

**OFFICER'S REPORT FOR:**

**Independent Hearing Commissioners:**

**SUBJECT:**

**Proposed Waimakariri District Plan:  
Variation 1 – Airport Noise Matters**

**PREPARED BY:**

**Peter Wilson**

**REPORT DATED:**

**12/02/2024, updated on 8 June 2024 (as part  
of final right of reply)**

**DATE OF HEARING:**

**19-23 February 2024**



**WAIMAKARIRI**  
DISTRICT COUNCIL

## Executive Summary

1. This report considers submissions received by the Waimakariri District Council in relation to the Variation 1/Intensification Planning Instrument submissions on relevant objectives, policies, rules, definitions, appendices and maps relating to the 'Airport Noise Qualifying Matter (ANQM)' within the proposed Waimakariri District Plan. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. This report is intended to sit alongside the s42A report on the PDP related to Christchurch International Airport submissions authored by Mr Neil Sheerin. The twin reports separate recommendations on submissions on airport noise contour and bird strike matters on the PDP and Variation 1.
3. The following are considered to be the key issues in contention in the chapter:
  - What noise contour should form the basis for the qualifying matter.
  - How the underlying provisions implement the qualifying matter.
4. This report addresses each of these matters, as well as any other issues raised by submissions.
5. I have recommended some changes to the Proposed Plan Variation 1 provisions to address matters raised in submissions and are summarised below:
  - Amended wording in Table RSL-1 describing the airport noise qualifying matter.
  - Additional wording in the Introduction to the Medium Density Residential Zone chapter.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in section **Appendix A** of this report.
7. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
  - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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## Interpretation

8. Parts A and B of the Officers' reports utilise a number of abbreviations for brevity as set out in Table 1 below:

**Table 1: Abbreviations**

Abbreviation	Means
ANQM	Airport Noise Qualifying Matter
RMA	Resource Management Act 1991
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
ECan	Environment Canterbury/Canterbury Regional Council
MDRS	Medium Density Residential Standards
RPS	Operative Canterbury Regional Policy Statement
RMEHA	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

**Table 2: Abbreviations of Submitters' Names**

Abbreviation	Means
CIAL	Christchurch International Airport Ltd
ECan	Environment Canterbury / Canterbury Regional Council
Federated Farmers	Federated Farmers of New Zealand Inc.
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

## Introduction

### 1 Purpose

9. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on Variation 1: *Housing Intensification* with regard to the Airport Noise

Qualifying Matter ('ANQM') and to recommend possible amendments to the Proposed Plan in response to those submissions.

10. This report discusses general issues or topics arising, the original and further submissions received following notification of Variation 1, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Variation 1 provisions or maps based on the preceding discussion in the report.
11. The report is limited to the airport noise contour qualifying matter only, and does not discuss or analyse bird strike matters, as these were not within scope of Variation 1. The reason for separating out the airport noise qualifying matter provisions from the other variation 1 qualifying matters is to assist the panel in understanding the interface between provisions on the PDP relating to the airport noise contour and those on Variation 1.
12. At the time of writing this report I am aware that the government has signalled its intention to make the requirements of the Resource Management Housing and Other Matters Amendment Act 'voluntary'. I note that this may also apply to qualifying matters. However, no directions have been issued in respect of this matter and therefore this report proceeds on the basis that there are no changes to Variation 1 as notified.
13. This s42A report is one of the s42A reports being provided with respect to Variation 1 and should be read alongside those reports, which are as follows:
  - The s42A report on Variation 1 itself<sup>1</sup>; and
  - The s42A report on Variation 1/IPI submissions on the FUDA chapter.
14. This report is provided to assist the Independent Hearings Panel in their role as Independent Commissioners. The Independent Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
15. 17 submission points from 6 individual submitters were received, along with 16 further submission points from 4 individual further submitters. 5 submission points are in support, with 8 in opposition, 19 request amendments, and 3 are neutral.
16. Of the further submission points, 2 points are in support, with 14 in opposition.

## Author

17. My name is Peter Gordon Wilson. My qualifications and experience are set out in **Appendix E** of this report.
18. My role in preparing this report is that of an expert planner.
19. I was not involved with the preparation of Variation 1.
20. I am also the author of the s42A report for Variation 2: *Financial Contributions*.

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<sup>1</sup> It is noted that at the time of writing this report the Variation 1 report has not been completed as it now falls within a later hearing stream.

21. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
22. The scope of my evidence relates to the Variation 1 submissions on the ANQM. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
23. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
24. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2 Key Issues in Contention**

25. I consider the following to be the key issue in contention in the chapter:
  - What noise contour should form the basis for the qualifying matter.
  - How the underlying provisions implement the qualifying matter.
26. I address each of these key issues in this report, as well as any other issues raised by submissions.

## **3 Procedural Matters**

*Pre-hearing conferences etc*

27. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on Variation 1.

*IPI and ISSP*

28. This is a s42A report on Variation 1 - ANQM, and must be considered by the Independent Hearings Panel under the provisions of the Intensification Streamlined Planning Process (ISPP).

## **Statutory Considerations**

### **4 Resource Management Act 1991**

29. This report has been prepared in accordance with the RMA and in particular, the requirements of:
  - s77F-s77R Intensification requirements in residential and non-residential zones.
  - s80E-80H Intensification planning instruments and intensification streamlined planning process.
  - s86BA Immediate legal effect of rules in IPI prepared using the ISPP.
  - Schedule 3A RMA Medium density residential standards (MDRS) and giving effect to Policies 3 and 4 of the NPS-UD to be incorporated by specified territorial authorities.
30. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of Variation 1. These documents are discussed in

detail within the Section 32 Evaluation Reports: Variation 1 Housing Intensification and its supporting appendices<sup>2</sup>.

## **5 Section 32AA**

31. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

### ***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

32. The required section 32AA evaluation for changes proposed as a result of consideration of submissions are inline below the relevant recommendations.

## **6 Requirements for Qualifying Matters**

33. Under s77I, a specified territorial authority may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development in relation to an area within a relevant residential zone in respect of a range of matters, listed in (a)-(j) 77I RMA. In respect of the ANQM, s77I(e) applies:

“a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure”

34. As Christchurch International Airport is nationally (as well as regionally) significant infrastructure, it meets the s77I(e) definition, and as noise contours are in the operative district plan, the s77K alternative process for existing qualifying matters applies.

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<sup>2</sup> Available under “Variation 1: Housing Intensification”; <https://www.waimakariri.govt.nz/planning/district-plan/district-plan-changes/council-plan-changes>



