of the policy is relocated to new policy 15.2.4.6.<sup>7</sup>

**The National Policy Statement on Urban Development (NPS-UD)**

- 56 Christchurch Airport is defined as “nationally significant infrastructure” in the NPS-UD. **Clause 3.32** defines that a qualifying matter includes “any matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure”.
- 57 **Policy 3** establishes requirements for Plan enablement for intensification by way of building height and urban form density. **Policy 4** provides for modifications to building height or density requirements (as specified in subpart 6) under policy 3 to accommodate a qualifying matter.
- 58 In short, the NPS-UD identifies a pathway whereby intensification may not be appropriate in circumstances where a qualifying matter applies. In principle, in my view, this includes the need to ensure “the safe and efficient operation” of Christchurch Airport.

**Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021**

- 59 PC14 was notified to respond to the Council’s obligations under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the *Enabling Housing Act*) and the NPS-UD.
- 60 In summary, the Enabling Housing Act requires Council to apply medium density residential standards (MDRS) to relevant residential zones in order to enable residential intensification.<sup>8</sup> This has the potential to enable increased density of development on land under the OE, beyond that currently provided for in the District Plan. In many ways, the proposed MDRS are the antithesis of the provisions that unpin the current planning regime designed to achieve appropriate amenity outcomes for residents beneath the contours and to ensure effective and efficient operation of the Airport.
- 61 As noted earlier, the Council may make the standards less enabling of development (i.e. provide for density or building heights at a level lower than anticipated in the MDRS) in a particular area if necessary to accommodate a “qualifying matter”. In this case, the protection of residential amenity and airport operations can be considered as

<sup>7</sup> Amended via Plan Change 5B.

<sup>8</sup> Resource Management Act 1991, s77G: inserted by Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, s9.



an existing qualifying matter<sup>9</sup> required to ensure the safe or efficient operation of the Airport as nationally significant infrastructure.

- 62 There is no doubt in my view that the 50dBA Ldn airport noise contour as shown on the District Plan planning maps can be considered as an existing qualifying matter. The issue I have considered, however, is whether the spatial extent of this existing qualifying matter can be updated to reflect the remodelled OE. In summary, I believe that it can because the policy framework of the District Plan:
- 62.1 acknowledges the benefits of infrastructure and the need to recognise and provide for their safe, efficient and effective development (objective 3.3.12, objective 14.2.3 and policies 14.2.2.2, 14.2.3.1 and 15.2.4.5); and
  - 62.2 infrastructure is protected from incompatible development and activities by avoiding adverse effects from them (objective 3.3.12).
- 63 While there are places in the policy framework with references to the “50dB Ldn Air Noise Contour”, this is not a specific link to a line shown on the planning maps. Rather, it is a description of where there will be exposure to aircraft noise of 50dB or more. The Remodelled Contour provides the most up to date metric of where this will occur. Within this context, I am of the view that the updated OE should be considered as an existing qualifying matter.
- 64 Given this, the appropriateness (or otherwise) of including it as a qualifying matter needs to be considered within the context of s77K of the RMA. The July 2022 report which I have referred to (and referenced) earlier<sup>10</sup> provides this assessment. It is supported by a range of expert reports assessing:
- 64.1 Airport operations and airport safeguarding (Airbiz);
  - 64.2 Freight trends (Paling consulting);
  - 64.3 Economic significance and vulnerability (Property Economics);
  - 64.4 Noise effects (Marshall Day Acoustics);
  - 64.5 Land use planning (Marshall Day Acoustics);
  - 64.6 Caselaw extracts;

<sup>9</sup> An existing qualifying matter is a qualifying matter referred to in section 77I(a) to (i) that is operative in the relevant district plan – s77K(3).

<sup>10</sup> Paragraph 11 above.

- 64.7 Section 32 report (RMG); and
  - 64.8 Review of The Property Group Assessment of Housing Enabled (Colliers).
- 65 As I noted in my introductory comments, the overall conclusion of that report was that PC14 should include alterations to the MDRS to accommodate the airport noise qualifying matter, with retention of existing zonings, density standards and development controls.

