

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE  
WAIMAKARIRI DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act 1991 (**RMA** or  
**the Act**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on the Proposed Waimakariri  
District Plan (**PWDP** or **the Proposed Plan**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on Variations 1 and 2 to the  
Proposed Waimakariri District Plan

**AND**

**IN THE MATTER OF**

Submissions and Further Submissions on the  
Proposed Waimakariri District Plan by  
**Momentum Land Limited ('MLL')** and **Mike  
Greer Homes NZ Limited ('MGH')**

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**EVIDENCE OF BRIAN WILLIAM PUTT  
ON BEHALF OF MOMENTUM LAND LIMITED  
AND MIKE GREER HOMES NZ LIMITED  
STREAM 10A – AIRPORT NOISE ISSUES**

**DATED 2 FEBRUARY 2024**

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## INTRODUCTION

1. My name is **Brian William Putt** of Auckland. I am a qualified town planner with nearly 50 years' experience as a professional town planner and resource management consultant.
2. My role at this hearing on the Stream 10A matters arising from submissions to the proposed Waimakariri District Plan ("**the Plan**") and to Variation 1 to the Plan, is to provide an overview of the spatial planning backdrop to the purpose of the proposed Plan and of Variation 1, comment on the submission of Christchurch International Airport Limited ("**CIAL**") and to draw conclusions in respect of the evidence provided in support of the submissions of Momentum Land Limited ("**MLL**") and Mike Greer Homes NZ Limited ("**MGH**") whom I am assisting.
3. I hold the qualifications of Bachelor of Arts and Post-Graduate Diploma in Town Planning, both from Auckland University. I also hold a Diploma in Accounting and Finance from Central London Polytech and I have been a full member of the New Zealand Planning Institute since 1977.
4. I am experienced in all aspects of New Zealand statutory and land use planning and specialised in recent years in development co-ordination, social and environmental reporting on major projects, due diligence analysis for development project investment purposes and the analysis and presentation of applications for resource consents. I regularly appear as an expert witness before District Councils, the Environment Court and less frequently, the High Court in matters of town planning and resource management litigation. In the last two years I have also been involved in Hearings Panels and as an advisor on the Covid Fast-Tracking of applications for resource consent. Since 1997 I have been on the editorial board of the *Salmon – RMA Annotated Text*.
5. Through my role in the 1980's as a senior planner at the Ministry of Works and Development in Auckland, I have been involved in airport planning, in particular for the Auckland International Airport. My involvement in this area has continued over time for both private and public clients. I have been involved in the evolution of the planning framework that provides for the management and control of development in and around Auckland International Airport.
6. I am aware of the international concept of *Aerotropolis* spatial planning whereby an international airport as a hub of economic and transport activity, stimulates a wider and efficient development opportunity for business, industrial processing, residential and recreational/open space activities. My experience in Auckland has been to take part in the planning framework that has allowed the Southern Economic corridor to be established as a significant economic and employment driver for the Auckland region. This experience over the last 20-30 years has allowed me to develop a full understanding of the way an international

airport investment as an economic instrument in a region, needs to be supported within the planning regime.

7. To understand the *Aerotropolis* concept I provide the following definition:

*An **aerotropolis** is a metropolitan subregion whose infrastructure, land use, and economy are centred on an airport. It fuses the terms "aero-" (aviation) and "metropolis". Like the traditional metropolis made up of a central city core and its outlying commuter-linked suburbs, the aerotropolis consists of:*

- 1) the airport's aeronautical, logistics, and commercial infrastructure forming a multimodal, multifunctional airport city at its core, and*
- 2) outlying corridors and clusters of businesses and associated residential developments that feed off each other and their accessibility to the airport.*

*The word aerotropolis was first used by New York commercial artist Nicholas DeSantis, whose drawing of a skyscraper rooftop airport in the city was presented in the November 1939 issue of Popular Science. The term was repurposed by air commerce researcher John D. Kasarda in 2000 based on his prior research on airport-driven economic development. (Source – Wikipedia)*