35. I consider that the s32 evaluation for Variation 1<sup>3</sup> contains the required s77K evaluation.

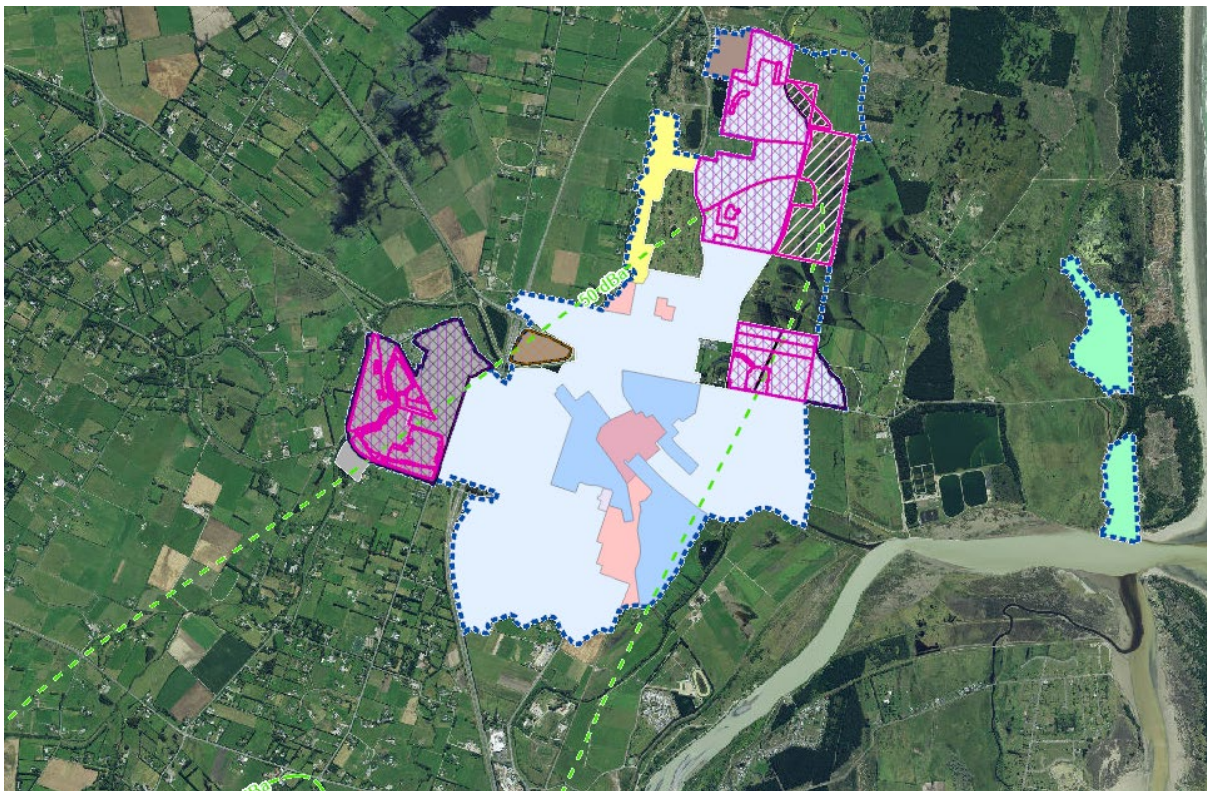
## 7 Trade Competition

36. Trade competition is not considered relevant to the Variation 1 - ANQM provisions of the Proposed Plan.

## Consideration of Submissions and Further Submissions

### 8 Background to issue

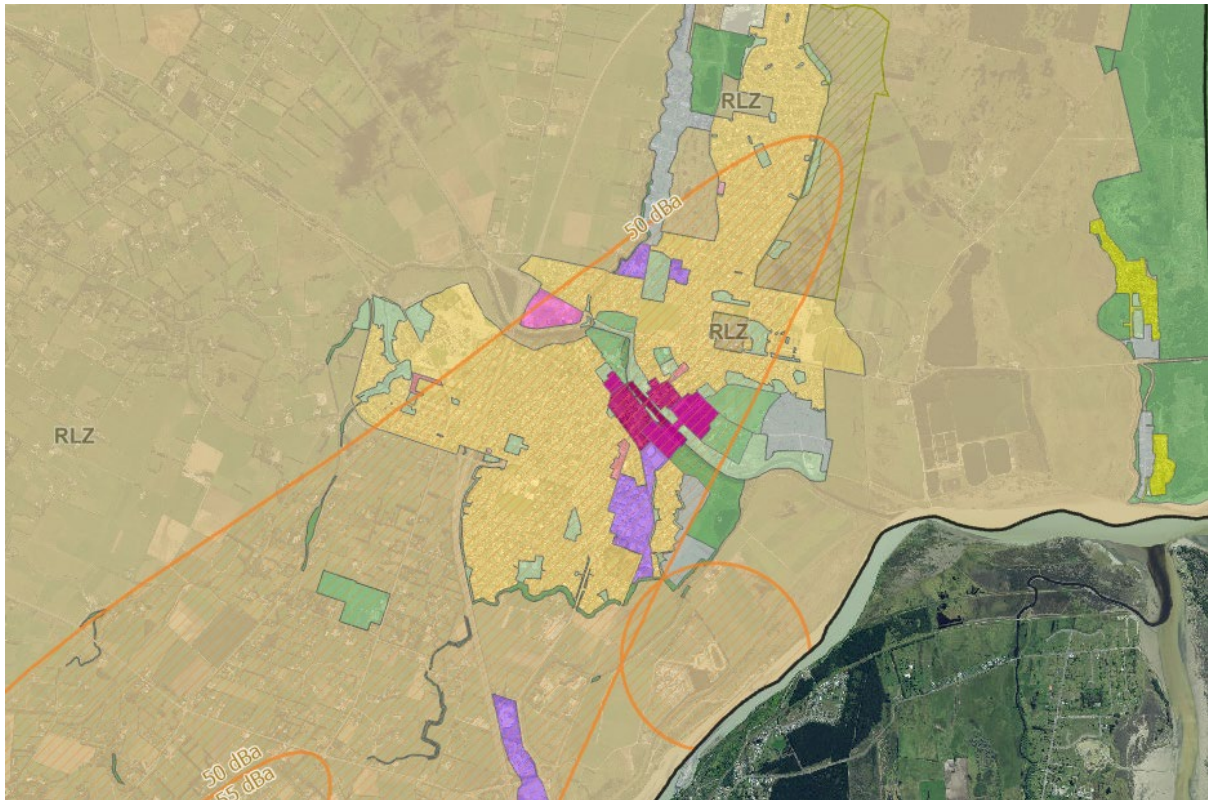
37. The ODP contains a 50 dBA annual average airport noise contour, which implements the Land Use Recovery Plan (LURP) and CRPS chapter 6 provisions. This contour projects over most of Kaiapoi, as shown in the figure below:



**Figure 1 - Operative District Plan 50dBA annual average contour (shown in green hatch line)**

38. The ODP provisions relating to airport noise have been transferred into the PDP, including a proposed airport noise contour overlay, as follows:

<sup>3</sup> Pg 32-33, [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0031/137488/VARIATION-1-HOUSING-INTENSIFICATION-S32-REPORT-WITH-APPENDICES.PDF](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0031/137488/VARIATION-1-HOUSING-INTENSIFICATION-S32-REPORT-WITH-APPENDICES.PDF)



**Figure 2 - Proposed District Plan 50dBA annual average contour (shown in orange line and hatching)**

39. Variation 1 also addresses airport noise matters, including a qualifying matter based on the 50 dBA operative airport noise contour as well as an addition of the 50 dBA annual average noise contour outside of the operative contour where it intersects with a relevant residential zone. This is a section of West Kaiapoi, which has already largely developed as the 'Silverstream' subdivision.
40. The qualifying matter limits the application of the MDRS underneath that contour - primarily in and around Kaiapoi as this area sits under the flight path from the northerly runway at Christchurch International Airport. The area of the contour is essentially the same as in the Operative and Proposed District Plans, except it only covers the Medium Density Residential Zone, with other zones excluded, as per the requirements of the MDRS.
41. Although Section 770 RMA provides for qualifying matters to apply to urban non-residential zones in response to policies 3 and 4 NPSUD, the ANQM has only been applied to relevant residential zones underneath the 50BA contour.



**Figure 3 - Airport noise qualifying matter extent (shown in orange line and hatching) and MDRS (shown as purple property lines)**

42. The airport noise qualifying matter provisions within Variation 1 propose the following changes:

- Apply the existing minimum lot size of 200m<sup>2</sup> for subdivision in the *Medium Density Residential Zone (with qualifying matter – airport noise)*, rather than the no minimum lot size in the *Medium Density Residential Zone (without qualifying matter)* as required by the MDRS (clause 8 of Schedule 3A) The 200m<sup>2</sup> threshold was proposed to align with the anticipated density outcomes proposed in the notified MRZ PDP provisions<sup>4</sup>.
- Addition of a matter of discretion for the airport noise qualifying matter, as follows:

RES-MD15 Effects from qualifying matters – airport noise:

<sup>4</sup> Pg 9-10, s32 ISSP Airport Noise Contours,  
[https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0019/137512/VARIATION-1-HOUSING-INTENSIFICATION-QUALIFYING-MATTER-AIRPORT-NOISE-SECTION-32-REPORT-.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0019/137512/VARIATION-1-HOUSING-INTENSIFICATION-QUALIFYING-MATTER-AIRPORT-NOISE-SECTION-32-REPORT-.pdf)

The extent to which effects, as a result of the sensitivity of activities to current and future noise generation from aircraft, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Christchurch International Airport.

- Addition of MRZ-BFS1 *Number of residential units per site* and MRZ-R2 *Residential Unit*
- Addition of Airport Noise QM into Part 1 *Introduction and general provisions* in the section headed *Relationship between spatial layers*

43. I note that this qualifying matter does not prevent subdivision from occurring, but does seek to manage the potential effects of it, including reverse sensitivity effects on the airport.

#### Kaiapoi exemption within CRPS

44. I note that CRPS policy 6.3.5(4), as reproduced below exempts residential noise sensitive activities in Kaiapoi from the 50 dBA contour.

#### *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.* In this context the primary purpose of the airport noise contour was to ensure that some control over intensification in Kaiapoi was maintained, as the MDRS enabled permitted activity subdivision and up to three-storey development with immediate effect, without qualifying matters. This could have resulted in an increase in noise sensitive activities under the contour, and Council adopted a precautionary approach in this regard given the potential for RPS changes and new airport noise contours during the timeframe of the PDP process. I

## **9 Interface with Balance of Variation 1**

45. The substantive component of the airport noise issue is discussed in Mr Sheerin's s42A report on the Proposed District Plan submissions, relating to both the potential growth of noise sensitive activities within the 50dBA and 55dBA airport noise contours, and bird strike. The purpose of this s42A report is to cover those submissions received under Variation 1 to the ANQM only. The other s42A reports that address the balance of Variation 1 are listed in paragraph 10.