### **PART THREE: THE CIAL SUBMISSIONS**

- 66 The CIAL submissions can be broadly grouped as follows:
- 66.1 General submissions seeking:
    - (a) the inclusion of an Airport Noise Influence Area Qualifying Matter;
    - (b) With the spatial extent of the qualifying matter reflecting the outer boundaries of the 2023 remodelled 50dBA Ldn Air Noise Outer Envelope contour; and
    - (c) Related amendments to planning maps, objectives policies and rules that would retain the operative District Plan zones and provisions;
  - 66.2 A minor amendment to **Strategic Objective 3.3.7**;
  - 66.3 Amendments to **Chapter 6.1A** (Qualifying Matters) to reflect the spatial extent of the remodelled OE, amendments to the way in which it is described, a minor rule correction and the addition of the commercial office zone to reflect its inclusion with the OE area;
  - 66.4 Amendments to **Chapter 8 Subdivision** rules to reflect the spatial extent of the remodelled OE;
  - 66.5 Retention of and/or minor amendments to stated **Chapter 14** Residential objectives and policies;
  - 66.6 Amendments to **Chapter 14** Residential Suburban and Residential Suburban Density Transition, and Future Urban, zone RD34 and RD26 rules;
  - 66.7 Amendments to the **Planning Maps** relating to the Residential New Neighbourhood Zone;
  - 66.8 Amendments to **Chapter 14** Future Urban Zone rule RD16:

- 66.9 Retention of **Chapter 14** Residential Large Lot zone rule 14.9.2.1.ix and related rule RD2;
- 66.10 Amendments to **Chapter 15 Commercial** zone(s) rules to reference the Airport Noise Influence Area Qualifying Matter;
- 66.11 Amendments to **Chapters 13.6 and 13.7** Specific Purpose (School) and Specific Purpose (Tertiary Education) zones to ensure that the alternate use rules retain the operative District Plan RS and RSDT zones where sites are located with the Airport Noise Influence Area Qualifying Matter; and
- 66.12 Amendments to **Chapter 6.5** Scheduled Activities to ensure that sites beneath the Airport Noise Influence Area Qualifying Matter retain the operative District Plan RS and RSDT zones.
- 67 When reviewing the s42A reports it was not entirely clear in each case as to the recommendations that were being made and, in those instances, I have relied on the updated Chapter provisions available on the Council's website. At the time of preparing this evidence updated planning maps were not available.
- 68 My comments above are not intended as a criticism. I am acutely aware of the scale of the work undertaken by Council staff in preparing PC14(s), the very broad scope and complexity of the issues facing them, the requirement to prepare all s42A reports on all topics at one time and, in some cases, the contentious nature of some matters. I want to also recognise the willingness of Council staff to directly engage on issues and clarify aspects of their s42A reports.

#### **PART FOUR: THE S42A REPORTS AND MY ASSESSMENT**

##### **The General Qualifying Matter Submission**

- 69 The CIAL submission sought the inclusion of an Airport Noise Influence Area Qualifying Matter that reflects the outer boundary of the 2023 remodelled 50dBA Ldn Air Noise Outer Envelope contour. The spatial extent of the proposed qualifying matter is as shown in Appendix A attached to the CIAL submission. Aligned with this, the submission sought the retention of the existing residential zones and status quo development conditions.

##### The Residential Zones (Outside of Riccarton)

- 70 This matter is dealt primarily on the s42A reports prepared by Ms Oliver and Mr Kleynbos. With respect to the residential zones generally, my understanding of their recommendation is:

