

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

Plan Change 23 to the
Selwyn District Plan

SECTION 42A REPORT OF DAVID SMITH

1. My name is David Smith. I am employed by the Selwyn District Council as Team Leader: Strategy & Policy. My qualifications and experience are set out in Appendix 1.

INTRODUCTION

2. I have prepared this report on Proposed Plan Change 23 (PC 23) in accordance with Section 42A of the Resource Management Act 1991 (RMA). The purpose of my report is to draw to the Commissioners' attention matters pertinent to their consideration, including evaluating and making recommendations on the submissions received. My evaluation is based on the information contained in the Plan Change, including the s32 report and the submissions. Additional information is likely to be presented by parties at the hearing. The recommendations are the opinion of the reporting officer. The Hearings Commissioners' will decide on each submission after hearing and considering all relevant matters.
3. My report is structured as follows:
 - a. Overview of proposed plan change - within this section I provide an overview of PC23, including what is proposed, its status and the process followed.
 - b. Statutory context - within this section I summarise the RMA requirements that affect the determination of PC23.
 - c. Assessment of submissions - within this section I consider the points raised in submissions.
 - d. Final statutory assessment - within this section I evaluate PC23 against the overriding RMA requirements.
 - e. Overall conclusion and recommendation - within this section I set out my overriding conclusion and recommendation.
4. In addition, within the appendices of my report are:
 - a. Appendix 1: Qualifications and experience - within this appendix I set out my qualifications and experience.
 - b. Appendix 2: Recommendations on individual submission points - within this appendix I detail my recommendations on each submission point as summarised by SDC.
 - c. Appendix 3: District Plan Text Changes

d. Appendix 4: Planning Maps

OVERVIEW OF PROPOSED PLAN CHANGE

Status

5. PC23 is a Council initiated plan change to the operative District Plan (Township and Rural Sections).

Process

6. By resolution, the SDC agreed to publicly notify PC23 on 24 February 2010.
7. PC23, together with the necessary supporting Section 32 report, was publicly notified on 27 February 2010. Eighteen submissions were received. A summary of these submissions was publicly notified. The period of further submissions closed on 18 June 2010, with 13 further submissions being received from Christchurch International Airport Limited.

History and Overview

8. Christchurch International Airport is located within the Christchurch City Council local government area. When the Harewood Aerodrome opened for commercial flights in 1940, it was a small facility, five to six kilometres from the edge of urban Christchurch, and entirely surrounded by rural land. In 2010 Christchurch International Airport operates approximately 85,000 national and international flights per year and has an annual throughput of some six millions passengers. Future growth projections are for up to 175,000 flights per year by 2025, when the capacity of the two runway system is expected to be reached.
9. Christchurch itself has grown west to the point that its urban edge is now generally defined by the 50 dBA Ldn airport noise contour. Residential development in Selwyn District, in particular Rolleston, has been constrained by the position of the airport noise contour with objectives and policies in place to ensure noise sensitive activities are avoided within the noise contour. These restrictions have been in place in both the Paparua and Ellesmere County District Schemes and the current Selwyn District Plan.
10. While the ground operations of the airport lie within the Christchurch City boundary, the noise effects (as represented by the modelled airport noise contours) extend north of the Waimakariri River and south to Rolleston. This, along with the economic importance of the airport and its associated business activities, makes planning for the airport a matter of regional interest.
11. The importance of the airport facilities to the region has been recognised in the regional and district planning documents for many years, under a number of different planning frameworks. A series of early Regional Planning Schemes prepared from the late 1950s onwards by the Christchurch Regional Planning Authority and the Canterbury United Council set an "urban fence" for Christchurch, and established a "green belt between the City and the airport, both to protect the airport and to encourage urban consolidation. The change to a more market led approach to planning which emerged under the 1989 Local Government Act and 1991 Resource Management Act saw the end of the "green belt" separating the City and airport.

