

Appendix 5: Joint Witness Statement CIAL and Council

**Before a Hearings Panel appointed
by the Selwyn District Council**

Under the Resource Management Act
1991

And

In the Matter a hearing on the submissions to the
Proposed Selwyn District Plan

Hearing 24: General Rural Zone

Joint Witness Statement (Planning)

Dated: 29 April 2022

INTRODUCTION

1. In the minute dated 15 March 2022 associated with Hearing 24: General Rural Zone (**GRUZ**), the Hearings Panel (the **Panel**) directed the following planning witnesses confer and produce a Joint Witness Statement (**JWS**). That JWS is to establish and document consideration of the CIAL relief in relation to the GRUZ, Noise, and Energy and Infrastructure (**EI**) Hearings (together, **The Witnesses**):
 - (a) Matt Bonis on behalf of Christchurch International Airport Limited (**CIAL**).
 - (b) Vicki Barker on behalf of Selwyn District Council (**Council**) for the Noise and EI Hearings.
 - (c) Jon Trewin on behalf of Council for the GRUZ Hearing.
2. The Witnesses confirm that the sessions have been conducted in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. The JWS has been prepared in accordance with Appendix 3 to that document.
3. The planning conferencing took place on 13 April 2022, 26 April 2022 and again on 28 April 2022 by Microsoft Teams.

Issues Discussed

The Planning conferencing was to respond to the matters set out in Minute 15 'CIAL Matters'.

THE ISSUES

Matters Agreed

4. The Planners agree that Canterbury Regional Policy Statement (**CRPS**), Policy 6.3.5(3), (4) and (5) contains the following general principles to be 'given effect' to in the Proposed Selwyn District Plan (**PDP**):
 - (a) the efficient and effective functioning of infrastructure is maintained;
 - (b) new development is only provided for where it does not affect the efficient use, operation, upgrading and safety of significant infrastructure, including by avoiding noise sensitive activities within the 50 dBA Ldn air noise contour; and
 - (c) the effects of land use on infrastructure should be managed to avoid activities that have the potential to limit the efficient and efficient, provision, operation, maintenance or upgrade of strategic infrastructure.
5. Policy 6.3.9 directs that rural residential development as a noise sensitive activity is also avoided within the 50 dBA Ldn air noise contour.
6. It is now common ground that the Airport 50 dB Ldn and 55 dB Ldn Noise Control Overlays in the PDP (analogous to the 50 and 55dBA Ldn air noise contours in the CRPS) are overlapping and additional. That is, the provisions would seek to 'avoid' noise sensitive activities regardless of whether these were contained within the Airport 50dB Ldn or 55dB Ldn Noise Control Overlays. The rule relating to noise mitigation within the 55dB Ldn Noise Control Overlay (NOISE-R4) is additional to those rules in the GRUZ Chapter applicable to the 50 dB Ldn Noise Control Overlay that seek to avoid new noise sensitive activities and manage density.
7. The Planners all agree that the PDP, as notified, does not fully give effect to the CRPS, specifically Policy 6.3.5(4) with respect to the 'avoidance' of noise sensitive activities within the 50dB Ldn Noise Control Overlay. The Planners agree that CPRS Policy 6.3.5 serves an important and directive purpose.
8. All Planners agree that the PDP needs amending to give effect to CRPS Policy 6.3.5.

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9. All Planners recommend amending the provisions of the GRUZ and NOISE Chapters to give effect to the CRPS with respect to avoiding noise sensitive activities within the 50dB Ldn Noise Control Overlay and requiring noise mitigation for permitted residential activities (where in conjunction with a compliant rural density) within the 55dB Ldn Noise Control Overlay, which is in effect the only noise sensitive activity not otherwise non-complying in the GRUZ.

Matters Disagreed

10. Mr Bonis is of the view, given the discussion below as to the purposive approach to the definition of 'noise sensitive activities' in the CRPS, that the enablement of 'minor residential unit' for the purpose of GRUZ-P3 and GRUZ-R6 leads to a regulatory approach that, at most, provides for Family Flats (as encumbered) which do not exceed 70m² in GFA as were provided by the operative Plan as at 2008. Mr Bonis also retains his view that more directive amendments to EI-P6 remain the more appropriate, to the extent and for the reasons outlined in his Evidence in Chief (EIC).
11. Mr Trewin is of the view that the use of the term 'family flat' revisits a term that is considered to be inefficient in the Operative Selwyn District Plan as it was found to be hard to enforce and not wholly related to effects (only immediate family members could inhabit the family flat but this does not account for modern family dynamics). In addition, the term 'minor residential unit' is preferred as this is a National Planning Standard definition and used throughout the PDP. In Mr Trewin's opinion the limit on size (and thus living space) is a more efficient instrument to manage reverse sensitivity effects as a result of a minor dwelling, which Mr Trewin concedes could be 70m² within the 50dBA Ldn Noise Control Overlay.
12. Ms Barker does not agree with the need for further amendment to EI-P6 and considers that when EI-P6 is read in conjunction with amended NOISE-P3 and the GRUZ policies, is sufficiently directive and gives effect to the CRPS. Mr Bonis disagrees for the reasons set out in his evidence.
13. Mr Trewin does not agree with amending GRUZ-R37 Landfill back to a non-complying activity (as in the notified PDP) and considers that a discretionary activity remains more appropriate for reasons set out in the S42a report (notwithstanding any specific provision to avoid landfills within 13km from