## **Overview**

### **10 Report Structure**

46. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the evaluation firstly on a topic and issues basis. Most submissions focused on topics and issues, rather than specific provisions, however there are some submissions that have sought specific change to the notified provisions. Where submissions have sought specific changes, I have addressed these in the specific changes section.

47. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter(s) with recommended amendments in response to submissions as **Appendix A**.

## **Format for Consideration of Submissions**

48. For each identified topic, I have considered the submissions that are seeking changes to Variation 1 in the following format:

- Topics and issues raised by submitters
- Assessment
- Recommendations
- S32AA assessment (where relevant)

49. The recommended amendments to the relevant chapter/s are set out in in **Appendix A** of this report where all text changes are shown in a consolidated manner.

50. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

## **10.1 Airport noise contour**

### ***10.1.1 Matters raised by submitters***

51. Most submissions on airport noise matters under Variation 1 relate to the extent and design of the airport noise contour and its implementation as a qualifying matter. Submissions generally fall into two categories:

- Submissions from those who believe they are negatively affected by the qualifying matter and wish to reduce the extent of it, such as requests to amend the spatial extent of the airport noise contour to the Annual Average Outer Control Boundary. These negative effects include a perceived inability to subdivide and develop land. These include Momentum Land Ltd [43.4], David Lawry [44.2], Helen Mary Sparrow [52.3].
- One submitter is also opposed in general to the qualifying matter, stating that to his knowledge there have been no complaints about aircraft noise
- Submissions from Christchurch International Airport [~~81.1 and 81.11~~]<sup>5</sup> seeking the retention of the qualifying matter and alignment with the operative 50dBA contour, in full across all operative zones, recognition of the remodelled annual average and outer envelope contours, and changes to the minimum allotment size for subdivision underneath the contour.
- Submissions supporting the operative noise contour, such as ECan [64.3].

52. Kainga Ora [80.21] seek the deletion of the aircraft/airport noise provisions in full, including any mapped noise overlays and contour maps. This includes all relevant airport noise contour provisions in the proposed District Plan, including objectives, policies, rules, and standards (with any associated tables, figures, and overlays).

53. This submission by Kainga Ora is supported in a further submission by Momentum Land Ltd [FS 23].

### ***10.1.2 Assessment***

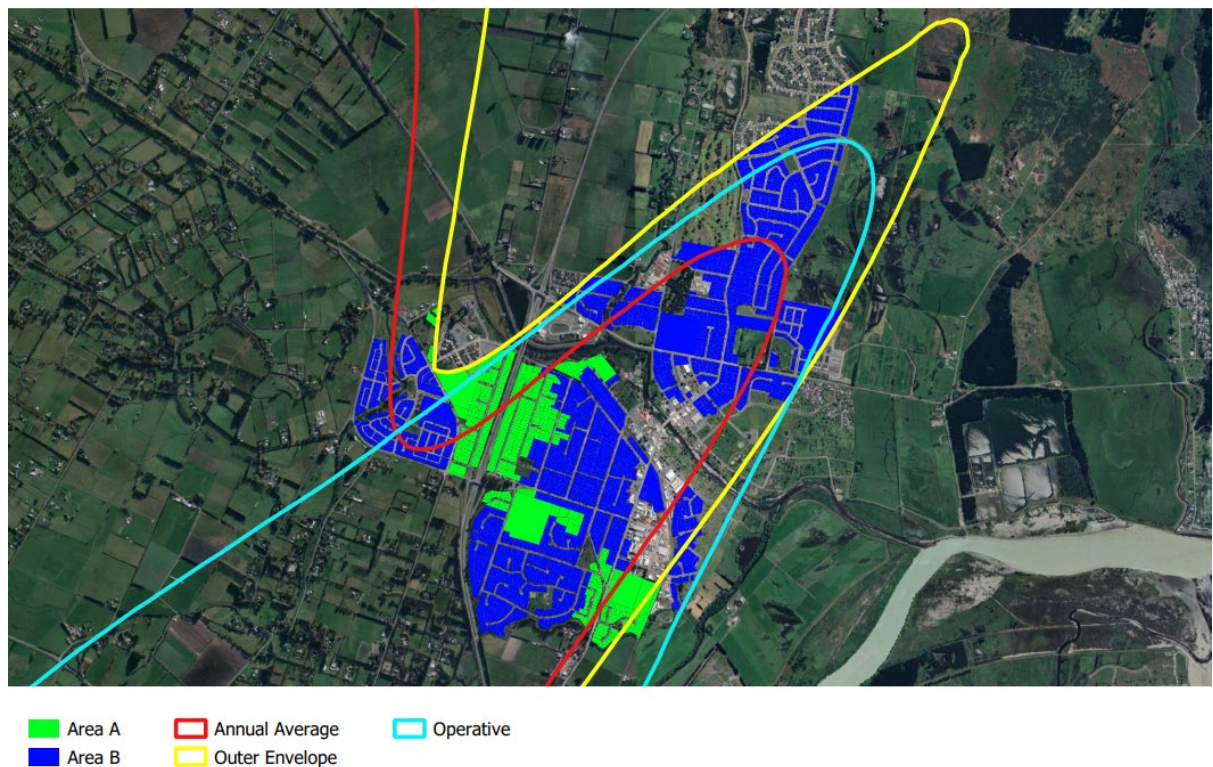
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<sup>5</sup> Updated on 8 June 2024

*Differences between Christchurch International airport submission and Variation 1 airport noise qualifying matter contour*

54. For CIAL's request to align the 50 dBA airport noise qualifying matter extent with the operative contour, I support this. The only difference between the qualifying matter extent and the operative contour is the addition of part of Silverstream underneath the Annual Average Outer Control boundary, which is outside of the 50 dBA operative contour.
55. For CIAL's request to also include the outer envelope contour as well, I understand that additional updated contours have been prepared by CIAL based on up to date information for incorporation into regional and district policies and plans. The relativity between the contours is shown below in Figure 4, although these may be subject to further change from modelling.

**Christchurch Airport Qualifying Matter – Residential Density Areas A and B**



**Figure 4 - Various noise contours for Kaiapoi (from CIAL documentation)**

56. CIAL's request to retain the operative contour for Kaiapoi is likely because it covers more of the town than the annual average contour.
57. Some submitters, particularly developers, have opposed the use of the 50dBA contour due to how it may affect their development plans, or how it prevents development in general. However, I do not consider that the contour itself affects development, it is the extent, nature, and stringency of the qualifying matter provisions, usually rules and standards, that implement the contour which affect development. Chapter 6 CRPS includes the 50 dBA contour, and district plans must give effect to the CRPS, by implementing the contour. The CRPS contains an exception enabling

development in Kaiapoi to continue, which the proposed qualifying matter provisions implement through limiting density.

58. I support CIAL's request to retain the 50 dBA contour as the ANQM, but not to rename the qualifying matter. In making this recommendation, this will result in amending the qualifying matter to align fully with the 50 dBA contour, excluding the small area of Silverstream underneath the annual average contour. I note that this area of Silverstream is already developed in housing.

### **10.1.3 Recommendations:**

59. That the following outcome for submissions occurs:

- Momentum Land [43.4], David Lawry [44.2], Helen Mary Sparrow [52.3], Kainga Ora [80.21], CIAL [81.10]<sup>6</sup> are **rejected**
- Further submissions FS Kainga Ora [FS 23] are **rejected**
- ECan [64.3] is **accepted**
- CIAL [81.14]<sup>7</sup> is **accepted in part**
- Further submissions FS CIAL [FS 15] are **accepted**

60. I recommend that the extent of the qualifying matter – airport noise is aligned fully with the operative 50 dBA contour where it intersects with a relevant residential zone.

### S32AA

61. I consider that these changes are minor, and ensure consistency between the Proposed District Plan airport noise contour and the Variation 1 qualifying matter.

## **10.2 New policy**

### **10.2.1 Matters raised by submitters**

62. CIAL [81.10<sup>8</sup>] seek a policy emphasising the importance of protecting infrastructure from reverse sensitivity effects caused by incompatible land use. In the alternative, if this request is rejected, CIAL request, at a minimum, provisions that cross-reference clearly to policies in other parts of the plan requiring the avoidance of reverse sensitivity effects so it is clear that the policy is relevant to activities in the residential zones. Their requested policy is as follows:

*"Protect critical infrastructure, regionally significant infrastructure, and strategic infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities on residential land, including by:*

*1. within the Christchurch International Airport 50 dBA Ldn Air Noise Contour for Christchurch International Airport, avoiding residential units on sites under 300m<sup>2</sup> or 600m<sup>2</sup> in the areas identified on the planning maps; and*

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<sup>6</sup> Updated 8 June, 2024

<sup>7</sup> Updated 8 June, 2024

<sup>8</sup> Updated 8 June, 2024



...[insert specifics that may be relevant to other strategic infrastructure]"

63. This is opposed in further submissions from FS Momentum Land Ltd [FS 11], and FS Kainga Ora [FS 23], and supported by FS Kiwirail [FS 10].