- 70.1 Retention of the Operative District Plan zoning for all areas located within the Remodelled Contour, except for an area of land north and south of Riccarton Road (discussed below); and
  - 70.2 Deletion of references to the "Airport Noise Influence Zone QM" within the Residential Suburban and Residential Suburban Density Transition zones.
- 71 While the overall recommendation is to accept the Remodelled Contour as an existing qualifying matter and to retain the existing zones, the recommendation to delete the reference to the Airport Noise Influence Zone QM means:
- 71.1 that the existing airport specific rules for the RS, RSDT and Future Urban zones (restricted discretionary activity rules RD34 and RD26) would only apply to land that is located beneath the operative contour as shown on the planning maps and would not extend to the outer edge of the remodelled OE;
  - 71.2 this is, in effect, the status quo, and would continue to afford protection to the Airport in line with the CRPS and District Plan policy frameworks insofar as it relates to land under the operative District Plan contour;
  - 71.3 as the airport specific rules (RD34 and RD26) would not apply to the land located between the operative contour boundary and outer edge of the remodelled OE, there is no direct link to identifying the CIAL as an affected party for development of sensitive activities that do not comply with the zone provisions and require resource consent. The significance of this issue goes back to my earlier discussion on the decisions of the IHP for the Christchurch Replacement District Plan and their interpretation of CRPS avoidance policy 6.3.5;
  - 71.4 I acknowledge, however, that in those specific locations the provisions of the MDRS would not be enabled; and
  - 71.5 Overall, if I have understood the recommendations correctly, this leads to the potential establishment of two subtly different qualifying matters addressing Airport issues.
- 72 From my reading of the s42A reports, I understand that the reason for proposing different planning regimes for the operative District Plan noise contour and the full extent of the OE (the Remodelled Contour) is due to a scope concern. For reasons I have outlined earlier, concerning my view of what constitutes the "existing qualifying", I do not agree with that position. I recognise, however,

that a recent Environment Court decision<sup>11</sup> has also been referenced in the s42A reports as a contributing factor to the recommendations that have been made. I do not propose to comment on that further, other than to note that it is a matter for legal submissions.

- 73 Related to this, I am also uncertain as to how the “dual” (paragraph 71.5 above) qualifying matter approach will be annotated on the planning map as two notations would be required. This also has implications for how the qualifying matter is described in Chapter 6.1A – which I discuss below.
- 74 Overall, my view is that the approach recommended in the s42A reports is flawed, does not align with the CRPS and District Plan policy frameworks, and is inconsistent with the earlier decisions of the IHP for the Christchurch Replacement District Plan. As such, for reasons outlined in my earlier s77K report and in the evidence of **Ms Hampson** (economics), **Mr Sellars** (housing capacity) **Ms Smith** and **Mr Day** (Acoustics) and **Mr Hawken** (Aviation), the recommended proposal introduces risks to Airport operations and the potential adverse amenity outcomes for people and communities living beneath the OE. As a consequence, my view is that the Qualifying Matter should be confirmed as sought in the Airport’s submission.

#### Riccarton

- 75 At Riccarton, my understanding of the recommendation is:
- 75.1 land to the north of Riccarton Road (currently proposed as HRZ in the notified version of PC14) should be confirmed as HRZ with increased intensification provisions;
- 75.2 land to the south of Riccarton Road under the OE should be rezoned MRZ. It is currently proposed as a mix of MRZ and HRZ in the notified version of PC14. The justification for the downzoning is in recognition of the OE and that this land is currently zoned a mix of RMD and RSDT in the operative District Plan;
- 75.3 changes to the height standards at the Riccarton Town Centre zone would also enable further intensification, including residential activities. Approximately 50% of the Riccarton Town Centre zone is located beneath the OE;
- 75.4 land to the south of Riccarton Road outside of the OE should be zoned HRZ with increased density provisions; and

---

<sup>11</sup> *Waikanae Land Company v Heritage New Zealand Pouhere Taonga* [2023] NZEnvC 056.

- 75.5 further intensification by way of compensatory upzoning at upper Riccarton outside of the OE
- 76 Overall, the recommendations, if accepted, would enable residential intensification beneath the OE. This is particularly so for the proposed HRZ north of Riccarton Road and the Riccarton Town Centre Zone.
- 77 My understanding of the logic behind the recommendations is:
- 77.1 a general intensification outcome, although I note that Ms Oliver’s assessment in section 10.13 (Housing Demand) suggests that additional intensification enablement per se for long-term projected demand is unnecessary given the development capacity that already exists. This is a reflection of the strategic planning approach that has been implemented in Greater Christchurch. I do agree<sup>12</sup> in a general sense, however, that there may be circumstances where intensification in locations and/or to provide varied housing typologies would lead to better community outcomes and achieve “well-functioning urban environments”.
- 77.2 Achieving a critical mass of households in specific locations (i.e. Riccarton and westwards) to support a potential Mass Rapid Transport (MRT) system.<sup>13</sup> In population terms, Ms Oliver comments at paragraph 12.57 that some 1,500-2,000 additional households would be required in the general Riccarton (and westwards) location.
- 78 My reading of the s42A reports suggests that supporting MRT is the key driver for the zoning proposals at Riccarton. In doing so, Ms Oliver acknowledges that households living beneath the OE may experience reduced amenity through exposure to aircraft noise.<sup>14</sup> This will be balanced, however, by concentrating other areas of intensification outside of the OE.<sup>15</sup>
- 79 Riccarton is complex and there are clearly competing outcomes:
- 79.1 On one hand, a need to afford protection to the Airport as nationally significant infrastructure resulting from potential residential intensification (from within the residential zones and from within the Riccarton Town Centre zone), which is at

