

# **SELWYN DISTRICT COUNCIL**

## **HEARING OF PROPOSED PLAN CHANGE 23**

**A PROPOSED PLAN CHANGE THAT SEEKS TO CHANGE THE EXISTING NOISE CONTOURS  
WITHIN THE SELWYN DISTRICT PLAN ASSOCIATED WITH THE OPERATION OF  
CHRISTCHURCH INTERNATIONAL AIRPORT.**

Report and recommendations by Hearing Commissioners

Paul Thomas and Philip Milne

## INTRODUCTION

- 1 We were appointed by Selwyn District Council (SDC) as Hearing Commissioners to hear Proposed Plan Change 23. As such we are required to recommend whether the proposed plan change should be declined, approved or approved with modifications and recommend decisions on submissions to the Plan Change.
- 2 We conducted a hearing of the details of this Plan Change and related submissions at the Selwyn District Council offices in Rolleston on 13 December 2010. The hearing was set down for two days. However, we were able to complete the hearing on the first day and the hearing was then adjourned in case any other parties not available on that day still wished to be heard. No other persons sought to be heard and the hearing was formally closed on 16 December 2010.
- 3 For the record we note that two submissions were lodged with the Council beyond the stated deadline and decisions were made by officers with duly delegated authority to grant waivers and to accept both as valid submissions.
- 4 The parties that appeared before us were as follows:  
  
David Smith as reporting officer for Selwyn District Council  
  
Jo Appleyard for Christchurch international Airport Ltd and Canterbury Regional Council  
  
Witnesses: Peter Barnes, Canterbury Regional Council  
  
Kevin Bethwaite, Airways Corporation of new Zealand  
  
Chris Day, Marshall Day Acoustics Ltd  
  
Ken McAnergney, CIAL  
  
Bob Batty, PlanIt Ltd  
  
Wayne Harper for himself and Nelda Ridden  
  
David Pedley, for Foster Holdings Ltd with Annette and David Foster in attendance.
- 5 We note that all of the submitters who attended the hearing were in full support of the Plan Change. There were some submitters in opposition and as required we have also considered their submissions.

## THE PROPOSED PLAN CHANGE AND ITS BACKGROUND

- 6 Noise exposure lines were first used to control land use in areas potentially affected by aircraft noise associated with Christchurch Airport in 1974. These were later developed into more sophisticated noise contours in accordance with the New Zealand Standard Airport Noise Management and Land Use Planning NZS6805 1992. These contours were developed in 1994 and included in the Paparua and Ellesmere County District Schemes and later, in 2001, the Selwyn District Plan. The contours consist of 50 dBA and 55 dBA Ldn contours extending south westwards towards Rolleston.
- 7 The District Plan contours were subject to an appeal to the Environment Court by Foster Holdings Ltd (DJ & AP Foster v SDC C138/07). The Foster appeal challenged the modelling underlying the contours, rather than the land use controls applying within the 50 dBA contour. The key issue was whether the modelling, inputs and assumptions were accurate and appropriate.
- 8 Part way through the hearing the Court found that it would not be able to introduce amended contours and as a result the parties agreed to a collaborative process to agree the approach to remodelled contours which would be included in the relevant plans and policy statements within Canterbury.
- 9 The expert panel produced a new set of contours in January 2008 which were accepted as valid by all parties. The appeal was therefore settled on the basis that Selwyn District Council would promulgate a Plan Change to update the noise contours.
- 10 Plan Change 23 seeks to implement this obligation by removing the existing contours in the Plan and replacing them. The new contours are "shorter and fatter" than the old ones and, therefore, change the spatial area of land over which the existing plan controls would apply. There are therefore properties for which are now no longer affected by contours and there are also some which were not previously but now are.
- 11 The Plan Change does not seek to alter any objectives or policies or the nature of the rules. However, it does seek to delete one policy because the contours do not now include any land zoned Living 2A. Policy B2.1.23 relates specifically to Living 2A land within the 50 dBA contour and therefore becomes irrelevant and can be deleted.