the thresholds of runways at Christchurch International Airport for reasons of bird strike risk).

MATTER 'a'

The specific policy direction in the Canterbury Regional Policy Statement (CRPS) that the Proposed Selwyn District Plan (PDP) must give effect to for the management of relevant activities within the GRUZ that fall within the 50 and 55 dB Ldn Noise Control Overlays;

14. The Planners all consider that the following provisions from the CRPS are of particular relevance.

Objective 6.2.1 Recovery framework

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

9. *Integrates strategic and other infrastructure and services with land use development;*
10. *achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;*

Policy 6.3.5 Integration of land use and infrastructure

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

3. *Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained;*
4. *Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, **including by avoiding noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport**, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 6-28) and enabling commercial film or video*

production activities within the noise contours as a compatible use of this land; and

5. *Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.*

(emphasis in bold)

Policy 6.3.9 Rural residential development states:

*In Greater Christchurch, **rural residential development** further to areas already zoned in district plans as at 1st January 2013 can **only** be provided for by territorial authorities **in accordance with an adopted rural residential development strategy** prepared in accordance with the Local Government Act 2002, subject to the following:*

5. *The location and design of any proposed rural residential development shall:*

a. avoid noise sensitive activities occurring within the 50 dBA Ldn air noise contour surrounding Christchurch International Airport so as not to compromise the future efficient operation of Christchurch International Airport or the health, well-being and amenity of people;
...

15. 'Rural residential activities' as defined in the CRPS (for Greater Christchurch):

means

Residential units outside the identified Greenfield Priority Areas and Future Development Areas at an average density of between 1 and 2 households per hectare.

16. Noise Sensitive Activities as defined in the CRPS:

means

- *Residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008;*

- *Education activities including pre-school places or premises, but not including flight training, trade training or other industry related training facilities located within the Special Purpose (Airport) Zone in the Christchurch District Plan;*
- *Travellers' accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants;*
- *Hospitals, healthcare facilities and any elderly persons housing or complex.*

But does not include:

- *Commercial film or video production activity.*

17. The Planners noted that 'Rural Activities' are defined in the CRPS as inclusive of '*residential activity on lots of 4ha or more*'. Residential activity is not otherwise defined in the CRPS.

18. In addition, to the provisions above, the Planners noted the following policy is also applicable:

- (a) Policy 5.2.1(f) Location, Design and Function of Development (Entire Region) directs that:

"Development is located and designed so that it functions in a way that:...

(f) is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure¹."

MATTER 'b'

The appropriate 'in principle' PDP response to any CRPS policy that directs the avoidance of activities in either of those Overlays;

19. The Planners consider that the PDP provisions should be predicated on 'giving effect' to the following:

- (a) that 'means' in the definition of the CRPS definition for *noise sensitive activities* introduces a complete, mandatory and exhaustive definition. That is, items are caught by the definition are not able through context, to be excluded for the purpose of interpreting the policy.

¹ The definition of 'Regionally significant infrastructure' includes infrastructure defined as 'Strategic infrastructure'. The definition of 'Strategic infrastructure' includes Christchurch International Airport.

- (b) that 'including by' in Policy 6.3.5(4) introduces a mandatory directive for the 'avoidance' of noise sensitive activities within the 50dBA Ldn air noise contour (albeit the application of such an action is not exhaustive to Christchurch International Airport as strategic infrastructure).
- (c) 'within' the 50dBA Ldn air noise contour stated in Policy 6.3.5(4) is to be interpreted on its face. That is, 'avoidance' of noise sensitive activities is to occur for all of that land within the 50dBA Ldn air noise contour extending all the way to the Selwyn District boundary towards the airfield.
- (d) the technical evidence (NZS6805 and Ms McNeill's evidence²) as to application of acoustic mitigation (including ventilation and insulation) within the 55dBA Ldn air noise contour to give effect to Policy 6.3.5(4) and 6.3.5(5).