---

<sup>12</sup> Ms Oliver s42A report paragraphs 10.21-10.31 and at 11.1.

<sup>13</sup> Ms Oliver s42A report paragraphs 11.20-11.26 and 12.56-12.62.

<sup>14</sup> Ms Oliver s42A report paragraph 12.61.

<sup>15</sup> Ibid.

odds with the relevant policy frameworks and could result in adverse amenity impacts and reverse sensitivity effects; and

79.2 On the other, a general desire for intensification and a stated need by Council reporting officers to support MRT.

80 When considering these issues, I have referred to the evidence of:

80.1 **Mr Sellars** who concludes that:

- (a) The residential area north of Riccarton Road *"blends into the upmarket Fendalton suburb and is characterised by steady regeneration of older character homes into infill standalone townhouses and large residential dwellings on small sites. Good quality improved residential property in this area of Riccarton Central sells in a value range of between \$1.5m - \$4.0m."* Overall, in his opinion, this area *"has and will continue to exclude high density residential development in the foreseeable future in this location."*<sup>16</sup>;
- (b) Land south of *"Riccarton Road through to Blenheim Road is of significantly lower value in terms of residential building stock, where a substantial volume of medium density residential development has occurred, mostly comprising two level multi-unit residential apartments."*<sup>17</sup>;
- (c) Overall, *"this has resulted in the majority of medium density multi-unit development occurring in the block between Riccarton Road and Blenheim Road, and the block in the north eastern corner of Riccarton Central between Matai Street East and Riccarton Road between Hagley Park and South Island Main Trunk Railway Line."*<sup>18</sup>;
- (d) From his research, and when considering the impact of the Remodelled Contour, **Mr Sellars**<sup>19</sup> concludes that:
  - (i) *"Most of the MRZ land is located north of Riccarton Road in the area discussed earlier where a large proportion is situated within the Fendalton suburb and value levels are at a level*

<sup>16</sup> **Mr Sellars** evidence paragraphs 106 and 108.

<sup>17</sup> **Mr Sellars** evidence paragraph 107.

<sup>18</sup> **Mr Sellars** evidence paragraph 109.

<sup>19</sup> **Mr Sellars** evidence paragraphs 115 – 118.

*which essentially precludes medium density housing proposed by PC14. Accordingly, the imposition of the Remodelled Contour over this part of Riccarton Central in my opinion will have very limited impact on the loss of potential medium density housing;*

- (ii) *The area where medium density housing was likely to have occurred and has already started is in the block north of Riccarton Road, between the South Island Main Trunk Railway Line and Deans Avenue (Hagley Park). The land zoned HRZ, located north of Riccarton Road, west of the South Island Main Trunk Railway Line through to Straven Road to a large degree fits within the Fendalton value influence, and therefore the impact is only considered to be minimal;*
  - (iii) *Land to the south of Riccarton Road impacted by the Remodelled Contour is located to the south and west of the commercial centre (Commercial Core Zone). Included within the land under the Remodelled Contour is the Shands Crescent Residential Character Area which is a qualifying matter. The total land area for the Shands Crescent Residential Character Area is approximately 7.01 ha; and*
  - (iv) *The residual HRZ land unaffected by the Remodelled Contour located south of Riccarton Road, is ideally suited to HRZ development."*
- (e) The conclusion that I draw from **Mr Sellars'** opinions is that it casts some doubt as the likelihood of the proposed upzoning north of Riccarton Road achieving the density of development anticipated by the HRZ. The same cannot necessarily be said for the land south of Riccarton Road, which is proposed to be rezoned MRZ and which is beneath the Remodelled Contour. From a planning perspective I have some concerns about the intensification that would be enabled by the proposed MRZ compared to what is currently enabled in the RMD and RSDT zoning in the operative District Plan. In short, the proposed development controls for the MRZ would enable a marginally greater degree of intensification. From this perspective, it is my view that the current zoning in this area, together with the incumbent development provisions, should remain.