- 12 We note that these updated noise contours have been included in Proposed Change 1 to the Canterbury Regional Policy Statement through Variation 4. This relates to policies in the RPS regarding the management of reverse sensitivity from airport noise which we will refer to later. PC 1 has already been through the hearing of submissions and the contours remained unaltered through that process. We are advised that there are some 50 appeals to PC 1. None have sought to challenge the basis of the updated noise contours, however, there are appeals that challenge how land between the 50 and 55 dBA contours should be managed.
- 13 Finally, we note that PC 23 was notified at the same time as Plan Change 7 (PC7). The hearing of submissions on PC 7 was to be undertaken in parallel with PC 23. However, Council staff resources have had to be committed to earthquake recovery matters and this hearing will now be held in the first quarter of 2011.
- 14 We understand that PC 7 seeks to alter a number of policies in the township section of the District Plan and to include provisions for planned growth of Lincoln and Rolleston. The provisions include outline development plans for each area. Some of this land at Rolleston will become unencumbered by noise contours as a result of PC 23 if approved as notified.
- 15 We also note that PC 7 seeks to implement growth within specific urban limits which are in accordance with those specified in the Canterbury Regional Policy Statement Change 1. The Urban Limits for Rolleston have been set with specific regard to the revised 50 and 55 dBA Ldn noise contours which are the subject of this Plan Change. Change 1, in turn, seeks to implement the Greater Christchurch Urban Development Strategy.
- 16 A s42A report was prepared by Mr David Smith of Selwyn District Council. In essence that report recommends that the Plan Change be approved without any modifications and that submissions be determined accordingly.

## **SUBMISSIONS AND JURISDICTION**

- 17 There were 18 submissions to the Plan Change and 13 further submissions. The section 42A report records that 15 submissions support the Plan Change, while 3 are in opposition. Of those in support 6 submitters sought additional changes to the District Plan which, we have concluded are beyond our jurisdiction, for reasons we will set out later.
- 18 Three submitters, Neil Comyns and Suzanne Light, Jennifer Butt, and Maurice and Mary Fletcher, opposed the changes to the position of the air noise contours. These

submitters own properties which are not within the existing 50-55 dBA contours but are wholly or partially within the contours proposed in PC 23. This is because the 50-55 dBA area, although truncated in length is now slightly wider. These submissions are clearly within jurisdiction, we note however that the submitters did not challenge the technical basis on which the contours have been determined. Rather, their concern was with the effect of the restrictions resulting from the contours. No technical evidence was called in opposition.

- 19 A number of submitters in support of PC 23 sought that their land be rezoned for residential or rural residential development to reflect the fact that if PC 23 is confirmed, their land will no longer be within the 50 dBA noise contour. We agree with Mr Smith that this is not within the scope of this hearing. PC 23 only seeks to move the position of the contours, it does not seek to rezone the land or to change the provisions applying to land inside or outside of the 50 dBA noise contour. Accordingly, we have concluded that the relief sought by these submitters is outside of the scope of PC 23.
- 20 Some of these submitters have also submitted on PC7 which does rezone land for residential purposes. The PC 7 hearing which we will be dealing with next year may be an appropriate forum to address these issues. We do, however, caution that changes to zoning of land which is not within or at least contiguous with the area covered by PC 7 may also be beyond the scope of that plan change. We understand that Selwyn District Council is seeking legal advice on that point. In any event that is not an issue for now.

## **THE EVIDENCE**

### **Canterbury Regional Council**

- 21 Mr Peter Barnes presented evidence on behalf of Canterbury Regional Council, also known as Environment Canterbury or ECan. ECan supports the Plan Change and Mr Barnes agrees with the assessment in the section 42A report. In his opinion the Plan Change is:
- Consistent with the Greater Christchurch Urban Development Strategy in that it supports the need for noise contours and to limit urban growth around the airport to avoid urban development within the 50 dBA contour.
  - Consistent with and gives effect to the operative Regional Policy Statement in that the contours more accurately achieves patterns of urban development

that do not adversely affect the operation, use and development of the Airport, and protects existing airport infrastructure.

