

**The Resource Management Act 1991**

**Selwyn District Council**

**Selwyn District Plan**

**(Volume 1: Township & Volume 2: Rural)**

**Proposed Plan Change 23**

**Airport Noise Contour**

**Christchurch International Airport**

A Proposed Plan Change to alter 50 dBA Ldn noise contours for Christchurch International Airport (the Airport) and make consequential amendments to the Selwyn District Plan (District Plan)

Date of Notification: 27 February 2010

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# **FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

## **SELWYN DISTRICT COUNCIL PROPOSED PLAN CHANGE No. 23**

### **1 INTRODUCTION**

- 1.1 Proposed Plan Change No. 23 seeks to amend the 50 dBA Ldn noise contours for Christchurch International Airport (the Airport) and make consequential amendments to the Selwyn District Plan (District Plan) to ensure consistency with the revised noise contour location.

### **2 EXPLANATION**

- 2.1 Allowing additional urban development within the 50 dBA contour exposes more residents to the effects of aircraft noise, and subsequently exposes the aviation industry to the risk of community pressure to reduce noise effects by limiting the operation of the Airport. This situation is often described as a 'reverse sensitivity' effect. In order to ensure that these effects are managed effectively, it is necessary for the noise contours to be modelled on the most recent information available.
- 2.2 In this respect, a comprehensive modelling exercise was undertaken in 2007 as a result of an Environment Court process arising out of an appeal by DJ and AP Foster vs Selwyn District Council (C138/07). The revised location of the 50 dBA Ldn Air Noise Contour has subsequently been introduced into Proposed Plan Change 1 to the Regional Policy Statement (PC1) through Variation 4. The decision of the Canterbury Regional Council on submissions made to PC1, including Variation 4, was released in December 2009 and the position of the revised contours has been confirmed<sup>1</sup>.
- 2.3 The District Plan still contains the previous noise contours (based on computer modelling in 1994) being a longer and narrower 50 dBA Ldn contour within Selwyn District, stretching just south of the existing Rolleston Township. The only non rural zoned land that is presently within the 50 dBA Ldn contour is zoned Living 2A and situated at Rolleston. The 55 dBA contour within the District Plan presently extends south of Templeton and stops around the Weedons area (approximately halfway between Rolleston and Templeton).

- 2.4 As a consequence of the PC1 decision, the 50 & 55 dBA Ldn contours have now been altered such that they are shorter and wider. The 50 dBA contour no longer covers any Living zoned land within Selwyn District, although it does partially affect the "Devine Acres" Existing Development Area. The amended 55 dBA contour now stops just south of Templeton.
- 2.5 The District Plan therefore requires a Plan Change in order to amend these contours and ensure consistency with PC1. Consequential amendments are also required to the text of the District Plan to reflect the revised Ldn 50 & 55 dBA contours.

### 3 PROPOSED AMENDMENTS TO THE PLAN

- 3.1 The following changes to the Selwyn District Plan are proposed as a result of this Plan Change. The full text versions of the proposed changes are contained in "**Appendix A**".

#### AMENDMENT 1

##### TOWNSHIP VOLUME – POLICY B2.1.22

- 3.2 Amend Policy B2.1.22 as follows:

##### CHRISTCHURCH INTERNATIONAL AIRPORT

###### Policy B2.1.22

~~Except as provided for in Policy B2.1.23, a~~ Avoid new residential development and other activities which may be sensitive to aircraft noise occurring on land which is located underneath the airport flightpath noise contours shown on Planning Map 013 for 50 dBA Ldn or greater .

#### AMENDMENT 2

##### TOWNSHIP VOLUME – POLICY B2.1.23

- 3.3 Delete Policy B2.1.23, which is no longer applicable, as follows:

###### Policy B2.1.23

~~Avoid adverse effects on amenity and potential reverse sensitivity effects on the future unrestricted operation of Christchurch International Airport by maintaining residential density in the existing Living 2A zone at Rolleston at not more than 1 dwelling per hectare, with the exception of lots less than 1ha existing at 17/10/2007.~~

###### Explanation and Reasons

~~The 50 dBA Ldn noise contour affects land in the existing Living 2A zone in Rolleston township. The Council does not believe completing the development of this zone will result in any more than a minor increase in the number of houses occupying land under the 50 dBA Ldn noise contour in Selwyn District, Waimakariri District and Christchurch City. However, the historic existence of this zoning cannot be regarded as a precedent to further extend residential areas under the 50 dBA Ldn noise contour.~~

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<sup>1</sup> It is noted however that the appeal period on this decision does not close until 5 March 2010.