80.2 **Ms Hampson** concludes that:

- (a) The ability of the Airport to operate without restriction, and to develop and adapt to change, *"has a significant positive effect on the social and economic wellbeing of the Christchurch, Canterbury and national community."* Contextually, **Ms Hampson** notes that *"even minor impacts on the efficient operation and investment certainty of CIAL could have significant economic consequences over the long-term."*<sup>20</sup>;
- (b) Supporting this view is a detailed report attached as Appendix 1 to **Ms Hampson's** evidence;
- (c) There are some aspects of Ms Oliver's s42A report and recommendations that require clarification.<sup>21</sup> In particular, this relates to retention of the proposed HRZ zoning on the north side of Riccarton Road to support MRT, as I have described above (I assume also, that it is a factor in the increased intensification provisions proposed for the Riccarton Town Centre Zone in the form of proposed height increases);
- (d) In particular, **Ms Hampson** notes<sup>22</sup> that:  
  
*"While the initial rationale for the HRZ exception is to ensure that the critical mass required to sustain MRT in the Riccarton locality of the MRT spine is retained, the plan enabled yield calculations reported in Ms Oliver's report appear to far exceed that required yield"*.
- (e) At paragraphs 36 – 38 provides an explanation for the above comment;
- (f) Related to this, **Ms Hampson** provides commentary on a potential disbenefit that may arise from dispersed development that could arise from a spatial extensive zoning. In particular, **Ms Hampson** states<sup>23</sup>:  
  
*"In all likelihood, the amount of HRZ capacity both notified and recommended will exceed demand for apartment dwellings in Riccarton and focussing that demand within a smaller area of HRZ south of Riccarton Road means that the intended high density*

---

<sup>20</sup> **Ms Hampson** evidence paragraphs 10 and 11.

<sup>21</sup> **Ms Hampson** evidence paragraph 31.

<sup>22</sup> **Ms Hampson** evidence paragraph 35.

<sup>23</sup> **Ms Hampson** evidence paragraph 44.

*urban form would be more likely to be realised, and the feasibility of that development on the southern side of the Town Centre will correspondingly increase. A disbenefit of providing too much HRZ capacity (aside from potentially reducing capacity for dwelling types that may have relatively higher demand) is that high density apartment buildings could be dispersed. This is because the total long-term demand for apartments could be met in relatively few 6 storey (or even 8 storey) buildings.”*

- (g) As with my commentary on **Mr Sellars’** evidence above, I am left in a position of concluding that the Council Officer’s analysis does not overwhelmingly support an argument for the retention of the HRZ and increased height controls within the Riccarton Town Centre Zone for the purpose of supporting MRT. I have to acknowledge, however, that **Ms Hampson** accepts that further information and assessment may enable a re-evaluation of her conclusions.<sup>24</sup>

80.3 The evidence of **Mr Day** and **Ms Smith** that highlights community response to aircraft noise and the trend towards increased annoyance levels and the potential for reverse sensitivity effects to arise.

80.4 The evidence of **Mr Hawken** that highlights the significance of airport “safeguarding” and the important role that airport noise contours and land use planning take in achieving this. Related to this, **Mr Hawken** outlines a potential range of, and the impacts of, operational constraints that could result due to reverse sensitivity issues arising.

81 Given the above, and returning to the competing issues I highlighted in paragraph 79 above, I conclude that:

81.1 The Airport is established infrastructure of national significance that contributes to beneficial social and economic outcomes;

81.2 The effects of the Airport are known and can be defined via noise contours;

81.3 Intensification beneath the Remodelled Contour has the potential for reverse sensitivity effects that could impact on the efficient and effective operation of the Airport. It could

---

<sup>24</sup> **Ms Hampson** evidence paragraph 77.

also have adverse amenity impacts on those living beneath the Remodelled Contour;

81.4 Sufficient housing capacity exists to meet demand;

81.5 The Council Reporting Officer's recommendations for zoning at Riccarton are not well supported by the evidence of **Ms Hampson** and **Mr Sellars**.

