

Stream 10A – Airport Noise

Summary of Planning Evidence of Patricia Harte for Momentum Homes NZ Limited and Mike Greer Homes Limited

The Momentum Homes NZ Limited (Momentum) land in north-east Kaiapoi is in two parts and sits partly under the 50dBA contour. Under the Proposed District Plan this land is within the Kaiapoi Development Area where residential development is anticipated. With regard to the CRPS the site is partly with a Greenfield Priority Area in Map A of Chapter 6 with the balance in a Future Development Area. The south block lies within the 50dBA contour. The Mike Greer Homes Limited (Mike Greer) land is in south Kaiapoi and is fully within the 50dBA contour, but not the 55dBA contour.

Momentum Homes NZ Limited (Momentum) and Mike Greer Homes Limited (Mike Greer) lodged submissions on the Proposed Plan and Variation 1 seeking to rezone their land from Rural Lifestyle to Residential Medium Density. These submissions, along with other similar rezoning submissions, were opposed by Christchurch International Airport (CIAL) on the basis that all noise sensitive activities within the Ldn 50dB noise contour are to be avoided. CIAL also sought numerous changes to the Proposed Plan by way of original submissions. These included blanket requests to include the statement *“avoiding the establishment of noise sensitive activities within the 50dBA Ldn Air Noise Contour”* in numerous policies throughout the District Plan.

Variation 1 contains a proposed Qualifying Matter relating to the airport noise limiting density within the 50dBA contour to one dwelling per 200m². This was supported by Momentum and Mike Greer. CIAL lodged a submission requesting that within the 50dBA contour residential densities should be limited to the Operative District Plan standards of 300m² per dwelling in the Residential 1 zone and 600m² per dwelling in the Residential 2 zone.

In my evidence I have addressed:

- (a) The policy basis for provision for development in north east Kaiapoi (as sought by Momentum) and in south Kaiapoi as sought by Mike Greer
- (b) The most efficient and effective approach to enable residential development taking into account the potential for impacts on CIAL’s operations

Providing for Growth - A central focus of the Proposed Waimakariri District Plan and other related policy documents is to provide for growth and change while limiting adverse effects on the community and natural environment. This approach has been significantly facilitated by central government initiatives. In particular the National Policy Statement on Urban Development has a primary objective of New Zealand having *“well-functioning urban environment that enable all people and communities to provide for their social, economic and cultural wellbeing now and in the future”*. It also requires councils to provide at least sufficient development capacity to meet expected demand for housing land over the short, medium and long term. The following 2021 Enabling Act requires district plans to be amended to adopt extensive Medium Density Residential zoning to provide for higher density housing development.

Suitability of land for residential development - In my opinion the Momentum and Mike Greer sites are generally well-suited for residential zoning at medium density rates in part because they are logical extensions of Kaiapoi and are of a scale to provide for substantial quality development over time. They are also recognised in policy documents as appropriate extensions to Kaiapoi. On this basis it is my opinion that it is logical and important that the best use of these sites is enabled by providing for their development (should they be rezoned) and at a density in keeping with the relevant provisions of the NPS-UD and the Enabling Act.

District Plan Noise Standards - The Operative and Proposed District Plans noise provisions specify that **noise sensitive activities** are permitted activities in the Residential zones under the 50dBa contour. They are also permitted under the 55dBa contour providing they are insulated from aircraft noise to meet indoor noise levels. Further I understand that the potential for increased aircraft noise is placed on LIMs on properties within the 50 dBA contour. I consider this is a balanced approach which provides for residential use under the 50dBa contour while limiting the potential for residents to be annoyed to the extent that they lodge complaints about aircraft noise. In my opinion this is a sufficient response to this potential issue as there is no data or information indicating that a high, or even moderate level of nuisance is experienced by residents under these contours. Fraser Colgrave refers to this situation as the Kaiapoi “natural experiment” as compared to theoretical analysis of effects on people living under a 50dBa noise contour. This “experiment” has shown that a community under a 50dBa aircraft noise contour for many years is not concerned about this noise and therefore, even with increased flights, there is no indication that complaints could lead to CIAL having to modify their operations.

POLICY ASSESSMENT

I have undertaken a policy assessment to provide a basis for a section 32 type assessment of whether CIAL’s requests contained in their submissions and further submissions are the most appropriate way of achieving relevant objectives.

