

**BEFORE THE HEARINGS COMMISSIONERS**

**Under** the Resource Management Act 1991 (the **RMA**)

**In the matter of** a submission by Waka Kotahi NZ Transport Agency (submitter 805 and further submitter 2103) on Plan Change 14

**and in the matter of** Christchurch City Plan  
**of**

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**Primary statement of evidence of Catherine Lynda Heppelthwaite  
for Waka Kotahi NZ Transport Agency Limited regarding Plan  
Change 14 on the Christchurch City Plan**

Dated 20 September 2023

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## **1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE**

- 1.0 My full name is Catherine Lynda Heppelthwaite. I am a principal planner for Eclipse Group Limited. I am presenting this planning evidence on behalf of Waka Kotahi NZ Transport Agency (**Waka Kotahi**).
- 1.1 I hold a Bachelor Degree in Resource Studies obtained from Lincoln University in 1993. I am a full member of the New Zealand Planning Institute, a member of the Resource Management Law Association and the Acoustical Society of New Zealand. I have more than 25 years' experience within the planning and resource management field which has included work for local authorities, central government agencies, private companies and private individuals. Currently, I am practicing as an independent consultant planner and have done so for the past 18 years.
- 1.2 I have extensive experience with preparing submissions and assessing district plans provisions and have recently being assisting Waka Kotahi and KiwiRail in relation to NPS-UD and Enabling Housing Supply Act plan changes in various jurisdictions across New Zealand.
- 1.3 I am a reasonably regular visitor to Christchurch and specifically re-visited the Riccarton corridor to which the majority of my evidence relates on 17 September 2023.

## **2 CODE OF CONDUCT**

- 2.0 I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **3 SCOPE OF EVIDENCE**

- 3.0 My evidence will address the following:
- a. The statutory and higher order planning framework; and
  - b. Waka Kotahi submissions and further submissions in relation to qualifying matters and specific provisions;

- c. Council's s42A recommendations; and
- d. Further amendments required.

- 3.1 In preparing my evidence, I have considered the Section 42A Reports of:
- a. Ms Sarah Oliver's (Strategic Overview including qualifying matters)<sup>1</sup>;
  - b. Ms Clare Piper (Transport)<sup>2</sup>;
  - c. Mr Ike Kleynbos (Residential, including qualifying matters)<sup>3</sup>;
  - d. Ms Holly Gardiner (City Centre, Central City Mixed Use (including South Frame) zones)<sup>4</sup>;
  - e. Ms Liz White (Residential Character Areas Qualifying Matter)<sup>5</sup>; and
  - f. Mr Chris Morahan's statement<sup>6</sup> of evidence (Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour).

## 4 THE STATUTORY AND HIGHER ORDER PLANNING FRAMEWORK

- 4.0 In preparing this evidence I have specifically considered the following:
- a. The purpose and principles of the RMA (sections 5-8);
  - b. Provisions of the RMA relevant to plan-making and consenting;
  - c. National Policy Statement on Urban Development 2020 (**NPS-UD**);
  - d. Canterbury Regional Policy Statement (**RPS**);
  - e. Operative Christchurch District Plan (**ODP** or **Operative Plan**); and

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<sup>1</sup> Planning Officer's Report Of Sarah-Jane Oliver Under Section 42a Of The Resource Management Act 1991 Strategic Overview, Strategic Directions Chapter 3, Qualifying Matters relating to Strategic and City Infrastructure and Coastal Hazards, dated 11 August 2023.

<sup>2</sup> Planning Officer's Report Under Section 42a Of The Resource Management Act 1991 Transport dated 11 August 2023.

<sup>3</sup> Planning Officer's Report Of Ike Kleynbos Under Section 42a Of The Resource Management Act 1991 Topics Addressed: Residential Chapter Qualifying Matter: Riccarton Bush Interface Area Qualifying Matter: Sunlight Access Qualifying Matter: Low Public Transport Accessibility 11 August 2023

<sup>4</sup> Planning Officer's Report Of Holly Elizabeth Gardiner Under Section 42a Of The Resource Management Act 1991 Topics Covered: City Centre Zone; Central City Mixed Use Zone; Central City Mixed Use (South Frame) Zone dated 11 August 2023.

<sup>5</sup> Planning Officer's Report Of Elizabeth (Liz) Jane White Under Section 42a Of The Resource Management Act 1991 Residential Character Areas Qualifying Matter

<sup>6</sup> Statement Of Primary Evidence Of Chris Morahan On Behalf Of Christchurch City Council Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour Dated: 11 August 2023.

f. Draft Greater Christchurch Spatial Plan (*subject to hearings*).

4.1 In addition, Council has described the relevant statutory documents in its Section 32 Assessment<sup>7</sup> (generally) and specifically within the S42A reports with which I generally agree or accept and will not repeat here.

## 5 WAKA KOTAHI SUBMISSIONS AND FURTHER SUBMISSIONS

5.0 In summary, Waka Kotahi primary submissions seek:

- a. to increase the walkable catchment and associated upzoning of the city centre to 1500m (14.2.7 – Objective – High Density Residential Zone and 14.2.7.2 – Policy – High density location)<sup>8</sup>.
- b. a maximum enabled height of 32m for residential activities within the City Centre (Rule Central City Mixed Use Zone 15.12.2.2 – Maximum building height and Mixed Use Zone (South Frame) 15.13.2.1 – Building height)<sup>9</sup>.
- c. for the benefits of character protection to be reassessed against the wider opportunity costs of development limitations in key areas and modify the plan based on the result of this assessment to<sup>10</sup>:
  - i. reduce the extent of character protection controls; and/or
  - ii. provide Overlays which allow for special/residential character to be considered and incorporated in design while enabling levels of development anticipated by the zones; and/or
  - iii. allow for demolition of existing buildings in residential character areas, potentially with provisions restricting such removals to those where there is a comprehensive development proposal<sup>11</sup>.
- d. delete the City Spine Transport Corridor Qualifying Matter<sup>12</sup>;
- e. delete the Low Public Transport Accessibility Area overlay in the planning maps and reference to this qualifying matter in Chapter 14<sup>13</sup>.

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<sup>7</sup> PLAN CHANGE 14 – Housing and Business Choices – Implementation of the National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Introduction - Issues and Strategic Direction).

<sup>8</sup> Submissions 805.37 and 805.38.

<sup>9</sup> Submissions 805.2 and 805.3.

<sup>10</sup> Submissions 805.4 to 805.6.

<sup>11</sup> Submission 805.39.

<sup>12</sup> Submissions 805.7 to 805.16.

<sup>13</sup> Submissions 805.17 to 805.19.

- f. retain as notified the Waste Water Constraints Areas Overlay (Vacuum Sewer) – Qualifying Matter<sup>14</sup>;
- g. update the Residential Suburban Zone proposed to be subject to the *Safe or Efficient Operation of Nationally Significant Infrastructure (Christchurch Airport)* – Qualifying Matter (**AQM**) to the appropriate zoning required under the MDRS<sup>15</sup>;
- h. specific changes to the following provisions:
  - i. retain as notified Strategic Direction Objective 3.3.8<sup>16</sup>;
  - ii. amend Transport Policy 7.2.1.2.xi – High Trip Generating Activities<sup>17</sup>;
  - iii. retain as notified Transport Rule 7.4.4.2.7 Pedestrian Access – Matters of Discretion<sup>18</sup>;
  - iv. retain as notified Residential Policy 14.2.1.1 Housing Distribution and Density<sup>19</sup>; and
  - v. in relation to Noise near state highways Rule 6.1.7.2.1, retain provisions as per PC5E<sup>20</sup>.

5.1 Waka Kotahi made further submissions:

- a. in support of Environment Canterbury<sup>21</sup> (**Ecan**) who sought that the Airport Noise Contours included in the current Canterbury Regional Policy Statement (**RPS**) are used until any amended contours are introduced through the RPS review process; and
- b. in opposition to Christchurch International Airport Limited's (**CIAL**)<sup>22</sup>:  
introducing updated 50dB Ldn Air Noise Contours as a qualifying matter.  
I note for clarity that the CIAL submission does not propose to modify the

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<sup>14</sup> Submissions 805.20 to 805.22.

<sup>15</sup> Submissions 805.23 to 805.31.

<sup>16</sup> Submission 805.32.

<sup>17</sup> Submission 805.33.

<sup>18</sup> Submission 805.34.

<sup>19</sup> Submission 805.35.

<sup>20</sup> Submission 805.36.

<sup>21</sup> Submission 689.79.

<sup>22</sup> Submission 852.5.

Operative Plan 50dB Ldn and 55dB Ldn contours or the Air Noise Boundary.