- Consistent with the specific contours included in Change 1 to the RPS.

22 Mr Barnes supports the use of the 50 dBA contour for control of land use activities and considers that the revised contours are robust.

### **Christchurch International Airport Ltd**

23 CIAL's first witness was Mr Kevin Bethwaite who is the Performance Based Navigation Implementation Manager for Airways New Zealand. Mr Bethwaite provided us with valuable background on airspace management at Christchurch Airport now and in the future with changing approaches to navigation. He reported that Christchurch has three runways with the cross runway being used for aircraft of Boeing 767 size and smaller. Of some importance is that in order to maximise the capacity of the airport in the long term both sealed runways may in the future be used at peak times as opposed to just a single runway. This is referred to as SIMOPS (Simultaneous Operations).

24 Mr Bethwaite was a member of the expert panel that sought to establish "the minimum noise footprint from the maximum aircraft usage" of the airport. He advised that the contours take into account use of the cross runway and a 10 dBA penalty is added to night time movements. The modelling also adopts the recently established '*Continuous Descent*' approach which is important to minimise noise. Aircraft arrive and depart on established routes, however, in periods of lesser demand there is more flexibility to make more direct approaches using "performance based navigation". It was also noted that noise contours are dominated by landing aircraft rather than take off.

25 The characteristics above contribute to the changes in contours. The reduced length of noise contour over Selwyn is as a result of quieter aircraft and the use of continuous descent approaches. The submissions in opposition largely relate to the slightly fatter contours which are a result of an increase in the predicted maximum number of movements when the airport reaches full capacity. There are also slightly longer contours associated with increased use of the cross runway.

26 Chris Day from Marshall Day acoustics was also part of the expert panel developing the new contours and provided evidence on the technical aspects of the modelling. He reported that the modelling is based on a maximum capacity of 175,000 aircraft

movements per annum and that overall the area within the new 50 dBA contour is 24% "smaller" in area than the existing contours, however over Selwyn there is little difference in total area. We understand that the international panel of experts agreed that it was appropriate to lower the maximum capacity movement figure from that originally proposed to the 175,000 now used. Mr Day supports the use of land use controls within the 50 dBA area and he quoted a number of overseas cases to support this. This includes 90% of noise complaints at Sydney airport coming from beyond the 55 dBA contour.

27 Evidence was then presented by Ken McAnerghey who is the Manager, Airport Planning at CIAL. He emphasised that

- CIA is an uncurfewed unrestricted international airport of local regional and national significance
- CIA is currently protected by measures that were first put in place 30 years ago.
- The remodelling is import to reflect improved air traffic control systems and use of both runways.
- The changed contours remove restrictions in some areas and add them to others.
- It is important to avoid noise sensitive activities within the contours in the future.

28 In answer to questions he confirmed that the fleet mix used in the model is still considered up to date. One of the significant changes was the long term removal of the 747-400 from the mix. However, on the other hand it was put to us that the model is not particularly sensitive to fleet mix for example to reintroduction of the A380 to the model would make little if any difference to the contours. It was also considered that in the future aircraft are unlikely to get significantly quieter.

29 Finally Mr Bob Batty provided planning evidence. Mr Batty has been assisting the airport on related matters for many years and is a highly experienced planner. He agrees with the analysis and conclusions of the section 42A report.

30 In particular he agrees that PC 23 gives effect to the RPS, has regard to Change 1 to the RPS and is consistent with the objectives and policies of the Selwyn District Plan.

31 He emphasised that the planning rational for airport noise contours involves a two pronged approach of noise management controls on the operator and land use planning controls on areas potentially affected by noise. The first is provided by a condition on the airport designation in the Christchurch City Plan relating to

complying with the 65 dBA contour in terms of noise generated and secondly the use of noise contours and associated controls in three District Plans.