8. The important starting point is to remember that the needs and constraints of an airport are not the sole determinant of the control and land use management structure. They are an important element in the decision-making but must still be balanced against the dynamics of the urban development initiative being promoted in this case by the National Policy Statement on Urban Development 2020 (**NPS-UD**). In the case of Kaiapoi, care must be taken to ensure that perceived minor effects that may arise from aircraft noise, does not impose such a draconian constraint on the development of attractive and urban capable land that parts of Kaiapoi result in suffering from urban blight.
9. I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence. I confirm that I have read the evidence of Patricia Harte in support of the MLL and MGH submissions on zoning and land use matters. I endorse her analysis and conclusions.

#### **SCOPE OF EVIDENCE**

10. In my evidence I address the following issues:
- a. Macro planning and the role of Christchurch International Airport Limited

- b. Proposed District Plan, Rezoning Submissions, and Submissions by CIAL
- c. Variation 1 and Qualifying Matter – RMA Amendment Act 2021 & NPS-UD

### **MACRO-PLANNING AND THE ROLE OF CIAL**

11. The relevant details of CIAL's submission and further submissions on the proposed Waimakariri District Plan and Variation 1 are canvassed in the evidence of Patricia Harte. They carefully lay out the importance and purpose of the company to the economic, social, cultural and physical growth of Christchurch, Canterbury and the South Island. In my opinion there is no question about that importance. However, the way CIAL relates to the broader resource management and spatial planning needs of Christchurch and the Canterbury region, is a matter that requires some careful consideration. I have already mentioned in my introduction the concept of the *Aerotropolis* whereby the economic strength of an international/domestic airport is enhanced enormously when it is linked to a broad business and residential land use framework. From my extensive experience over 40 years with the Auckland International Airport Ltd ("**AIAL**") activities, I observe a clear dynamic that links that airport to what is now called the Southern Economic Corridor which lies in the southern half of the Auckland isthmus. In the Auckland case, there has been a concerted effort to use the airport as a social and economic powerhouse for jobs and residential development in a manner that allows all three activities to locate and function in an integrated manner.
12. It is worthwhile taking a moment to examine the way AIAL enters the Auckland Unitary Plan ("**AUP**") because it provides a model for consideration by the Council in dealing with the CIAL requests on the Plan and Variation 1. The important starting point in the AUP is that control over residential development commences at the noise level equivalent to Ldn57dB. In the AUP, the complex controls appear in three locations at Chapter D24, Appendix 19 (the Aircraft Noise Overlay Plans) and at Chapter K where the AIAL designation is recorded. Reviewing these documents provides a clear understanding of how carefully the noise contours were chosen in Auckland to achieve two desirable outcomes, first, the efficient long-term functioning of the airport, including provision for the proposed northern runway yet to be constructed and, secondly, to ensure that the constraints required to allow the airport to operate efficiently do not blight or hinder development in the surrounding land which sits in Auckland's Southern Economic Corridor. In my opinion, the model that has evolved is a good example of resource management decision-making and resource allocation working in an integrated manner. In the Auckland context, the land use activity allocations in and around the international airport, provide the future framework for the *Aerotropolis* concept.
13. I also draw your attention to the detail found in *Attachment A* to the *AIAL Designation Notes No. 1100*. In this attachment the function and form of the Aircraft Noise Community Consultative Group is set out. This group meets on a

quarterly basis to consider and make appropriate recommendations to AIAL on aircraft noise issues and other concerns arising in relation to the operational activities at the airport. The activities of the group are fully funded by AIAL. The group comprises:

- an independent chairperson,
  - representatives from 12 local boards,
  - a Council representative,
  - an industry (freight or manufacturing) representative,
  - an airways corporation representative,
  - a board of airline representative,
  - two AIAL representatives,
  - two mana whenua representatives and
  - two community representatives (who must live within the aircraft noise area).
14. On the AIAL website the records, agendas and minutes of the meetings of this group going back at least four years, are available.
  15. I raise this administrative arrangement because it is indicative of an approach by AIAL to ensure that its activities are supportive and enhance the economic and social well-being of the Auckland region. In my opinion, it is the form of partnership that is required to achieve understanding and acceptance of complex resource management issues like the interplay of land uses that involve aircraft noise and that cannot be physically separated to any great extent.
  16. Importantly, the AIAL presence in the AUP is founded on a designation, that includes the noise contour mapping and the community liaison process set out in the requirement provisions. By contrast the approach promoted by CIAL in its submissions avoids testing its noise contour requirements under the designation provisions of the RMA. These are found at Part 8 and in particular, it is Section 168A that provides the checklist to be undertaken to verify the **need** for the designation.
  17. CIAL attempts to avoid this statutory test by claiming that the NPS-UD and the *Qualifying Matter* provisions of the RMA Amendment Act 2021 provides the mechanism for the Ldn50dB noise contour to prevent new residential development or intensification within and around Kaiapoi, within the framework of Variation 1 to the Plan.
  18. My evidence supports the position of the submitters, MLL and MGH, that the objective and policy framework in the proposed Plan as notified is the most appropriate to achieve the purpose of the RMA and the NPS-UD, by enabling residential rezoning and intensification within the Ldn50dB. My evidence covers this matter in detail further on.

**PROPOSED WAIMAKARIRI DISTRICT PLAN, SUBMISSIONS SEEKING  
RESIDENTIAL REZONING, AND SUBMISSIONS BY CIAL**

19. In this section I consider it important to start with the instruction from the Canterbury Regional Policy Statement. This is found at Policy 6.3.5, Sub-Policy (4). This matter is covered in paragraphs 30-46 in the CIAL Notice of Submission under Appendix A. However, the full quote from the CRPS is not given. It actually reads –
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 50dBLdn 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 on Map A (page 6-28) .....** (emphasis added)*
20. The Proposed Waimakariri District Plan as Notified contains a framework of objectives and policies which do not prevent the rezoning of land for residential purposes or intensification within the 50dBLdn airport noise contour. This is consistent with the CRPS, in my view, and gives effect to it. Our clients MLL and MGH, in their submissions on the proposed Plan, did not seek to alter the objectives and policies framework. They simply sought to have their rural lifestyle zoned land rezoned for residential purposes.
21. The CIAL submission attempts to circumvent the clear instruction of the Regional Policy Statement direction by seeking to limit its application by reference to statements made under the Canterbury Earthquake Recovery Act 2011 jurisdiction and by reference to a comment from the Court of Appeal mentioned at para. 40 of the submission notice. However, neither of these matters have led to any amendment of CRPS Policy 6.3.5(4), in my opinion because they are guidance and not mandatory.
22. Delving deeper into the CRPS matter, it becomes clear to me that the Map A referred to, identifies coloured *green* the areas in Kaiapoi as *Greenfield Priority Areas*. Also, it identifies in *terracotta orange* colour areas for *Future Development*. My planning interpretation is that both areas on Map A are covered by the exemption set out in Policy 6.3.5(4). These are the areas which are of vital interest to MLL and MHG, whose submissions my evidence supports. My opinion on this point is fully supported by the extensive s.32 RMA report prepared for this hearing by the Council. The title of the report is *Qualifying Matter – Airport Noise*. The conclusion of the report on page 32 confirms the Council planner's view that RPS Policy 6.3.5(4) remains valid within Kaiapoi and that Greenfield Priority Land should enjoy the same density as other residentially zoned areas in Kaiapoi upgraded to meet the medium density residential standard of the NPS-UD. I fully concur with that view.
23. Further evidence on the inappropriate choice of Ldn50dB as the noise contour within which residential development must be constrained is found in the

operative Waimakariri District Plan. I refer to Rule 31.12.1.3(a) where the permitted level for noise in the residential environment is set at 55dBA L10. In my experience this is a residential noise standard accepted across most urban district plans in New Zealand. It does, therefore, beg the question of why CIAL wishes to enforce Ldn50dB as the level at which aircraft noise becomes a nuisance. I cannot find in any of the s.32 material and technical reports submitted by CIAL, how the Ldn50dB level was chosen when the accepted residential noise level in the operative Waimakariri District Plan and generally across the country for most urban residential environments, is Ldn55dB.

