

Before the Selwyn District Council

under: the Resource Management Act 1991

in the matter of: Proposed private plan change 71 to the Operative
Selwyn District Plan

between: **Four Stars Development Limited and Gould
Developments Limited**
Applicant

and: **Christchurch International Airport Limited**
Submitter and further submitter (PC71-0004)

Summary of Evidence of Matthew William Bonis

Dated: 10 February 2022

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SUMMARY OF EVIDENCE OF MATTHEW WILLIAM BONIS

Introduction

- 1 My name is Matthew Bonis and I am an Associate at Planz Consultants in Christchurch. I have outlined at [4], [5] and [28] – [40] of my Evidence in Chief respectively my understanding of the operation and development of Christchurch International Airport (*Airport / CIA*), and planning mechanisms associated with the Air Noise Contours (the *Contours*).
- 2 PC71 includes a proposed Living Z deferred zone falling within the Operative 50dB Ldn Air Noise Contour, until such time when the operative contours no longer apply to the plan change site. As outlined in my evidence dated 31 January, it is my view that this part of the proposal is less appropriate than retention of the Rural Inner Plains.
- 3 I listened in to the video link to the submissions from Mr Cleary and planning evidence of Ms Aston. I will focus this summary to the salient points that remain disputed.

Operative Planning Framework

- 4 At [31] and [33] of my EIC I identify that the 50dB contour is used for the purposes of protecting community health and amenity values and discouraging urban development in close proximity to the Airport.
- 5 The requirement to avoid noise sensitive activities within the 50dB contour is contained in the CRPS and Operative Plan¹ (and proposed for inclusion in the proposed Selwyn District Plan). I have identified that the Airnoise contours have been used, in one form or another for a substantial period of time [34 – 39]. At [38] I have identified that the requirement is directive and ensures a consistent approach to the management of reverse sensitivity effects on Airport operations across Greater Christchurch, with prescriptive policies and objectives [52 – 57] within the Operative Selwyn District Plan.
- 6 The National Policy Statement on Urban Development (*NPS UD*) was gazetted after the CRPS and Operative Plan. But the CRPS and Operative Plan remain relevant and part of the framework that should be considered in determining PC71. As identified yesterday by Ms Aston, Policy 8 of the NPS-UD opens the door, but in my view is not ultimately determinative alone in terms of whether the Plan Change should be approved in full, in part or rejected.
- 7 I acknowledge the housing enabled by PC71 will provide additional housing capacity.

¹ Including operative Plans in both Wamakariri District and Christchurch City

- 8 However, although the NPS UD was created in response to a need for responsive housing supply, my understanding is that it does not set aside other provisions within the respective higher order policy framework.
- 9 Objective 6 of the NPS-UD requires that decisions are (a) integrated with infrastructure planning.
- 10 Unless there is a demonstrable shortfall in short term and medium-term housing supply, I am concerned that the the NPS UD requirements for responsive housing supply are being conflated by the Proponent of the Plan Change with the remodelling exercise for the Airnoise contours. The Plan Change as notified does not seek to amend any policies or objectives in the Operative Plan. At [57, 69] I have addressed Policy B4.3.72 which seeks to avoid rezoning land for new residential development in areas under the 50dB contour. I disagree with Ms Aston that this policy could then subsequently be amended as a 'consequential change' of PC71.
- 11 Therefore, this aspect of the Plan Change proposal cannot be said to implement operative Policy B4.3.72 – it is neither effective nor efficient in achieving this policy which seeks to directly avoid rezoning land for new residential development under the operative 50dB Air Noise contour. The foundations for the avoidance of rezoning residential (either deferred or otherwise) also has support in terms of the District Development Strategy and CRPS Policy 6.3.11(5)(h).
- 12 The draft remodelled contours do not override the systemic application of the operative contours in terms of land use management. The process for remodelling the Air Noise Contours [48 – 50] and incorporating them into the planning framework is a statutory process set out by Policy 6.3.11(3) of the CRPS. Until that process is complete, the operative statutory contours remain in my view applicable. Mr Cleary referred yesterday that decisions need to be based on the 'best available information'; as discussed by Ms Blackmore until the remodelling process has been completed, there is not systemic certainty as to the location and extent of the contours.
- 13 In response to Ms Aston's criticism that my evidence did not set out the process by which the remodelled contours will be embedded in the statutory framework². I note the following from the Canterbury Regional Council website³:

² EiC Blackmore [32] – 37] sets this out.

