

Submission from David LAWRY Relating to Urban Development Capacity

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I am a retired Police Area Commander with 38 years' investigative experience, including international experience in war crime investigations, and peacekeeping roles, all at senior level in the Solomon Islands, East Timor and Afghanistan. I am a graduate of the FBI National academy, session 177. Amongst other qualifications I have a Bachelor of Business Studies from Massey University, a Masters of Public Policy from Victoria University and a Post Graduate Certificate in Law Related Education and Investigation from Virginia University USA,

I advise that I have been a submitter to Christchurch City Council Plan change 84 (PC84), and along with a submitter group, have also submitted to several chapters of the Christchurch District Councils Replacement District Plan (CDCRP). My submitter number to that process is #2514.

While this process is ongoing, it is disappointingly, likely to not result in the reduction of complexity and provide the increased planning flexibility and increase of suitable land for residential development it was directed to achieve. This comment is just one of the adverse findings, of the Christchurch City Councils commissioned independent review of the process as at August 2015. In my view the Council is simply unable to think out of the box and is more focussed on ensuring land use control to Christchurch International Airport a company it owns than freeing up safe land for residential use. Its planning division is dysfunctional and now subject to urgent extensive restructuring. CCC at huge rate payer expense is contracting in numerous consultants in an attempt to provide the Replacement Plan Independent Hearings Judges and panel with better quality evidence.

The IHP at least provides to ratepayers some hope that unbiased and evidentially based outcomes may result. It is this hope that has inspired our submitter group to engage in what has been a very protracted and arduous process. We seek a replacement plan that will drive earthquake recovery and a vibrant new city and environment.

Our submitter group has engaged Professor John Paul CLARKE who is one of the world's leading acoustical experts relating to airport noise and the impact of that noise on receiver's living as neighbours to Airports. He has provided compelling acoustical evidence on which we rely.

Chapter 6 Stages 2 and 3 of the (CDCRP) and PC84 hearings findings are by law linked, in that the PC84 findings actually form part of the Replacement Plan and cannot be altered in that process in other than very minor ways.

There is very extensive evidence from our submitter group including myself and from Professor CLARKE. All of this evidence has been subjected to cross examination and panel questioning and has now reached the stage where the panel is deliberating. I refer whom-ever is in charge of these new proceedings to that evidence which is online at www.chchplan.ihp.govt.nz Chapter 6 stages one and two and other chapters relating to definitions and residential matters.

This submission is specific to CHRISTCHURCH and the land currently being denied development under the Christchurch International Airport Limited's (CIAL) 50dBA Air Noise Contour. This contour is unique, as no other jurisdiction in the world has seen any justification to restrict residential development at such a quiet noise level, (which is akin to slightly elevated normal speech). The

actual acoustical expert evidence is very clear. There is simply no acoustical justification for such a contour whatsoever. It is unique to Christchurch City Council and to the absolute benefit of CIAL, a company CCC partially owns and receives significant annual dividends from.

Calculations carried out by CLARKE show that even when road noise is excluded, and a very conservative population density of 2000 persons per acre used (actual it is more like 3000), the existing background noise already exceeds 50dBA in much of the land under the 50dBA contour.

This fact therefore makes an absolute absurdity of a policy of deterring residential building based on a noise level that is already breached by the existing background noise.

Despite this un rebutted fact Council are seeking to introduce a noise sensitive activity avoidance rule that would also be unique in the world under this contour.

The perverse outcome should such an avoidance rule be created, is that CIAL which now earns more from its property development roles than its core aviation role, would be able to require all parties living under the 50dBA contour and any industrial zoned land, of which there are three, to request of CIAL approval to carry out any activity they deemed noise sensitive. Clearly giving land planning control to this property development company.

What is even more perverse is that CIAL and its tenants Air New Zealand are the generators of the worst industrial pollution generated from on wing engine testing in Christchurch. It is this activity that destroys amenity values, Yet CIAL use as a tool to exclude activities from all others, the risk to amenity values reverse noise sensitivity argument. All while actually carrying out those very same activities for commercial gain by leasing land within the Special Airport Zone (SPAZ) for activities simply not allowed outside the SPAZ. Thereby gaining a very significant competitive advantage.