## 6 SECTION 42A ASSESSMENT

6.0 As set out in the S42A recommended Plan Change 14 (**PC14**) provisions<sup>23</sup>, the Waka Kotahi primary and further submissions have / not been agreed as follows:

- a. No change to the central city 1500m walkable catchment is proposed but some localised changes to height will incrementally allow for more development. For example, an increased height limit (to 32m) is proposed by Mr Willis and Ms Gardner<sup>24</sup> (in reliance of on Ms Williams recommendations) for the block bound by Manchester, Lichfield, Madras and Tuam Streets (proposed to have a 32m height limit).
- b. The maximum enabled height of 32m (10 storeys) for residential activities within the City Centre and Mixed Use Zone (South Frame) is not accepted; 21m Mixed Use Zone (South Frame) and between 20 and 32m in the City Centre is proposed<sup>25</sup>.
- c. In relation to the Residential Character Areas (**RCAs**), Ms White has made a detailed assessment and range of recommendations which I accept and do not address further, these include:
  - i. removing Beverley and Ranfurly as RCAs, and also rezoning them to HRZ<sup>26</sup> reduce the extent of character protection controls; and/or
  - ii. modification of some RCA's should be considered further if alterations to walking catchments (eg Shirley<sup>27</sup>) or removal of RHA's<sup>28</sup> is proposed;
  - iii. retaining the demolition of buildings<sup>29</sup> as a restricted discretionary activity.
- d. The City Spine Transport Corridor Qualifying Matter is proposed to be retained but with alterations to associated matters of discretion which clarify

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<sup>23</sup> Filed by Memorandum Of Counsel for Christchurch City Council 18 August 2023.

<sup>24</sup> Ms Gardner's S42A Report, paragraph 8.1.20.

<sup>25</sup> Ms Gardner's S42A Report, paragraph 8.1.20.

<sup>26</sup> Ms White's S42A Report, paragraph 8.2.25.

<sup>27</sup> Ms White's S42A Report, paragraph 8.2.32.

<sup>28</sup> Ms White's S42A Report, paragraph 8.2.31.

<sup>29</sup> Ms White's S42A Report, paragraph 8.5.39.

the purpose of the control is for amenity/tree purposes only (not widening of the transport corridor)<sup>30</sup>. I agree with Ms Oliver that a designation would be a more suitable tool for transport improvements (particularly of property acquisition was required) and acknowledge the refinements she has made to the provisions. I understand this change addresses the submission of Waka Kotahi.

- e. The Low Public Transport Accessibility Area overlay has been retained; I accept Mr Morahan’s detailed evidence on the history and (likely) future form of the public transport network. I also agree with his statement<sup>31</sup> focusing growth on well serviced areas is beneficial in that “...*improved services and infrastructure in turn increase demand for people to live and work along the corridor. Transport and land use have become a virtuous circle along these corridors*”. I do not address this matter further.
- f. The Waste Water Constraints Areas Overlay (Vacuum Sewer) – Qualifying Matter<sup>32</sup> has been retained as notified which addressed the Waka Kotahi submission.
- g. It is recommended to retain the operative zoning (Residential Suburban Zone) within the CIAL proposed 50dB Ldn Noise Contour Outer Envelope<sup>33</sup> and not apply MDRS zones, I address this in Sections 8 to 12 below.
- h. In relation to specific plan provision changes sought; I do not address these further for the following reasons:
  - i. Strategic Direction Objective 3.3.8 (now 3.3.9) *Urban growth, form and development* is subject to a number of proposed changes. I have reviewed these changes and consider that the changes either refine or improve the notified version and accept Ms Oliver’s proposed wording.
  - ii. Transport Policy 7.2.1.2.xi – High Trip Generating Activities is proposed to be modified to address the Waka Kotahi submission.

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<sup>30</sup> Ms Oliver’s paragraphs 12.105 and 120.

<sup>31</sup> Statement Of Primary Evidence Of Chris Morahan On Behalf Of Christchurch City Council Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour Dated: 11 August 2023, paragraph 38.

<sup>32</sup> Ms Oliver’s S42A Report, paragraph 12.103.

<sup>33</sup> S42A Report, Paragraph 12.66.

- iii. Transport Rule 7.4.4.2.7 Pedestrian Access – Matters of Discretion are retained as notified with a minor addition; I support the proposed addition (which provides for emergency service access).
- iv. Residential Policy 14.2.1.1 Housing Distribution and Density is proposed largely retained as notified which addresses the Waka Kotahi submission.
- v. No changes to Chapter 6 (Noise) are proposed within the s42A Reports thus satisfying the submission to retain Noise near state highways Rule 6.1.7.2.1 (per PC5E).

6.1 Those areas not agreed are addressed further in Sections 8 to 12.

## 7 STATUTORY CONTEXT

### Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and NPS-UD

7.0 I generally adopt the Councils Section 32 reports description of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021<sup>34</sup> (**Enabling Housing Supply Act**) and its high level summary of the NPS-UD<sup>35</sup>.

7.1 Key policies from the NPS-UD are Objective 3, Objective 6, Policy 1 and Policy 3 which strongly direct the location of intensification along with integrated, strategic and responsive decision making. Policy 4 is also highly relevant for qualifying matters. I address these relative to submissions in Sections 8 to 12 below.

7.2 Within my evidence, I delineate between NPS-UD intensification provided under Policy 3 (High Density Residential (**HDR**) zoning) and the Medium Density Residential Standards (**MDRS**) which are both required to be implemented under the Enabling Housing Supply Legislation.

### Canterbury Regional Policy Statement

7.3 The RPS<sup>36</sup> includes a strong focus (relative to urban form and infrastructure) on:

<sup>34</sup> PLAN CHANGE 14 – Housing and Business Choices – Implementation of the National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Introduction - Issues and Strategic Direction), paragraphs 2.1.5 to 2.1.13 and further at 2.2.1 to 2.2.3..

<sup>35</sup> PLAN CHANGE 14 – Housing and Business Choices – Implementation of the National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Introduction - Issues and Strategic Direction), paragraph 2.1.3.

<sup>36</sup> Listed RPS objectives and policies included at Attachment A.



- a. containing urban development to (Map A) within 'existing urban areas' or identified 'future urban areas' (Objective 6.2.1(1) and (3), Policy 6.3.1 (1), (3) and (4) and 6.3.7);
- b. focusing business development on Key Activity Centres (Objectives 6.2.1(2) and 6.2.5, Policy 6.3.1 (2) and (8)); and
- c. integrating infrastructure and land use to both maximise benefits and manage potential incompatibility (Objectives 6.2.1 (9),(10, and (11) and 6.2.4, Policies 6.3.2 (2) and (3), 6.3.4 (2) and (3) and 6.3.5) .

7.4 In my opinion, Map A has a significant role in the RPS: it locates areas of growth, signals limitations (for example, urban limits, airport noise contour) and, at a more detailed level, identifies Key Activity Centres (**KACs**).

7.5 In addition to objectives and policies noted above, Objective 6.3.2 and Policy 6.3.7 provide a substantive framework which is, in my opinion, well aligned with high level NPS-UD outcomes:

*Objective 6.3.2 Development form and urban design*

*Business development, residential development (including rural residential development) and the establishment of public space is to give effect to the principles of good urban design below, and those of the NZ Urban Design Protocol 2005, to the extent appropriate to the context:*

*[...]*

*2. **Integration** – recognition of the need for well-integrated places, infrastructure, movement routes and networks, spaces, land uses and the natural and built environment. These elements should be overlaid to provide an appropriate form and pattern of use and development. 3. **Connectivity** – the provision of efficient and safe high quality, barrier free, multimodal connections within a development, to surrounding areas, and to local facilities and services, with emphasis at a local level placed on walking, cycling and public transport as more sustainable forms of [transport?]*

*4. [...]*

*Policy 6.3.7 Residential location, yield and intensification*

*In relation to residential development opportunities in Greater Christchurch:*

*1. Subject to Policy 5.3.4, Policy 6.3.5, and Policy 6.3.12, residential greenfield development shall occur in accordance with Map A.*

*2. **Intensification in urban areas** of Greater Christchurch is to be **focused around the Central City, Key Activity Centres and neighbourhood centres commensurate with their scale and function, core public transport routes, mixed-use areas, and on suitable brownfield land.***

*(bold added)*

7.6 I have included referenced objectives and policies in Attachment A for ease of reference.

## Operative Christchurch District Plan (ODP)

7.7 The CIAL Section 32 Assessment<sup>37</sup> identifies a range of relevant ODP provisions. I generally agree with the content of this section and do not repeat the list of objectives and policies here. Of particular importance are the following themes and their related objectives and policies reflected by points below:

- focuses development in the City Centre, KACs, other neighbourhood centres and along core public transport corridors (eg. Objective 3.3.7 Policies 14.2.1.1, 14.2.2.2, 15.2.4.5);
- improves transport system integration and manages adverse effects both from and on infrastructure (eg. Objective 14.2.3, Policies 7.2.1, 7.2.2 and 8.2.3.5);
- the location of activities is controlled, primarily by zoning (eg. Objective 3.3.14); and
- promotes the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure (eg Objectives 3.3.12, 3.3.14).