- 32 Mr Batty noted that the approach taken by the Selwyn District Plan is a “mid point” position with respect to the approach recommended in NZS 6805: 1992 in that the additional controls relate to sound insulation rather than prohibiting new dwellings.
- 33 Mr Batty helpfully supplied a comparative analysis of the land within Selwyn District under the old and new contours. He concluded that within the 50 dBA contour there is little change in the number of existing lots affected, 153 with the new contours compared to 157 with the old. However he noted that a number of these are undeveloped partial lots at the edge of the contour where a house could be located outside the new contour. The new contour does affect a slightly larger area, 798 hectares compared to 716 hectares.
- 34 Legal submissions were also tabled by Ms Appleyard.

#### **Wayne Harper**

- 35 Mr Harper owns a 7.1 hectare property on the corner of Levi Road and Lincoln Rolleston Road which is partly affected by the existing contours and would be unaffected by contours if the new ones are adopted. He supports PC 23.

#### **Foster Holdings Ltd**

- 36 Mr Pedley helpfully circulated in advance legal submissions and supporting documents in advance of the hearing on behalf of Foster Holdings Ltd (FHL). FHL supports PC 23 and was the original appellant that led to the expert panel’s updated contours. FHL owns a large area of land to the south of Rolleston the majority of which is affected by the existing contours but none is affected by the new ones. Their land has been identified as a potential site for future urban development and this is considered separately in PC 7.
- 37 He emphasised that PC 23 represents the final step in the process whereby the old contours can be replaced by revised contours agreed by the Expert Panel. In that sense PC 23 is the product of an extensive process over a number of years.

#### **THE PRINCIPAL ISSUES**

- 38 We accept that the new contours better reflect the efficient management of the airport in the future. The updated model is considered to be more accurate, and the fleet mix and modelling of movements more accurately reflects future operational procedures.



- 39 The consequence is that there is a different area of effect associated with the shorter but fatter contours and additional areas affected within Christchurch City associated with the future increased use of the cross runway.
- 40 We note that the Christchurch City Council has yet to initiate a plan change to implement the updated contours within its territory.
- 41 Within Selwyn Mr Batty's evidence was helpful in demonstrating that despite an increase in land area there is little increase in the number of existing lots affected. We note that all the land under the new contours is zoned Inner Plains where subdivision is permitted down to a minimum lot size of 4 hectares irrespective of whether it is within the contours or not. The only additional imposition is that any new buildings are insulated.
- 42 We note that the contour reflects the noise effects when the airport is operating at maximum capacity of 175,000 movements per annum. We were informed by Mr Bethwaite that the airport is operating at about 50% capacity now. In terms of developing navigation and air traffic management approaches he considered that the expert panel report reflected where airport operations might be in ten years time. In terms of hourly movements the maximum capacity of the airport is 45-47 movements per hour.
- 43 We accept that it is appropriate to plan for the maximum capacity scenario because once development occurs it cannot be readily reversed.
- 44 Mr Bethwaite also confirmed that the model provides for a number of 'bent' approaches and short track approaches. In answers to question he also advised that aircraft are required to keep closer to track on night time movements.
- 45 Mr McAnergney also informed us of the future development planning of the airport which involves modest runway extensions to both runways and in the long term a second shorter runway to the north of the airport.
- 46 Mr Day advised us that noise monitoring reports were provided in 2008 and 2009. In response to questions he was able to advise us that the current noise footprint is approximately 3-4 decibels under the proposed "maximum capacity" contours. In terms of the sensitivity testing he also advised that doubling all variables results in approximately a 3 dBA increase only.
- 47 We find that the proposed contours more accurately reflect the future operation of the airport than the existing contours. We also find (with the assistance of Mr Batty's evidence) that the effects of the airport operation on existing land within Selwyn District will be similar in extent to that currently albeit there are changes in

the properties affected. Mr Batty identified the areas affected and the number of lots. We did not have figures on the number of existing dwellings or the number of potentially subdividable lots in the future. However, notwithstanding this, we are satisfied that there are no significant changes in effects associated with the Plan Change.