### **10.2.2 Assessment**

64. I note the requirements of TRAN-O4 and TRAN-P15:

TRAN-O4: Effects of activities on the transport system

Adverse effects on the District's transport system from activities, including reverse sensitivity, are avoided, remedied or mitigated.

TRAN-P15: Effects of activities on the transport system

Ensure, to the extent considered reasonably practicable, that other activities do not compromise the safe and efficient operation, maintenance, repair, upgrading or development of the transport system, including through:

1. managing access to the road corridor, and activities and development adjacent to road/rail level crossings, particularly where it is necessary to achieve protection of the safe and efficient functioning of the transport system, including those parts of the transport system that form part of critical infrastructure, strategic infrastructure and regionally significant infrastructure;
2. avoiding, remedying or mitigating adverse reverse sensitivity effects on the transport system; and
3. providing for ease of access for service and emergency service vehicles.

65. I also note policy 6.3.5 of the CPRS:

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

66. CIAL's request is for a policy with a strong avoid directive whereas the requirements of the CRPS in respect of existing residential zones are enabling – the avoid directive in 6.3.5(4) does not apply to these areas. For this reason I cannot recommend the CIAL relief for the new policy, as it would be contrary to and fail to give effect to the CRPS.

### **Recommendations**

67. That the following outcomes for submissions occur:

- CIAL [81.10<sup>9</sup>~~1~~] is **rejected**
- Further submission FS Kiwirail [FS 10] is **rejected**
- Further submissions FS Momentum Land Ltd [FS 11], FS Kainga Ora [FS 23] are **accepted**

68. There are no changes to Variation 1 arising from these recommendations

## **10.3 RESZ General Objectives and Policies for all Residential Zones: Introduction**

### **10.3.1 Matters raised by submitters**

69. CIAL [81.8] Seeks recognition in the Introduction section of the Residential Zones Chapter that density controls are important to avoid adverse reverse sensitivity effects on the Airport. The amendment is as follows:

*Within the Christchurch International Airport 50 dBA Ldn Air Noise Contour residential density is also controlled in order to avoid adverse reverse sensitivity effects on ~~Christchurch International~~ the Airport and to avoid adverse amenity effects on residents.*

70. This is opposed in the further submission by FS Kainga Ora [FS 23]

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<sup>9</sup> Updated 8 June 2024

### 10.3.2 Assessment

I agree in general with the proposed introductory re-wording. However, however as with regard to the proposed changes to RSL-1 above I consider that “mitigate” is a better descriptor of the qualifying matter, rather than “avoid”, as the qualifying matter provisions limit density to 200m<sup>2</sup> allotments or in some cases, 500m<sup>2</sup>(where also covered by a natural hazards qualifying matter), rather than preventing development entirely. I consider that in the language of the RMA, that this is a ‘minimise’ directive.

71. I recommend amending the introduction section in the MRZ chapter as follows:

*Within the Christchurch International Airport 50 dBA Ldn Noise Contour residential density is also controlled in order to ~~avoid mitigate~~ adverse reverse sensitivity effects on Christchurch International ~~the~~ Airport and to ~~avoid mitigate~~ amenity effects on residents.*

### 10.3.3 Recommendations

72. That the following outcome for submissions occurs:

- CIAL [81.8] is **accepted in part**
- Further submission FS Kainga Ora [FS 23] is **rejected**

73. I recommend changes to the RESZ Introduction to the PDP as new paragraph 4 as follows:

Within the Christchurch International Airport 50dBA noise contour residential density is also controlled in order to ~~avoid mitigate adverse~~ maintain the existing level of reverse sensitivity effects on Christchurch International Airport and to maintain the existing level of ~~avoid mitigate adverse~~ amenity effects on residents<sup>10</sup>.

### 10.3.4 s32AA Evaluation

74. I consider that this change is minor but would improve the clarity and readability of the Proposed District Plan, particularly as it provides consistent terminology with relevant objectives and policies.

## 10.4 RESZ-P15 Medium Density Residential Standards

### 10.4.1 Matters raised by submitters

75. CIAL [81.9] support the policy as proposed in Variation 1 as it recognises circumstances where the Medium Density Residential Standards should not apply. However, they request a minor amendment to ensure appropriate amenity outcomes for residents below the Airport noise contour and to ensure the effective and efficient operation of the Airport. as follows:

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<sup>10</sup> Changes in response to Mr Wilson’s preliminary question at para 74, [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

Apply the Medium Density Residential Standards across all relevant residential zones in the district except in circumstances where a qualifying matter is relevant (including matters of significance such as:

1. historic heritage and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga).; and
2. the avoidance of adverse impacts on the effective and efficient operation of the Christchurch International Airport

(additional proposed wording in underline)

76. This is opposed in further submissions by FS Kainga Ora [FS 23]

#### **10.4.2 Assessment**

77. I do not agree with CIAL's request to amend RESZ-P15 as the policy is a mandatory policy under Schedule 3A that must be inserted into the PDP without amendment.
78. I have considered whether an additional policy is necessary either in the *General Objectives and Policies for all Residential Zones* or in the *Medium Density Residential Zone* itself. In my opinion, the proposed wording would elevate the airport qualifying matter in importance above other qualifying matters. As qualifying matters deal with different issues, there is no hierarchy within them.

#### **10.4.3 Recommendations**

79. That the following outcome for submissions occurs:
- CIAL [81.9] is **rejected**
  - Further submission FS Kainga Ora [FS 23] is **accepted**
80. There are no changes to Variation 1 arising from these recommendations.

### **10.5 Notification provision MRZ-R2 Residential Unit**

#### **10.5.1 Matters raised by submitters**

81. CIAL requested notification clause on MRZ-Residential unit as follows:

**Notification:**

*An application for a residential unit that does not comply with MRZ-R2 clause 1 shall be limited notified at least to Christchurch International Airport (absent its written approval).*

#### **10.5.2 Assessment**

82. The CIAL submission raised the matter of limited notification to other activity and built form standards and these are addressed in the following sections.

10.5.3 The CIAL submissions on the rules request limited notification of resource consent applications to CIAL. I have considered this in relation to the operative district plan, which does not have explicit notification requirements in respect of the noise contour overlay, and also in relation to the requirements of s95 of the Act.

### **Recommendations**

83. That the notification components of the CIAL submission points are rejected, with recommendations on specific submission points outlined below.

## **10.6 MRZ-R2 Residential unit**

### **10.6.1 Matters raised by submitters**

84. CIAL [81.12] request that amendments are made to MRZ-R2 to adjust the density thresholds from 500m<sup>2</sup> to 600m<sup>2</sup> for Kaiapoi Area A and from 200m<sup>2</sup> to 300m<sup>2</sup> for Kaiapoi Area B, as follows:

Where:

2. Within the Christchurch International Airport 50 dBA Ldn Air Noise Contour as shown on the planning maps the minimum net site area is as follows:

Kaiapoi Area A 600m<sup>2</sup>

Kaiapoi Area B 300m<sup>2</sup>.

2. ...

Activity status when compliance not achieved:

1. Within the Christchurch International Airport Air Noise Contour – RDIS; with the Matters of discretion restricted to RES-MD15 Effects from qualifying matters – airport noise

2. as set out in the relevant built form standards.

Notification:

*An application for a residential unit that does not comply with MRZ-R2 clause 1 shall be limited notified at least to Christchurch International Airport (absent its written approval).*

85. This is opposed in further submissions by Kainga Ora [FS 23].

### **10.6.2 Assessment**

86. CIAL want the qualifying matter – airport noise to be more restrictive than notified by increasing the allotment sizes, and implementing the subdivision allotment size restrictions within the land use rule.

87. When CIAL refer to Area A and Area B, they are referring to the qualifying matter – natural hazards. These qualifying matters apply to parts of Kaiapoi, and limit allotment size within them to 200m<sup>2</sup> for Area A and 500m<sup>2</sup> for Area B.