82 Given this, I find it difficult to prefer the Council's proposal over that of affording protection to the Airport. As a result, my recommendation to the Hearings Panel is:

82.1 To not rezone the land north of Riccarton Road beneath the proposed Qualifying Matter HRZ; and

82.2 That the Qualifying Matter should be confirmed as sought in the Airport's submission.

83 My above opinions and conclusions above have direct implications for the balance of the specific submissions lodged by CIAL and summarised in paragraph 66 above. Given this, I only comment briefly on each below.

#### **Strategic Objective 3.3.7**

84 CIAL sought an amendment to new objective 3.3.7 (Well-Functioning Urban Environment). The purpose of the submission was to recognise, at a strategic level, that the qualifying matters are a key contributor to well-functioning urban environments.

85 The objective is proposed to be subsumed into Objective 3.3.1 (Ms Oliver paragraphs 9.8-9.9) and the relief sought has thus not been recommended. That said, an amendment to Objective 3.3.8 (renumbered to 3.3.7) is proposed as follows:

3.3.7~~8~~ Objective - Urban growth, form and design

a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:

*vi. ensures the protection and/or maintenance of specific characteristics of qualifying matters*

86 I support this recommendation (Ms Oliver paragraphs 9.22-9.54).

**Chapter 6.1A – Residential**

87 As discussed earlier in my evidence, it is necessary to ensure that the Qualifying Matter is accurately described in Chapter 6.1A. A submission on Table 1 sought this outcome by making reference to an "Airport Noise Influence Area" qualifying matter in the relevant sections of the table dealing with the Residential and Commercial Chapters.

88 With respect to the Qualifying Matter and that part of the table dealing with Chapter 14, the updated version of the Chapter incorrectly refers to earlier references of a "Low Density Residential Airport Influence Zone and Airport Influence Density Precinct". This needs to be corrected, along with the inclusion of a reference to Chapter 14.9 (Large Lot Zone – Gardiners Road). This zone sits beneath the Qualifying Matter. Given this, Table 1 should be amended as follows:

<b>Chapter 14 Residential</b>
Safe or efficient operation of nationally significant infrastructure (Christchurch Airport)
14.4.1 – 14.4.4, <u>14.9</u> , 14.13, 14.14 <del>Low Density Residential Airport Influence Zone and Airport Influence Density Precinct</del> <u>Airport Noise Influence Area</u>

**Chapter 6.1A - Commercial**

89 A similar situation arises with respect to the Qualifying Matter references in the Commercial Chapter section of the table. In particular:

- 89.1 a minor amendment is required to the reference to rule 15.4.1.5 in the table to refer to the correct non-complying activity rule and to reference the Qualifying Matter, as is shown below;
- 89.2 The Commercial Office zone needs to be added to the table as there are two locations (Addington and Russley) where the zones sit beneath the Qualifying Matter; and
- 89.3 An amendment is required to the Mixed Use Zone (MUZ) to recognise that a small portion of the zone sits below the QM on the north side of Riccarton Road adjacent to the NZ rail line.

90 The table below summarises the changes required.

<b>Chapter 15 Commercial</b>
Safe or efficient operation of nationally significant infrastructure (Christchurch Airport)

#### 15.2.4.6 Policy – Strategic Infrastructure

15.4.1.1 P21 and 15.4.1.5 NC~~1~~<sup>2</sup> – Town Centre Zone - Residential activity within 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area

15.5.1.1 P21 and 15.5.1.5 NC2 – Local Centre Zone - Residential activities within 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area

15.6.1.1 P19 – Neighbourhood Centre Zone - Residential activities within 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area

15.6.1.5 NC2 - Neighbourhood Centre Zone - Sensitive activities within the 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area

15.9.1.1 P10 - Commercial Office Zone - Preschool outside of the 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area

15.9.1.5 NC2 – Commercial Office Zone - Sensitive activities within the 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area

15.10.1.1 P27 and 15.10.1.5 NC1 – Mixed Use Zone – Residential activities - Internal bedroom noise reduction, and Residential activities within 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area.

### Chapter 8 Subdivision

- 91 The submission sought amendments to rule 8.6.1a and Tables 1 and 6 to reference the 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area qualifying matter. These changes appear in the updated version of the Plan provisions. I support this.