### **Land Use Controls**

- 48 All of the land affected by the new contours that is not currently within the contours is zoned Inner Plains. Similarly, all the land that is now within the 55 dBA contour that was not previously, is zoned Inner Plains. In this zone the District Plan enables subdivision down to 4 hectares irrespective of the noise contours. CIAL confirmed in answer to questions that they accept the 4 hectares minimum lot size and this is consistent across the three District Plans. Accordingly, the only additional regulatory requirement applying to the land which is now within the 55dBA contour is one of noise insulation for new dwellings and additions. Land which was previously outside of the 50 dBA contour but is now between the two contours will not be subject to any additional controls.
- 49 Land in this category will have less development potential because it is unlikely to be zoned for residential development in the future. However the current hearing is about the location of the contours rather than the future zoning of this land. PC23 does not change the zoning of the land.
- 50 A number of submitters whose land now falls outside the new proposed contours have sought a change of their zoning as a consequence of PC23. A number of these have a Living 2A zone and seek a Living 1B zone. We have already addressed this above and have concluded that this is beyond the scope of this Plan Change, however we acknowledge that if PC23 is approved, there may be a case for consequential rezoning that may need to be pursued through a separate Plan Change process.

### **Cross Boundary Issues**

- 51 This matters does raise cross boundary issues and we are specifically required to consider under section 74(2)(c) the extent to which the District Plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- 52 We have noted earlier that we were advised that the requirement to control noise from airport operations to that stated by the contours is exercised through a

designation condition applying to the 65 dBA contour which is entirely within Christchurch City.

- 53 We are also advised that Christchurch City Council and Waimakariri District Council agree to the proposed contours and intend to promulgate Plan Changes once related appeals to Regional Policy Statement Plan Change 1 are resolved. Those appeals relate to land use controls rather than the position of the contours.
- 54 We do note, however, that the future simultaneous use of both runways means that there is a significant increase in area of land affected by contours north of the airport within Christchurch City and therefore there is potential for opposition to a Plan Change that seeks to implement this. However, we do not accept this as valid reason for delay.
- 55 We also recognise that there will be some inconsistency between the Plans until such times as Plan Changes are processed in these areas however we do not see the consequences of this as being of any greater significance or justifying delay to PC 23.

## **POLICY CONSIDERATIONS**

- 56 While policy matters are a principal issue because of the statutory framework applying to Plan Changes we agree with the evidence put before us that:
- The policy basis for protection of the operational efficiency of the airport from risk of reverse sensitivity is well established in relevant policy statement and plans.
  - The proposed contours are specifically included in Change 1 to the RPS, were endorsed through the change approval process and are not subject to specific challenge through appeals.
- 57 We are therefore satisfied that PC 23 gives effect to the operative RPS, is entirely consistent with Change 1 to the RPS and with existing objectives and policies of the Selwyn District Plan.

## **SECTION 32 EVALUATION**

- 58 As part of the plan change approval process we are required to further evaluate the Plan Change in terms of Section 32
- 59 The only options which are within the scope of the Proposed Plan Change are:
- Accept the location of the contours and proposed.

- Reject the plan change as a whole which would leave the contours as they are.
- Adjust the position of the contours.

- 60 The latter option is not available to us because we have no evidential basis for drawing the contours in any location other than where proposed, or leaving them as they are. In any event, no submitter has provided any plan requesting a different location.
- 61 We have concluded that there is also no sound basis for leaving the contours in their current location. Our further evaluation in terms of section 32 concludes that the contours should be moved as proposed for the following reasons:
- (a) The current contours are based on outdated modelling and underestimate predicted maximum aircraft movements.
  - (b) The current contours are elongated towards the South West more than the new modelling predicts is necessary. This affects around 70 properties which with the new contours will not be affected. It is now inappropriate for this land to be affected by the 50-55dBa zone. (most of the submitters in support own land in this area).
  - (c) The new contours reflect the agreed view of an expert panel which was convened as a result of appeals in relation to the previously proposed contours.
  - (d) The new contours take into account increases in predicted maximum capacity of CIAL, predicted changes in aircraft type and noise profiles, already implemented changes in approach techniques for commercial passenger aircraft, potential changes as a result of SIMOP (simultaneous operation of opposing runways).
  - (e) No evidence was presented to challenge the proposed contours or to challenge the methodology used for deriving those. We are satisfied based on the evidence which we have heard, that the methodology was robust and that the assumptions used in the model are appropriate.
  - (f) The same contours are reflected in PC 1 to the Regional Policy Statement and we understand that the position of the contours is not the subject of any appeal in relation to PC1.
  - (g) CIAL presented convincing evidence which satisfied us that the amended contours reflect the best possible modelling of future scenarios by a highly qualified expert panel.
  - (h) The maximum future movement numbers 175,000 used in the modelling were significantly more conservative than those proposed by CIAL originally and were agreed by the expert panel.
  - (i) The slight outwards movement of the contours from the approach and take off paths is a result of an increase in predicted maximum aircraft movements and a re calibration of the model.