12. PC23 results from an appeal relating to the future growth of Rolleston under the 50 dBA contour (DJ & AP Foster v SDC C138/07) and the recent inclusion of revised air noise contours into the Regional Policy Statement Proposed Change 1. The Foster appeal challenged the modelling underlying the contours, rather than the use of the 50 dBA contour per se. As the contours contained in Christchurch, Selwyn and Waimakariri District Plans were produced in 1994, there was a clear need to redraw them, using the new version of the Integrated Noise Model (INM), and to include more up to date assumptions about the inputs to the model, such as predicted growth in aircraft movements, changes in technology affecting aircraft noise, and air traffic systems (for example simultaneous aircraft operations (SIMOPs)). As part of this Court case, two new sets of contours were proposed by experts representing CIAL and the Rolleston landowners respectively. These contours were significantly different from both the previous contours and from each other. The judge instructed the various experts to work together under the chairmanship of a "neutral" expert who had been engaged by Selwyn District Council, and was generally accepted as a world authority in the INM modelling process. The expert panel produced a new set of contours which were accepted as valid by all parties.
13. Following the agreement on the new set of contours, the appeal was disposed of, with the Selwyn District Council required to include the new contours in its District Plan by way of a Plan Change. Therefore, this Plan Change replaces the current noise contours with the remodelled 50 DBA and 55 dBA Ldn contours. Proposed Change 1 to the Canterbury Regional Policy Statement through Variation 4 also includes the revised 50 and 55 dBA noise contours. Decisions have been released on PC1 with the revised noise contours being confirmed in the decision.

STATUTORY CONTEXT

14. PC23 was notified on 27 February 2010, which is after the RMA was amended by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. Section 161 of this Amendment Act provides that it is not to apply to changes publicly notified before 1 October 2009. Therefore, by implication the appropriate version of the Act to consider is that as amended by the 2009 Amendment Act.
15. The statutory considerations for determining a plan change are well established. In this circumstance these are largely found in sections 31, 32, 74, 75, 76 of the Act. As with all processes under the Resource Management Act Part II is the paramount consideration. In this circumstance, the key statutory considerations are:

(A) General requirements

- 1 A district plan (change) should be designed to *accord with* and assist the territorial authority *to carry out* its functions so as to achieve the purpose of the Act.
- 3 When preparing its district plan (change) the territorial authority shall:
 - (a) *have regard to* any proposed regional policy statement;
 - (b) *give effect to* any operative regional policy statement.
- 3 In relation to regional plans:

- (a) the district plan (change) must *not be inconsistent with* an operative regional plan for any matter specified in section 30(1) and
 - (b) *must have regard to* any proposed regional plan on any matter of national significance etc.
- 4 When preparing its district plan (change) the territorial authority must also:
 - (a) *have regard to* any relevant management plans and strategies under other Acts, and to any relevant entry in the Historical Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;
 - (b) *take into account* any relevant planning document recognized by an iwi authority; and
 - (c) not have regard to trade competition.
- 5 The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.
- (B) Policies and methods (including rules) (the s 32 test for policies and rules)
 - 6. The policies are to *implement* the objectives and the rules (if any) are to *implement* the policies.
 - 7. Each proposed policy or method (including each rule) is to be examined *having regard to its efficiency and effectiveness*, as to whether it is the most appropriate method for achieving the objectives of the district plan *taking into account*:
 - (a) the benefits and costs of the proposed policies and methods (including rules); and
 - (b) 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."
- (C) Rules
 - 8. In making a rule the territorial authority must *have regard to* the actual or potential effect of activities on the environment."
- 16. All these considerations must occur within the context of section 5 of the Act, which in turn is informed by sections 6, 7 and 8. The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources.
- 17. When considering a plan change there are a number of accepted principles that must be applied, largely developed in the context of section 32 of the Act. These include that:
 - a. there is no presumption in favour of any one zone, rule, policy or objective; and
 - b. the solution to be sought is the optimum solution that can be achieved within the scope of the proceedings.

18. In the sections below, I set out the key provisions of the three directly relevant statutory documents: the Selwyn District Plan, Operative Canterbury Regional Policy Statement and Proposed Change 1 to the Operative Canterbury Regional Policy Statement.