Then as if this was not sufficient it has now been determined that the SPAZ has no noise controls at all regulating activities within the SPAZ. CIAL have indicated in evidence to the IHP Panel that this may have been a Council Oversight. Yeah right!

This is corruption in practice and has only eventuated due to CCC'S lack of evidence based decision making and policy development enabling CIAL.

While CCC through its Holding Corporation owns shares in CIAL, the other shareholder is the Government. It is respectfully submitted that these facts present risk especially given that the RMA duties have been abused. At what point does the Government require better behaviours of CIAL.

I have investigated the entire background as to how this contour has been approved by Christchurch City Council to the benefit of its own company CIAL. This evidence is all before the Panel hearing the Chapter 6 General Rules chapter. There is strong evidence of corruption. Just a small example is that both CIAL and CCC have relied for in excess of a decade on the acoustical evidence of Mr DAY from Marshall Day Acoustics LTD. The conflict of interest in Christchurch Council relying on the same expert as its company CIAL should have been obvious. The Chair of the Independent Hearings Panel Sir HANSEN required Christchurch City Council to engage an independent Acoustical expert. Reluctantly they engaged Dr CHILES, who has immediately debunked Mr DAY'S assertions that have informed Council land policy decisions over these many years. CHILES is also in agreement with Professor CLARKE to the point that he recommends a harsher noise reduction regime be placed on CIAL than CLARKE. All the evidence as I have said is on the web site.

Minister SMITH already has some knowledge of what is taking place in these hearings but has indicated that the level of dishonest behaviour between CCC and CIAL had at that stage not quiet

reached the stage warranting his intervention. It is my understanding however that the expert evidence has supported some rethinking of the justification of the 50dBA contour. Certainly there has been no rebuttal in the proceedings of the allegation I have made.

The entire point of this submission is that if you all continue to do the very same things and take the same protective stances with respect to CIAL then nothing will change. A huge opportunity to make available some of the safest, most desirable land, land that is largely already supplied and complete with the necessary infrastructure or at least very easily linked to existing infrastructure will be missed.

Missed for the sole reason that the heads in the sand are unprepared to accept that there is simply no acoustical data at all to support the land being restricted from such use. Further that at this low noise level there are no adverse health risks, nor increased risk of complaints that could drive curfew actions. Not that CCC would ever take that action against its company. These were risk factors both Council and CIAL in the past have relied on, and that both have now retracted from, due to evidence to the contrary. The latest and sole current alleged risk is that outdoor amenity activities could be at risk and that as a result CIAL should have the power to veto and avoid all such activities under the 50dBA contour and proposed new engine testing contour based on reverse noise sensitivity arguments.. Such a stance seems to ignore the fact that the largest noise pollution impacting on amenity values outside, is the engine testing noise pollution, originating from the SPAZ engine testing activity. One that CIAL and Air New Zealand refuse to mitigate in accordance with the RMA Section 16 Duty at source through the provision of a ground run up enclosure,

Ministers SMITH and BROWNLEE have been lied to as has the Environment Court with regards to the acoustical risks.

Mr DAY'S assertions to the very obvious benefit of himself, CIAL and blindly supported with no independent validation by CCC are simply wrong. Professor CLARKE and now CCC's required to be engaged acoustical expert, Dr CHILES's evidence is compelling in supporting this assertion. This is also supported by Dr FIDELL,S BEL peer review report, also submitted in evidence to the Panel. Dr FIDELLS conclusion was that there is simply no acoustical evidence in all the research to support a 50dBA contour. That a contour at this level would not significantly further reduce noise complaints or reduce sleep loss than that achieved by a 55dBA contour. As these were the expected outcomes underpinning the 50dBA contour policy and have now been debunked the policy itself is shown as totally flawed.

