

Before an Independent Hearings Panel
appointed by the Waimakariri District Council

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to the
proposed Waimakariri District Plan, Variation 1 and
Variation 2

and: Hearing Stream 12B: Rural Zones Rezoning Requests

and: **Christchurch International Airport Limited**
Submitter 254

Evidence of John Kyle (Planning)

Dated: 22 May 2024

REFERENCE: JM Appleyard (jo.appleyard@chapmantripp.com)
AM Lee (annabelle.lee@chapmantripp.com)

chapmantripp.com
T +64 3 353 4130
F +64 3 365 4587

PO Box 2510
Christchurch 8140
New Zealand

Auckland
Wellington
Christchurch



EVIDENCE OF JOHN KYLE

1. INTRODUCTION

- 1 My full name is John Clifford Kyle. I hold an honours degree in Regional Planning from Massey University, obtained in 1987. I am a founding director of the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand.
- 2 I have been engaged in the field of resource and environmental management for more than 35 years. My experience includes a mix of local authority and consultancy resource management work. For the past 28 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management, and environmental effects assessment. This includes extensive experience with large-scale, and often nationally significant projects involving inputs from a multidisciplinary team. My work regularly takes me all over New Zealand. A summary of my experience was attached to my evidence relating to Hearing Stream 10A dated 1 February 2024.
- 3 I have been authorised by Christchurch International Airport Limited (*CIAL*) to provide evidence in relation to its submissions and further submissions on the proposed Waimakariri District Plan (*PDP*) and Variations 1 and 2 to the PDP under the Intensification Streamline Planning Process (*IPI*).
- 4 I previously prepared a brief of evidence for CIAL in relation to Hearing Stream 10A, dated 1 February 2024, and appeared at the hearing on 21 February 2024. I am a signatory to the following Joint Witness Statements:
 - 4.1 Stream 10A Planning Joint Witness Statement – Bird Strike Risk (21 March 2024);
 - 4.2 Stream 10A Planning Joint Witness Statement – Airport Noise Matters and Certification Release of Land in Development Areas (28 March 2024); and
 - 4.3 Stream 12 Joint Witness Statement – Urban Growth and Development (Planning) Day 2 (26 March 2024).
- 5 I refer to my Hearing Stream 10A evidence where relevant to CIAL’s submissions on rural rezoning requests.
- 6 In preparing this brief of evidence, I have reviewed:

- 6.1 The Operative Waimakariri District Plan, the PDP insofar as relevant to CIAL's submissions and further submissions;
- 6.2 CIAL's primary submissions and further submissions on the PDP;
- 6.3 Provisions of the Environment Canterbury Regional Policy Statement (insofar as relevant to CIAL's submissions and further submissions); and
- 6.4 The Proposed Waimakariri District Plan: Whaitua Taiwhenua - Rural Zones Rezoning Requests section 42A report, prepared by Shelley Milosavljevic, dated 10 May 2014.

Code of Conduct

- 7 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with it in preparing my evidence on technical matters. I confirm that the technical matters on which I gave evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed.

Scope of Evidence

- 8 This hearing (Stream 12B) considers rezoning requests in relation to rural zones comprising the General Rural Zone and the Rural Lifestyle Zone.
- 9 My evidence:
 - 9.1 Summarises the overarching policy framework insofar as relevant to CIAL's submission;
 - 9.2 Provides a brief summary of "best practice" land use planning within an airport's aircraft noise boundaries; and
 - 9.3 Addresses and evaluates the rezoning request for land located within the 50dB Ldn Air Noise Contour at 128 Baynons Road, considering both the effects of aircraft noise and the presence of highly productive land on the site. While this brief of evidence relates to 128 Baynons Road, the planning rationale is equally applicable for all rural rezoning requests within the 50dB Ldn Air Noise Contour.

2. OVERVIEW OF THE RELEVANT POLICY FRAMEWORK

- 10 The evidence I provided to Hearing Stream 10A, dated 1 February 2024, sets out the overarching policy framework in detail. Rather than repeating it at length, I summarise the points that are most relevant to rural rezoning matters below.

Canterbury Regional Policy Statement

- 11 As set out in my previous evidence, the policies of the Canterbury Regional Policy Statement (CRPS) are quite clear and directive about the need to protect regionally significant infrastructure, such as Christchurch Airport, from incompatible land uses and activities. The 50dB Ldn Air Noise Contour is a key measure that has been adopted in the Canterbury region for identifying where reverse sensitivity effects are most likely to arise. Policy 6.3.5(4) of the CRPS is particularly directive. It seeks to ensure that new noise sensitive activities are avoided within the 50dB Ldn Air Noise Contour. For this reason, great care needs to be exercised when evaluating proposals to rezone or upzone land to enable the establishment of activities sensitive to the effects of aircraft noise within the 50dB Ldn Air Noise Contour.