Selwyn District Plan

19. The Selwyn District Plan was made operative in part on 10 June 2008. I understand that this includes all the provisions relevant to PC23. In this circumstance, it is the Township and Rural Volumes which are relevant.
20. Plan Change 7 which has been publicly notified and submissions have closed does alter a number of policies in the township section of the District Plan. The primary focus of this Change is the introduction of provisions dealing with specific outline development plan areas within Lincoln and Rolleston for the future growth of both townships in defined Greenfield development areas. It also introduces provisions seeking that within the Greater Christchurch Urban Development Strategy area that growth of townships occurs within the defined Urban Limits specified in the Regional Policy Statement Change 1. The Urban Limits for Rolleston (through Variation 1 to Change 1 RPS) have been set with specific regard to the revised 50 and 55 dBA Ldn noise contours subject to this Plan Change.
21. PC23 does not alter any objectives of the District 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 remodelling of the airport noise contours 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 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.
22. 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.
23. 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 50 dBA airport noise contour. The reference to the Living 2A zone has therefore been removed from the policy and associated explanation as it is no longer applicable.
24. 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).

25. The rural volume contains policies which seek to maintain residential densities at a maximum of at least one house per four hectares in the rural inner plains zone within the 50 dBA Ldn air noise contour (B2.1.19) and to require any new dwelling or extension under the 55 dBA Ldn contour to be insulated for noise to the standards required in the Plan (B2.1.20).
26. 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).

Canterbury Regional Policy Statement

27. Any consideration of the Canterbury Regional Policy Statement is to the document as a whole. I have addressed both the operative portion and Change 1 in separate sections as there is a different statutory test applying to each.

Operative portion

28. The relationship of PC23 to the operative Regional Policy Statement is that it must give effect to the Regional Policy Statement.
29. The key chapter is Chapter 12 Settlement and Built Environment. Objective 2 of this chapter states that *"patterns of urban development ... do not adversely affect the efficient operation, use and development of ... Christchurch International Airport"*. The relating policy is Policy 4 which states *"the use of land for urban development and the physical expansion of settlements should be discouraged where such use would adversely affect the operation, efficient use and development of Christchurch International Airport"*.

The Selwyn District Plan gives effect to the Operative RPS by including Objectives, Policies and Rules to avoid noise sensitive activities from establishing within the 50 dBA Ldn noise contour. PC23 gives effect to the Operative RPS as these Objectives and Policies remain whilst ensuring that both the 50 and 55 dBA Ldn noise contours are the most up to date noise contours based on expert opinion and analysis.

Proposed Change 1

30. The statutory relationship with Proposed Change 1 is that regard must be had to it.
31. Proposed Change 1 to the Regional Policy Statement addresses 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. Submission and further submissions were made to Environment Canterbury and the decision of the Regional Council was released in December 2009. The decision confirmed the inclusion of the revised noise contours including the geographical extent of both the 50 dBA and 55 dBA contours.
32. Appeals on PC1 have been lodged with the Environment Court, including the inclusion of the airport noise contours. However, it is my understanding that appeals only relate to the ability for residential and other noise sensitive activities to occur between the 50 and 55 dBA Ldn contour and not the modelling undertaken to confirm the location of the airport noise contours. Given

this, and the fact PC23 seeks only to include the revised airport noise contours and the deletion of Policy B2.1.23 in the Township Volume of the Selwyn District Plan any appeals on PC1 and the resulting outcome should not have any bearing on PC23.

ASSESSMENT OF SUBMISSIONS

33. A total of 18 original submissions and 13 further submissions were received to the Plan Change. Given the relatively small number of submissions I have addressed each submission individually.

Submission 1 – Shona Robb

34. This submission supports the Plan Change and seeks its approval.

Evaluation

35. The submitter's property is currently encumbered by the 50 dBA air noise contour and PC23 will mean the property is no longer affected by this contour.

Recommendation

36. The recommendation is that this submission supporting PC23 be accepted.

Submission 2 – Leslie Bain

37. This submission supports the Plan Change and seeks its approval

Evaluation

38. The submitter states that the revised noise contours have been decided by a team of experts and should be implemented.

