

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 John Kyle (Planning)

Dated: 8 April 2024

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STATEMENT OF JOHN KYLE

INTRODUCTION

- 1 My full name is John Clifford Kyle. I hold an honours degree in Regional Planning from Massey University, obtained in 1987. I am a founding director of the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand.
- 2 I have been engaged in the field of resource and environmental management for more than 35 years. My experience includes a mix of local authority and consultancy resource management work. For the past 28 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management, and environmental effects assessment. This includes extensive experience with large-scale, and often nationally significant projects involving inputs from a multidisciplinary team. My work regularly takes me all over New Zealand.
- 3 An outline of the projects in which I have been called upon to provide resource management planning advice in recent times is included in Appendix A. My experience includes advising a number of airport companies around New Zealand with respect to airport planning issues, including District Plan reviews, private plan changes and notices of requirement for designations. This experience spans the last two decades and includes extensive involvement with Plan Changes relating to the management of aircraft noise at Queenstown and Wanaka airports, Invercargill Airport, Wellington Airport and more recently Christchurch Airport with respect to the Waimakariri District Plan Review and the proposed Intensification Variation. My experience at Wellington included dealing with the noise contours as a qualifying matter as defined under the NPS-UD.
- 4 This statement relates to the relief sought by Christchurch International Airport Limited (CIAL) in relation to the proposed Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan (PC14). I refer to the memorandum of counsel filed on behalf of CIAL dated 14 March 2024 which explains that Mr Darryl Millar, who provided planning evidence on behalf of CIAL for PC14, is unable to attend this hearing. I also note Minute 351 which accepts CIAL's explanation for substituting witnesses and directs that any additional evidence should be filed by 8 April 2024.

¹ HP Minute 35: Directions in response to CIAL request to substitute witnesses, dated 21 March 2024

- 5 I have read Mr Millar’s statement of evidence² and two briefs of rebuttal evidence.³ The subject matter covered by Mr Millar’s evidence is very familiar to me given my experience. I agree with the opinions he expresses about the key issues that arise from the submission by CIAL to PC14. This statement makes some brief comments about these key issues.

CODE OF CONDUCT

- 6 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 gave 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.

KEY ISSUES

- 7 The fundamental purpose of CIAL’s submissions on PC14 stem from a single overarching issue; being the proposal for a qualifying matter that maintains development potential, for activities sensitive to aircraft noise, to a “pre-PC14” state for land beneath the recently remodelled 50dB Ldn Air Noise Outer Envelope contour (the updated OE). In my opinion the updated OE is a qualifying matter insofar as that term is defined in the NPS-UD. I agree with Mr Millar that maintaining “pre-PC14” state development potential within this qualifying matter area is both appropriate and necessary.
- 8 The primary motivation for preserving the “pre-PC14” development state on land affected by this qualifying matter is to reduce the quantum of exposure of people and communities to the adverse effects of aircraft noise. I endorse this as an overarching effects management strategy within Christchurch City. In my experience in Wellington and Queenstown in particular, the progressive exposure of people to the effects of aircraft noise has a direct result in elevating pressure to reduce or curtail airport operations (for example, via imposition of night-time curfews, or limitations on future expansion to meet projected demand).
- 9 Those reverse sensitivity effects can and do significantly impact upon the efficient operation of airports. In the current situation in Christchurch City this effect 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

² Dated 20 September 2023.

³ Dated 9 October 2023 and 14 November 2023.

50dB Ldn and above would correspondingly increase the risk of adverse reverse sensitivity effects which in turn inhibit airport operations.

- 10 The 50dB Ldn Air Noise Contour is established within the Canterbury Regional Policy Statement (CRPS), as one of the primary means of integrating land use development with infrastructure. With respect to Christchurch Airport, Policy 6.3.5(4) is key and seeks to only provide *"for new development that does not affect the efficient operation, use, development, appropriate 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)..."*.
- 11 In my opinion the current regional and district planning regime that flows from this policy and others in the CPRS provides a clear and coherent policy approach, with clear direction to avoid sensitive activities within the 50dB Ldn contour. Doing so properly recognises the social and economic importance of Christchurch Airport and, given this strategic importance, that it should not be compromised by urban growth and intensification. From my experience with airport planning matters elsewhere, the Canterbury approach to policy regarding this matter (CRPS and the three relevant District Plans) is comparatively highly evolved and clear as to its outcome.
- 12 I am cognisant of the discussion about which version of the 50dB Ldn contour should be applied as the qualifying matter, in the light of the review work that is currently being undertaken to inform the forthcoming CRPS review. This matter is squarely in the frame for the panel hearing submissions on the Proposed Waimakariri District Plan and the associated proposed Intensification Variation within that jurisdiction, so I am very familiar with the issue. I agree with Mr Millar⁴ that the updated OE should be the contour considered as an existing qualifying matter.
- 13 I note with some interest the discussion about whether the OE is the "right" contour to apply in these circumstances. The evidence of Ms Smith addresses this matter and describes why the updated OE should be the basis for applying controls.⁵ As I understand it, the OE is based on modelled analysis of aircraft frequency of use for the busiest three months of the projected calendar year. I have not seen this contour referred to as an OE in any other jurisdiction, but the approach to establishing noise contours on the basis of the busiest three months is orthodox in my experience (which should be