7.8 I address these relative to submissions in Sections 8-12 below.

## Draft Greater Christchurch Spatial Plan (D-SP)

7.9 The D-SP is acknowledged; its overarching directions include:

- Focus growth through targeted intensification in urban and town centres and along public transport corridors; with the Riccarton Corridor (Hagley to Upper Riccarton) identified as an *opportunity to incentivise and provide for multi-storey townhouses and apartments*, and the Papanui/Merivale corridor, [an] *opportunity to leverage this potential mass rapid transit route*; and
- Opportunity 6: Prioritise sustainable transport choices to move people and goods in a way that significantly reduces greenhouse gas emissions and enables access to social, cultural and economic opportunities.

7.10 As it remains subject to hearings and final decisions, I do not address it in detail but do consider its general direction is a continuum (from a transport

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<sup>37</sup> Section 32 Evaluation Report Airport Related Qualifying Matters in the Christchurch District Plan dated 16 May 2022, Section 2.7.2.

and land use perspective) of the RPS / NPS-UD focus for directed growth and also to reflect the public transport network patterns Mr Morahan describes as being established for the last hundred years<sup>38</sup> and which are continuing to be leveraged off.

### Summary

7.11 Overall the statutory context for PC14 is, at a high level, tiered response to urban intensification that seeks:

- a. intensification of residential and business growth around identified locations (eg. centres, transport) (NPS-UD HDR, RPS, D-SP);
- b. general residential growth within existing urban areas (MDRS);
- c. some (limited) greenfield growth (RPS Map A identified areas); combined with
- d. coordination of land use and infrastructure.

7.12 At a macro level, the urban form is one with well-defined key transport routes linking centres (including the city centre). Mr Morahan has identified the busiest public transport corridor as being from the city centre to Hornby via Riccarton and Main South Roads with the next busiest being from the city centre to Belfast via Papanui and Main North Roads<sup>39</sup> (the **Papanui and Riccarton Corridors**). Other routes are also described by Mr Morahan<sup>40</sup>; these, combined with centres of differing scale, provide the urban area with its form and, in my view, around which growth should be enabled in order to meet statutory requirements.

7.13 Below I consider the detail of the statutory context in relation to the impact the *Safe or Efficient Operation of Nationally Significant Infrastructure (Christchurch Airport) – Qualifying Matter (AQM)* will have on this urban form and the consequential ability to achieve NPS-UD and RPS outcomes. Mr

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<sup>38</sup> Statement Of Primary Evidence Of Chris Morahan On Behalf Of Christchurch City Council Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour Dated: 11 August 2023, paragraph 34.

<sup>39</sup> Statement Of Primary Evidence Of Chris Morahan On Behalf Of Christchurch City Council Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour Dated: 11 August 2023, paragraphs 44 and 45.

<sup>40</sup> Statement Of Primary Evidence Of Chris Morahan On Behalf Of Christchurch City Council Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour Dated: 11 August 2023, paragraphs 35-37

Falconer provides, as an example, of the impact of the AQM on the future MRT (Mass Rapid Transit) proposal.

- 7.14 While my assessment is focused on the AQM, I am mindful of the cumulative impact of qualifying matters (**QM**) across the wider urban area, especially where more than one is applied. While I generally agree with the QMs I have assessed above and acknowledge the substantial growth enabled by the NPS-UD/MDRS appears to exceed forecast demand; care needs to be taken to ensure QMs do not unduly restrict areas where growth should be enabled (eg KAC's, existing (planned) rapid transit routes). Careful consideration of where QMs apply also needs to be made given the directive nature of S77G (ie. must have MDRS incorporated and must give effect to Policy 3 (for Tier 1)<sup>41</sup>).

## 8 BASIS OF AQM

- 8.0 In regards to PC14, Ms Oliver has provided the background to the introduction of the AQM which I briefly summarise as:
- a. PC14 was notified with a qualifying matter of a 50dB Ldn air noise contour based on 2021 modelling (**Notified Noise QM**)<sup>42</sup> which had a greater extent than the Operative Plan and the RPS Noise Contour (as shown on Map A).
  - b. CIAL provided a Section 32 Assessment<sup>43</sup> (**CIAL s32**) and Section 77K Assessment<sup>44</sup> (**CIAL s77K**) to Council (with supporting reports) and this appears as background supporting information on Councils PC14 website relative to the notified version of PC14.
  - c. CIAL submitted identifying two 50dB Ldn air noise contours, both more extensive than the Notified Noise QM, one is referred to as the 'outer envelope' and the other as the 'annual average'. The 'outer envelope' is the most expansive of all the contours identified to date and has been sought as the qualifying matter. There is no s77J assessment included within the submission to support this extended noise contour as a QM.

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<sup>41</sup> Section 77G(1) and (2))

<sup>42</sup> Ms Olliver, S42A Report, paragraph12.7.

<sup>43</sup> Section 32 Evaluation Report Airport Related Qualifying Matters in the Christchurch District Plan dated 16 May 2022.

<sup>44</sup> Airport Related Qualifying Matters in the Christchurch District Plan Section 77K RMA Assessment Date: 11th July 2022.

- d. Ms Oliver has recommended accepting the CIAL submission and adopted the “worst case” outer envelope<sup>45</sup>, but notes that the Canterbury Regional Council has yet to determine<sup>46</sup> whether the outer envelope or annual average is the most appropriate; this will have a significant impact on the spatial extent of the qualifying matter.

## 9 REGIONAL POLICY STATEMENT

- 9.0 As recorded in Section 7, the RPS as a strong direction toward encouraging development around the city centre, KACs and neighbourhood centres that are well serviced, including by transport infrastructure. The imposition of the AQM (and QMs more generally) adjacent to these locations restricts development which will both limit the potential for Mr Morahan’s aptly described<sup>47</sup> ‘virtuous circle’ of land use supporting public transport (and vice-versa) and in the long term, have potentially stifling effects on the realisation of the vision for the city’s urban form.
- 9.1 As noted, Mr Morahan has identified the busiest public transport corridor as being<sup>48</sup> the Papanui and Riccarton Corridors. Recognising the key linkage between quality public (and active) transport I have considered zoning proposed along the Papanui and Riccarton Corridors; in particular the location of NPS-UD identified centres to be supported by HDZ and proposed QMs. The location of MDRS areas within walking catchment areas will also support delivery of the NPS-UD.
- 9.2 In my opinion, the majority of NPS-UD centres are proposed to be reasonably well supported by HDZ/MDRS (recognising the presence of existing Commercial and Industrial zones). QMs impacting the HDZ are relatively limited except for the AQM adjacent to Riccarton Road. As is detailed by Mr Falconer, the AQM has a significant limiting effect on the extent of HDZ/MDRS (development potential) north of Riccarton Road (as does, to a lesser extent, the Riccarton Bush Interface Area QM).

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<sup>45</sup> Ms Olliver, S42A Report, paragraph 1.6(c).

<sup>46</sup> Ms Olliver, S42A Report, paragraph 12.22.

<sup>47</sup> Statement Of Primary Evidence Of Chris Morahan On Behalf Of Christchurch City Council Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour Dated: 11 August 2023, paragraph 38.

<sup>48</sup> Statement Of Primary Evidence Of Chris Morahan On Behalf Of Christchurch City Council Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour Dated: 11 August 2023, paragraphs 44 and 45.

9.3 To better describe the impact of the AQM on Riccarton, I refer to the evidence of Mr Falconer. Mr Falconer<sup>49</sup> describes briefly the MRT project, its route selection and the impact an AQM would have. In conjunction with Mr Falconer's evidence, I rely on Mr Morahan<sup>50</sup> who has outlined that the urban route of the MRT is already a rapid transit service<sup>51</sup>, described planned improvements and indicates that the MRT is a forward plan for improving (by step change) the existing service.

9.4 It is recognised that the MRT is forward looking and in the same context, other forward looking development proposals in the Riccarton area include SCentre<sup>52</sup> Kainga Ora<sup>53</sup> and Lendlease<sup>54</sup> submissions seeking a changes to enable a Metropolitan Centre zone for Riccarton (along with Hornby and Papanui complexes which are also on the Papanui and Riccarton Corridor). Whilst Mr Lightbody has not supported these submissions<sup>55</sup>, it is indicative of future development levels desired by the property owner in these key locations.