Recommendation

39. The recommendation is that this submission supporting PC23 be accepted.

Submission 3 – Marilyn McClure and Graeme Hubbard

40. This submission supports the Plan Change and seeks its approval and the rezoning of their land to Living 1B from Living 2A

Evaluation

41. The submitters support the removal of the current 50 dBA Ldn contour from their property and seeks that their land be rezoned to Living 1B which they say was the zoning they shared with their neighbours prior to the noise contour being introduced via variation 60 to the proposed District Plan. It is important to note that PC23 does not seek to rezone any land. Plan Change 7 (which was notified at the same time as PC23) seeks to rezone land in both Rolleston and Lincoln to provide for the ongoing growth of the townships and I note that this submitter has also submitted on PC7 seeking this outcome. Therefore, I consider the submission point relating to rezoning land to be out of scope of PC23.

Recommendation

42. The recommendation is that this submission supporting PC23 be accepted and that part of their submission seeking their land be rezoned be rejected.

Submission 4 – Phillip Russell

43. This submission supports the Plan Change and seeks its approval and the rezoning of their land to Living 1B from Living 2A

Evaluation

44. The submitter supports the removal of the current 50 dBA Ldn contour from their property and seeks that their land be rezoned to Living 1B which they say was the zoning they shared with their neighbours prior to the noise contour being introduced via variation 60 to the proposed District Plan. It is important to note that PC23 does not seek to rezone any land. Plan Change 7 (which was notified at the same time as PC23) seeks to rezone land in both Rolleston and Lincoln to provide for the ongoing growth of the townships and I note that this submitter has also submitted on PC7 seeking this outcome. Therefore, I consider the submission point relating to rezoning land to be out of scope of PC23.

Recommendation

45. The recommendation is that this submission supporting PC23 be accepted and that part of their submission seeking their land be rezoned be rejected.

Submission 5 – Maria Rutherford

46. This submission supports the Plan Change and seeks its approval.

Evaluation

47. The submitter agrees that it is appropriate to replace the existing noise contours with the revised noise contours.

Recommendation

48. The recommendation is that this submission supporting PC23 be accepted.

Submission 6 – Christopher White

49. This submission supports the Plan Change and seeks its approval.

Evaluation

50. The submitter agrees that it is appropriate to replace the existing noise contours with the revised noise contours.

Recommendation

The recommendation is that this submission supporting PC23 be accepted

Submission 7 – Annmaree & Hendriclus Hofmeester

51. This submission supports the Plan Change and seeks its approval as well as the rezoning of their land from Living 2A to Living 1B.

Evaluation

52. The submitter supports the removal of the current 50 dBA Ldn contour from their property and seeks that their land be rezoned to Living 1B which they say was the zoning they shared with their neighbours prior to the noise contour being introduced via variation 60 to the proposed District Plan. It is important to note that PC23 does not seek to rezone any land. Plan Change 7 (which was notified at the same time as PC23) seeks to rezone land in both Rolleston and Lincoln to provide for the ongoing growth of the townships and I note that this submitter has also submitted on PC7 seeking this outcome. Therefore, I consider the submission point relating to rezoning land to be out of scope of PC23.

Recommendation

53. The recommendation is that this submission supporting PC23 be accepted and that part of their submission seeking their land be rezoned be rejected.

Submission 8 – Neil Comyns & Suzanne Light

54. This submission opposes the Plan Change and seeks that it be declined.

Evaluation

55. The submitter opposes the Plan Change and in particular the widening of the noise contours. They submit that the widening of the noise contours will cover their property at 358 Maddisons Road and believe that this will affect the future development of their land. They are also concerned about effects on property values. The submitters property is zoned Rural (Inner Plains) with a minimum allotment size of 4 hectares. The inclusion of the airport noise contours over this property will not affect the ability of the land owner to subdivide their section down to 4 hectare allotments provided any new dwellings on these properties are insulated to comply with the air noise standards contained in the District Plan. The submitters have not provided any evidence to show that the remodelled airport noise contours are incorrect. The remodelled contours were agreed to by a panel of experts and have been through the Commissioner hearings on PC1 and have been confirmed.