⁴ Paragraph 63 of his evidence dated 20 September 2023

⁵ Commencing at paragraph 53 of her evidence dated 20 September 2023

no surprise as it is the approach advocated by NZS6805). For example, the noise contours at Queenstown Airport and Wellington Airport which are included in the respective district plans are based on this approach.

- 14 Commencing at paragraph 94 Mr Millar addresses the CIAL submission 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. He identifies that in the course of administering the rule, both the CCC and CIAL have identified technical issues with how the rule should be interpreted. He goes on to address the nature of the problem and suggests a way forward. By way of update, I note that the CIAL submission insofar as it relates to this rule has been withdrawn.
- 15 Commencing at paragraph 75 Mr Millar deals with issues relating to "Riccarton". As I understand the situation Ms Oliver, the reporting officer, recommends the enablement of residential intensification beneath the updated OE in certain identified locations north and south of Riccarton Road. This is on the basis that this would support a potential Mass Rapid Transport (*MRT*) system. I note that Ms Oliver acknowledges that households living beneath the OE may experience reduced amenity through exposure to aircraft noise, but that this will be balanced by concentrating other areas of intensification outside of the updated OE. I share Mr Millar's view that intensification within the qualifying matter area in this location would be a poor outcome. Given there are no firm plans for MRT, I suggest that enabling intensification in Riccarton is premature. If and when a viable MRT project is proposed, that would be the time to reconsider supporting development density requirements.
- 16 At an overall level, I support the opinions and conclusions reached by Mr Millar in all three of his statements before the panel. I am happy to answer questions the panel may have.

Dated: 8 April 2024

John Kyle

Appendix A – John Kyle Experience

Summary of Recent Experience of John Kyle

- Wellington International Airport Limited – notice of requirement to designate airport site and Miramar Golf Course site – Wellington City.
- Wellington International Airport Limited – Wellington City District Plan review – managing airport noise effects – Wellington.
- Wellington International Airport – notice of requirement to designate former Miramar School site for airport purposes – Wellington City.
- Fortescue Future Industries – Green Hydrogen Plant – Environmental investigations – Southland.
- Ministry of Business, Innovation and Employment – Environmental evaluation panel – Lake Onslow Pumped Hydro Scheme – Central Otago.
- Silver Fern Farms – wastewater discharge consent Finegand Meat Processing Plant – Clutha District.
- Silver Fern Farms – stormwater management and consenting – Hawera Plant – Hawera.
- Silver Fern Farms – coastal defences work – Pareora Meat Processing Plant – Timaru.
- OceanaGold (New Zealand Limited) – Waihi North gold mine project - Hauraki District.
- Federation Mining – Snowy River Gold mine consenting – Buller District.
- OceanaGold (New Zealand Limited) – Deep Dell mine expansion – Macraes Mine – Waitaki District.
- Queenstown Airport Corporation – Proposed plan change to manage the effects of aircraft noise – Queenstown Lakes District.
- Alliance Group Limited – renewal of all discharge and land use consents Mataura Meat Processing Works, Mataura - Southland Region.
- Simcox Construction (then Isaac Construction) – Quarry operation consent renewal, Marlborough District.
- Fulton Hogan Limited – Canterbury Regional Quarry Project – Templeton – Selwyn District.
- Pernod Ricard NZ Limited – District Plan review – Marlborough Environment Plan submissions – Marlborough District.
- Alliance Group Limited – renewal of all discharge and land use consents Lorneville Meat Processing Works, Lorneville - Southland Region.
- Alliance Group Limited – Air Discharge Consents – Pukeuri Meat Processing Works, Pukeuri - Otago Region.
- Queenstown Lakes District Council – preparation of a Plan Change to expand Queenstown town centre, including to accommodate a convention centre.