### Chapter 14 Residential

#### Objectives and Policies

- 92 CIAL supported policies 14.2.3.2 (MDRS policy 2), objective 14.2.4 and related policy 14.2.4.1, and policy 14.2.5.11. No amendments are recommended in the s42A reports and the provisions remain unchanged in the updated version of the Plan provisions. I support this.

Residential Suburban and Residential Suburban Density Transition Zones

- 93 CIAL submitter on rule 14.4.1.3 RD30 seeking to correct an error and to ensure that there is an appropriate reference to the Qualifying Matter. In the body of the rule there is a reference to RD30 – this is incorrect as it should refer to RD34. This has not been corrected in the updated version of the Plan provisions. The reference to the Qualifying Matter has been deleted, as recommended in the s42A officers report. For the reasons that I have outlined earlier, I do not support that amendment. Consequently, the rule should be amended as follows:
- Activities and buildings that do not meet one or more of the activity specific standards in Rule 14.4.1.1 (except for P16 - P18 standard ix. relating to noise sensitive activities in the 50 dB Ldn Air Noise Contour ~~and or the Airport Noise Influence Area~~, refer to Rule 14.4.1.3 RD30~~4~~; or P16-P19 standard x. relating to storage of heavy vehicles, refer to Rule 14.4.1.4 D2) for...
- 94 CIAL submitted on rule 14.4.1.3 RD34. This rule triggers resource consent for residential activities that are not provided for as a permitted or controlled activity. In such circumstances, a notification clause identifies the CIAL as an affected party. In the course of administering the rule, both the CCC and CIAL have identified technical issues with how the rule should be interpreted.
- 95 In essence all residential activities within the contour that are restricted discretionary, discretionary or non-complying trigger RD34, regardless of which chapter of the Plan contains the rules that made the activity not permitted. This is not the intention of the rule and CIAL consider that the RDA rule should only be triggered in circumstances where the non-compliance relates to the residential chapter and a limited set of built form standards.
- 96 To resolve this issue, CIAL proposed amendments in the submission which would limit the scope of the rule. Subsequent to filing the submission, and following further sense testing, it became apparent that the amendments proposed would not capture all of the activities that should be subject to the rule. Given this I do not consider it appropriate to grant the relief sought in the submission. I will continue to work with Council officer's to determine if a workable solution is possible and this will be presented to the Panel prior to the relevant hearing. If a solution is not possible, then the rule should remain unchanged.
- 97 That said, and given my conclusions on the recommendations of Ms Oliver and the approach taken to differentiate between the RS/RSDT zones that sit beneath the operative contour and the additional land beneath the Remodelled Contour, I am of the view

that the following amendments to the rule are required (note that this is an annotated version of the recommended rule provided in Ms Oliver's report):

The following activities and facilities located within the 50 dB Ldn Air Noise Contour and the Airport Noise Influence Area as shown on the Planning Maps ~~as [insert operative date or prePC14 date of decision]~~:

#### Future Urban Zone

- 98 In the notified version of PC14 a portion of land in Yaldhurst remained zoned Residential New Neighbourhood (RNN) on the planning maps. This was an error as the RNN zone in Chapter 14 was to be renamed Future Urban Zone (FUZ). CIAL made a submission identifying this issue. I have made an assumption that the submission is accepted, but I cannot confirm the spatial extent of the rezoning, as updated planning maps currently unavailable.
- 99 As with my commentary on 14.4.1.3 RD30 above (paragraph 93), an amendment to rule 14.12.1.3 RD16 is required to reference the Qualifying Matter. I note that the reference to RD26 in the rule is correct.
- 100 Similarly, my comments above (paragraphs 94-97) with respect to rule 14.4.1.3 RD34 also apply to rule 14.12.1.3 RD26.

#### Residential Large Lot Zone

- 101 CIAL supported new rule 14.9.2.1. ix which specifies a minimum allotment size of 2000m<sup>2</sup> in the Rural Hamlet Precinct. Related RDA (RD2) and discretionary activity (D4) provide trigger points for consent where there is a departure from the 2000m<sup>2</sup> standard. No changes are proposed in the s42A reports. I support this.