Recommendation

56. The recommendation is that this submission opposing PC23 be rejected.

Submission 9 – Selwyn Central Community Board

57. This submission supports the Plan Change and seeks its approval.

Evaluation

58. The submitter agrees that it is appropriate to replace the existing noise contours with the revised noise contours.

Recommendation

The recommendation is that this submission supporting PC23 be accepted

Submission 10 – Canterbury Regional Council

59. This submission supports the Plan Change and seeks its approval.

Evaluation

60. The submitter agrees that it is appropriate to replace the existing noise contours with the revised noise contours. Chapter 12 “Settlement and the Built Environment” of the operative Canterbury Regional Policy Statement (RPS) identifies Christchurch International Airport as strategically important physical infrastructure.
61. Policy 4 to this Chapter seeks that the use of land for urban development and expansion of settlements be discouraged, where such use would adversely affect the operation and efficient use and development of the Christchurch International Airport.
62. Method 2 to Policy 4 then seeks that District Council’s, when changing their district plans, avoid or mitigate adverse effects on the operation, efficient use and development of Christchurch International Airport.
63. Proposed Change 1 to the Regional Policy Statement (PC1) incorporates Chapter 12A into the RPS and provides direction for the growth and development of the urban and rural areas for the Greater Christchurch sub-region. It provides the sub-regional policy framework under the Resource Management Act 1991 to implement the Greater Christchurch Urban Development Strategy (UDS).
64. Policy 1 to PC1 seeks that urban activities within Greater Christchurch only occur within the urban limits delineated in Map 1. The positioning of the urban limits are based (along with other matters) on avoiding noise sensitive activities within the 50 dBA noise contour surrounding Christchurch International Airport.
65. Method 1.1 to this policy seeks that territorial authorities, within their district plans, provide for the urban growth within the urban limits and include provisions to prevent urban activities outside. PC23 gives effect to the operative RPS and has regard to PC1 using the most comprehensive modelling information held about the Christchurch International Airport Noise Contours in Selwyn District as shown in PC1.

Recommendation

The recommendation is that this submission supporting PC23 be accepted

Submission 11 – Wayne Harper & Nelda Ridden

66. This submission supports the Plan Change and seeks its approval as well as the rezoning of their land to L1B when the plan change is adopted.

Evaluation

67. The submitter supports the removal of the current 50 dBA Ldn contour from their property and seeks that their land be rezoned to Living 1B. It is important to note that PC23 does not seek to rezone any land. Plan Change 7 (which was notified at the same time as PC23) seeks to rezone land in both Rolleston and Lincoln to provide for the ongoing growth of the townships. Therefore, I consider the submission point relating to rezoning land to be out of scope of PC23.

Recommendation

68. The recommendation is that this submission supporting PC23 be accepted and that part of their submission seeking their land be rezoned be rejected.

Submission 12 – Foster Holdings Limited

69. This submission supports the Plan Change and seeks its approval.

Evaluation

70. The submitter supports the plan change in particular the amendments to the Planning Maps to reflect the revised position of the 50 and 55 dBA Ldn Airport Noise contours. They state that the amended contours are based on the most recent information available and therefore are in a more accurate position than the existing contours in the Selwyn District Plan. The amended contours will be consistent with PC1. Removal of the existing contours from the submitters land will enable the growth and expansion of Rolleston as envisaged by PC1 and the Rolleston Structure Plan.

Recommendation

71. The recommendation is that this submission supporting PC23 be accepted.

Submission 13 – Donald Wright

72. This submission supports the Plan Change and seeks its approval. The submission also opposes the timeline for development along Springston-Rolleston Road.

Evaluation

73. The submitter supports the Plan Change in particular the location of the revised airport noise contours. The submission also goes into some detail about zoning along Springston-Rolleston Rd. This is the subject of the same submission on PC7. It is important to note that PC23 does not seek to rezone any land. Plan Change 7 (which was notified at the same time as PC23) seeks to rezone land in both Rolleston and Lincoln to provide for the ongoing growth of the townships. Therefore, I consider the submission point relating to rezoning land to be out of scope of PC23.

Recommendation

74. The recommendation is that this submission supporting PC23 be accepted and that part of their submission seeking their land be rezoned be rejected.

Submission 14 – Margit Muller & David Watson

75. This submission supports the Plan Change and seeks its approval as well as the rezoning of their land to L1B when the plan change is adopted.

Evaluation

76. The submitter supports the removal of the current 50 dBA Ldn contour from their property and seeks that their land be rezoned to Living 1B. It is important to note that PC23 does not seek to rezone any land. Plan Change 7 (which was notified at the same time as PC23) seeks to rezone land in both Rolleston and Lincoln to provide for the ongoing growth of the townships and I note that this submitter has also submitting on PC7 seeking this outcome. Therefore, I consider the submission point relating to rezoning land to be out of scope of PC23.