Interestingly this is not the first time that Professor CLARKE has had to debunk CIAL and Mr DAYS self- serving assertions. In October 2006 Professor CLARKE chaired an Environment Court of Appeal directed meeting of experts, in Christchurch. Mr DAY and CIAL, were opposing the residential development of large parts of Rolleston town-ship, which at that time fell under the 50 dBA contour. The resulting agreement occurred after the exposure of the huge inaccuracy of CIAL and Mr DAY's then existing assumptions which resulted in the shrinking of the then existing contours by approx. 24%. This agreement promised a further evaluation of the contours using a totally prescribed methodology every ten years. Due in 2016. It was this agreement that has resulted in a significant increase in the residential building in Rolleston with zero adverse impact on CIAL nor anyone's health.

This agreement was buried by CCC and CIAL and it took me considerable investigative effort to initially identify its very existence, and then to obtain a copy. It is also the subject of the current

hearings. Again both CCC and CIAL have moved from their initial positions that the agreement was not binding on them to one where CCC may carry out a re-evaluation in 2017 and CIAL expect to in 2017 or 2018. No actual commitment and I believe no intention to do so unless directed. While the IHP Panel may include this requirement into the District Plan, tellingly CCC has made submissions that it should not be.

The Minister responsible for the RMA would have I submit have the expectation that an Environment Appeal Court agreement would be honoured by those he intrusts to do so, not hidden.

There is no doubt that when the re-evaluation takes place that a further very substantial reduction of the existing contours will result. This is due to the fact that both the major variables, that determine the contours, will be shown to have reduced significantly. One is the noise profiles of the current fleet in service with the new Dreamliner a further 15dBA quieter than current planes as just one example. The other is the actual capacity of the airport itself. Briefly the contours are designed on an assumed total capacity of 175,000 scheduled air movements per year. This reduced in 2006 from CIAL and Mr Day asserted 240,000 thanks to Professor CLARKES input.

The best evidence presented is that in 2015 there were 54,476 scheduled air movements. The reality is that Christchurch International Airport will never even closely reach 175,000 scheduled air movements.

This re-evaluation itself represents a very early, low hanging, opportunity to make available land for residential development.

Land under the 5dBA contour was the best performing land during the earthquakes, it is simply some of the safest land in the District. It is already accessed by existing major roads, has power, water, even fibre already in place. It is highly desirable land. The major impediment to development is the City Councils misguided desire to protect the Airport based on flawed acoustical assumptions from Mr DAY that are simply unsustainable and that have been rejected by experts with far greater skills than Mr DAY.

Christchurch is already growing. This growth will significantly increase as the recovery does and with migration that will undoubtedly rise hugely. The current Councils replacement ten year plan is failing to be bold in providing new desirable land close in. Despite the efforts of the IHP this is largely due to very poor Council planning input and lack of vision.

There is a growing distrust that submissions such as this are taken into any consideration at all. When expert evidence and obvious opportunity is rejected then that distrust is simply grown.

This submission will be aggressively rejected by CCC and CIAL. What is needed is a fresh look at the facts and opportunities, not the history that has come about due to the lack of objective and independent review of Mr DAY'S acoustical assumptions. Assumptions that have driven Council policy decision making for decades. Mr DAY is wrong. The entire 50dBA contour is based on incorrect assumptions.

A huge residential land development opportunity is simply being wasted.

The Minister has an opportunity to put right this error and in doing so open up a significant amount of land for immediate development with nil down side at all. There is also an opportunity to exhibit ethics and that decisions will be evidence based and can and will be assessed on its merits not on other agendas.

A further impediment is the current restriction on developing rural land on less than 5 acres plots. It seems the rural feel is desired for other land owners living adjacent to CIAL, yet the CIAL has just dismantled one of the last remaining true farms, replaced with commercial land for ease. The 5 acre rule is a legacy of the old green belt. What has happened is that residential development has simply jumped this airport restricted land and moved further out with the increased infrastructural costs. Current residential development at Westmelton is but one example. There is a real opportunity to have desirable 1 acre size land plots for residential development with again no down side, close to the city. Yet Council in its ongoing support of CIAL simply refuses to unlock the land and see the possibilities. This could be some of the best residential land in the entire city.

I am willing to attend any briefing or to provide further information as required.

Thank you for the opportunity to submit.

David LAWRY.