### **Chapter 15 Commercial**

#### Town Centre Zone - Riccarton

- 102 The CIAL submission on rules 15.4.1.1 and 15.4.1.5 are specific to the Town Centre Zone (TCZ) at Riccarton. As part of the TCZ at Riccarton sits beneath the Qualifying Matter, amendments to the permitted activity and non-complying activity rules are required, as follows:

Amend Rule 15.4.1.1 P21 as follows:

Residential activity – Activity specific standard:

- h. The activity shall not be located within the 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area as shown on the planning maps.

Amend Rule 15.5.1.5 NC2 as follows:

Sensitive activities within the 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area as defined on the planning maps.

103 Similar amendments are required to:

103.1 Local Centre Zone rules 15.5.1.1 (P21) and 15.5.1.5 (NC2);

103.2 Neighbourhood Centre Zone rules 15.6.1.1 (P19) and 15.6.1.5 (NC2); and

103.3 Commercial Office Zone rules 15.9.1.1 (P10) and 15.9.1.5 (NC2).

104 Finally, with respect to the commercial zones, a small portion of the Mixed Use Zone (MUZ) sits below the Qualifying Matter on the north side of Riccarton Road adjacent to the NZRail line. Given this, an amendment to the permitted and non-complying activity rules is required as follows:

Amend Rule 15.10.1.1 P27 by inserting a new activity standard f as follows:

f. The activity shall not be located within the 50 dB Ldn Air Noise Contour or the Airport Noise Influence Area as shown on the planning maps.

Consequential renumbering of existing activity standards that follow and rule reference renumbering as required.

Amend Rule 15.10.1.5 N1 as follows:

NC1 Any residential activity not meeting Rule 15.10.1.1 P27 (e) or (f).

### **Chapters 13.6 and 13.7 Specific Purpose (School) and Specific Purpose (Tertiary Education) Zones**

105 Permitted activity rules 13.6.4.1.1 P4 and 13.7.4.1.1 P3 provide for additional activities or facilities which would be permitted activities in the alternative zone listed for the site listed in Appendices 13.6.6.1, 13.6.6.2, 13.6.6.3 and 13.7.6.1.

106 PC14 proposes to amend a number of the residential zones listed in the Appendices to reflect the nearby/adjacent HRZ or MRZ zones. There are a number of existing schools, and the University of Canterbury site, that sit beneath the Qualifying Matter. Under the PC14 proposal this would enable intensification under the MRZ or HRZ provisions. The CIAL submission sought that the existing operative Plan zoning references should be retained.



- 107 The reporting officer has recommended changes to Appendix 13.7.6.1 with that part of the Canterbury University beneath the Qualifying Matter being changed from MRZ to RSDT and RS.
- 108 No changes are proposed to the Specific Purpose (School) Zone chapter Appendices. Specifically, the following zones remain:
- 108.1 CGHS – HRZ
- 108.2 CBHS – MRZ
- 108.3 Ilam – MRZ
- 108.4 St Teresa’s - MRZ
- 109 These references in the Appendices should be changed to the relevant RS or RSDT zone.

#### **Chapter 6.5 Scheduled Activities**

- 110 A similar situation arises with respect to scheduled activities.
- 111 Clause 6.5.3, “How to interpret and apply the rules”, notes that:
- a. *Any activity, other than the scheduled activity identified in Rule 6.5.6, shall be subject to the provisions of the zone listed in Rule 6.5.6 and shown on the Planning Maps.*
- 112 PC14 as notified proposes to amend a number of the residential zones listed in rule 6.5.6 to reflect the nearby/adjacent HRZ or MRZ zones. As there are a number of scheduled activities that sit beneath the Qualifying Matter the existing Plan zones should remain intact.
- 113 I have reviewed the s42A reports and the updated Plan provisions and I cannot find an assessment of the submission or a recommendation. Given this, I assume that it is an oversight.
- 114 The scheduled activities that I have identified include:
- 114.1 SF123 St Barnabas Church, Tower, Hall and Hannan Room (8 Tui Street). Operative Plan - Residential Suburban and PC14 – MRZ; and
- 114.2 SS31 BP Fendalton (1 Memorial Avenue). Operative Plan – Residential Suburban and PC14 -MRZ.

115 There may be others, but this will require a forensic examination of the rule.

**Darryl Millar**

**20 September 2023**