9.5 The key points of Mr Falconer's evidence are:

*...the QM's may not necessarily impact at the assessed (40 to 60 years) economic (Waka Kotahi) viability level, but they may impact over the much long term and at the well-functioning city level, especially in relation to the Key Activity Centre of Riccarton where urban transformation through significantly increased housing density might not be possible over the longer term and at a level that is anticipated by government policy direction.<sup>56</sup>*

*Regardless of whether MRT proceeds, Riccarton Road already is, and always will be, an important transport corridor for PT. Achieving the high densities set out in the NPS-UD is critical to achieving a well functioning urban environment here. This is also reflected at the local level in the draft GCSP, which specifically identifies Riccarton Road as a focus for growth through targeted intensification along the PT corridor.<sup>57</sup>*

9.6 Mr Falconer's assessment illustrates what a comparatively small numeric changes are likely but he concludes<sup>58</sup>:

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<sup>49</sup> Statement of Evidence, Mr John Falconer, paragraph 4.1

<sup>50</sup> Statement Of Primary Evidence Of Chris Morahan On Behalf Of Christchurch City Council Transport Planning Residential Zone Qualifying Matter: Low Public Transport Accessibility City-Wide Qualifying Matters: City Spine Corridor And Airport Noise Contour Dated: 11 August 2023, paragraphs 50 to 88.

<sup>51</sup> Statement of Evidence, Mr John Falconer, paragraph 7.2

<sup>52</sup> Submission 260.

<sup>53</sup> Submission 834.

<sup>54</sup> Submission 855.

<sup>55</sup> Mr Lightbody's S42A Report, paragraph 8.1.28.

<sup>56</sup> Statement of Evidence, Mr John Falconer, paragraph 6.6.

<sup>57</sup> Statement of Evidence, Mr John Falconer, paragraph 7.2.

<sup>58</sup> Statement of Evidence, Mr John Falconer, paragraph 7.4.

*There is a strong relationship between household density and transport energy use that indicates that even a small change in average density has a major impact on transport energy use (which in turn relates to emissions and is also a good proxy for accessibility and travel costs). The greater the densities become, the more each of these benefits will ultimately be realised. This is the key to the success of land use and PT integration along Riccarton Road and any MRT project over the longer term.*

- 9.7 Mr Falconer<sup>59</sup> also describes the effects the existing RPS Noise Contour has already had in regards to determining city form relative to MRT options. Ms Oliver also recognises this potential negative effect on KACs and accessible transport in her recommendation<sup>60</sup> which proposes some HDZ (within the AQM) to support the Riccarton Centre.
- 9.8 Noting that the RPS also includes a strong directive to avoid effects on CIAL by managing activities within the 50dB Ldn contour; I have considered if or how development could be accommodated. This is in addition to the detailed assessment I make of Policy 6.3.5 below to address questions raised by Ms Oliver.
- 9.9 I acknowledge as a general concept that more exposure to noise effects (without acoustic mitigation) statistically may result in a higher number of complaints; ie. that full MDRS/NPS-UD development within the AQM may result in an increase in dwellings and risk of complaints.
- 9.10 However, some areas are likely to have additional 'benefits' from being intensified than others and that the dis-benefits of locating within the AQM (or other QM area) are, on balance outweighed. Mr Falkner<sup>61</sup> has described the high level 'city-shaping' benefits and to this I would add:
- a. long term opportunity to reduce greenhouse gas emissions; and
  - b. potential changes to housing affordability (as a wider range of housing choices becomes available).
- 9.11 Dis-benefits are effectively the opposite of the 'benefits' eg. limited accessibility except by private car; increased congestion and fewer opportunities to reduce transport greenhouse gas emissions.

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<sup>59</sup> Statement of Evidence, Mr John Falconer, paragraph 6.7.

<sup>60</sup> Ms Oliver's S42A Report, paragraph 12.60.

<sup>61</sup> Statement of Evidence, Mr John Falconer, paragraph 6.5.

- 9.12 It is my opinion that the focused type of development envisaged by the NPS-UD for HDZ and MDRS around centres will generally create more ‘benefits’ than the broad brush enabling density proposed by MDRS ‘everywhere’ (particularly Objective 3 and Policy 1). This is my planning opinion as to good urban outcomes, not necessarily a reflection of the specific requirements of implementing the Enabling Housing Supply Act.
- 9.13 I have also outlined in my Section 11 below reasons why I do not think the option of “some” development in the AQM has been fully addressed by the CIAL s32.
- 9.14 Additionally, Dr Chiles<sup>62</sup> has provided evidence that, with appropriate provisions, indoor effects can be readily managed and outdoor effects in a HDZ are potentially lower than in a more traditional residential zone (such as Residential Suburban) due to more limited outdoor living opportunities.
- 9.15 For the reasons which follow in my evidence<sup>63</sup>, and to better deliver on a well-functioning urban environment (NPS-UD), the RPS and ODP, particularly in the Riccarton context, I consider:
- a. a more refined response to the AQM needs to be applied to delineate between areas proposed to be upzoned under the NPS-UD for HDR and MDRS in walkable catchments to the Riccarton Corridor; and
  - b. some adjustments to Councils recommended approach should be made.

## 10 REGIONAL POLICY STATEMENT- POLICY 6.3.5

- 10.0 In relation to the AQM, Ms Oliver has identified a range of RPS provisions (with which I generally agree) with the key policy relating to integration of land use and infrastructure being Policy 6.3.5, particularly (4) and (5).

*6.3.5 Integration of land use and infrastructure Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:*

*[...]*

*3. Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;*

***4. Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding***

<sup>62</sup> Statement of Evidence, Dr Stephen Chiles, paragraph 3.6.

<sup>63</sup> addressing Policy 6.3.5, the CIAL s32 assessment and Council recommendation



***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) and enabling commercial film or video production activities within the noise contours as a compatible use of this land; and***

***5. 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.***  
**(bold added)**

- 10.1 As noted above, I consider Policy 6.3.5 is important for urban form but it is one of a number of policies, not a policy to be read in isolation. In particular, as I have set out above, Policy 6.3.5 sits in context of the wider (numerous) objectives and policies which promote greater intensification in particular locations where centres, infrastructure and other facilities co-locate.
- 10.2 Notwithstanding that, I have considered Ms Oliver's position on Policy 6.5.3 (specifically (4) and (5)) via a range of questions in response to her assessment:
- a. Policy 6.5.3(4) Assuming PC14 is "new development", does it "affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure"?
  - b. Policy 6.5.3(4) Do all "noise sensitive activities within the 50dBA Ldn airport noise contour" have to be avoided? Additionally, Policy 6.5.3(5) do all activities that have the potential to limit infrastructure have to be avoided?
  - c. Policy 6.5.3(4) Does the "unless the activity is within an existing residentially zoned urban area" exemption apply?

New development affecting strategic infrastructure policy (6.5.3(4))?

- 10.3 Ms Oliver<sup>64</sup> considers that the intensification within the 50dBA Ldn airport noise contour is *new development* and *requires consideration against the Policy 6.3.5.4 criteria (ensuring noise sensitive activities do not affect the efficient operation) ...*

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<sup>64</sup> Ms Oliver's S42A Report, paragraphs 12.10 and 12.12.

- 10.4 A range of rules in the ODP require (restricted discretionary activity) resource consent for sensitive activities in the 50dBA Ldn contour (eg Rule 14.4.1.3, RD34 for residential activities, education, preschools, health care and visitor accommodation). A consent is required regardless of the internal noise levels received by the proposal. However acoustic mitigation is not a mandatory standard, it is a matter of discretion.
- 10.5 Dr Chiles<sup>65</sup> has provided evidence which concludes that, within the 50dB Ldn contour (regardless of which 50dB Ldn contour is adopted), it is reasonably likely that internal noise levels (specified in Appendix 14.16.4) will be met with windows open for ventilation.
- 10.6 I also contrast the approach to sensitive activities in the 50dB Ldn with those in the 55dB Ldn. In the 55dB Ldn contour where acoustic mitigation is a standard (Rule 6.1.7.2.2. ) with non-compliance being a non-complying activity (6.1.7.1.5 NC1). This difference in approach, along with Dr Chiles evidence, suggests that noise sensitive activities within the 50dB Ldn can be practically accommodated with acceptable internal sound levels achieved.
- 10.7 While Ms Oliver has taken care to exclude the AQM from effectively adopting Operative Plan 50dB Ldn provisions<sup>66</sup> with Chapter 14, parallels can be drawn with regards to likely effects and appropriate management responses.
- 10.8 Further, from a plan administration perspective, it is my view that a restricted discretionary activity status where specified internal noise levels are met in the 50dB Ldn contour may be overly restrictive (I will return to this within Section 12).
- 10.9 I also note Dr Chiles view that a key effect of noise results from sleep disturbance and the corresponding annoyance and health impacts. Sleeping (and indeed most domestic activities) occur indoors. It is Dr Chiles opinion that it is possible to construct buildings which provide suitable levels of indoor amenity within the 50dB Ldn contour.