Operative Waimakariri District Plan

- 12 The planning maps with the Operative Waimakariri District Plan (the *Operative Plan*) depict both a 55dB Ldn Air Noise Contour and a 50dB Ldn Air Noise Contour. Within the 50dB Ldn Air Noise Contour (which also encapsulates the 55dB Ldn Air Noise Contour – the two are overlapping),¹ the Operative Plan is aligned with the CRPS and establishes a clear policy directive to avoid patterns of land use development which may affect the operation and efficient use and development of Christchurch Airport.²

3. OVERVIEW OF AIRCRAFT NOISE MANAGEMENT AND LAND USE PLANNING

- 13 As set out by **Ms Smith** in her evidence to Hearing Stream 10A, and discussed in my previous evidence, the New Zealand Standard for Airport Noise Management and Land Use Planning (NZS6805:1992) is considered “best practice” for guiding land use management surrounding airports in New Zealand. It promotes an approach whereby new noise sensitive activities within an airport’s Air Noise Boundary and Outer Control Boundary be prohibited, where this can be practicably

¹ As explained in paragraph 50 of my Hearing Stream 10A evidence.

² Policy 11.1.1.8 and 12.1.1.12, Operative Plan.

achieved. Put simply, if new development of activities sensitive to aircraft noise can be avoided within the Outer Control Boundary, then they should be.

- 14 Ms Smith explained why, from an acoustics perspective, intensification of noise sensitive activities within aircraft noise boundaries is an undesirable outcome. This includes the potential for aircraft noise exposure to give rise to effects such as compromised amenity, annoyance, sleep disturbance and other health related effects.
- 15 In my experience of working with airports around New Zealand, allowing the intensification of noise sensitive activities within the aircraft noise contours has the effect of ultimately increasing the number of people exposed to the effects of aircraft noise over time. Such activity also inevitably leads to an increase in reverse sensitivity concerns which can bring very strong pressures to bear on airport operators and regulators alike to constrain or curtail operations. The panel will recall the examples I gave at Hearing Stream 10A with respect to such matters.

4. REZONING REQUESTS (RURAL) WITHIN THE 50DB LDN AIR NOISE CONTOUR FOR CHRISTCHURCH INTERNATIONAL AIRPORT

- 16 Submitter Marie Bax (305.1) has requested the rezoning of land within the 50dB Ldn Air Noise Contour at 128 Baynons Road from General Rural Zone to Rural Lifestyle Zone. In my opinion, this request is entirely inconsistent with both the overarching policy framework, and the best practice land use planning approach I set out above.
- 17 Policy 6.3.5(4) of the CRPS seeks to ensure that new noise sensitive activities are avoided within the 50dB Ldn Air Noise Contour "*unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A ...*". The proposal to rezone 128 Baynons Road is not subject to the exemptions set out in Policy 6.3.5(4) above and conflicts with this key policy.
- 18 The 128 Baynons Road property is wholly within both the operative and updated 50dB Ldn Air Noise Contour. The updated 50dB Ldn Air Noise Contour, which is the best available evidence of aircraft noise effects, tells us that, in the fullness of time, aircraft noise of between 55db Ldn and 50db Ldn will be experienced at the property.
- 19 Based on my experience and the evidence presented above, I hold the opinion that rezoning rural land within the 50dB Ldn Air Noise Contour – and specifically land at

128 Baynons Road – is inherently undesirable and land use planning decisions should proactively avoid the potential for reverse sensitivity effects to arise in the future. Given the critical and strategic role that Christchurch Airport plays, allowing intensification of activities sensitive to aircraft noise to occur in locations that effectively bring people to the effect has a high potential to lead to compromise and ultimate constraint and/or curtailment of aircraft activity at Christchurch Airport over time.

5. HIGHLY PRODUCTIVE LAND

- 20 In addition to recognising that 128 Baynons Road is within the Airport’s 50dB Ldn Air Noise Contour, Ms Milosavljevic’s section 42A report identifies that the property is classified as LUC3 highly productive land under the National Policy Statement for Highly Productive Land (*NPSHPL*). The NPSHPL seeks avoidance of the rezoning and development of highly productive land as rural lifestyle,³ unless it meets certain exemption criteria relating to permanent or long-term constraints.⁴
- 21 As outlined in the section 42A report, no evidence has been presented which suggests that the land at 128 Baynons Road meets the exemption criteria, and thus it remains inappropriate to be rezoned as rural lifestyle. As such, Ms Milosavljevic recommends that the request be rejected.
- 22 I agree with Ms Milosavljevic that 128 Baynons Road is subject to the NPSHPL and is not subject to any exemption criteria. Therefore, I support Ms Milosavljevic’s recommendation to reject the rezoning request from a highly productive land perspective.

³ Policy 6, NPSHPL.

⁴ Clause 3.10, NPSHPL.

6. CONCLUSION

23 I have carefully reconsidered the relevant policy framework, best practice land use planning and Ms Milosavljevic's recommendation in the section 42A report. Based on these considerations, I am firmly of the opinion that rezoning rural land at 128 Baynons Road, which is both within the 50dB Ldn Air Noise Contour and subject to the avoidance provisions of the NPSHPL, is inherently undesirable and should be rejected.

John Kyle

22 May 2024