88. I disagree with this approach as CIAL have also not provided any explanation or justification for increasing the allotment size thresholds for Kaiapoi Area A and Area B by 100m<sup>2</sup> respectively. A request to change the density would make the qualifying matter less enabling of development

than the PDP subdivision provisions, and depending on the scope of the CIAL relief, potentially have the proposed natural hazard qualifying matter provisions out of step with the noise qualifying matter provisions, even though they apply to essentially the same area

### **10.6.3 Recommendations**

89. That the following outcome for submissions occurs:

- CIAL [81.12] is **rejected**
- Further submission FS Kainga Ora [FS 23] is **accepted**

90. There are no changes to Variation 1 arising from these recommendations.

## **10.7 MRZ-R187 Multi-unit residential development**

### **10.7.1 Matters raised by submitters**

91. CIAL [81.13] support Restricted Discretionary activity status for Medium Density Residential Zone rule MRZ-R18 Multi Unit Residential Development, but seek an additional matter of discretion for proposals that are located within the 50dBA Ldn Air Noise Contour. They request to amend MRZ-R18 as follows:

Where

- ~~1.—any residential unit fronting a road or public open space shall have a habitable room located at the ground level;~~
- ~~2.—at least 50% of all residential units within a development shall have a habitable space located at ground level; and~~
3. 1. a design statement shall be provided with the application; or  
2. where the site is located within the Christchurch International Airport 50 dBA Ldn Air Noise Contour.

Include an additional matter of discretion:

RES-MD15 – Effects from qualifying matters - airport noise.

Amend the notification clause:

An application for a restricted discretionary activity under this rule is precluded from being publicly notified or limited notified, except where:

1. the application site is located with the Christchurch International Airport 50 dBA Ldn Air Noise Contour, in which case any application shall be limited notified at least to Christchurch International Airport (absent its written approval).

92. This is opposed in further submissions by Kainga Ora [FS 23]

### **10.7.2 Assessment**

~~93.~~ For CIAL I note my recommendation in my s42A report on Variation 1 to delete MRZ-187 as it is inconsistent with MRZ-R2 which invokes MRZ-BFS1 – number of residential units per site. I also note that the qualifying matter for airport noise does not introduce any additional land use rules

over and above those introduced by other qualifying matters<sup>11</sup>, applies to subdivision, rather than land use.

### **10.7.3 Recommendations**

94. That the following outcome for submissions occurs:

- CIAL [81.13] is **rejected**
- Further submission FS Kainga Ora [FS 23] is **accepted**

95. There are no changes to Variation 1 arising from these recommendations.

## **10.8 MRZ-BFS1**

### **10.8.1 Matters raised by submitters**

96. Kainga Ora [80.47] support the inclusion of MRZ-BFS1 but request amendments to delete the airport noise qualifying matter and to clarify how the natural hazard qualifying matter applies to limit density, to reflect SUB-1.

97. CIAL [81.14] support a restricted discretionary status for applications that do not meet the qualifying matter restriction under cl 1 of the MDRS, but request amendment to ensure that limited notification occurs on CIAL in the absence of written approval.

98. This is opposed by FS Kainga Ora [FS 23]

### **10.8.2 Assessment**

99. For Kainga Ora, I agree that the interface between the MRZ standards and the overall package of qualifying matters implemented through the subdivision provisions is unclear and can be improved. This is a matter that will be covered in the Variation 1 report.  
which will be heard in Stream 7 held after Stream 10A.

100. However, I do not agree with removing the qualifying matter. The qualifying matter area ensures the implementation of the implements pre-existing provisions of the operative district plan – the status quo - which in turn give effect to the CRPS until the final nature of the qualifying matter is determined. As Variation 1 sets requirements for housing intensity, which may conflict with the requirements of the airport noise provisions, I consider there is a need to address that conflict by way of the airport noise qualifying matter, which aims to ensure that existing levels of reverse sensitivity and amenity within Kaiapoi are maintained, by carrying over density provisions at much the same level as the operative District Plan and Proposed District Plan zones<sup>12</sup>.

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<sup>11</sup> Changes in response to Mr Wilson's preliminary question at para 93,  
[https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

<sup>12</sup> Changes in response to Mr Wilson's preliminary question at para 100,  
[https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

### **10.8.3 Recommendations**

101. That the following outcome for submissions occurs:
- CIAL [81.14] is **rejected**
  - Further submission FS Kainga Ora [FS 23] is **accepted**
  - Kainga Ora [80.47] is **accepted in part**
102. There are no changes to the airport noise provisions arising from these recommendations

## **10.9 MRZ-BFS2 Building coverage**

### **10.9.1 Matters raised by submitters**

103. CIAL [81.15] support restricted discretionary activity status for applications that do not meet the building coverage requirement of Medium Density Residential Zone built form standard MRZ-BFS2. Given the significance of the resource management issues, and the potential impact on Airport operations, it is essential that notification of such applications be provided to the Airport. They request to amend Medium Density Residential Zone built form standard MRZ-BFS2, with an additional matter of discretion as follows:

*RES-MD15 – Effects from qualifying matters – airport noise*

Amend the notification provision as follows:

*Refer to notification status in MRZ-BFS1, except where an application for residential units does not comply with MRZ-BFS2 clause 1 shall be limited notified at least to Christchurch International Airport (absent its written approval).*

104. This is opposed in further submissions by FS Kainga Ora [FS 23]

### **10.9.2 Assessment**

105. For CIAL I consider that MRZ-BFS2 covers building coverage on a site, and implements cl 14, sch 3A RMA. It is not a standard that sets allotment size, number of residential units or any other MDRS standard that has a relationship with the ANQM. These provisions are found within the MRZ and subdivision chapters, and as such, I do not support the requested changes.

### **10.9.3 Recommendations**

106. That the following outcome for submissions occurs:
- CIAL [81.15] is **rejected**
  - Further submission FS Kainga Ora [FS 23] is **accepted**
107. There are no changes to Variation 1 provisions arising from these recommendations



## 10.10 Part 1: Relationships Between Spatial Layers: Table RSL-1 Qualifying matters

### 10.10.1 *Matters raised by submitters*

108. CIAL [81.2] request amendment of the qualifying matter table RSL-1 as follows:

#### **Qualifying matter and area**

*Airport noise -Christchurch International Airport 50 dBA Ldn Air Noise Contour*

*Properties within the Medium Residential Zone of Kaiapoi and within the Christchurch International Airport noise contour.*

*As mapped in qualifying matter, airport noise.*

#### **Reasoning:**

*A spatial overlay within Kaiapoi, reducing development within the Christchurch International Airport 50 dBA Ldn Air Noise Contour ~~airport noise contour~~ to avoid adverse amenity effects on residents, reduce reverse sensitivity effects on Christchurch Airport, and to ensure the efficient operation of nationally significant infrastructure.*

109. This is opposed in further submissions by FS Kainga Ora [FS 23] and FS Momentum Land Ltd [FS 11]

### 10.10.2 *Assessment*

110. I agree that amendments are required to table RSL-1 but do not agree that the test is to “avoid”. However, I would accept that “minimise” describes the intent of the qualifying matter. I recommend the following addition to Table RSL-1:

*Airport noise -Christchurch International Airport 50 dBA Ldn Air Noise Contour*

*Properties within the Medium Residential Zone of Kaiapoi and within the Christchurch International Airport noise contour.*

*Reasoning: A spatial overlay within Kaiapoi, reducing development within the Christchurch International Airport 50 dBA Ldn Air Noise Contour ~~airport noise contour~~ to avoid mitigate<sup>13</sup> adverse amenity effects on residents, reduce maintain the existing level of reverse sensitivity effects<sup>14</sup> on Christchurch Airport, and to ensure the efficient operation of nationally significant infrastructure.*

111. As there are other affected parties potentially determined by the relevant qualifying matters, such as ECan in respect of the flood hazard contours, Kiwirail and NZTA for the rail and

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<sup>13</sup> CIAL [81.2] in part, noting that the submitter sought “avoid”, rather than mitigate (as per para 57 of Mr Wilson’s Stream 10A preliminary questions to panel.  
[https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

<sup>14</sup> In response to para 108 of Mr Wilson’s Stream 10A preliminary questions to panel.  
[https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

road setbacks, I do not consider that explicit recognition of an affected party is required. That is a matter that can be included within the notification provisions.

112. Instead I consider that the existence of a qualifying matter for airport noise places a strong preference to identify CIAL as an affected party, but that there may still be specific instances where CIAL is not required to be notified. As such, I cannot support their relief requesting notification.