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<sup>65</sup> Statement of Dr Chiles, paragraph 4.6.

<sup>66</sup> Ms Oliver's s42A Report, paragraphs 12.65 and 12.66.

10.10 Included in his evidence, Dr Chiles<sup>67</sup> has provided an example which manages outdoor amenity. While this may not be common practice, it does demonstrate a feasible solution.

10.11 Based on Dr Chiles' evidence, I conclude that, with appropriate plan provisions, new development can be carefully located in areas within the 50 dB Ldn contour without impacting significantly infrastructure operation.

Do all "noise sensitive activities within the 50dB Ldn airport noise contour" have to be avoided policy 6.5.3(4) and (5)?

10.12 I agree with both CIAL<sup>68</sup> and Ms Oliver<sup>69</sup> that the wording of 6.3.5(4), even though it contains "avoid" is not a preclusion on sensitive development; it means development can occur where it does not impact" (etc) infrastructure.

Does the "existing residentially zoned urban area exemption" apply policy 6.5.3(4)?

10.13 There is an "exemption" for the 'limitation' on new development where it is in an existing residentially zoned urban area.

10.14 RPS Map A assists in defining 'existing residentially zoned urban area'.; Policy 6.3.5.4 directly refers to existing urban areas as being on Map A ("*...unless the activity is within an existing residentially zoned urban area, [...], or residential greenfield priority area identified in Map A (page 6-28)*"). In my opinion Map A is a critical determinant of existing residentially zoned urban area' as it is Map A which the RPS Noise Contour is premised and urban areas shown. Map A is also referred to within the PC objectives and policies (eg. PC14 3.3.8, 3.3.12 and 14.2.1.1) when describing proposed greenfield urban areas (being distinct from existing urban areas).

10.15 For the life of the RPS, the AQM has been an 'existing residentially zoned urban area'. A review of the Operative District Plan within the existing 50dB Ldn contour does not indicate that all activities are 'frozen' to previous (or current) development levels; noise sensitive activities (eg new dwellings, child

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<sup>67</sup> Statement of Dr Chiles, paragraph 4.6.

<sup>68</sup> CIAL submission, paragraph 39.

<sup>69</sup> Ms Oliver records at her paragraph 12.24:

*The findings of the IHP for the Replacement District Plan on page [x] of Decision 10 that: "In essence, the position we reach is that:*

*a. There is no absolute direction to avoid any further noise sensitive activities in existing residentially zoned land within the 50 contour, but*

*b. There is a need to evaluate whether we should avoid or restrict such activities so as to give proper effect to Policy 6.3.5 and related CRPS objectives and policies."*

care) are restricted discretionary activities<sup>70</sup> where acoustic mitigation standards are met.

10.16 This indicates that further development in existing urban residential zoned areas is expected and is not precluded by the preceding wording which seeks to limit development to only those activities which do not affect or potentially effect infrastructure.

10.17 In summary, I am of the view the 'existing residentially zoned areas (as identified on Map A) do not require further assessment under 6.3.5(4). They do however require consideration under 6.3.5(5) but this is not, as accepted by CIAL and Ms Oliver, an outright preclusion of all noise sensitive activities. Dr Chiles, the Operative District Plan and Ms Oliver's conclusions on the Matai Street Area all reflect that, with appropriate mitigation, noise sensitive activities can be located within the 50dB Ldn contour.

## **11 SECTION 32 ANALYSIS, S77J AND S77K**

11.0 The Council has relied on the CIAL s32 and CIAL s77K analysis (prepared prior to submissions) provided by CIAL to support the AQM and also the outcome within the provisions.

11.1 In addition to s32 and s77K, Section 77J requires the Council to demonstrate why it considers that the QM is incompatible with the level of development provided for by the MDRS or NPSUD-Policy 3. While the CIAL S77K does include consideration of sound insulation for dwellings<sup>71</sup> it indicates only that it will not fully avoid all effects, not that development is incompatible. Dr Chiles' provides alternative evidence that acoustic mitigation measures are effective to mitigate the noise effects to an acceptable level, not that development is incompatible. Dr Chiles and I further agree that the current ODP provisions for noise sensitive activities within the 50dB Ldn (which do not require acoustic mitigation as a standard) anticipate and manage effects sensitive activities. This strongly suggests noise sensitive activities are not incompatible within the 50dB Ldn.

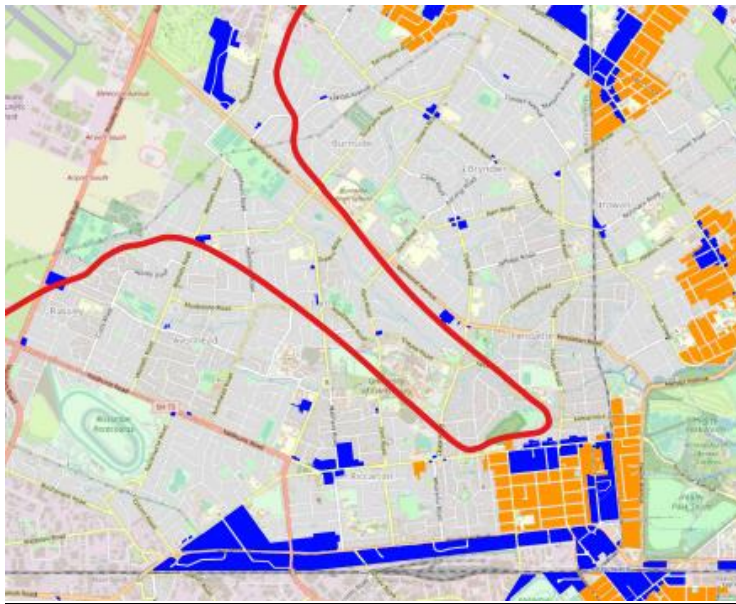
11.2 I have the following additional reservations about the CIAL S32 and S77K reports:

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<sup>70</sup> For example, Rule 14.4.1.3, RD34, Rule 14.12.1.3 RD26.

<sup>71</sup> CIAL S77K, paragraph 101(f), PDF page 31.

- a. I do not consider the S77K report provides a broad enough assessment of the full range of objectives, particularly for the RPS.
- b. I consider there needs to be more recognition of all objectives conjointly and also to recognise that other strategic infrastructure also has a role to play in in delivery of those goals (eg. regionally significant transport supporting centres based intensification).
- c. Acknowledging the role of ECan with regards to review of the updated RPS Noise Contour, there appears to have been no peer review of the CIAL information by Council.
- d. The S32 and S77 (and supporting documents) address the AQM (contour) shown in Figure 1 (as notified), the Council recommendation adopts the CIAL Submission contour referred to as the 'outer envelope' shown in Figure 2 which had a much larger extent.



**Figure 1: Airport Related Qualifying Matters CIAL Section 77K RMA Assessment**



**Figure 2: CIAL Submission Appendix A(i) Air Noise Influence Area Qualifying Matter**

- e. Noting an updated Section 32 may be prepared for the hearing, the current S32 assessed two potential objectives (section 6.2):
1. *The proposed objective, which is: To achieve a balance in enabling housing supply and residential intensification, while protecting strategic infrastructure including the Airport from reverse sensitivity effects, and maintaining the health, safety and amenity of residents, through the imposition of the AAOCB as a qualifying matter over areas subject to MDRS provisions.*
  2. *A reasonable alternative objective which is: To enable housing supply and residential intensification, through MDRS provisions, without imposing the AAOCB as a qualifying matter, while retaining operative District Plan objectives and policies intended to promote consideration of the protection of strategic infrastructure including the Airport from reverse sensitivity effects, and maintenance of the health, safety and amenity of residents.*
- f. I consider both of these feasible options and would suggest that a third ‘in between’ objective which explored a more nuanced approach to balancing CIAL goals with wider city form objectives would have been appropriate to include in the assessment. This could consider aspects such as:

- i. localised intensification for areas critical to achieving density such as around KACs or rapid transit;
- ii. recognition that multi-storey development is likely to have more limited outdoor living spaces / less potential exposure to external noise sources;
- iii. acknowledgement that the current ODP rule structure does not automatically require acoustic mitigation for residential activities within the 50dB Ldn contour, but that acoustic mitigation is a matter of discretion.