- (j) The original model had been proven to underestimate aircraft noise either side of the takeoff and approach path. It is appropriate that the more accurate modelling be used.
- (k) Although around 153 properties will be within, or partially within the 50dBA contour, which are not currently within that contour, a similar number which are currently within the contour will be outside of the new contour.
- (l) A significant proportion of the properties which are currently outside of the 50dBA contour but which will be affected by the new contour, will have less than half of their total area within the contour. This will leave room for permitted development on the unaffected portion of the property.
- (m) Although the width of the contours could be further reduced by placing curfews or other limits on the operation of the Airport, we accept that this would not be an efficient use and development of the physical resources involved in the airport and would have adverse economic effects well beyond the very limited effect on a small number of landowners.
- (n) It is not the impact of the contours but the related policies and rules which affect land within the 50dBA contour. However, PC 23 does not change the relevant policies or rules.
- (o) Furthermore, the rules do not impose an unreasonable restriction on the use of private land. In particular, we note that subdivision down to 4ha remains a controlled activity within the 50dBA contour. Within the 55dBA contour there are reasonable and sensible requirements for noise insulation of new dwellings and extensions.
- (p) PC 23 is consistent with and implements the PC 1 to the Regional Policy Statement. The contours are the same as those shown in that document.

## RECOMMENDATION

62 For the reasons expressed above and after taking into account all of the evidence received and all relevant submissions, it is our recommendation that the plan change be approved without amendment and that submissions are determined accordingly as set out in detail in Appendix A.

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P. N Thomas

Hearing Commissioner

A handwritten signature in black ink, appearing to be 'P. Milne', written over a light blue rectangular background.

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P Milne

Hearing Commissioner

## APPENDIX 1: RECOMMENDED DECISION ON SUBMISSIONS

Further Submissions are in *italics*

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
Shona Robb	S1	D1	Support	Approve the Plan Change as the revised Airport Noise Contours now affects only 10m of the front of their property	Accept
Leslie Bain	S2	D1	Support	Approve the Plan Change to replace the existing Christchurch International Airport air noise contours with the revised air noise contours	Accept
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Support</i>	<i>Accept</i>
Marilyn McClure & Graeme Hubbard	S3	D1	Support	Support PC23 and rezone our land to that of our neighbours to Living 1B, which was the zoning we shared with them prior to the noise contour being imposed on us by Plan Change 60.	Accept in part, reject submission point seeking rezoning on the basis that this is beyond our jurisdiction but recommend to Council that it consider the requested rezoning.
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Partial opposition. CIAL seeks that any part of the submission interpreted as seeking removal of the revised air noise contours, or the Ldn 50 dBA outer control boundary (and associated restrictions), or rezoning of land be disallowed.</i>	<i>Accept</i>
Phillip Russell	S4	D1	Support	We ask that our land zoning (L2A) be returned to that of our neighbours (L1B), which was the zoning we shared with them prior to the Airport	Accept in part, reject submission point seeking rezoning on the basis that this is beyond our jurisdiction but recommend to Council that it