### **10.10.3 Recommendations**

113. That the following outcome for submissions occurs:

- CIAL [81.2] is **accepted in part**
- Further submissions FS Kainga Ora [FS 23], FS Momentum Land Ltd [FS 11] are **rejected**

114. I recommend changes to Table RSL-1 – Qualifying Matters as follows:

**A spatial overlay within Kaiapoi, reducing development within the Christchurch International Airport noise contour to<sup>15</sup> maintain existing amenity effects on residents, reduce-maintain the existing level of reverse sensitivity effects<sup>16</sup> on Christchurch Airport to ensure the efficient operation of nationally significant infrastructure.**

### **10.10.4 s32AA Evaluation**

115. I consider that this change is minor but would improve the clarity and readability of the Proposed District Plan.

## **10.11 Subdivision Standards - SUB-S1: Allotment size and dimensions; and Table SUB-1: Minimum allotment sizes and dimensions**

### **10.11.1 Matters raised by submitters**

116. CIAL [81.6,81.7] support subdivision standard SUB-S1 insofar as it specifies minimum allotment sizes, however they request the following:

- Amend the activity status when non-compliance is not achieved to read as follows:
  1. *In the Medium Density Residential Zone (except as provided for in 3. below) ... DIS...*

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<sup>15</sup> CIAL [81.2] in part, noting that the submitter sought “avoid”, rather than mitigate (as per para 57 of Mr Wilson’s Stream 10A preliminary questions to panel.  
[https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

<sup>16</sup> In response to para 108 of Mr Wilson’s Stream 10A preliminary questions to panel.  
[https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

...3. *within the Christchurch International Airport 50 dBA Ldn Air Noise Contour: NC*

- Amend Area A threshold to 600m<sup>2</sup> and Area B threshold to 300m<sup>2</sup>.

117. This is opposed in further submissions by FS Kainga Ora [FS 23]

### **10.11.2 Assessment**

118. I note that in Kaiapoi, there are stacked qualifying matters. Firstly the qualifying matter – airport noise applies, which limits allotment size to 200m<sup>2</sup> within the relevant residential zones. The 200m<sup>2</sup> limit was proposed plan’s medium density zone allotment size, with 500m<sup>2</sup> being the general residential zone size. Without qualifying matters, the MDRS requires a zero allotment size.

119. However, the qualifying matter for natural hazards also applies, which applies a 200m<sup>2</sup> limit for Area A sites and a 500m<sup>2</sup> limit for Area B sites. This is more stringent than the airport noise qualifying matter alone for the Area B sites. The Area B sites are in south Kaiapoi adjacent to the Kaiapoi River, and have a higher flood risk.

120. By increasing the minimum allotment size CIAL may be trying to reduce the number of units that can be built upon that site, however, I consider that this approach to limiting the number of units would not achieve the submitter’s desired purpose as increasing the size does not necessarily limit the number of people.

121. I also cannot recommend this relief as the drafting approach to SUB-S1 already ensures that non-compliance with the airport noise contour density standards becomes a discretionary activity in the MDRZ zone, which is a more stringent activity status test as it requires the objectives and policies and the full range of effects to be considered.

### **10.11.3 Recommendations**

122. That the following outcome for submissions occurs:

- CIAL [81,6,81.7] are **rejected**
- Further submission FS Kainga Ora [FS 23] is **accepted**

123. There are no changes to the airport noise provisions arising from these recommendations

## **10.12 Minor changes**

124. I recommend no minor changes.

## **11 Conclusions**

125. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Proposed Plan should be amended as set out in Appendix A of this report.

126. For the reasons set out in the Section 32AA evaluation attached at Appendix C and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:


- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

## 12 Recommendations:

127. I recommend that:

- The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
- The Proposed Plan is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

Name and Title		Signature
Report Author	Peter Wilson	

## Appendix A Recommended Changes to Variation 1

**Table RSL-1 Qualifying matters**

<p><b><u>Airport noise -Christchurch International Airport 50 dBA Ldn Noise Contour</u></b></p> <p><b><u>Properties within the Medium Residential Zone of Kaiapoi and within the Christchurch International Airport noise contour.</u></b></p>	<p><b><u>s.3.32(1)(c) of the NPSUD / s.771(e) of the RMA – Matter required to ensure the safe or efficient operation of nationally significant infrastructure.</u></b></p>	<p><b><u>A spatial overlay within Kaiapoi, reducing development within the Christchurch International Airport airport noise contour to<sup>17</sup> maintain existing amenity effects on residents, reduce-maintain the existing level of reverse sensitivity effects<sup>18</sup> on Christchurch Airport to ensure the efficient operation of nationally significant infrastructure.</u></b></p>
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### Introduction

The purpose of the Medium Density Residential Zone is to provide for residential areas predominantly used for residential activity with moderate concentration and bulk of buildings, such as detached, semi-detached and terrace housing, low rise apartments and other compatible activities. Such areas are identified close to town and neighbourhood centres, along public transport corridors, or close to public transports.

<sup>17</sup> CIAL [81.2] in part, noting that the submitter sought “avoid”, rather than mitigate (as per para 57 of Mr Wilson’s Stream 10A preliminary questions to panel. [https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

<sup>18</sup> In response to para 108 of Mr Wilson’s Stream 10A preliminary questions to panel. [https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

The Medium Density Residential Zone is located in the township areas of Rangiora, Kaiapoi, **Oxford** Woodend, **Pegasus and North Woodend (Ravenswood) Silverstream**. It is anticipated that the character of these areas will be dynamic and provide for more intensive development as demand increases for smaller units with close access to township amenities.

Within the Christchurch International Airport noise contour residential density is also controlled in order to<sup>19</sup> maintain existing amenity effects on residents, ~~reduce~~ maintain the existing level of reverse sensitivity effects<sup>20</sup> on Christchurch Airport to ensure the efficient operation of nationally significant infrastructure.

**The provisions in this chapter have been justified where required by a s77J qualifying matter assessment contained in the relevant section 32 evaluation report under the RMA.**

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

As well as the provisions in this chapter, district wide chapter provisions will also apply where relevant

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<sup>19</sup> CIAL [81.2] in part, noting that the submitter sought “avoid”, rather than mitigate (as per para 57 of Mr Wilson’s Stream 10A preliminary questions to panel. [https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

<sup>20</sup> In response to para 108 of Mr Wilson’s Stream 10A preliminary questions to panel. [https://www.waimakariri.govt.nz/\\_data/assets/pdf\\_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf](https://www.waimakariri.govt.nz/_data/assets/pdf_file/0021/159321/STREAM-10A-RESPONSE-TO-PANEL-QUESTIONS-FUDA-S42A-AUTHOR-PETER-WILSON.pdf)

## Appendix B Recommended Responses to Submissions and Further Submissions

Submitter number	Submitter Name	Provision	Sentiment	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
43.4	Momentum Land Ltd	Airport	Amend	Oppose use of the Operative Airport Noise Contour to define the spatial extent of the airport noise qualifying matter. Amend the spatial extent of the airport noise qualifying matter to apply to the Annual Average Outer Control Boundary.	Section 9.1	Reject	The operative plan contour is recommended as the qualifying matter content instead	No
44.2	David Michael Lawry	Airport	Oppose	The 50 dBA Ldn Air noise contour should not be accepted as or come under the classification of a qualifying matter so as to restrict further residential intensification. The current contours are highly inaccurate. In the last review of the contours back in 2007 CIAL projections were found to be so exaggerated that the then contours shrunk by approximately one third of the previous residential development restricting contours, once more accurate data was feed into the process. One outcome result was that residential intensification on Land in Rolleston was allowed as previous 50 dBA Ldn contours shrank. To our knowledge no increased noise complaints resulted certainly this change has had no adverse impact on CIAL operations despite their assertions that it would. There was an agreed requirement that the parties would re-evaluate the contours every 10 years. As a result the contours should have been re-evaluated in 2017. Future air movement growth projections, actual runway capacity and actual noise profiles of the current flying aircraft fleet are critical components of the input data that result in the contour size. This review is now being carried out by an ECAN led panel of experts with the skills and will to objectively review CIAL led inputs. The outcomes of this process and setting of the outer control boundary is expected by the end of this year. It is submitted that as the entire question around the outer control boundary and accuracy of the air noise contours is already the subject Regional Council deliberation, that in the interests of reducing the matters for consideration of Variation 1 and in making decisions based on accurate, up to date information that the issue raised by CIAL regarding the 50 dBA Ldn contour being considered as a qualifying matter, be rejected. This includes Rule MRZ-BFS1, assessment matter RES-MD15 planning Maps and the Supporting section 32 Analysis. Alternatively, if the contours are retained, RES-MD15 should be re-worded as it is difficult to reconcile	Section 9.1	Reject	The 50dbA contour is recommended as the extent of the qualifying matter	No