11.3 I appreciate that the S32 was prepared by CIAL and that the 'in-between' objective would likely require a fairly granular (resource intensive) review (perhaps best undertaken by Council) to ascertain possible locations where a more enabling approach (HDZ or more MDRS) may be feasible. I however, respectfully suggest that given the extent to which the AQM 'outer envelope' is now proposed to apply (compared with RPS Map A or the notified PC14) and the impact of this, a further s32 assessment would be beneficial.

## 12 RELIEF SOUGHT

12.0 Ms Oliver recommends, among other things:

- a. Adopting the AQM at the 'outer envelope' proposed within the CIAL submission; and
- b. Retaining the operative district plan zoning within the AQM except<sup>72</sup> for the area which is within the blue dash in Figure 3; Ms Oliver proposes High Density Residential (**HDR**) in this location.

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<sup>72</sup> Ms Oliver's S42A Report, paragraphs 12.60 to 12.62 and 12.67.



**Figure 3: Ms Oliver's recommended HDR zone (blue dash)**

- 12.1 I support her recommendation in terms of spatial extent, as far as it goes. As noted, Ms Oliver's conclusion is based on the need to achieve wider objectives (such as supporting Riccarton Centre as a KAC) with which I agree, however it is based on acoustic evidence ie. no reason has been provided why this area of 'outer envelope' differs from other areas of 'outer envelope' from an acoustic perspective.
- 12.2 Noting the view of Mr Falconer and the evidence of Dr Chiles, I consider there are other areas adjacent to the Riccarton Road corridor (refer Attachment B, Maps 1 to 5) which should either be HDR or MDRS within the AQM for the same reasons as put forward by Ms Oliver<sup>73</sup> being *...some level of trade-off or rather acceptance for a reduce level of amenity, is needed to ensure Ōtautahi Christchurch is well-positioned to facilitate greater populations along the Riccarton Road corridor, and to ensure that the commensurate response to this major Town Centre is appropriate.*
- 12.3 The reasons for my conclusion are as follows:
- a. Additional density close to key transport routes will better achieve the outcomes set out in the NPS-UD (particularly NPS-UD Objective 1 relating to a well-functioning urban environment NPS-UD Objective 3 Policy 1).

<sup>73</sup> Ms Oliver's S42A Report, paragraph 12.60.



- b. The increase in density opportunities will facilitate delivery of the RPS and reflect other forward planning mechanisms such as the Draft Spatial Plan (and other transport planning policy and plans as described by Mr Falconer<sup>74</sup>).
- c. Ms Oliver has proposed an area (Figure 3) suitable for upzoning to achieve wider goals; in the opinion of Dr Chiles, there are no distinguishing noise characteristics that would differentiate Ms Oliver's area from other areas within the MRT station catchments.
- d. Acknowledging that future plan changes / plan reviews could eventuate to increase density as planned centre growth and transport infrastructure improvements are realised, as described in the S77K report; NZS 6805:1992, *Airport Land Use Management and Land Use Planning*, ...*recommends that existing noise controls should not be downgraded*<sup>75</sup>. PC14 is therefore the appropriate time to balance the competing needs of CIAL and wider urban form; once embedded, it will be very difficult to alter ('roll back') either the extent of the 50dB Ldn contour or the controls which apply within it.

12.4 Acknowledging CIAL's broader concerns (which are clearly reflected in the RPS and ODP):

- a. Attachment B Maps 1-5 areas make up a very small portion of the proposed AQM;
- b. the Map 1-5 areas are all located at the outer periphery of the CIAL 'outer envelope' (being the 'busiest'<sup>76</sup> or 'worst case' operational effects); and predominantly outside of the CIAL 'annual average' contour;
- c. all Map 1 to 5 areas would, if CIAL's position is adopted, be within a 50db Ldn, as described above, this is an area where there are currently no mandatory standards to provide acoustic mitigation (noting that acoustic mitigation is an assessment criteria only);

<sup>74</sup> Evidence of Mr Falconer, Section 2.

<sup>75</sup> Airport Related Qualifying Matters in the Christchurch District Plan Section 77K RMA Assessment Date: 11th July 2022, paragraph 101(b).

<sup>76</sup> Ms Oliver's S42A Report, last paragraph, page 86.

- d. new noise sensitive activities can be required to assess and provide internal acoustic mitigation to provide adequate internal sound levels (refer Attachment B);
- e. As described by Mr Falconer the Maps 1 to 5 upzoning will support an existing KAC and Riccarton Road as a key transport corridor (both now and long into the future).

12.5 I do not consider there needs to be any alteration to accommodate my proposal to :

- a. the RPS (which I address and balance objectives and policies in Sections 7 and 8); and
- b. the ODP: Chapter 3 Strategic Direction (eg Objectives 3.3.12, 3.3.14) or Chapter 6.1 Noise (eg 6.1.2.1.1) in order to accommodate my proposed changes. In particular; effects can be managed and benefits of intensification provided to contribute to wider outcomes (eg Objectives 3.3.7 and 3.3.8). Ms Oliver has also not identified any changes to Chapter 3 or 6 as necessary.

12.6 I do however propose consequential changes to:

- a. The planning maps to reflect HDZ and MDRS within the Riccarton Corridor as set out in Attachment B, Maps 1 to 5; and
- b. Rule 6.1.7.2.2 Activities near Christchurch Airport: As foreshadowed at paragraph 10.8, in my opinion and based on the evidence of Dr Chiles, I consider there should be a permitted activity standard (minimum acoustic built and ventilation response) for new noise sensitive activities within the AQM where outside the ODP dB Ldn contour. I do not consider the existing Rule 14.4.1.3 RD34 approach is a reasonable regulatory method in terms of balancing effects / mitigation as the effects of locating noise sensitive activities within the 50dB Ldn control (wherever it is) can be adequately managed by specifying design standard outcomes.

12.7 Amendments I propose are set out in Attachment B.

12.8 From a process perspective, the permitted activity standards requiring acoustic mitigation (proposed in my Attachment B) could be incorporated via

s80E of the RMA which allows intensification planning instruments to include related provisions, including standards that support or are consequential on the MDRS or policies 3, 4 or 5 of the NPS-UD.

- 12.9 The correct approach to be adopted (QM or related matter under s80E) is however primarily a legal issue.

## **13 CONCLUSION**

- 13.0 Based on the additional evidence and reporting provided, I accept or agree with the Council position on all matters except the retention of ODP zoning within parts of the AQM.
- 13.1 I support Ms Oliver's proposed HDR zoning and additional HDR zoning inside the AQM and subject to my amended Rule 6.1.7.2.2.
- 13.2 I consider my Attachment B Maps 1 to 5 (which includes Ms Oliver's proposed recommendation) will provide a more balanced approach between the need to protect (CIAL) and enable (transport) infrastructure while delivering small but valuable support to achieving the long term goals of a well functioning urban environment, while being consistent with the RPS, ODP and other policy directives (eg Draft Spatial Plan).

**Cath Heppelthwaite**  
20 September 2023

## **Attachment A – Objectives and Policies Referenced**

### **6.2 OBJECTIVES**

#### **6.2.1 Recovery framework**

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

- 1. identifies priority areas for urban development within Greater Christchurch;*
- 2. identifies Key Activity Centres which provide a focus for high quality, and, where appropriate, mixed-use development that incorporates the principles of good urban design;*
- 3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;*
- 4. [...]*
- 9. integrates strategic and other infrastructure and services with land use development;*
- 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; and [...]*

#### **6.2.4 Integration of transport infrastructure and land use**

*Prioritise the planning of transport infrastructure so that it maximises integration with the priority areas and new settlement patterns and facilitates the movement of people and goods and provision of services in Greater Christchurch, while:*

- 1. managing network congestion;*
- 2. reducing dependency on private motor vehicles;*
- 3. reducing emission of contaminants to air and energy use;*
- 4. promoting the use of active and public transport modes;*
- 5. optimising use of existing capacity within the network; and*
- 6. enhancing transport safety.*

**6.2.5 Key activity and other centres** *Support and maintain the existing network of centres below as the focal points for commercial, community and service activities during the recovery period:*

- 1. The Central City*
- 2. Key Activity Centres*
- 3. Neighbourhood centres.*

### **6.3 POLICIES**

#### **6.3.1 Development within the Greater Christchurch area**

*In relation to recovery and rebuilding for Greater Christchurch:*

- 1. give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;*
- 2. give effect to the urban form identified in Map A (page 6-27) by identifying the location and extent of the indicated Key Activity Centres;*
- 3. enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;*
- 4. ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;*
- 5. [...]*
- 8. avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres.*