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
				Noise Contour being imposed on us by Plan Change 60.	<b>consider the requested rezoning.</b>
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Partial opposition. CIAL seeks that any part of the submission interpreted as seeking removal of the revised air noise contours, or the Ldn 50 dBA outer control boundary (and associated restrictions), or rezoning of land be disallowed.</i>	<i>Accept</i>
<b>Maria Rutherford</b>	<b>S5</b>	<b>D1</b>	Support	Please adopt the proposed changes they at least are less draconian and rigorous than the existing contour boundaries.	<b>Accept</b>
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Partial opposition. CIAL seeks that any part of the submission interpreted as seeking removal or lessening of the restrictions within the Ldn 50 dBA air noise contour, be disallowed.</i>	<i>Accept</i>
<b>Christopher White</b>	<b>S6</b>	<b>D1</b>	Support	That the council adopts the changes, approve the plan changes and amend the relevant policies and objectives in the plan, as necessary to fully implement this intelligent compromise.	<b>Accept</b>
<b>Annmaree Hofmeester &amp; Hendrickus Hofmeester</b>	<b>S7</b>	<b>D1</b>	Support	We request that our land zoning (L2A) be returned to that of our neighbours (L1B), which was previously the zoning we shared with them as part of the Shearalea Subdivision prior to the airport noise contour being imposed on us by Plan Change 60.	<b>Accept in part, reject submission point seeking rezoning on the basis that this is beyond our jurisdiction but recommend to Council that it consider the requested rezoning.</b>



Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
Christchurch International Airport Limited	S17	D1		<i>Partial opposition. CIAL seeks that any part of the submission interpreted as seeking removal of the revised air noise contours, or the Ldn 50 dBA outer control boundary (and associated restrictions), or rezoning of land be disallowed.</i>	Accept
Neil Comyns & Suzanne Light	S8	D1	Oppose	Not to revise/widen noise contours to cover our property - 358 Maddisons Road - PT RS 4836 Blk XVI Rolleston. Keep contours as they are.	Reject, for the reasons outlined in this report
Christchurch International Airport Limited	S17	D1		<i>CIAL opposes the submission because CIAL considers that the revised air noise contours give the most accurate and up to date indication of the location of effects; those revised contours should be included in the SDP and the 50 contour in particular should be relied on in determining the point at which noise sensitive activities should be avoided; residential and noise sensitive activities should be avoided in the 50 dBA noise contour; there should be no exception to the location of the contour or the objectives, policies and rules applying to the land of the submitter or other land, within the revised 50 contour, such that the establishment of noise sensitive activities is established; the relief sought in the submission would compromise the future uncurfewed, safe and efficient operation, use and development of CIA; it does not provide for the protection of people and communities; it does not give effect to the Regional Policy Statement or Change 1 to the Regional Policy Statement; it is inconsistent with the purpose and principles of the Resource Management Act 1991.</i>	Accept
Selwyn Central	S9	D1	Support	That Plan Change 23 is approved.	Accept

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
<b>Community Board</b>					
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Support generally. However CIAL seeks that any part of the submission interpreted as seeking adjustment to the air noise contours be disallowed.</i>	<i>Accept</i>
<b>Canterbury Regional Council</b>	<b>S10</b>	<b>D3</b>	Support	That the Plan Change be approved.	<b>Accept</b>
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Support</i>	<i>Accept</i>
<b>Wayne Harper &amp; Nelda Ridden</b>	<b>S11</b>	<b>D1</b>	Support	Adoption of proposed Plan Change 23	<b>Accept</b>
<b>Foster Holdings Limited</b>	<b>S12</b>	<b>D1</b>	Support	The submitter seeks that the Plan Change be approved.	<b>Accept</b>
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Support</i>	<i>Accept</i>
<b>Donald Wright</b>	<b>S13</b>	<b>D1</b>	Support	Strongly support Plan Change 23 Appendix 3.	<b>Accept</b>