³ <https://www.ecan.govt.nz/get-involved/news-and-events/2021/council-reviews-airport-noise-contours/>

- 13.1 Updated Airnoise contours requested from CIAL have been received by the Canterbury Regional Council.
- 13.2 The Council review of the 'draft noise contours report' will now be peer reviewed by a panel of independent technical experts. *'It is important that a peer review is carried out to ensure that the noise contours align with good airport noise planning. The review is likely to be completed early next year (2022). While we have received the new noise contour modelling, nothing will change immediately. There is a process for considering the changes and how they should apply.'*
- 13.3 The noise contours will provide an input into the Greater Christchurch Spatial Plan work programme. Consultation on the Spatial Plan is expected in early 2023.
- 13.4 The Spatial Plan will be given effect to in the Regional Policy Statement and respective District Plans. The RPS is expected to be notified in December 2024.
- 14 Ultimately, I consider that the operative contours provide planning certainty for a broader issue associated with the management and integration of land use and protection of safe and efficient operations at Christchurch International Airport. Until repealed and replaced by alternative contours, the operative contours, in my view, should continue to be applied. The alternative is disjointed and incremental decision making.
- 15 The proposed Deferred Living Z zone is not the most appropriate way to achieve the objectives of the operative Plan. I do not consider it appropriate to inform planning decisions on the basis of a remodelling process which is yet to commence technical peer review, and then subsequently be considered through the statutory process.
- 16 I acknowledge Ms Aston's frustrations as to potential delay (should the 50dB Airnoise contour be subsequently moved). However, unless there is a broader community cost associated with the inability to develop the 220 dwellings contained within that area subject to the Airnoise contour (rather than finding available land somewhere else), at least until that matter is resolved, I consider this the more appropriate approach.
- 17 I also note that Private Plan Changes 62 – 82 as lodged with the Selwyn District Council seek to provide some 10,900 additional homes⁴, although noting that apart from PC67 (131 homes) as

⁴ <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes>

approved, the remainder are awaiting further process steps, including decisions.

Deferred Zoning as a mechanism

- 18 I acknowledge that deferred zoning can be a valid resource management method and is used in District Plans across New Zealand [72]. However, I remain of the view that it is not an appropriate planning response in these circumstances.
- 19 In my experience, deferred zoning is used as a mechanism to where there is essentially 'agreement in principle' that the zoning is appropriate, but a hurdle to more immediate development exists. The key matter in this instance is where the final revised contours will lie, which requires a high level of certainty. However, it is my understanding that the draft Air Noise Contours are not certain and I refer to **Ms Blackmore** on the ongoing remodelling process.
- 20 I consider that a deferred zoning is not the appropriate mechanism to account for any potential revised Air Noise contours in the CRPS, as the outcomes are not yet known and neither the Applicant nor Selwyn District Council have any control or discretion over those outcomes.

Proposed alternative to deferred zoning

- 21 I understand that the Applicant suggested an alternative whereby residential development on the Site could be subject to a Restricted Discretionary activity status. Ms Aston referred to provisions in the Christchurch District Plan of the same status to resolve a 'single issue focus'.
- 22 I consider that the reference to Restricted Discretionary activities in the Christchurch District Plan to be contextually incorrect. There are residential areas in Christchurch City where residential activities within the Contour have Restricted Discretionary status, this is due to pre-existing residential land use as already established or already zoned residential at the time the operative Contours (and restrictive policy) were put into the CRPS and Christchurch District Plan. A number of applications for residential development in those parts of Christchurch City are approved, pursuant to the restricted discretionary rule.
- 23 By contrast, in the Rural Urban Fringe and Rural Waimakariri Zones in Christchurch the more stringent non-complying activity status applies to both subdivision which is under the allowed rural density, and noise sensitive activities, under the 50dB Airnoise contour. Resource consent applications made under those provisions are consistently refused. The decisions typically reflect that incrementally individual proposals may only result in minor effects, but granting consent would severely impact on the integrity of the many provisions in the CRPS and Operative District Plan seeking

avoidance of noise sensitive activities under the 50dB Airnoise contour. Cumulatively, this sort of incremental development could result in adverse planning outcomes.

- 24 Simply, the rules in those areas reflect the fact that there is a certain amount of residentially zoned land use within the Contours that cannot be 'undone'. PC71 proposes a new development on land that is currently zoned Rural Inner Plains and is to be measured against the statutory framework accordingly, which is a fundamentally different scenario. I also am unaware of a deferral being uplifted through Council resolution, with the deferred zonings I am aware of being uplifted as a result of certain infrastructure provision.

Conclusion

- 25 In my view, rezoning that area of PC71 which is subject to the 50dBA Air Noise Contour from Rural Inner Plains to Living Z Deferred is not the most appropriate way to achieve the purpose of the Act, as prescribed by both the operative Selwyn District Council Plan provisions which give effect to the CRPS as this relates to noise sensitive activities within the 50dB air noise contour as shown on MAP A and explicitly stated in Policy 6.3.5(4).

Matthew William Bonis