Recommendation

77. The recommendation is that this submission supporting PC23 be accepted and that part of their submission seeking their land be rezoned be rejected.

Submission 15 – Jennifer Butt

78. This submission opposes the Plan Change and seeks that it be declined.

Evaluation

79. The submitter opposes the Plan Change due to the constraining effect it will have on the future use of the property. The submitters property is zoned Rural (Inner Plains) with a minimum allotment size of 4 hectares required by the Selwyn District Plan. The inclusion of the airport noise contours over this property will not affect the ability of the land owner to subdivide their section down to 4 hectare allotments provided any new dwellings on these properties are insulated to comply with the air noise standards contained in the District Plan. The airport noise contours seek to avoid noise sensitive activities from establishing within the air noise contour due to the potential for reverse sensitivity effects from airport operations. This submitter has not provided any evidence to show that the remodelled airport noise contours are incorrect. The remodelled contours were agreed to by a panel of experts and have been through the Commissioner hearings on PC1 and have been confirmed, however are subject to appeals relating to whether residential and noise sensitive activities could establish between the 50 and 55 dBA Ldn contour.
80. The submitter seeks a mechanism through the District Plan whereby exceptions can be considered and appropriate weight give to the existing character of the receiving environment when determining the merits of activities sensitive to noise within the air/noise contour. I would consider that no such mechanism should be provided as PC23 only seeks to replace the existing contours with revised air noise contours and doesn't seek to change any other components of the District Plan except for the removal of one objective in the township volume of the Plan relating to the Living 2A zone in Rolleston. I would suggest that the RMA already provides a mechanism for land owners to apply for resource consent if their proposals do not comply with District Plan rules and they seek the consent authority to consider their individual application on its merits.

Recommendation

81. The recommendation is that this submission opposing PC23 be rejected.

Submission 16 – Angelene Holton

82. This submission supports the Plan Change and seeks its approval.

Evaluation

83. The submitter supports the Plan Change.

Recommendation

84. The recommendation is that this submission supporting PC23 be accepted.

Submission 17 – Christchurch International Airport Limited

85. This submission supports the Plan Change and seeks its approval.

Evaluation

86. The submitter supports PC23 in its entirety. The submitter considers PC23 is appropriate and necessary to give effect to PC1 of the RPS and is consistent with the UDS.

87. The submitter states that PC23 is appropriate and necessary for the continued safe, efficient, uncurfewed and future operations of CIA. PC23 is necessary for the protection of people and communities and in particular provides for their health, safety and amenity. The submitter emphasises that residential and noise sensitive activities should be avoided within the 50 dBA Ldn noise contour.

88. The submitter considers that PC23 provides for the inclusion of the most accurate and up to date noise contours for CIA and it is appropriate and necessary that they replace the outdated noise contours currently in the Plan.

Recommendation

The recommendation is that this submission supporting PC23 be accepted.

Submission 18 – Maurice & Mary Fletcher

89. This submission opposes PC23 and seeks that it be declined.

Evaluation

90. The submitter opposes the revised location of the 50 dBA Ldn contour and how it fails to address effects on exiting dwellings in the Inner Plains zone.

91. They are concerned that the location of the air noise contour over their property will result in substantial increases in perceived noise at existing dwellings within the contour boundaries. They are concerned that there is no consideration given to effects on existing dwellings.

92. They are concerned about the potential increase in the number of flights to and from the airport in the future and subsequent night time noise.

93. The submitter states that the review of the noise contours needs to acknowledge the existing dwellings within the contours and their right to amenity of their properties. They submit that the noise limits, which are substantially higher than the existing noise could be decreased. They also seek deletion of the controls of further residential development of the land. They consider that the requirements for noise insulation of new dwellings would provide for the quiet night time noise standards that should apply in a rural area.
94. It is important to note that the air noise contours are not new. They have been in District Planning Schemes for many years. The only change that PC23 seeks is that the existing air noise contours be updated to reflect the outcomes of the review of the expert panel in 2007. As a result of this review, the air noise contours are significantly shorter than the current noise contours (in a north-south orientation) but are slightly wider. The submitters have not produced any evidence that the modelling of the air noise contours is inaccurate. In fact, the Commissioners in the PC1 decisions have confirmed the location of the air noise contours.
95. The submitters cannot subdivide to residential densities in any event as the District Plan objectives, policies and rules do not provide for this in a rural environment. Any extensions or additions to dwellings within the 50 dBA Ldn noise contour will be required to be insulated to achieve the air noise requirements of the District Plan.