~~The land in the Living 2A zone at Rolleston includes areas zoned Rural Residential in Plan Change 10 to the Transitional District Plan for Selwyn District.~~

~~Policy B2.1.23 recognises the historic existence of this zoning and provides for its development to the extent and density intended in Plan Change 10. This zoning is regarded by the Council as a special case, due to its history. It cannot be used as a precedent to enable further rezoning of land for residential development under the 50 dBA Ldn noise contour, if such rezoning is contrary to Policy B1.2.22 of this Plan.~~

#### ~~Method~~

#### ~~District Plan Rules~~

~~– Subdivision: Living 2A zone~~

~~– Residential Density Living 2A zone~~

### AMENDMENT 3

#### TOWNSHIP VOLUME – POLICY B2.1.24

- 3.4 Amend numbering as follows:

#### AIRFIELDS

##### **Policy ~~B2.1.24~~ B2.1.23**

Avoid the location and operation of new airports, airfields or helipads in Business or Living zones, other than for emergency work or 'one off' events, or for the take off and landing of aircraft ancillary to the use of the land and facilities and to the predominant use of the land and facilities on the site.

### AMENDMENT 4

- 3.5 Amend Policy B4.3.67 as follows:

##### **Policy B4.3.67**

**Encourage new residential development by further subdivision in existing Living 2 Zones, other than the Living 2A Zone, where it complies with the objectives and policies of the Plan.**

#### Explanation and Reasons

Residential density and allotment sizes in the Living 2 Zones at Rolleston average either 0.5 ha to 1 ha. These zones cover large areas. Policy B4.3.67 allows Rolleston township to grow through closer residential development in the Living 2 zones, provided: there are no adverse effects on infrastructure; and closer density is supported by the residents in the areas affected. This policy is consistent with Policy B4.1.3 and Town Form Policy B4.3.5.

~~Policy B4.3.67 does not apply to the Living 2A zone, which is located under the SOABA Airport Flightpath Noise Contour – see Policy B2.1.23.~~

## AMENDMENT 5

### DISTRICT PLANNING MAPS

- 3.6 Amend the following Planning Maps to reflect the revised Airport Noise contour in line with the Proposed Plan Change 1 to the Regional Policy Statement. The existing noise contours are shown in **Appendix B** whilst the revised airport noise contours are shown in full in **Appendix C**.

- 013 – Sheets 1 and 2
- 014 – Sheets 1 and 2
- 018 – Sheets 1 and 2
- 098 – Sheets 1 and 2
- 101 – Sheets 1 and 2
- 104 – Sheets 1 and 2
- 106 – Sheets 1 and 2
- 107 – Sheets 1 and 2
- 108 – Sheets 1 and 2
- 135 – Sheets 1 and 2

## 4 STATUTORY REQUIREMENTS

### SECTION 32

- 4.1 Before a plan change is publicly notified, Section 32 of the Resource Management Act requires an evaluation that must examine:
- The extent to which each objective is the most appropriate way to achieve the purpose of the Act; and,
  - Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate method for achieving the objectives.
- 4.2 The evaluation must take into account:
- The benefits and costs of policies, rules, or other methods; and

- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

## **OBJECTIVES AND POLICIES**

### **TOWNSHIP VOLUME**

- 4.3 The proposed Plan Change does not alter any objectives of the Plan and seeks to delete only one policy from the Township Volume of the District Plan. This Policy (Policy **B2.1.23**) is relevant only to reverse sensitivity effects from the operation of Christchurch International Airport on land within the Living 2A zone at Rolleston. This land is subject to the 50 dBA Ldn noise contour only. As a consequence of the decision on PC1, the 50 dBA Ldn airport noise contour has now changed and no longer affects the Living 2A zoned land within Rolleston. Consequently, the only land within Selwyn District for which the airport noise contours now affect is zoned Rural (Inner Plains), Rural (Outer Plains), or an Existing Development Area (EDA) ("Devine Acres"). Therefore, this Policy, which specifically relates to the L2A zoned land, is no longer relevant and requires deletion from the Plan.
- 4.4 In addition to the above, Policy **B2.1.22** seeks to avoid new residential development and other noise sensitive activities on land within the 50 dBA Ldn contours. This policy provides an exception to land covered by Policy **B2.1.23**. Given that **B2.1.23** has been deleted, the reference to this can be removed from Policy **B2.1.22**. Policy **B2.1.24** is subsequently renumbered to retain appropriate sequencing in the Plan. However, the wording of this Policy will not be altered in any way.
- 4.5 There are specific Policies in the District Plan in relation to the township of Rolleston. Of these, Policy **B4.3.67** encourages development with the exception of the Living 2A zoned land due to its location within the 50dBA airport noise contour. The reference to Living 2A has therefore been removed from the policy and associated explanation as it is no longer applicable.
- 4.6 No other text changes are required to the Township Volume of the Plan. The resultant Policies following the proposed amendments will therefore still promote the future, unrestricted operation of Christchurch International Airport by avoiding reverse sensitivity effects from residential development in the Selwyn District (Objective **B2.1.4**).

