

Investigative Expert Evidence for Plan change Waimakariri Proposed District Plan for Stream 10A.

My full name is David Michael Lawry attached is an outline of my qualifications supporting expert status with regards to investigative skills. This status has been accepted by numerous Independent Hearing Panels.

I confirm that I have read the Expert code of conduct contained in the Environment Court Practice note. Whilst this is not an Environment Court matter I wish to confirm compliance with that code of conduct. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Christchurch International Airport (CIAL) has for many years asserted that it needs a wide range of land planning definitions and noise sensitive activity avoidance rules. The reason for this need is asserted to be a risk of business continuity disruption that could occur because of noise complaints (reverse sensitivity). The assertion is that noise complaints could result in sanctions, for example flight operation curfews.

My evidence will be that this assertion is overstated to the point of being dishonest. When objectively assessed there is zero risk for Christchurch City Council (CCC), the statutory body with the power to hand down any sanction that could in anyway disrupt the flight operations of CIAL, taking any such action.

It is important to understand that the aircraft air noise and engine testing contours under which the suite of building activity avoidance rules operate cover approximately 209 kilometers squared of land.

These rules adversely impact hundreds of landowner's land use rights stretching from Kaiapoi to Rolleston and across Christchurch city almost down to Hagley Park.

Past actions are often a strong predictor of future behaviours.

It is therefore worthwhile assessing the actual risk CIAL faces in having sanctions imposed on its flight operations from its owner CCC.

CCC has the statutory authority to investigate excess noise complaints. It employs dedicated noise control personnel. These personnel are trained and provided with noise detection equipment. They have a range of enforcement powers including the ability to bring prosecutions that could result in a range of sanctions.

What is probably not known is that this trained and dedicated team have been removed from investigating any excess noise related complaints that relate to any activities carried out by CIAL.

Any excess noise related complaints arising from on wing aircraft engine testing or flight operations are forwarded by CCC to the CIAL established Airport Noise liaison Committee (ANLC) which resides at the airport. This committee has no statutory ability to impose sanctions on CIAL. The strongest action it can take is to refer any complaint that it cannot resolve back to CCC dedicated excess noise investigators. This committee has never raised any complaint to CIAL board level let alone referred it back to CCC.

This process significantly reduces any risk too CIAL of any business continuity disruption.

In assessing what business disruption risk exists it is worthwhile articulating CCC's past behaviour in enabling CIAL to be the worst nighttime excess noise generating company in the Canterbury region.

CIAL earns similar levels of revenue from property management and development as it does from core aviation activities. This gives insight as to why it is so active in District land planning matters.

One of its activities relates to leasing what is known as the number one hangar to Air New Zealand aircraft maintenance engineers. Following maintenance, the recently repaired engines must be tested to ensure they are operating correctly. With regards to jet engines, a dedicated noise containment building successfully contains that noise. However, regarding non-jet engines such as the ATR's the process is to park the aircraft beside the number one hangar and rev the engines up and down often for periods of more than 15 to 30 minutes with no at source noise mitigation at all. This testing is routinely carried out at night and in the early hours of the morning. The engine maintenance costs are invoiced to the aircraft owners. This activity is clearly industrial in nature.

Despite these facts CCC has supported CIAL assertions that this activity is NOT industrial in nature. As a result of this the metric used to measure this largely nighttime noise pollution is a Ldn seven-day averaged metric. The seven-day average means that for every hour engines are not being tested on wing the airport gains an advantage in achieving the required noise levels over that week.

Industrial noise is measured by an Leq measure. The New Zealand standard is that such noise must be mitigated at source.

This perverse situation is further aggravated in that CCC supported CIAL in plan change submissions to create Engine Testing activity avoidance contours. Contours that further victimized landowners that experience the engine testing excessive noise pollution, by restricting their land use options because they are in the engine testing contour.

Engine testing contours do not exist anywhere else in the world.

CCC, the statutory excess noise regulatory authority despite being advised of this error, refuses to take any action.

If the regulator cannot even determine that this noise is industrial in nature a finding that would require at source mitigation, then I submit the risk of it ever taking any noise related sanctions against its owned company is zero.