- c. Implementation of this policy by territorial authorities is mandatory (“will”)

## *Methods*

*Territorial authorities:*

*Will*

*3. Provide for the rebuilding and recovery of Greater Christchurch in accordance with the Land Use Recovery Plan for Greater Christchurch, Policy 6.3.1 and Map A, by including in district plans objectives, policies and rules (if any) to give effect to the policy.*

*4. Investigate and implement methods in district plans for promoting development and enhancement of Key Activity Centres.*

*6.3.2 Development form and urban design Business development, residential development (including rural residential development) and the establishment of public space is to give effect to the principles of good urban design below, and those of the NZ Urban Design Protocol 2005, to the extent appropriate to the context:*

*[...]*

*2. Integration – recognition of the need for well-integrated places, infrastructure, movement routes and networks, spaces, land uses and the natural and built environment. These elements should be overlaid to provide an appropriate form and pattern of use and development.*

*3. Connectivity – the provision of efficient and safe high quality, barrier free, multimodal connections within a development, to surrounding areas, and to local facilities and services, with emphasis at a local level placed on walking, cycling and public transport as more sustainable forms of [transport].*

*4.[...]*

### *6.3.4 Transport effectiveness*

*Ensure that an efficient and effective transport network that supports business and residential recovery is restored, protected and enhanced so that it maintains and improves movement of people and goods around Greater Christchurch by:*

*1. [...]*

*2. providing patterns of development that optimise use of existing network capacity and ensuring that, where possible, new building projects support increased uptake of active and public transport, and provide opportunities for modal choice;*

*3.[...]*

### *6.3.5 Integration of land use and infrastructure*

*Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:*

*1. Identifying priority areas for development and Future Development Areas to enable reliable forward planning for infrastructure development and delivery;*

*2. Ensuring that the nature, timing and sequencing of new development are co-ordinated with the development, funding, implementation and operation of transport and other infrastructure in order to:*

*a. optimise the efficient and affordable provision of both the development and the infrastructure;*

*b. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;*

*c. protect investment in existing and planned infrastructure;*

*d. ensure that new commercial film or video production facilities are connected to reticulated water and wastewater systems; and*

*e. ensure new development does not occur until provision for appropriate infrastructure is in place;*

*3. Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;*

4. *Only providing 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) and enabling commercial film or video production activities within the noise contours as a compatible use of this land; and*
5. *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.*

#### *6.3.7 Residential location, yield and intensification*

*In relation to residential development opportunities in Greater Christchurch:*

1. *Subject to Policy 5.3.4, Policy 6.3.5, and Policy 6.3.12, residential greenfield development shall occur in accordance with Map A.*
2. *Intensification in urban areas of Greater Christchurch is to be focused around the Central City, Key Activity Centres and neighbourhood centres commensurate with their scale and function, core public transport routes, mixed-use areas, and on suitable brownfield land.*
3. *[...]*

#### *Operative District Plan*

##### *6.1.2.1.5 Policy - Airport noise*

*Require the management of aircraft operations and engine testing at Christchurch International Airport, so that:*

*noise generated is limited to levels that minimise sleep disturbance and adverse effects on the amenity values of residential and other sensitive environments so far as is practicable; where practicable, adverse noise effects are reduced over time.*

*Mitigate adverse noise effects from the operations of the Christchurch International Airport on sensitive activities, by:*

*prohibiting new sensitive activities within the Air Noise Boundary and within the 65 dB Ldn engine testing contour; and*

*requiring noise mitigation for new sensitive activities within the 55 dB Ldn air noise contour and within the 55 dB Ldn engine testing contour; and*

*requiring Christchurch International Airport Limited (CIAL) to offer appropriate acoustic treatment in respect of residential units existing as at 6 March 2017 within the 65 dB Ldn Annual Airport Noise Contour, and within the 60 dB L dn engine testing contour.*

## Attachment B: Amendments Sought

### Chapter 6

#### Permitted Activity updates

##### 6.1.7.2.2 Activities near Christchurch Airport

1. The following activity standards apply to new buildings and additions to existing buildings located within the 55 dB L<sub>dn</sub> air noise contour or the 55 dB L<sub>dn</sub> engine testing contour shown on the planning maps and the Qualifying Matter Airport Noise Influence Area:

1. Any new buildings and/or additions to existing buildings shall be insulated from aircraft noise and designed to comply with the following indoor design sound levels: [...]
2. Sensitive activities shall achieve a minimum external to internal noise reduction of 30 dB Dtr,2m,ntw+Ctr for habitable spaces.
3. Mechanical ventilation

If windows must be closed to achieve the design noise levels in clause, the building is designed, constructed and maintained with a mechanical ventilation system that For habitable rooms for a residential activity, achieves the following requirements:

i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and

ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

iii. provides relief for equivalent volumes of spill air;

iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and

v. does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. (b) For other spaces, is as determined by a suitably qualified and experienced person.

4 Noise insulation calculations and verification shall be as follows:

- i. i. Building consent applications shall be accompanied with a report detailing the calculations showing how the required sound insulation and construction methods have been determined.
- ii. For the purpose of sound insulation calculations, the external noise levels for a site shall be determined by application of the air noise contours L<sub>dn</sub> and L<sub>AE</sub>. Where a site falls within the contours the calculations shall be determined by linear interpolation between the contours.
- iii. If required by the Council, in conjunction with the final building inspection the sound transmission of the façade shall be tested in accordance with ISO 16283-3:2016 to demonstrate that the required façade sound

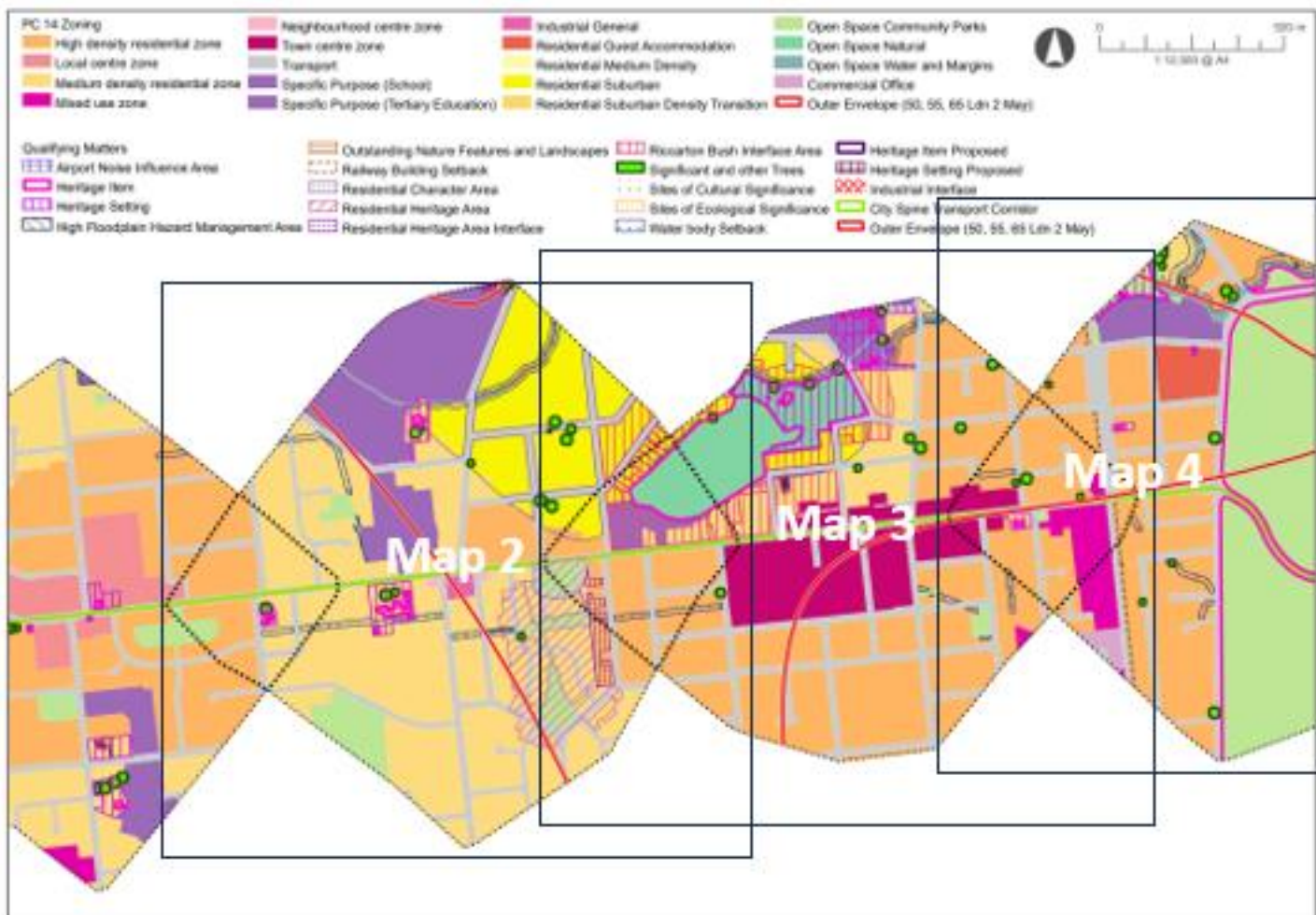
insulation performance has been achieved, and a test report is to be submitted to the Council's Head of Building Consenting (or any subsequent equivalent position). Should the façade fail to achieve the required standard then it shall be improved to the required standard and re-tested prior to occupation.