### **RURAL VOLUME**

- 4.7 The Rural Volume contains policies which seek to maintain residential density at a maximum of at least one house per four hectares in the rural area within the 50dBA Ldn air-noise contour (**B2.1.19**) and to require any new dwelling or extension under the 55dBA Ldn contour to be insulated for noise to the standards required in the Plan (**B2.1.20**).

- 4.8 It is not proposed to alter any policies in the Rural Volume as these will provide for the continued operation of the Christchurch International Airport while ensuring that it is not compromised by inappropriate development of noise-sensitive land use activities (Objective **B2.1.3**).
- 4.9 Overall, the proposed Plan Change is considered to better achieve the policy framework of the District Plan through the use of up-to-date modelling information to ensure consistency with the Regional Policy Statement and assist in the protection of operations at the Christchurch International Airport from reverse sensitivity effects.

## **COSTS AND BENEFITS**

- 4.10 Given the nature of the proposed changes, there are effectively only two options that can be considered being a comparison of the status quo versus the proposed changes. As stated at the beginning of this report, the proposed changes are to ensure consistency between the District Plan and Regional Policy Statement Airport Noise Contours therefore retaining the status quo is not considered appropriate. The table below identifies the anticipated costs and benefits of undertaking the proposed change vs the status quo.

<b>Cost and Benefits Assessment Table</b>			
<b>Option No</b>	<b>Description</b>	<b>Economic</b>	<b>Environmental and Social</b>
1	Proposed Plan Change	<p><b>+ve</b> Reduction in consent processing time and cost as a result of improved consistency between the District Plan provisions and Regional Policy Statement.</p> <p><b>+ve</b> Enables Christchurch International Airport to operate without unreasonable restrictions that could restrict its economic success.</p> <p><b>+ve</b> Provides certainty for landowners in terms of future development.</p> <p><b>-ve</b> Potential to adversely affect another landowners interest within the revised airport noise contours.</p> <p><b>-ve</b> Risk that provisions may need to be altered again if appeals on PC1 change the location of the noise contours.</p>	<p><b>+ve</b> Better ability to maintain environmental amenity through improved clarity in Plan provisions.</p> <p><b>+ve</b> Enables Christchurch International Airport to operate without unreasonable restrictions that could restrict its activities.</p> <p><b>+ve</b> Provides certainty for landowners in terms of future development.</p> <p><b>-ve</b> Potential to adversely affect another landowners interest within the revised airport noise contours.</p>
2	Status Quo	<p><b>+ve</b> Avoids the costs of undertaking a Plan Change until appeals on PC1 are resolved.</p> <p><b>-ve</b> Potential for unnecessary costs and restrictions on landowners affected by the current location of noise contours.</p>	<p><b>-ve</b> Potential for subdivision below the required densities to occur within the 50 dBA Ldn contour where the Plan has not been updated to reflect the updated contours.</p> <p><b>-ve</b> Potential for residential activities to occur within the 55 dBA Ldn contour where the Plan has not been updated to reflect the updated contours.</p> <p><b>-ve</b> Confusion for landowners as to which set of contours should be relied on.</p>



- 4.10 When considering the risks of acting on the issues raised against the risk of not acting, it is appropriate to consider the Plan conservatively to remove uncertainty, while recognising the requirement for the District Plan to give effect to the (operative) Regional Policy Statement.
- 4.11 While it is recognised that there is some risk to amending the location of the noise contours prior to all appeals on PC1 to the RPS being resolved, the benefits of updating the District Plan in accordance with the latest modelling information will facilitate better environmental outcomes and reduce the economic and social costs associated with the uncertainty of retaining the current position of the contours.
- 4.12 In conclusion, the proposed Plan Change is considered to be a more efficient and effective method than retaining the status quo, and will better achieve the objectives of the District Plan and Part II of the Act.