While there are many examples of unusual planning advantages that CIAL enjoy it is worthwhile in assessing the risk to CIAL of any business continuity sanctions being imposed on it, by CCC, to articulate another example.

CIAL operates under a Special Airport Zone SPAZ. This zone encompassed most of the airport itself and impacts on both core aviation and non-aviation development activities. Despite the many miles impacted by activity avoidance rules dictating land use around the airport this SPAZ has no enforceable noise related development controls. There is a ANC 65Ldn/95 SEL dBA noise contour (Refer PC4 pg28 point 13.3.7.6 of Mr Bayliss S42A Appendix 1 Text Amendments) However the Christchurch District Plan does not require compliance with that ANC, referring to Aircraft Operations CIAL rule 6.1.6.2.5.

The situation is that within the SPAZ CIAL land development and tenancy management faces no noise related obstacles. Such development is carried out by out-line consenting processes that significantly reduces scrutiny and cost. It has resulted in, for example, the consent of an open-air crèche (now closed). Open air amenity areas for back packers, a dog care facility and numerous other activities situated at the very heart of the loudest aviation noise generation, when for miles around the very same activities are sought by CIAL to be avoided due to the assertion that their business continuity could be disrupted.

The truth is that these land use restrictions are far more about providing competitive advantages to CIAL's land development and

land leasing management aspirations that the asserted risk of any business disruption risk.

I support the author of the 10A S42A report Neil Sheerin Senior Policy Planner in his rejection of most of CIALs submission. I would however go further in seeking a total rejection of the assertion that any of the protections sought can be justified for the reasons outlined.

CIAL is at zero risk of any business continuity disruption being imposed by CCC.



D.M LAWRY

My name is David LAWRY. In 2013 I retired from the New Zealand Police after 38 years, with my final position being Northern Canterbury Area Commander.

I have a Master of Public Policy degree from Victoria University a Bachelor of Business Studies degree from Massey University, a diploma in New Zealand Policing from The Royal New Zealand Police College and a Certificate of Law related Education from Virginia University USA. I am also a graduate of the FBI National Academy, 177th session and remain engaged with that organisation.

As well as many years leading complex investigations as a Detective at several ranks, I have also completed three operational tours internationally. I have presented evidence before many levels of court proceedings both internationally and within New Zealand including coronial investigations and before Select Committees.

Internationally I carried out roles such as, peacekeeping, policy development and implementation, mentoring of in county Police incumbents and investigations into war crimes and corruption cases. Examples include.

In 2004 I was a member of the Regional Assistance Mission to the Solomon Islands (RAMSI), where amongst other positions I held, I was the Assistant Commissioner 2 IC (RAMSI) and Officer In-Charge of all of the Solomon Island War Crimes and Corruption Investigations. I was commended by the RAMSI Commander *in this role*.

In 2006 I was the New Zealand Police contingent Commander for Operation Highland based at the Provincial Reconstruction Centre in Bamyán, Afghanistan. There I lead the Police training team and mentored the Afghan Police Commander for the Province. Due to corruption issues that Commander was replaced. As that Commander had been a Northern Alliance, war Hero and was a personal friend of the President of Afghanistan who had also been such a commander, this required negotiation at the presidential level. The revitalization of the narcotics section I facilitated, resulted in the largest opium seizure of 1.5 tons ever achieved in that Province along with machine guns and a number of high level drug and gun dealers being convicted. I received a US Contingent Commanders commendation for this and other actions in this deployment.

In 2008 I was the New Zealand Police Contingent Commander to the United Nations Integrated Mission in Timor-Leste (UNMIT). As the United Nations Police District Commander for the capital city and Dili District, I led numerous corruption

investigations including a human trafficking operation, for which I was commended by the UNPOL Commissioner.

Many of the investigations presented complex investigative and political risks requiring sensitive management. Additionally leadership of and guidance to a very diverse set of working teams was achieved.

I believe this back ground exhibits both academic and practical evidence of investigative skills, combined with the political sensitivity to successfully and at times discreetly achieve the investigative outcomes desired.

I submit that I have the skills to identify criminal, corrupt and or biased decision making when I see it.

A handwritten signature in blue ink, appearing to read "D. Long".