- Wellington International Airport Limited – strategic and resource management advice with respect to a proposed runway extension – Wellington City.
- OceanaGold (New Zealand) Limited – Project Martha Gold Mine Expansion, Waihi – Hauraki District.
- Ryman Healthcare – resource consent applications for new retirement villages – New Zealand wide role.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a Plan Change by Tainui Group Holdings and Chedworth Properties for the Ruakura Inland Port Development, Hamilton.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a Notice of Requirement and resource consent applications by the New Zealand Transport Agency with respect to the Expressway between Peka Peka and North Otaki on the Kapiti Coast.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a Notice of Requirement and resource consent applications by the New Zealand Transport Agency with respect to the Expressway between MacKays Crossing and Peka Peka on the Kapiti Coast.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding resource consent applications and designations by the New Zealand Transport Agency with respect to the proposed Transmission Gully Project – Wellington Region.
- Queenstown Lakes District Council – member of the review team commissioned to undertake a review of Council consenting and resource management policy operations.
- Environmental Protection Authority – advisor to the Minister appointed Board of Inquiry regarding a plan change application to the Wellington Regional Water plan to assist with the proposed Transmission Gully Project – Wellington Region.
- Queenstown Airport Corporation – lead consultant - Notice of Requirement for land adjacent to QAC in order provide for the future expansion of airport operations, Queenstown Lakes District.
- Genesis Power Limited – due diligence Slopedown Wind Farm, Southland District and Southland Region.
- TrustPower Limited – proposed Kaiwera Downs Wind Farm, Gore District and Southland Region.
- TrustPower Limited – proposed alteration to the Rakaia Water Conservation Order – Lake Coleridge Hydro Electric Power Scheme – Canterbury Region.
- Meridian Energy Limited – Proposed Mokihinui Hydro Electric Power Scheme, damming, water and land use related consents, Buller District and West Coast Region.
- TrustPower Limited – Wairau Hydro Electric Power Scheme, water and land use related consents, Marlborough District.
- Southern Health – Plan Change Invercargill Hospital Development - Invercargill City.

- Sanford Limited, various marine farm proposals Marlborough Sounds, Marlborough District.
- Port Marlborough Limited – Plan Change proposal to alter the marina zone within the Marlborough Sounds Resource Management Plan to provide for consolidation of marina development in Waikawa Bay, Marlborough District.
- Port Marlborough Limited – Resource consent application for occupation of coastal space – Shakespeare Bay port facilities – Marlborough District.
- Meridian Energy Limited – proposed Wind Farm, Lammermoor Range, Central Otago District and Otago Region.
- Queenstown Airport Corporation – Runway End Safety Area, designation and construction related consents, Queenstown Lakes District and Otago Region.
- Riverstone Holdings Limited – Proposed Monorail Link – Lake Wakatipu to Fiordland, Department of Conservation Concession Application – Southland Conservancy.
- Otago Regional Council – Consents required for controlling the Shotover River to mitigate flood risk – Queenstown Lakes District and Otago Region.
- Queenstown Airport Corporation – aircraft noise controls and flight fan controls – Plan Change and Designations, Queenstown Lakes District.
- Todd Property Pegasus Town Limited – Pegasus Town, North Canterbury – Waimakariri District, Canterbury Region.
- Willowridge Developments – 3 Parks Plan Change to create new commercial, large format retail, service, tourist and residential land use zones, Wanaka, Queenstown Lakes District.
- Gibbston Valley Station – Land use and regional consents, Viticulture and Golf Resort, Gibbston – Queenstown Lakes District and Otago Region.
- Marlborough District Council – Business Park Plan Change, Blenheim - Marlborough District.
- Ravensdown Fertiliser Limited – Coastal and Air Discharge Consent Renewal, Dunedin – Otago Region.
- Irmo Properties Limited – Resource consent application for retail complex, Green Island – Dunedin City.
- Infinity Investment Group and JIT Investments – Hillend Station Farm Park development, Wanaka – Queenstown Lakes District.
- Infinity Investment Group – Peninsula Bay Plan Change, Wanaka – Queenstown Lakes District.
- Genesis Power Limited – Tongariro Power Development, Water Related Consents, Central North Island – Environment Waikato and Horizons MW.
- Genesis Power Limited – Waikato District Plan review and provision for the Huntly Power Station, Waikato District.
- Department of Corrections –New Corrections Facility, Milton - Clutha District and Otago Region.

- Department of Child Youth and Family – Youth Justice Facility, Rolleston – Selwyn District and Canterbury region.
- Kuku Mara Partnerships – Large Scale Marine Farms, Marlborough Sounds – Marlborough District.
- Marine Farming Industry – Plan Appeals, Tasman Aquaculture Inquiry, Tasman and Golden Bays – Tasman District.