## **5 CONSULTATION**

- 5.1 Consultation in accordance with the 1<sup>st</sup> Schedule of the RMA has been undertaken prior to public notification of the Plan Change. This has involved discussions with Christchurch City Council, Environment Canterbury and Waimakariri District Council. Christchurch International Airport and Ngāi Tahu have also been consulted.
- 5.2 It is also noted that any other interested parties, including those whose land is now affected by the alteration (where previously it was not affected) to the 50 dBA Ldn and 55dBA Ldn noise contours, are able to put forward their views through the statutory public notification process, as with any plan change.

## **6 SECTION 74-75 OF THE RMA**

- 6.1 In accordance with sections 74 and 75 of the RMA, it is considered that the proposed Plan Change is necessary to ensure that it will give effect to the Regional Policy Statement.
- 6.2 In brief, PC1 to the RPS sets out the scale and location of intended growth within the Selwyn District between 2007 and 2041, including the adoption of the revised Airport Noise Contours as proposed in Variation 4. Submissions and further submissions were made to the Canterbury Regional Council and the decision of the Regional Council was released in December 2009. The proposed Plan Change therefore seeks to align the Selwyn District Plan with the RPS noise contours to ensure consistency.

- 6.3 The Plan Change is not considered to create any cross boundary issues with adjoining territorial authorities. However, it is possible that Waimakariri District and Christchurch City Councils may view this Plan Change as creating pressure on themselves to undertake their Plans in a similar manner. The Plan Change does not create any issues in respect of planning documents recognised and lodged by an iwi authority. In addition, the proposed changes will not result in inconsistencies with any National Policy Statements, Coastal Policy Statements, Water Conservations Orders or Regional Plans. It is therefore concluded that this plan change is in accordance with sections 74-75 of the RMA.

## **7 CONCLUSION**

- 7.1 Based on the above assessment, it is considered that the proposed Plan Change represents a more effective and efficient method of achieving the Plan's objectives and policies than the current Plan provisions and thereby better achieves Part II of the Act.

## **APPENDIX A**

### Proposed Text Amendments to the Selwyn District Plan

## CHRISTCHURCH INTERNATIONAL AIRPORT

### Policy B2.1.22

**~~Except as provided for in Policy B2.1.23, a~~ Avoid new residential development and other activities which may be sensitive to aircraft noise occurring on land which is located underneath the airport flightpath noise contours shown on Planning Map 013 for 50 dBA Ldn or greater .**

#### Explanation and Reasons

CIAL is one of the few international airports which currently operates without any restrictions on the type of aircraft or times of flights, to manage effects of aircraft noise. Unrestricted operation is very important to both the Airport and the South Island's economy because New Zealand is often the 'last leg' on the International Flight Schedule. Many overseas aircraft arrive at night. (The country's position on the International Flight Schedule is due to its geographic location.)

Christchurch International Airport Ltd (CIAL), the Airport Company, is anxious to maintain unrestricted operation in the future. Therefore, CIAL wants to prevent residential activities, or other activities which may be sensitive to aircraft noise, locating close to the airport and then lobbying for restrictions on the airport's operations.

In addition, persons residing or carrying out noise sensitive activities in the 50 dBA Ldn noise contour may experience adverse effects on amenity.

Therefore, Policy B2.1.22 is intended to restrict new residential development at urban densities or other 'noise sensitive' activities, in areas subject to aircraft noise. The reason is both to reduce the potential for people trying to restrict the operation of CIAL in the future, as a means of mitigating noise effects, and also to avoid adverse effects on the amenity of persons living within the contours. New Zealand Standard 6805:1995 recommends such restrictions apply where aircraft noise exposure is 55 dBA Ldn or greater, but notes that greater protection may be appropriate in some areas. CIAL advocates for land use restrictions from 50 dBA Ldn. Overseas research shows people become annoyed by aircraft noise at levels lower than 55 dBA Ldn, so the risk of "reverse sensitivity" effects occurs before then. At 50 dBA Ldn it is appropriate to restrict residential activities rather than requiring noise insulation. The reason is that the effects from aircraft noise at 50 dBA Ldn are mostly experienced outdoors or when windows are open.

Objective B2.1.4 and Policy B2.1.22 recognise that "reverse sensitivity" effects on CIAL must be avoided because of the importance of the unrestricted operation of CIAL to the Region's and District's economy.