24. This operative provision has confirmed in my opinion, that the CIAL request to prevent residential development or intensification within the Ldn50dB across a large area of urban Kaiapoi and the surrounding countryside has no objective justification and should be rejected.

### **VARIATION 1 AND AIRPORT NOISE QUALIFYING MATTER**

25. The concept of *Qualifying Matters* ("**QM**") is derived from s.77I of the Resource Management Amendment Act 2021. CIAL relies on sub-section (e) which states – *a matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure*. I agree that Christchurch International Airport is a nationally significant item of infrastructure. The question arises in relation to this submission as to whether the prevention of residential development or intensification within the Ldn50dB contour line over the submitters land constitutes a matter that ensures the safe and efficient operation of the airport. In my opinion this is an unsubstantiated claim. No element of risk or danger is identified by CIAL to support its proposition.
26. In reviewing the extensive material submitted by CIAL in support of the CIAL submissions and further submissions on the proposed Plan and Variation 1, I note some important omissions. The first omission is a review and comparison of the noise contour controls used at Auckland Airport and Wellington Airport. These two airports are the only reasonable comparisons with Christchurch within New Zealand. Both airports accept higher noise level controls before there is a constraint on residential development. At Auckland it is Ldn57dB. This is the noise level at which noise attenuation of residential dwellings is imposed. This is achieved through double glazing and ventilation systems which are paid for in any existing dwelling by AIAL or paid for by the owner in the case of a new dwelling.
27. The second omission is in the Marshall Day Acoustics Reporting where international comparisons of aircraft noise and human annoyance levels have been extensively mapped. With my experience over 40 years using attitudinal surveying as a planning technique and with my background knowledge in psychology, I examined the material put forward by Marshall Day carefully. The matter that jumped out to me was the survey undertaken by Miedema and Oudshoorn. Their study results looked reliable because their sample base was more than 38,000 participants over many locations. The result was that in the

noise level range from 50-55Ldn the increase in annoyance rose marginally from 5% of people to 10%. Statistically and in RMA language, this cannot be regarded as adverse and should be regarded as minor.

28. It is, in my opinion, an exaggeration to suggest that the potential for people to raise complaints about aircraft noise in a situation where they live between the 50-55Ldn contours, can sensibly be regarded as a threat to the safety or efficiency of Christchurch International Airport. In my opinion this is an unsubstantiated claim in order to confirm that residential development or intensification within the Ldn50dB noise contour at Kaiapoi as a matter of such importance that it is a threat to the safe or efficient operation of Christchurch Airport as envisaged by s.77I(e) of the Resource Management Amendment Act 2021. It is contradictory in my opinion, to claim in the CIAL submission at Para 44.2 *-that there is no strong correlation between complaints data and noise actually experienced by a community.* Thus, if aircraft noise is not the potential threat to safety and efficiency in the s77I RMA sense, than what is? CIAL does not declare the threat.
29. Returning to the Auckland Airport example, it is considered there that residential uses and a list of other noise sensitive activities only become a potential threat to the safe and efficient operation of the airport infrastructure within the Ldn60dB contour.
30. While I accept that the status of a Qualifying Matter is largely a legal argument, in my opinion the practical planning analysis gives foundation to the proposition that in this case, the QM does not pass the qualification test. On examination as I have pointed out above, there is no evidential base to suggest that people living within the Ldn50dB noise contour can offer any threat to the safe and efficient operation of the Christchurch Airport infrastructure.
31. Furthermore, the record of complaints made available by CIAL makes it clear that the principal complainants are residents of Christchurch City whose homes are in the flight path of the secondary runway which is only required to be used in strong north-westerly conditions and then only by smaller propeller driven passenger planes. This is a further revelation which supports the contention that complaints in themselves cannot be seen as a threat to the safe and efficient operation of the airport. From my experience, I imagine that if CIAL engaged in a comprehensive community consultation process like that used by AIAL, much of this complaint profile could be answered and addressed satisfactorily in various ways.
32. I am firmly of the opinion that the intention of s.77I(e) is not to be treated in a trivial way and that there must be a real and objectively measurable threat to the safe and efficient operation of the nationally significant infrastructure before it can be considered as a Qualifying Matter. In my opinion, and based on all the information available, preventing residential development or intensification of the land covered by the Ldn50dB noise contour, the alleged QM does not pass that high level of proof or justification.