Enabling Act and MDRS Provisions - The Enabling Act provides for exemptions to the prescribed Medium Density Residential standards through exemptions associated with “*qualifying matters*”. These include “*ensuring the safe or efficient operation of nationally significant infrastructure and any other matter that makes higher density inappropriate in an area*”. The Council undertook a section 77 assessment on the appropriate residential density under the 50dBa contour. On this basis they chose to amend/include two standards for land under the contour namely a minimum lot size of 200m² and the number of residential units on a site being limited to 1 (as compared to 3 under the MDR standards). Peter Wilson in his section 42 report agrees with this approach which he considers is in line with the policy approach of mitigating **potential** adverse reverse sensitivity effects as opposed to avoiding them altogether. I agree with this approach as it reflects the relatively low level of impact of the aircraft noise on residents and therefore of the limited potential for significant reverse sensitivity.

Canterbury Regional Policy - The matter of intensification is also informed by the CRPS provisions relating to density and urban form and in particular Objective 6.2.2(2) and Policy 6.3.12 which clearly support higher density living in greenfield priority areas and future development areas as set out below:

Objective 6.2.2 - *The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and sets a foundation for future growth, with an urban form that **achieves consolidation and intensification** of urban areas, and avoids unplanned expansion of urban areas, by:*

2. **providing higher density living environments** including mixed use developments and a greater range of housing types, particularly in and around the Central City, in and around Key Activity Centres, and larger neighbourhood centres, **and in greenfield priority areas, Future Development Areas** and brownfield sites;

4. **providing for the development of greenfield priority areas, and of land within Future Development Areas** where the circumstances set out in **Policy 6.3.12** are met, on the periphery of Christchurch’s urban area, and surrounding towns at a rate and in locations that meet anticipated demand and enables the efficient provision and use of network infrastructure

Policy 6.3.12 relates to Future Development Areas identified on Map A. It specifies that these Areas should be enabled where there is a need to provide further feasible development capacity, promote efficient use of urban land and support the pattern of settlement and principles for future urban growth contained in Objectives 6.2.1. The North East Kaiapoi Future Development Area was included in the CRPS after a detailed assessment and clearly satisfied all these requirements. In my opinion this objective and policy confirm the suitability of North East Kaiapoi Future Development Area for medium density residential development. At no stage in the detailed assessments of PC1 was the matter of noise contours raised nor was there any concern regarding the suitability of future development areas being used for medium density housing. This raises the question of the significance of CRPS policy 6.3.5(4) which states:

Only providing for new development that does not affect the efficient operation, use, development and appropriate upgrading and safety of existing infrastructure, including by avoiding noise sensitive activities with the 50dBa contour unless the activity is within existing residentially zones urban area, residential greenfield area identified for Kaiapoi or residential greenfield priority are identified on Map A.

Clearly the purpose of the first part of clause (4) is to provide for development that doesn't adversely affect the operation of strategic infrastructure. The following sections of clause (4) appear to have been added afterwards as they do not sit well, in part due to a series of qualifications. A possible interpretation of the reference to "*avoiding noise sensitive activities*" within the 50dBA is that it provides a method of providing for new development that does not affect the efficient operation of critical infrastructure, rather than it being a requirement. Such an interpretation is in line with the recent *Port Otago* case with its finding that the word "*avoid*" is to be interpreted as "*avoid material harm from an activity*", rather than "*avoiding the activity regardless of whether it causes material harm*".

Section 32 Assessment

My policy assessment indicates that in all cases there is nothing positive about CIAL's opposition to the requested rezonings with regard to enabling more people to live in Kaiapoi which is a well-functioning urban environment. Depending on which CIAL submissions are considered, acceptance of these could prevent residential development in the only two current feasible extensions of Kaiapoi, or alternatively require a lesser residential density. These areas will assist in achieving the development capacity requirements of the NPS-UD, particularly as I understand Kaiapoi has not yet been in a position to fully replace residential sections lost as a result of the Canterbury earthquakes.

The increased number of residents in the areas proposed for rezoning are not expected to result in a noticeable increase in complaints as these dwellings will be subject to the same noise levels as are currently experienced by Kaiapoi residents, which clearly is not an issue for them. Further they will have been advised through their LIM that the area is subject to airport noise. Professor Clarke concludes that the CIAL noise modellers have ensured that the contours "*will be significantly larger than reality*" in the future. This indicates to me that the issue of reduced amenity of residents in Kaiapoi from increased flights and aircraft noise in the future are likely to be overstated. Even if there is an increase in noise complaints, it seems very unlikely that this could lead to the operations of CIAL being compromised given the economic and social benefits of the Airport to Christchurch, Canterbury and New Zealand.

Momentum and Mike Greer still have to make their case for rezoning in a later hearing stream and so the rezoning of their land is not a given. However, if CIAL's submissions requesting either no new noise sensitive activities or lower densities under the 50dBA contour are accepted this could prevent their development or result in residential densities that are contrary to the intent of the Enabling Act and which are less efficient.