

## **Introduction**

My name is Neil Sheerin. I am a Senior Policy Planner in the Development Planning Unit at Waimakariri District Council. My qualifications and experience are as set out in Appendix B of my s42A report. I have been involved in the District Plan Review since July 2017.

I was involved in the preparation of the Proposed Plan including a range of District-wide and area-specific chapters and related s32 reports. This includes the Open Space and Recreation Zones chapters which CIAL submitted on requesting the inclusion of provisions relating to bird strike.

I can confirm I have read all the relevant submissions, further submissions, submitter evidence and relevant higher order documents. As the reporting planner I understand my role at this Hearing is to assist the Hearing Panel. I also understand the Panel may choose to accept or reject the conclusions and recommendations in my section 42A report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

Submissions on Variation 1 concerning the Airport noise contours as a qualifying matter are addressed in a separate s42A report by Mr Peter Wilson.

Appearing with me is Dr Rachel McClellan, an ecological consultant who was engaged by the District Council to undertake an independent ecological review of the CIAL submission on bird strike issues and her report formed Appendix C of my s42A report. Following my opening presentation Dr McClellan will provide separate introductory comments regarding her role and report.

By way of Introduction to this topic, I would like to provide a brief overview of the submissions and further submissions received, the s42A report and my recommendations in that report. I will then go through the preliminary written questions from the Hearing Panel and my written responses. After which, I will be happy to take any further questions.

## **Overview**

CIAL's submission on the Proposed Plan contained a total of 154 submission points relating to Proposed Plan definitions, a wide range of District-wide and area-specific provisions, and the Proposed Plan map.

Most of CIAL's submission points concern the potential for Airport operations to experience reverse sensitivity effects relating to:

- potential growth of noise sensitive activities within the Airport noise contours; and
- potential 'bird strike risk activities' within a proposed 8km radius and a proposed 13km radius of the Airport runway thresholds.

These are the two key resource management issues considered in my s42A report.

As the matters raised potentially affect a large number of Proposed Plan provisions over a number of different Hearing streams, the Hearing Panel requested that these matters be considered at a separate Hearing (Minute 5, para 10, 4 July 2023).

CIAL responded to the Panel with a memo (14 August 2023) identifying which of its submission points CIAL intended to address at this Hearing. I generally agree with that categorisation and have adopted that approach, therefore it is those submission points that are the subject of my report.

Of CIAL's submission points, 118 of these are considered in my s42A report. 79 submission points relate to the Airport noise contours, 30 submission points relate to bird strike, and 9 submission points raise matters applicable to both the Airport noise contours and bird strike.

These 118 submission points received further submissions from 8 further submitters, raising 285 further submission points, of which 282 were in opposition to, and 3 were in support of, CIAL's submission points.

The matters raised covered a wide range of provisions in many parts of the Proposed Plan, including:

- Part 1 Introduction
  - District Wide Matters
    - Strategic Directions
    - Subdivision
    - Temporary Activities
  - Area Specific Matters
    - Residential Zones
    - Commercial and Mixed Use Zones
    - Special Purpose Zones
    - Development Areas
  - Planning Map
  - Definitions
- Urban Form and Development
  - Noise
  - Natural Character
  - Rural Zones
  - Industrial Zones
  - Open Space and Recreation Zones

### **Recommendations**

14 of CIAL's submission points considered in my s42A report are recommended to be accepted in part. These tend to involve provisions in the Proposed Plan which CIAL wish to see retained as notified, or which involve only minor amendment to notified provisions. These submission points are recommended to be accepted only in part, as the extent to which such provisions are retained or modified as requested depends on the outcome of decisions made in response to other submissions, or through other s42A reports on other parts of the Proposed Plan including those matters yet to be heard such as the Subdivision or Residential Zones chapters. Only two of these 14 CIAL submission points - [254.63] and [254.64] - result in recommended amendments, and are shown in Appendix A of my s42A report.

The remaining 104 of CIAL's submission points considered in my s42A report are recommended to be rejected. This is for a range of reasons as discussed in my s42A report. Some of these matters I talk to further in my written response to the preliminary written questions from the Panel. I summarise some key points as follows.

I have considered all CIAL's submission points. With regards those 104 submission points recommended for rejection. Due to the similar nature of many of the amendments requested, I have, for the most part, evaluated the amendments requested on the whole, as a 'suite' of requested provisions, to try to avoid repetition in my responses. (see paras 119 and 164 in my s42A report).

With regards potential growth of noise sensitive activities within the Airport noise contours.

The views expressed in my s42A report in relation to the forthcoming RPS review are not the only basis provided in my s42A report for recommending rejection of the majority of CIAL's submission points (see paras 131 to 153 and 164 to 185). I expressed concerns regarding a range of proposed provisions, including the extent to which limited notification of consent applications to the Airport for its approval is sought, and question the overall necessity of the amendments sought, especially when activities will be a considerable distance from the Airport.

That said, with respect to the forthcoming RPS review, I note the decision on the Draft Greater Christchurch Spatial Plan (dGCSP) has moved into the public domain through the publication of the

Greater Christchurch Partnership Committee (GCPC) meeting agenda for their meeting of 16 February 2024 which can be viewed by the following link:

[https://christchurch.infocouncil.biz/Open/2024/02/GCPC\\_20240216\\_AGN\\_9746\\_AT.PDF](https://christchurch.infocouncil.biz/Open/2024/02/GCPC_20240216_AGN_9746_AT.PDF)

Discussion in relation to the Airport noise contours is on p73-74.