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
Christchurch International Airport Limited	S17	D1		Support generally, but seeks that any part of the submission seeking a rezoning of land be disallowed.	Accept
Margit Muller & David Watson	S14	D1	Support	The submitter would like the SDC to rezone their land (Living 2A) to the same as their neighbour (Living 1B) which was the same as their neighbour prior to the Airport Noise Contour being imposed on them by Plan Change 60.	Accept in part, reject submission point seeking rezoning on the basis that this is beyond our jurisdiction but recommend to Council that it consider the requested rezoning.
Christchurch International Airport Limited	S17	D1		Support generally, but seeks that any part of the submission seeking a rezoning of land be disallowed.	Accept
Jenny Butt	S15	D1	Oppose	Provide a mechanism through objectives, policies and rules, whereby exceptions can be considered and the appropriate weight given to the existing character of the receiving environment when determining the merits of activities sensitive to noise within the air/noise contour. Without such a mechanism, the air-noise contours become an influential tool that over-rides the effects-based arguments that would ordinarily carry significant weight in any other location outside the air/noise contour. Furthermore, without the ability for such exceptions to be considered, the ability to apply discretion when deciding on activities that are not permitted becomes severely limited.	Reject on the basis that the we have no jurisdiction in relation to objectives and policies and rules within the scope of this Plan Change, which only relates to the position of the contours. Alternatively, we do not have sufficient information before us to recommend the approach proposed.

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
Christchurch International Airport Limited	S17	D1		<i>CIAL opposes the submission because CIAL considers that the revised air noise contours give the most accurate and up to date indication of the location of effects; those revised contours should be included in the SDP and the 50 contour in particular should be relied on in determining the point at which noise sensitive activities should be avoided; residential and noise sensitive activities should be avoided in the 50 dBA noise contour; there should be no exception to the location of the contour or the objectives, policies and rules applying to the land of the submitter or other land, within the revised 50 contour, such that the establishment of noise sensitive activities is established; the relief sought in the submission would compromise the future uncurfewed, safe and efficient operation, use and development of CIA; it does not provide for the protection of people and communities; it does not give effect to the Regional Policy Statement or Change 1 to the Regional Policy Statement; it is inconsistent with the purpose and principles of the Resource Management Act 1991.</i>	Accept
Angelene Lorna Holton	S16	D1	Support	General support	Accept
Christchurch International Airport Limited	S17	D1	Support	Adopt PC23 in its entirety	Accept
Maurice & Mary Fletcher	S18	D1	Oppose	We understand that if this Plan Change is approved, a note will be placed on a LIM for our property recording that the noise contours affect our property and the associated restrictions on	Reject, changes to policy are beyond our jurisdiction. We are satisfied that the airport noise contours are appropriately located. We note that the changes to the boundaries are

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
				<p>development. We also understand from discussions with council staff that our submission is unlikely to change anything, as it is merely to be in accordance with the Regional Policy Statement. This is hardly a consultative process. We are concerned that such a major change to future property rights, through the Regional Council process should have been imposed with only public notification through the newspapers and that individual property owners affected by the Regional Plan change were not notified. It is disappointing that Selwyn District Council did not see fit to assist its ratepayers as part of this process. The review of the noise contours needs to acknowledge the existing dwellings within the Contour and their right to amenity of their properties. This may be by decreasing the noise limits, which are substantially higher than the existing noise. We would also seek deletion of the controls of further residential development of the land.</p> <p>It is considered that requirements for noise insulation of new dwellings would provide for the quiet night time noise standards that should apply in a rural area. We would be happy to discuss with Council staff how they have balanced the wishes of the Airport Company with the amenity issues of their ratepayers. We have lived at our property at Trents Road for over 30 years and</p>	<p><b>not as a direct result of the changes to the Regional Policy Statement. The changes also reflect a process agreed upon as a result of an Environment Court Appeal.</b></p>

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
				definitely cannot be considered in the category of people that have come to the nuisance.	
Christchurch International Airport Limited	S17	D1		Oppose	Accept

## APPENDIX 2: THE PLAN CHANGE

Township Volume – Page B2-017

### 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.

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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.~~

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## APPENDIX 3: PLAN MAPS

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