## Maps

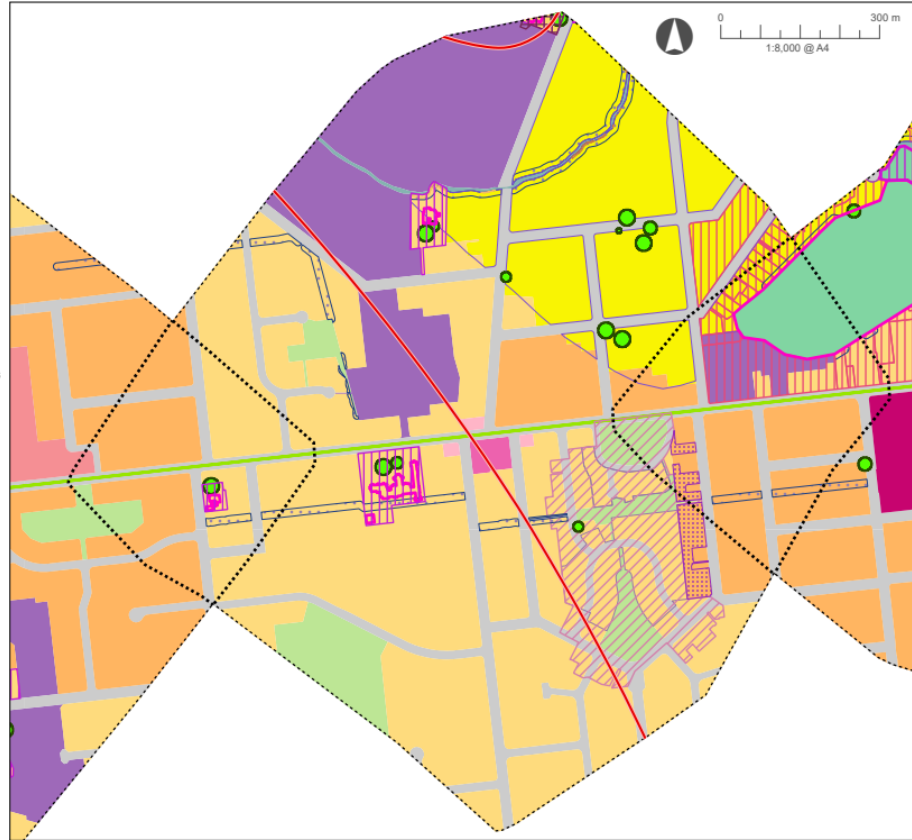
Retain the notified PC14 zoning in AQM 50dB Ldn locations shown on Maps 1 to 4

### Map 1: Overview



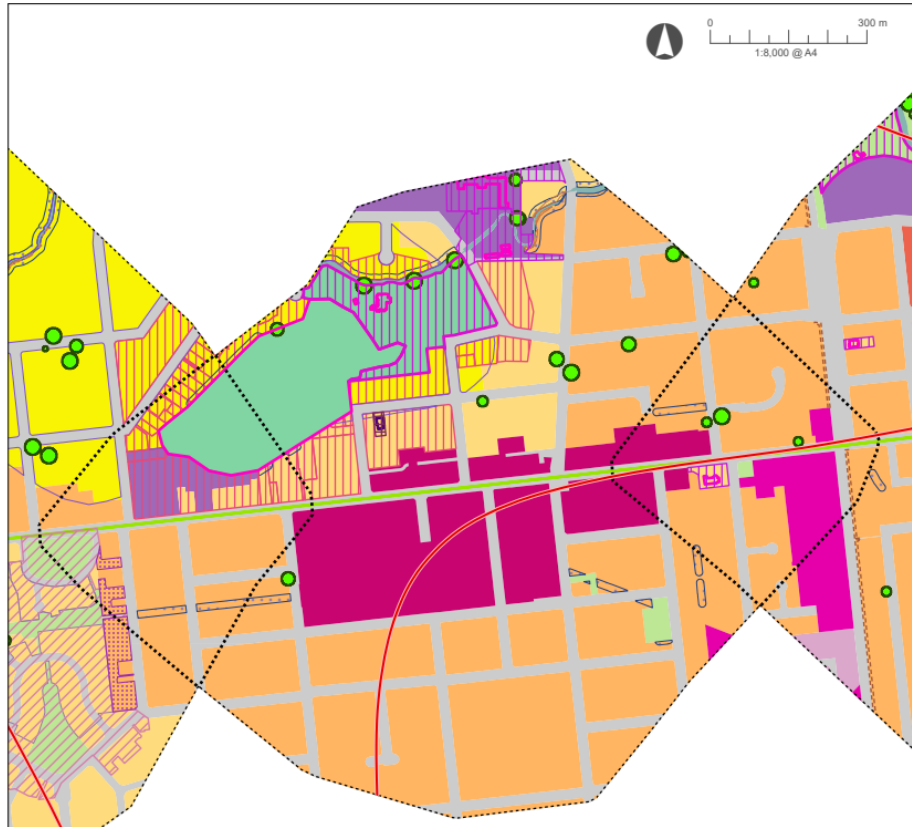
## Map 2: Ilam

- Outer Envelope (50, 55, 65 Ldn 2 May)
- PC 14 Zoning
- High density residential zone
- Local centre zone
- Medium density residential zone
- Neighbourhood centre zone
- Town centre zone
- Transport
- Specific Purpose (School)
- Specific Purpose (Tertiary Education)
- Industrial General
- Residential Suburban
- Residential Suburban Density Transition
- Open Space Community Parks
- Open Space Natural
- Open Space Water and Margins
- Qualifying Matters
- Airport Noise Influence Area
- Heritage Item
- Heritage Setting
- Outstanding Nature Features and Landscapes
- Residential Character Area
- Residential Heritage Area
- Residential Heritage Area Interface
- Riccarton Bush Interface Area
- Significant and other Trees
- Sites of Ecological Significance
- Water body Setback
- Heritage Setting Proposed
- Industrial Interface
- City Spine Transport Corridor



## Map 3: Riccarton

- Outer Envelope (50, 55, 65 Ldn 2 May)
- PC 14 Zoning
- High density residential zone
- Medium density residential zone
- Mixed use zone
- Town centre zone
- Transport
- Specific Purpose (School)
- Residential Guest Accommodation
- Residential Medium Density
- Residential Suburban
- Residential Suburban Density Transition
- Open Space Community Parks
- Open Space Natural
- Open Space Water and Margins
- Commercial Office
- Qualifying Matters
- Airport Noise Influence Area
- Heritage Item
- Heritage Setting
- Outstanding Nature Features and Landscapes
- Railway Building Setback
- Residential Character Area
- Residential Heritage Area
- Residential Heritage Area Interface
- Riccarton Bush Interface Area
- Significant and other Trees
- Sites of Cultural Significance
- Sites of Ecological Significance
- Water body Setback
- Heritage Item Proposed
- Heritage Setting Proposed
- City Spine Transport Corridor



# Map 4: Deans Avenue

- ▬ Outer Envelope (50, 55, 65 Ldn 2 May)
- PC 14 Zoning**
- High density residential zone
- Medium density residential zone
- Mixed use zone
- Town centre zone
- Transport
- Specific Purpose (Hospital)
- Specific Purpose (School)
- Residential Guest Accommodation
- Residential Medium Density
- Residential Suburban
- Open Space Community Parks
- Open Space Water and Margins
- Commercial Office
- Qualifying Matters**
- ▬ Heritage Item
- ▭ Heritage Setting
- ▭ High Floodplain Hazard Management Area
- ▭ Railway Building Setback
- Significant and other Trees
- ▭ Sites of Cultural Significance
- ▭ Sites of Ecological Significance
- ▭ Water body Setback
- ▬ City Spine Transport Corridor

