

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS  
AT RANGIORA / WAIMAKARIRI**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE  
KI RANGIORA / WAIMAKARIRI**

**IN THE MATTER** of the Resource Management Act 1991  
**AND**  
**IN THE MATTER** of the hearing of submissions and further  
submissions on the Proposed Waimakariri  
District Plan

**HEARING TOPIC:** Stream 10a – Airport Noise

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**SUMMARY STATEMENT OF MATTHEW ARMIN LINDENBERG  
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

**(PLANNING)**

**21 FEBRUARY 2024**

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**Instructing solicitor:**  
C E Kirman  
Special Counsel  
Kāinga Ora - Homes and Communities  
PO Box 14594  
Central Auckland 1051  
E: [claire.kirman@kaingaora.govt.nz](mailto:claire.kirman@kaingaora.govt.nz)

**Counsel instructed:**  
N M H Whittington  
Hawkestone Chambers  
32 Hawkestone Street  
Wellington 6012  
E: [nick.whittington@hawkestone.co.nz](mailto:nick.whittington@hawkestone.co.nz)

## 1. SUMMARY STATEMENT

- 1.1 The purpose of this summary statement is to provide an overview of my position, as outlined in my primary evidence Stream 10a – Airport Noise, including my reasoning behind the need for further amendments to the provisions proposed by Council.
- 1.2 AS set out in Section 6 of my primary evidence, I generally support the approach taken by the Council with regard to the proposed airport noise contours and associated plan provisions for the management of land use and development, as set out in the Noise Chapter of the PDP.
- 1.3 In relation to the airport noise contour itself, I agree with and generally support the assessment, conclusion and recommendations reached by the Council, in particular Mr Sheerin’s conclusion that the most appropriate process for considering any review of the airport noise contours will be through a latter plan change process, following completion of the upcoming CRPS review.
- 1.4 Noting my general support for the conclusions and recommendations reached by the Council officers, I do consider that a number of amendments are required to the Noise Chapter provisions of the PDP. These various amendments are summarised below, and specific details of the relief sought are set out in **Attachment B** of my primary evidence.
- 1.5 **Objective NOISE-02**
- 1.6 I support the overall intent of objective NOISE-O2 and consider it should be retained. However, I consider that the phrase “*reverse sensitivity effects from*” should be deleted and replaced with the phrase “*the incompatible use or development of*”. I consider that re-framing the objective to focus on ‘land use compatibility’ enables clarity of the issue / effect which can be assessed when a noise sensitive activity / use is being proposed. I also consider that my recommended approach aligns with the terminology within the Canterbury Regional Policy Statement (RPS), which contains numerous references to “land use compatibility / incompatibility” within the objectives and policies relating to ‘Land Use and Infrastructure’ (Chapter 5).
- 1.7 **Policy NOISE-P1**
- 1.8 To ensure alignment with direction of the NPS-UD – that amenity values may change over time and that change itself is not necessarily an adverse effect - I consider the word

*“anticipated”* should be inserted before *“amenity values of each zone”* in clause 1 of the policy, and the phrase *“maintain the”* should be inserted before *“amenity values of sensitive environments”* in clause 2 of the policy. In addition, these amendments facilitate greater consistency with those I suggest to NOISE-O2, above.

#### 1.9 **Policy NOISE-P2**

1.10 As a consequential change to that sought to Policy NOISE-P1, and again to ensure alignment with direction of the NPS-UD, I consider the word *“anticipated”* should be inserted before the phrase *“amenity values of the receiving environment”* in clause 2.

#### 1.11 **Policy NOISE-P4**

1.12 I seek the deletion of clause 1 from policy NOISE-P4 in its entirety – noting I could not see any clear connection of this policy wording to an associated rule in the wider Noise Chapter provisions, but also because this aspect of the policy (given its detail and specificity in restricting residential density) would effectively amount to a ‘rule’ within a policy.

