

From: [Shirley La](#)
To: [Audrey Benbrook](#)
Subject: David Lawry submitter to Plan CHANGE 10a
Date: Tuesday, 30 January 2024 12:01:42 PM
Attachments: [0.png](#)
[Plan change 14 submissions.docx](#)

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Audrey I have attached a submission made as an expert witness to the Christchurch City Council initiated Plan change 14 where CIAL are again requesting planning avoidance rules.

There is a huge power imbalance in these processes in that CIAL seems to be enabled by Christchurch City Council to actually be instrumental in creating plan change content getting those plan changes onto the CCC Schedules and then having basically unlimited funds to create expert reports and then like all aimed at removing all other landowners development aspirations due to the hugely exaggerated risk of a business continuity risk to their operations if those avoidance rules are not incorporated into the various District Plans.

The RPS will address the 50dBA Ldn air noise contour by the end of this year and it is encouraging to see that the Plan change 10A Section 42 author Neil S points this out.

I advise that I do wish to be heard at the upcoming 10A hearing and that at that hearing I intend to table the attachment and talk to it. I request 25 minutes in addition to 10.

CIAL counsel are aware of this evidence as they were served a copy as part of the PC14 process (now delayed at CCC request).

I seem to have mislaid an earlier request made to you for my submitter number and the submission I made as I cannot find it in the mikes of documentation. It would be greatly appreciated if you would forward that information again.

Thanks for your assistance

Kind regards David Lawry

David Michael Lawry submitter 873 Makes further submissions
to Plan change 14

This further submission is made pursuant to the following requirements relating to further submissions.

Any person representing a relevant aspect of the public interest

And

Any person that has an interest in the proposed plan greater than the interest that the general public has.

The relevant aspect of the public interest is the dishonest representation of the need for protections from the risk of any possible curfew or core aviation business continuity disruption resulting from noise complaints arising from Christchurch International Airport Limited (CIAL) activities.

I submit dishonest assertions of the need for protection asserted to the Commissioners as a business continuity risk while seeking further benefits is a public interest aspect.

My interest in this proposed plan and indeed the many that have proceeded this plan has been in my Commissioner accepted role as an expert investigator to expose the still expanding competitive advantages that Christchurch City Council (CCC) has assisted CIAL to obtain. Most of which have nothing to do with business continuity risk and everything to do with CAIL property management and development. CIAL earns more revenue than its core aviation roles from property management and development and is enable it to be the worst night time noise polluter in the District via on aircraft wing engine testing with complete impunity. One reason the engine maintenance arm at Nelson was closed and that maintenance is now carried out at Christchurch International Airport (CIA) is

that the Nelson City Council was taking excessive noise enforcement action with regards to on wing engine testing there. As stated no such risk exists at CIA

My previous submission to for example Plan change 4 and 5 and before that the Judge led Christchurch District Plan review articulates the wide range of extreme competitive advantages CIAL enjoys. I request that all this information is also included into this Plan Change. It forms evidence of my interest greater than the average member of the public with regards to not only this Plan change but the ongoing development of the competitive advantages CIAL enjoys and seeks to enlarge as well as CCC's failure to address the conflicts of interest.

It is noted at Appendix A of Jo Appleyards submission (852) in the summary at point 4.3 she seeks that the Commissioner's for PC14 should define all areas potentially subject to noise levels of 50 dBA Ldn or greater and prevent intensification within that defined area.

Using the word "POTENTIALLY" that Counsel seeks to even further expand the already world-wide unique benefits Christchurch Airport enjoys. All based on a dishonest business continuity risk.

Seeking a modicum of reality there seems to be a total failure to scrutinize if any risk at all exists to CIAL from business continuity from members of the public complaining about the noise they generate.

Here lies the dishonesty.

CCC despite its regulatory role to investigate and enforce excess noise standards has for many years totally forbidden its noise enforcement offices to take any action whatsoever with regards to Airport related noise complaints.

Most Christchurch International Airport (CIA) noise complaints relate to on wing aircraft engine testing following the revenue earning engine maintenance activities.

An independent committee housed at CIA, one that members of the public have to seek permission to address, should they desire to, is the sole arbiter of these complaints. They have never elevated any complaint issue to CIA's board let alone owners. They have never taken any action that could in any manner bring on any form of business continuity risk. They work to a Ldn seven-day average metric not the world wide Leq metric used to measure industrial pollution, unquestioningly. They fail to believe that on wing engine testing is industrial noise and require no at source noise mitigation for what is the worst night time noise pollution across Canterbury.

There is a huge difference between a fully resourced enthusiastic and trained excess noise investigative team with strong enforcement coercive powers and a friendly in-house committee.

The conflict of interest in enabling this industrial noise pollution and the also world- wide unique, engine testing noise contours, that further victimises the receivers of the noise pollution by restricting their land uses, should be obvious to CCC. Again despite being made fully aware no action is taken.

Any objective assessment of the level of risk to business continuity arising from noise complaints is zero. Indeed, the regime as it currently exists enables night time extreme noise pollution with impunity. The financial gains of removing this risk are considerable. No at source noise mitigation at all is a direct result, and cost advantage.

The fact that the entire suite of world- wide unique land planning and residential restricting development rules, CIAL enjoys is based on business continuity risk is a disgrace.

As Commissioners to this Plan change in your quasi -judicial role it really is about time you at the very least elevated your concerns to someone who can make a difference. It should not fall on the public to have to risk financial costs before this house of cards is exposed.

It is my understanding the intention of the intensification legislation is that a very high threshold of evidence must be established before a “qualifying matter” can stand. Counsel for CIAL tries to put to you that the 50dBA Ldn or greater is an existing qualifying matter” it is not.

I am unsure if you have even seen the air noise contours but the 50 dBA Ldn contour passes all most to Hagley park. It did cover for example Canterbury University before, after litigation CIAL offered exemption to that organisation from its restrictions in a closed deal. Since when can airport can give exemptions to a District Plan but it has again CCC supported.

The point is that thousands of hectares of land are impacted. If you where to accept this point intensification from a few streets above Hagley Park to the airport is totally negated. Again, all based on a risk lie.

With regards to the high level of evidence required to establish a qualifying matter, what is that evidential level? Is it beyond reasonable doubt or on the balance of probabilities clarification is needed. **I seek clarification on this point.**

I seek that you reject CIALs request to have the 50dBA Ldn or greater air noise contour as a qualifying matter.

I seek that you take actions that will result in a review of the risk of any curfew or business continuity interruption arising from noise complaints. If the foundation for the rules is flawed are not the rules themselves contrary to the intend of the RMA.

I suspect Political direction will overcome this very broken process. Hopefully before the Housing crisis reaches the stage of direct public action due to the inaction in solving the issue through failures to address the very obvious conflict of interest bias and competitive advantages being sought and agreed to.

David Lawry

5.9.2023