Recommendation

The recommendation is that this submission opposing PC23 be rejected.

96. Christchurch International Airport has lodged further submissions supporting those submissions seeking the approval of PC23. Likewise they have lodged submissions opposing those submissions that seek PC23 be declined.

FINAL STATUTORY ASSESSMENT

97. Overall I consider that the PC23 does achieve the relevant objectives and policies of the Selwyn District Plan. It does have regard to Change 1 of the Regional Policy Statement. It does give effect to the operative portions of the Regional Policy Statement. It does promote the sustainable management of natural and physical resources.

OVERALL CONCLUSION AND RECOMMENDATION

98. I consider that PC23 should be approved without modification.

APPENDIX 1: QUALIFICATIONS AND EXPERIENCE

1. My name is David Smith. I hold the degree of Bachelor of Town Planning (Honours) from the University of New South Wales. I am a full member of the New Zealand Planning Institute. I have over eight years planning and resource management experience.
2. I am Team Leader of Selwyn District Council's Policy and Strategy team within the Environmental Services Unit. Previously I was the Planning Manager at Harrison Grierson Consultants Limited in Christchurch and Senior Planner in their Brisbane Office. I have also held Senior Planning and Intermediate Planning roles with the Christchurch City Council for a number of years.
3. During my professional planning career I have been involved in policy and strategy development, assessment and preparation of plan changes and resource consents.
4. I am familiar with the Selwyn District and its resource management issues.
5. For the sake of completion, I note that I have read the Environment Court's Code of Conduct for Expert Witnesses, and agree to comply with it. The issues addressed in this report are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. Further, within my report I record the opinions of others that I rely upon in order to make my assessment.

APPENDIX 2: RECOMMENDATION ON INDIVIDUAL SUBMISSION POINTS

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.
<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 Noise Contour being imposed on us by Plan Change 60.	Accept in part, reject submission point seeking rezoning.

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>	<i>Accept</i>
Maria Rutherford	S5	D1	Support	Please adopt the proposed changes they at least are less draconian and rigorous than the existing contour boundaries.	Accept
Christchurch International Airport Limited	S17	D1		<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>
Christopher White	S6	D1	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.	Accept
Annmaree Hofmeester & Hendrickus Hofmeester	S7	D1	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.	Accept in part, reject submission point seeking rezoning.
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>	<i>Accept</i>

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
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
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 Community Board	S9	D1	Support	That Plan Change 23 is approved.	Accept

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
<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>
Canterbury Regional Council	S10	D3	Support	That the Plan Change be approved.	Accept
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Support</i>	<i>Accept</i>
Wayne Harper & Nelda Ridden	S11	D1	Support	Adoption of proposed Plan Change 23	Accept
Foster Holdings Limited	S12	D1	Support	The submitter seeks that the Plan Change be approved.	Accept
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Support</i>	<i>Accept</i>
Donald Wright	S13	D1	Support	Strongly support Plan Change 23 Appendix 3.	Accept
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Support generally, but seeks that any part of the submission seeking a rezoning of land be disallowed.</i>	<i>Accept</i>
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.

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Support generally, but seeks that any part of the submission seeking a rezoning of land be disallowed.</i>	<i>Accept</i>
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
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<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</i>	<i>Accept</i>

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
				<i>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>	
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 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	Reject

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
				<p>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 definitely cannot be considered in the category of people that have come to the nuisance.</p>	

Submitter	Sub No.	Dec. No.	Request	Summary of decisions sought	Recommendation
<i>Christchurch International Airport Limited</i>	<i>S17</i>	<i>D1</i>		<i>Oppose</i>	<i>Accept</i>

APPENDIX 3: DISTRICT PLAN CHANGES

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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 4: PLANNING MAPS