				“managed” with “ avoidance”, to read as follows: "The extent to which effects, as a result of the sensitivity of activities to current and future noise generation from aircraft are proposed to be managed, in particular through building design."				
52.3	Helen Mary Sparrow	Airport		Concerned that the 50 dBA Ldn Christchurch International Airport Ltd noise contour over Kaiapoi will constrain a comprehensive redevelopment of Kainga Ora properties in North Kaiapoi. Not specified.	Section 9.1	Reject	The existence of the contour in itself does not prevent the redevelopment of properties, as the notified plan provisions including the qualifying matter do not stop development, they merely restrict density and other aspects	No
FS 15	FS Christchurch International Airport		Oppose		Section 9.1	Accept		
64.3	Environment Canterbury Regional Council	Airport	Support	Support inclusion of the operative airport noise contour (specifically 50 dBA) as a qualifying matter in the Proposed District Plan as part of Variation 1 and consider this gives effect to Policy 6.3.5 of the Canterbury Regional Policy Statement. Retain the operative airport noise contour (specifically 50 dBA) as a qualifying matter.	Section 9.1	Accept	The operative plan contour is retained as the qualifying matter	No



FS 15	FS Christchurch International Airport		Support		Section 9.1	Accept		
FS 23	FS Kainga Ora		Oppose		Section 9.1	Reject		
80.21	Kainga Ora - Homes and Communities	Airport	Oppose	Opposes and seek the deletion of the Aircraft/ Airport noise provisions in full including any mapped noise overlays and contour maps. This includes all relevant airport noise contour provisions in the proposed District Plan including objectives, policies, rules and standards (with any associated tables, figures and overlays).Delete airport noise qualifying matter and any proposed and/or related provisions in the Variation.	Section 9.1	Reject	The operative plan contour is retained as the qualifying matter	No
FS 11	FS Momentum Land Ltd		Support		Section 9.1	Reject		
80.47	Kainga Ora - Homes and Communities	MRZ-BFS1	Support	<p>Include this mandatory rule as per Schedule 3A, Part 2 (10) of the RMA. Seek amendments to the rules to delete the airport noise qualifying matter and clarify how the natural hazard qualifying matter applies to limit density. Clarify the minimum site size required in the natural hazard qualifying matter, noting that this should be as specified in SUB-S1.Amend MRZ-BFS1, as listed below or changes with similar effect:</p> <p>MRZ-BFS1 Number of residential units per site:  1. There shall be no more than 3 residential units per site, except where:  a. Within the qualifying matters - natural hazards area and qualifying matters- airport noise, there must be no more than 1 residential unit per:site  - 200m2 for Kaiapoi Area A.  - 500m2 for Kaiapoi Area B:  ...  Matters of discretion are restricted to:  - RES-MD2 - Residential design principles  - RES-MD15 - Effects from qualifying matters - airport noise  - RES-MD16- Effects from qualifying matters - natural hazards.</p> <p>Notification  An application for the construction and use of 4 or more residential units that does comply with standards MRZ-BFS-2,3,4,5,6,7,8,9,10,11,12 is precluded from being publicly or limited notified.  An application for the construction and use of 4 or more residential units that does not comply with 1 or more of MRZ-BFS- 2,3,4,5,6,7,8,9,10,11,12 is precluded from being publicly notified.</p>	Section 9.8	Reject	The implementation of the qualifying matters is recommended for improvement overall through the master Variation 1 report.	No

81.1	Christchurch International Airport Ltd	General	Amend	The planning maps currently show the spatial extent of the Airport Noise Contour qualifying matter. An amendment is required, however, to provide for two density areas beneath the contour; being Area A (600m2) and Area B (300m2), and to recognise the remodelled Annual Average and Outer Envelope contours and the existing operative contour. The densities proposed reflect the density standards of the operative District Plan and are required to ensure appropriate amenity outcomes for residents below the contour and to ensure the effective and efficient operation of the Airport. It is important that the qualifying matter is included on the planning maps with the technically correct label and spatial extent. Amend the Airport Noise Contour qualifying matter on the planning map to show two residential density areas beneath the 50dBA Ldn Air Noise Annual Average, Outer Envelope and Operative Contours, as illustrated on the Plan attached as Appendix B(i) (see full submission). Amend the qualifying matter name so that it is correctly identified on the planning maps as follows: "Qualifying Matter Airport Noise Christchurch International Airport 50 dBA Ldn Air Noise Contour"	Section 9.9	<u>Reject</u> <u>Accept in part</u> <sup>21</sup>	The airport noise qualifying matter limits subdivision to 200m2. Areas A and B relate to the natural hazards (flood) qualifying matter, which the Variation 1 subdivision provisions state override the default 200m2 minimum lot size. Do not amend name of aircraft noise contour as this may cause confusion with the proposed plan contour.  <u>Accept inclusion of 50 dB operative contour and removal of the small part of additional contour that was proposed for Silverstream under Variation 1.</u> <sup>22</sup>	No
81.101 <sup>23</sup>	Christchurch International Airport Ltd	General	Amend	A policy emphasising the importance of protecting infrastructure from reverse sensitivity effects caused by incompatible land use is important and is a matter relevant to the use, development and protection of resources in the zone. If this relief is rejected Christchurch International Airport Ltd seeks that, at a minimum, provisions cross-reference clearly to policies in other parts of the Plan requiring avoidance of adverse reverse sensitivity effects so that it is clear the policy is relevant to activities in the Residential Zones. Insert a new policy as follows or, if Christchurch International Airport Ltd's primary relief is rejected, cross-reference directly and explicitly to relevant policies in other parts of the Plan:  "Protect critical infrastructure, regionally significant infrastructure, and strategic infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities on residential land, including by: 1. within the Christchurch International Airport 50 dBA Ldn Air Noise Contour for Christchurch International Airport, avoiding residential units on sites under 300m2 or 600m2 in the areas identified on the planning maps; and ...[insert specifics that may be relevant to other strategic infrastructure]"	Section 9.2	Reject	The qualifying matters are not implemented through policies, instead they are implemented through rules and standards, and the notified rules and standards have the effect that the submitter desires.	No

<sup>21</sup> Amended 8 June 2024

<sup>22</sup> Amended 8 June 2024

<sup>23</sup> Amended 8 June 2024

FS 11	FS Momentum Land Ltd		Oppose		Section 9.2	Accept		
FS 10	FS KiwiRail		Support		Section 9.2	Reject		
FS 23	FS Kainga Ora		Oppose		Section 9.2	Accept		
81.12	Christchurch International Airport Ltd	MRZ-R2	Amend	<p>The planning maps currently show the spatial extent of the Airport Noise Contour qualifying matter. An amendment is required, however, to provide for two density areas beneath the contour; being Area A (600m2) and Area B (300m2), and to recognise the remodelled Annual Average and Outer Envelope contours and the existing operative contour. The densities proposed reflect the density standards of the operative District Plan and are required to ensure appropriate amenity outcomes for residents below the contour and to ensure the effective and efficient operation of the Airport. It is important that the qualifying matter is included on the planning maps with the technically correct label and spatial extent. Amendments are therefore proposed to the density description in Medium Density Residential Zone rule MRZ-R2. Amend MRZ-R2:</p> <p>"1. Within the Christchurch International Airport 50 dBA Ldn Air Noise Contour as shown on the planning maps the minimum net site area is as follows:  Kaiapoi Area A 600m2  Kaiapoi Area B 300m2.  Activity status when compliance not achieved:  1. Within the Christchurch International Airport Air Noise Contour – RDIS; with the Matters of discretion restricted to RES-MD15 Effects from qualifying matters – airport noise  2. as set out in the relevant built form standards.  Notification:  An application for a residential unit that does not comply with MRZ-R2 clause 1 shall be limited notified at least to Christchurch International Airport (absent its written approval)."</p>	Section 9.6	Accept in part	The operative plan contour is retained as the qualifying matter	No
FS 23	FS Kainga Ora		Oppose		Section 9.6	Reject		