1.13 In addition, I seek the removal of the word *“protect”* and replacement with the phrase *“provide for the ongoing operation of”* before the phrase *“Christchurch International Airport”* – for the reasons expressed in relation to, and to align with, my amendments sought to policy NOISE-P3. I also seek the deletion of the phrase *“from reverse sensitivity effects”* – for the reasons expressed in relation to, and to align with, my amendments to objective NOISE-O2.

#### 1.14 **Rule NOISE-R14**

1.15 Within rule NOISE-R14, I propose to amend the activity status for non-compliance with the rule from Discretionary to Restricted Discretionary, with reference to matters of discretion NOISE-MD2 and NOISE-MD3 which are relevant in the context of non-compliance with rule NOISE-14. The issues of noise with respect to acoustic insulation of buildings in which noise sensitive activities are located are discrete and well understood, and this approach allows for appropriate focus on key issues and effects to be assessed under a Restricted Discretionary Activity framework. This approach is also consistent with the approach to non-compliance with rules NOISE-R16, NOISE-R17 and NOISE-R18.

- 1.16 If the proposed Discretionary Activity status is set to 'discourage' new buildings, or any additions to an existing building within the 55 dBA Ldn Noise Contour for the airport, then I consider this an inappropriate planning approach to manage the potential adverse effects arising from the activity.
- 1.17 In addition, and as set out in the expert evidence of Mr Jimmieson on behalf of Kāinga Ora, I consider it is appropriate to incorporate an additional requirement within the rule through the inclusion of an additional clause 2 – relating to achieving minimum ventilation standards to achieve a comfortable and healthy internal living environment for occupants of noise sensitive activities – given the existing clause 1 within the rule (relating to acoustic insulation) requires windows and doors to be closed.
- 1.18 As discussed and recommended in the acoustic evidence of Mr Styles on behalf of Kāinga Ora, my **Attachment B** also includes minor amendments with regards to the specific acoustic 'measure' / method (e.g. dB / Ldn / LAE).
- 1.19 **Rule NOISE-R17**
- 1.20 Within rule NOISE-R17, I propose to delete the requirement for Christchurch International Airport Limited (CIAL) to be considered an affected party for any resource consent application within the 50bBA Ldn Noise Contour Overlay. I do not consider it would be appropriate for CIAL to be identified as an affected party (requiring applications to secure an affected party approval) where a proposal fully complies with the relevant standards referenced in Table NOISE 1. In addition, I consider the standard RMA notification tests provide the Council with the ability to identify CIAL as an affected party for any resource consent application within the 50dBA Ldn Noise Contour Overlay which does not comply with the relevant noise standards.
- 1.21 **Matters of Control / Discretion**
- 1.22 Regarding the Matters of Control / Discretion, I recommend minor amendments to NOISE-MD3 (as consequential amendments), in light of my amendments to both objective NOISE-O2 and policy NOISE-P4, as well as in relation to the proposed new rule NOISE-RXX with regard to ventilation, as recommended by Mr Jimmieson. Specifically, I consider the deletion of the term "*reverse sensitivity*" is appropriate to be replaced by the phrase "*land use incompatibility*".

1.23 **Section 32 / 32AA Considerations**

1.24 I consider the amendments I have recommended are the most appropriate means to strike a balance between the management of potential adverse effects on new sensitive activities through acoustic and ventilation standards, whilst at the same time allowing for the creation of effective and efficient, well-functioning urban environments which provide sufficient development capacity to meet current and future community needs, and to manage land use compatibility / incompatibility.

1.25 In doing so, the amendments align with overarching objectives and strategic direction set out in the NPS-UD, Canterbury Regional Policy Statement, NZS6805:1992, the purpose and principles of the RMA, as amended by the Housing Supply Act, and the land use management approach applied to both Auckland and Wellington International Airports.



**Matthew Lindenberg**

**21 February 2024**