In summary, advice provided by Reporting Officers to the GCPC stated, in summary, that they considered the RPS review was the most appropriate process to consider, test, and determine changes to the spatial extent of the operative contours and the associated policy framework, and the updated contours, and any changes to the associated policy framework, can then be reflected in updated district plans. The GCPC agreed, noting that changes proposed through the RPS review can be tested through the formal Schedule 1 process under the RMA, including via submissions, further submissions, and technical information and evidence from a wider range of parties.

The dGCSP is to be considered for adoption by the Christchurch, Selwyn and Waimakariri District Councils and ECan by end of March 2024, after which, assuming it is adopted, regard will need to be given to it.

With regards potential 'bird strike risk activities' within a proposed 8km radius and 13km radius of the Airport runway thresholds.

In my view:

- the requested inclusion in this District of 'bird strike risk management areas' within a proposed 8km radius and 13km radius of the Airport, with associated land use controls, when these do not exist in the Christchurch or Selwyn District Plans, where they would be closer to the Airport; and
- the extent of controls over land use activities requested in this District, which is far more extensive than the land use activities currently controlled in the Christchurch or Selwyn District Plans, where they would be closer to the Airport;

represent an inconsistent approach to bird strike risk management across the Christchurch, Selwyn and Waimakariri districts.

There are concerns around the largely undefined list of activities that form CIAL's proposed definition for 'bird strike risk activities', which runs the risk of vagueness, uncertainty and inconsistency in interpretation and application, and concerns with the wording of CIAL's proposed assessment matter for 'bird strike risk'.

Some activities CIAL seek to be non-complying activities with respect to bird strike, are already discretionary activities in the General Rural and Rural Lifestyle Zones, including quarrying, mining, waste management facilities, and composting facilities, which would allow for consideration of any actual or potential effect.

An independent ecological review of the CIAL submission on bird strike issues questions, for many reasons, the extent to which activities in this District should be controlled for bird strike risk to the Airport, particularly given activities will be a considerable distance from the Airport, key high bird strike risk species are already managed off-Airport, and high bird strike risk species already traverse the landscape in-between.

Overall, my assessment, in effect, concludes CIAL's submission did not provide sufficient evidence to justify the provisions sought. I note that CIAL's submission did not include a s32 evaluation in support

of its submission, to demonstrate the merits of its requested provisions over other potential alternatives.

#### **Additional Submission Points**

I wish to point out that two submission points were unfortunately inadvertently overlooked in the preparation of my s42A report. These concern Kainga Ora's submission points [325.148] and [325.149]. These are shown on the following pages along with my recommended response. However, these submission points are indirectly covered by Kainga Ora's further submission [FS 88] which opposed all of CIAL's submission points and which I have recommended be accepted in part. My recommendation on these submission points is the same as for Kainga Ora's further submission.

#### **Panel Questions**

I will now turn to preliminary written questions from the Hearing Panel and my written responses. I will then be open to taking any further questions from the Panel.

Sub. Ref. #	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
<b>Planning Maps</b>							
325.148	Kāinga Ora Homes and Communities	Planning Maps - General	<p>Opposes the noise corridor overlay and related provisions within the Noise Chapter and seeks balance between providing for noise generating activities and managing effects on the community.</p> <p>Delete the noise corridor overlay maps as they do not reflect the distances prescribed in the rules/standards in relation to the State Highway and railway.</p> <p>Additional requirements for indoor noise design levels are unnecessary and overly restrictive, without a corresponding burden on infrastructure providers to manage effects.</p> <p>Opposes management of vibration effects as this adds cost for compliance, relies on a Standard that is not publicly available, and requires specialist assessment. Setbacks from State Highway and Rail will mitigate vibration effects.</p> <p>Delete the Aircraft noise provisions including any mapped noise overlays and contour maps. Seeks that the relevant Airport designation(s) is included along with any proposed noise contour overlay and provisions, otherwise delete the relevant provisions.</p> <p>Delete mapped Noise Overlay and Airport Noise contour maps. Amend Noise Chapter provisions.</p>	3.3	Accept in part	See relevant section of report. In addition, the existing Airport noise contours and associated provisions still apply to give effect to the RPS pending the outcome of its review - see section 3.3.2.	No
<b>Noise</b>							
325.149	Kāinga Ora Homes and Communities	Noise - General	<p>Opposes the noise corridor overlay and related provisions within the Noise Chapter and seeks balance between providing for noise generating activities and managing effects on the community.</p> <p>Delete the noise corridor overlay maps as they do not reflect the distances prescribed in the rules/standards in relation to the State Highway and railway.</p> <p>Additional requirements for indoor noise design levels are unnecessary and overly restrictive, without a corresponding burden on infrastructure providers to manage effects.</p> <p>Opposes management of vibration effects as this adds cost for compliance, relies on a Standard that is not publicly available, and requires specialist assessment. Setbacks from State Highway and Rail will mitigate vibration effects.</p>	3.3	Accept in part	See relevant section of report. In addition, the existing Airport noise contours and associated provisions still apply to give effect to the RPS pending the outcome of its review - see section 3.3.2.	No

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