81.13	Christchurch International Airport Ltd	MRZ-R187	Amend	<p>Support Restricted Discretionary activity status for Medium Density Residential Zone rule MRZ-R18 Multi Unit Residential Development, but seek an additional matter of discretion for proposals that are located within the 50dBA Ldn Air Noise Contour. Amend MRZ-R18:</p> <p>"1. a design statement shall be provided with the application; or 2. where the site is located within the Christchurch International Airport 50 dBA Ldn Air Noise Contour."</p> <p>Include an additional matter of discretion: "RES-MD15 – Effects from qualifying matters - airport noise."</p> <p>Amend the notification clause: "An application for a restricted discretionary activity under this rule is precluded from being publicly notified or limited notified, except where: 1. the application site is located with the Christchurch International Airport 50 dBA Ldn Air Noise Contour, in which case any application shall be limited notified at least to Christchurch International Airport (absent its written approval)."</p>	Section 9.7	Reject	MRZ-R17/18 is recommended for deletion in Variation 1	No
FS 23	FS Kainga Ora		Oppose		Section 9.7	Reject		
81.14	Christchurch International Airport Ltd	MRZ-BFS1	Amend	<p>Support restricted discretionary activity status for applications that do not meet the qualifying restriction under clause 1 of Medium Density Residential Zone built form standard MRZ-BFS1. Given the significance of the resource management issues, and the potential impact on Airport operations and on the amenity of residential activities beneath the noise contour, it is essential that notification of such applications be provided to the Airport. An amendment to the notification provision is required. Amend the notification provisions of Medium Density Residential Zone built form standard MRZ-BFS1 by adding an additional clause as follows: "An application for the construction of residential units that does not comply with MRZ-BFS1 clause 1.a. shall be limited notified at least to Christchurch International Airport (absent its written approval)."</p>	Section 9.8	Reject	The qualifying matter drafting has been improved in response to other submissions however which may address some of this relief.	No
FS 23	FS Kainga Ora		Oppose		Section 9.8	Accept		

81.15	Christchurch International Airport Ltd	MRZ-BFS2	Amend	Support restricted discretionary activity status for applications that do not meet the building coverage requirement of Medium Density Residential Zone built form standard MRZ-BFS2. Given the significance of the resource management issues, and the potential impact on Airport operations, it is essential that notification of such applications be provided to the Airport. In Medium Density Residential Zone built form standard MRZ-BFS2, include an additional matter of discretion as follows: "RES-MD15 – Effects from qualifying matters – airport noise". Amend the notification provision as follows: "Refer to notification status in MRZ-BFS1, except where an application for residential units does not comply with MRZ-BFS2 clause 1 shall be limited notified at least to Christchurch International Airport (absent its written approval)."	Section 9.9	Reject	Allotment sizes are implemented through the subdivision chapter.	No
FS 23	FS Kainga Ora		Oppose		Section 9.9	Reject		
81.2	Christchurch International Airport Ltd	Table	Amend	The planning maps currently show the spatial extent of the Airport Noise Contour qualifying matter. An amendment is required, however, to provide for two density areas beneath the contour; being Area A (600m <sup>2</sup> ) and Area B (300m <sup>2</sup> ), and to recognise the remodelled Annual Average and Outer Envelope contours and the existing operative contour. The densities proposed reflect the density standards of the operative District Plan and are required to ensure appropriate amenity outcomes for residents below the contour and to ensure the effective and efficient operation of the Airport. It is important that the qualifying matter is included on the planning maps with the technically correct label and spatial extent. Retain the "Airport noise" qualifying matter in Table RSL-1. Amend the description and reasoning as follows: "Qualifying Matter and Area: Airport noise -Christchurch International Airport 50 dBA Ldn Air Noise Contour Properties within the Medium Residential Zone of Kaiapoi and within the Christchurch International Airport noise contour.  Reasoning: A spatial overlay within Kaiapoi, reducing development within the Christchurch International Airport 50 dBA Ldn Air Noise Contour airport noise contour to avoid adverse amenity effects on residents, reduce reverse sensitivity effects on Christchurch Airport, and to ensure the efficient operation of nationally significant infrastructure."	Section 9.10	Accept in part	"Minimise" is recommended as a description instead of avoid.	Yes
FS 11	FS Momentum Land Ltd		Oppose		Section 9.10	Reject		
FS 23	FS Kainga Ora		Oppose		Section 9.10	Reject		

81.6	Christchurch International Airport Ltd	Zone	Amend	Support Subdivision standard SUB-S1 insofar as it specifies minimum allotment standards in Table SUB-1. Amendments are required, however, to (1) the activity status when compliance with the minimum allotment standards within the Medium Density Residential Zone subject to the Airport qualifying matters; and (2) the allotment standards applicable to subdivision within the Medium Density Residential Zone subject to the Airport qualifying matters. In SUB-S1, amend the activity status when compliance not achieved to read as follows: 1. In the Medium Density Residential Zone (except as provided for in 3. below) ... DIS... ...3. within the Christchurch International Airport 50 dBA Ldn Air Noise Contour: NC	Section 9.11	Reject	No information has been provided to justify the increase in minimum allotment sizes.	No
FS 23	FS Kainga Ora		Oppose		Section 9.11	Reject		
81.7	Christchurch International Airport Ltd	Zone	Amend	The planning maps currently show the spatial extent of the Airport Noise Contour qualifying matter. An amendment is required, however, to provide for two density areas beneath the contour; being Area A (600m <sup>2</sup> ) and Area B (300m <sup>2</sup> ), and to recognise the remodelled Annual Average and Outer Envelope contours and the existing operative contour. The densities proposed reflect the density standards of the operative District Plan and are required to ensure appropriate amenity outcomes for residents below the contour and to ensure the effective and efficient operation of the Airport. It is important that the qualifying matter is included on the planning maps with the technically correct label and spatial extent. In SUB-S1, amend the minimum lot sizes in Table SUB-1 applicable to the Medium Density Residential Zone (with qualifying matter airport noise) as follows: 200m <sup>2</sup> (except if subject to qualifying matter - natural hazards) Within the Christchurch International Airport 50 dBA Ldn Air Noise Contour as shown on the planning maps: Kaiapoi Area A 600m <sup>2</sup> Kaiapoi Area B 300m <sup>2</sup>	Section 9.11	Reject	No information has been provided to justify the increase in minimum allotment sizes.	No
FS 23	FS Kainga Ora		Oppose		Section 9.11	Accept		
81.8	Christchurch International Airport Ltd	General	Amend	Seeks recognition in the Introduction to the Residential Zones Chapter that density controls are important to avoid adverse reverse sensitivity effects on the Airport. Amend the Introduction to the Residential Zones Chapter as follows: "Within the Christchurch International Airport 50 dBA Ldn Air Noise Contour residential density is also controlled in order to avoid adverse reverse sensitivity effects on Christchurch International the Airport and to avoid adverse amenity effects on residents."	Section 9.3	Accept in part	Accept but with "minimise" instead of "avoid"	Yes
FS 23	FS Kainga Ora		Oppose		Section 9.3	Reject		

81.9	Christchurch International Airport Ltd	RESZ-P15	Amend	Support the policy as proposed in the Variation as it recognises circumstances where the Medium Density Residential Standards should not apply. However, a minor amendment is required to ensure appropriate amenity outcomes for residents below the Airport noise contour and to ensure the effective and efficient operation of the Airport. Amend RESZ-P15: "Apply the Medium Density Residential Standards across all relevant residential zones in the district except in circumstances where a qualifying matter is relevant (including matters of significance such as: 1. historic heritage and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga).; and 2. the avoidance of adverse impacts on the effective and efficient operation of the Christchurch International Airport"	Section 9.4	Reject	This gives primary or elevates two qualifying matters above the other qualifying matters.	No
FS 23	FS Kainga Ora		Oppose		Section 9.4	Accept		

## Appendix C Report Author's Qualifications and Experience

### Peter Wilson

I hold the following qualifications:

- Master of Planning (MPlan) and Bachelor of Physical Geography (BSc) from the University of Otago.

I am an intermediate member of the New Zealand Planning Institute.

I am a certified hearings commissioner.

I have 17 years' experience in working as a planner for local, central government, private consultancy, and a range of non-government organisations.

My work experience includes:

- Statutory, RMA, and recreation planning for the Department of Conservation.
- Consent planning for the Waitaki District Council.
- Extensive affected party, policy planning, Environment Court case management and litigation, central government liaison, and freshwater science experience with regional Fish and Game Councils and the New Zealand Fish and Game Council.
- Principal advisor (water) for Federated Farmers of New Zealand.
- Private consultancy, primarily on conservation and recreation planning issues to a range of non-government organisation and trust clients.
- Private aquaculture and geospatial businesses.

I have worked on planning matters across all New Zealand.

I have been employed by the Waimakariri District Council between August 2022 and January 2024 as a senior planner and since January 22 2024 as a principal planner.

### Conflict of interest statement

In my role at Federated Farmers of New Zealand, I was the primary author of its submission on the PDP. I understand that this is a potential conflict of interest that requires declaration. Whilst I have no direct interest or benefit or gain from the outcome of the submission, not being from a farming background and also being a new resident to the district (and region) since employment by Council, I have undertaken to:

- a) Not be the reporting officer on the rural chapter
- b) Ensuring that any other work that handles the Federated Farmers submission is checked and reviewed.
- c) Not participating in consultation and engagement with Federated Farmers, except with another staff member present.

I notified my employer, the Waimakariri District Council, of this prior to employment.