## CONCLUSIONS

33. I am fully aware of the initiative taken by the Greater Christchurch Partnership, in preparing a draft Greater Christchurch Spatial Plan. Hearings on this matter were held in November 2023. A key concern I noted from analysis of the draft spatial plan was the careful way in which the Partnership had redirected the growth dynamic of Christchurch and the surrounding urban settlements to ensure that land with clear capability for accepting urban development was identified.
34. The other link in the study was to identify the transport corridors to support a redirected growth dynamic. In Waimakariri, particularly around Kaiapoi, the availability of land capable of development without unacceptable risk of liquefaction or flooding was significant. The advantage Kaiapoi holds is that it is connected directly to Christchurch City through the extended and completed northern motorway. The other important transport connection for future development is the South Island main trunk line which connects Christchurch central city to Kaiapoi. This rail corridor will be a future asset of significant importance when the region embarks on a comprehensive mass transit initiative.
35. This background is important to the Stream 10A hearing because CIAL sought to dominate the growth opportunities perceived in the draft Spatial Plan by imposing the Ldn50dB noise contour across the northern growth area of Christchurch, including Kaiapoi, in a manner that showed no cognisance of the need to enhance the opportunities for land capable of urban development and at low/acceptable risk, to be made available. The same CIAL approach imposed on the draft Spatial Plan can be seen in the CIAL submission on Variation 1.
36. The conflict and constraint which CIAL attempts to place over Kaiapoi in its submission on the Plan and Variation 1 could be answered so simply if CIAL would accept that the appropriate level for the noise contour is Ldn55dB just as it is around the Wellington and Auckland airports. This move would make available for urban consideration, increased areas in and around Kaiapoi that will eventually add to the social, economic and cultural vitality of the town. The initiative being taken in Kaiapoi, and supported to some extent by the Council, is part of the re-think of the spatial planning future for the urban part of the region centred on Christchurch but including the northern and western development corridors focussed on Kaiapoi, Rangiora and Rolleston.
37. This hearing is the opportunity to bring a broader regional perspective of spatial planning into focus. To some extent the CRPS has already achieved this by providing a specific exemption for development in Kaiapoi within the Ldn50dB contour. In my opinion, it is clearly time for the Ldn50dB contour to be challenged and to be replaced by the more practical and realistic Ldn55dB contour for the reasons I have set out above.
38. It is important to realise that the Waimakariri District Plan has already accepted this noise level constraint as I identified through Rule 31.12.1.3(a). The 55dBA standard as the upper level for acceptable noise in residential environments has

virtually a nationwide recognition. In my opinion the proposed Plan is correct in nominating that standard.

39. My evidence supports the position taken in the submissions of Momentum Land Limited and Mike Greer Homes Limited seeking residential rezoning of their land within the Ldn50dB contour near Kaiapoi, and that the correct noise contour to be chosen in and around Kaiapoi should be Ldn55dB.



**Brian William Putt**

**Town Planner**

**2 February 2024**