The noise contours shown on the Planning Maps are those for aircraft noise from aircraft taking off or landing on the north east/south west runway at Christchurch International Airport. The noise contours are developed using a combination of loudness and frequency of flights (which is why the contours are much longer for the north/south runway than the less used east/west runway). The contours are based on the projected number of flights when CIAL is operating at full capacity on one runway. Therefore, some of the land shown under the noise contours is not affected by this level of aircraft noise now; and aircraft fly over areas now which will be less affected in the future. The reasons are:

- As the number of flights increase the dBA Ldn noise contours elongate (because they measure frequency as well as loudness).

- As the number of flights increase aircraft will have to join the approach path to the Airport sooner and queue. Aircraft will join the approach path further south than they do now.

#### Method

District Plan Policy

- To assess plan change requests to rezone land for the expansion of townships; or resource consent applications for subdivision of land.

#### **Policy B2.1.23**

**~~Avoid adverse effects on amenity and potential reverse sensitivity effects on the future unrestricted operation of Christchurch International Airport by maintaining residential density in the existing Living 2A zone at Rolleston at not more than 1 dwelling per hectare, with the exception of lots less than 1ha existing at 17/10/2007.~~**

#### Explanation and Reasons

~~The 50 dBA Ldn noise contour affects land in the existing Living 2A zone in Rolleston township. The Council does not believe completing the development of this zone will result in any more than a minor increase in the number of houses occupying land under the 50 dBA Ldn noise contour in Selwyn District, Waimakariri District and Christchurch City. However, the historic existence of this zoning cannot be regarded as a precedent to further extend residential areas under the 50 dBA Ldn noise contour.~~

~~The land in the Living 2A zone at Rolleston includes areas zoned Rural Residential in Plan Change 10 to the Transitional District Plan for Selwyn District.~~

~~Policy B2.1.23 recognises the historic existence of this zoning and provides for its development to the extent and density intended in Plan Change 10. This zoning is regarded by the Council as a special case, due to its history. It cannot be used as a precedent to enable further rezoning of land for residential development under the 50 dBA Ldn noise contour, if such rezoning is contrary to Policy B1.2.22 of this Plan.~~

#### Method

District Plan Rules

~~— Subdivision: Living 2A zone~~

~~— Residential Density Living 2A zone~~

## **AIRFIELDS**

#### **Policy B2.1.24 B2.1.23**

**Avoid the location and operation of new airports, airfields or helipads in Business or Living zones, other than for emergency work or 'one off' events, or for the take off and landing of aircraft ancillary to the use of the land and facilities and to the predominant use of the land and facilities on the site.**

#### Explanation and Reasons

The take off and landing of aircraft is not generally part of township environments. Residents in living and business areas, and customers and workers in business areas, do not expect to hear noise from aircraft taking off and landing on sites around them. The Plan identifies the Rural Zone as the appropriate zone in which airfields, airports and helipads should be established.

Several exceptions can however be tolerated, without significant adverse effects on township amenity values. Those exceptions are in the situation of emergency work (where short term adverse effects will be outweighed by the benefits to people and society) and 'one off' events, such as helicopter rides at a local fair.

In addition, the use of a site within a township for the take off and landing of aircraft may be appropriate if it is ancillary to the use of the land and facilities and is not the predominant use of the land and facilities. A resource consent for a discretionary activity will be required to assess the ancillary nature of the aircraft movements.

#### Method

District Plan Rules

– Aircraft and Airports — all zones

## ROLLESTON

### Policy B4.3.67

**Encourage new residential development by further subdivision in existing Living 2 Zones, ~~other than the Living 2A Zone, where it complies with the objectives and policies of the Plan.~~**

#### Explanation and Reasons

Residential density and allotment sizes in the Living 2 Zones at Rolleston average either 0.5 ha to 1 ha. These zones cover large areas. Policy B4.3.67 allows Rolleston township to grow through closer residential development in the Living 2 zones, provided: there are no adverse effects on infrastructure; and closer density is supported by the residents in the areas affected. This policy is consistent with Policy B4.1.3 and Town Form Policy B4.3.5.

**~~Policy B4.3.67 does not apply to the Living 2A zone, which is located under the SOABA Airport Flightpath Noise Contour — see Policy B2.1.23.~~**

## **APPENDIX B**

### Existing Airport Noise Contour Maps

## **APPENDIX C**

### Proposed Airport Noise Contour Maps