Within the 50dBA Ldn air noise contour (that is to the edge of the Selwyn boundary)

- 20. In terms of 'Noise Sensitive Activities' as defined, these are to be avoided.
- 21. In terms of Rural Residential activities:
 - (a) Ms Barker considered that extending the policy (NOISE-P3) to avoid **all** noise sensitive activity within the 50 dB Ldn Noise Control Overlay was not supported in the Noise s42a report as CRPS Policy 6.3.9.5.a specifically seeks to avoid rural residential development within this contour.
 - (b) She was of the view that it was not entirely clear that Policy 6.3.5.4 when read in conjunction with 6.3.9.5.a provides the necessary mandate to avoid all noise sensitive activities. Avoiding all noise sensitive activity within the 50 dBA Ldn air noise contour also appeared to make this approach more onerous than noise sensitive activity within the 55 dBA Ldn air noise contour, which is provided for in the Noise Chapter subject to noise mitigation (NOISE-R4).

² EIC McNeill NOISE Proposal [21.2], Also note: s42A Mr Trevathan NOISE Proposal [7.0] agreed with the CIAL relief.

- (c) Mr Bonis considers there is no need to reconcile 6.3.5(4) against 6.3.9.(5)(a) as both are directive as to the avoidance of noise sensitive activities, which would encompass 'rural residential' activities as defined by the CRPS. He notes that that both the Rural Residential Strategy (2014) and Policy UG-13(3)(b) would preclude Rural residential development as noise sensitive activities within the 50dBA Ldn air noise contours.
- (d) All Planners agree that the PDP as notified gives effect to Policy 6.3.9.5.a. as no rural residential zoning is proposed in the 50 dB Noise Control Overlay and residential activity is deemed a non-complying activity on sites under 4ha in the GRUZ, but that 6.3.5(4) has not been fully given effect to and amendment is required to the noise policy and associated rules.

Within the 55dBA Ldn air noise contour

- 22. The Planners agree that the CRPS direction for noise sensitive activities is avoidance, as subject to Policy 6.3.5(4). There is a narrow exception for '*Residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008*', which would only encompass residential activity associated with compliant rural densities (exceeding 4ha) and associated 'Family Flats' (the exact format and use of the term 'family flat' is a matter of disagreement) as provided for by the Operative Selwyn District Plan. No acoustic insulation is required between the 50 and 55 dB Ldn Noise Control Overlays as it is not necessary to achieve compliance with specified indoor design sound levels.

MATTER 'c'

The specific activities that any CRPS avoidance policy direction applies to;

- 23. As identified in 19(a), the Planners agree that 'means' in the definition of 'noise sensitive activities' in the CRPS introduces an inclusive definition for the purposes of interpreting the policy. There is no statutory basis for contextualising or 'second guessing' whether exemptions to these activities exist.
- 24. With reference to the relevant CRPS definitions, but as applied to the definitions and terms within the PDP, the Planners agree that the specific

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activities that the CRPS policy direction applies to includes all of those activities defined as 'noise sensitive activities' in the CRPS and fall within the ambit of policies 6.3.5 and 6.3.9.5a including:

- a) Residential activity. In the context of the GRUZ, excluding the bundle of activities provided for in the Operative Selwyn District Plan as at 23 August 2008. This exemption is narrow, providing for residential activities (including rural residential development) on sites that are greater than 4ha, and an associated 'Family Flat'³. The Planners agree that for the sake of clarity providing for residential activity in conjunction with rural activity that complies with the rules in the district plan as at 23 August 2008 be explicitly incorporated within the PDP definition for 'noise sensitive activities'. Note the disagreement between Mr Trewin and Mr Bonis as above as to the application within the PDP regarding family flats.
- b) Educational facility
- c) Visitor Accommodation, noting that the CRPS provides an exemption for where '*designed, constructed and operated to a standard that mitigates the effects of noise on occupants*'. Mr Bonis is of the view that this is broader than noise mitigation, for the reasons set out in his Evidence in Chief (EiC)⁴. Mr Trewin agrees with this stance and both agree that visitor accommodation is precluded in the GRUZ by virtue of being defined a noise sensitive activity.
- d) Hospitals and healthcare facilities as well as any elderly persons housing or complex are both defined as a noise sensitive activity in the CRPS and by virtue of being included in the definition of 'Residential Activity' under the notified PDP. The Planners agree that for the sake of clarity 'elderly persons housing or complex' be explicitly incorporated within the PDP definition for 'noise sensitive activities'.

MATTER 'd'

The interplay between PDP provisions within the 50 and 55 dB Noise Control Overlays, particularly whether the provisions applicable to the 50 dB Noise

³ Operative Selwyn District Plan. Rule C3 Buildings 3.10.1.

⁴ EiC Bonis NOISE Proposal [34.1] and GRUZ [63-65]

Control Overlay also apply within (i.e. are additive) to the 55 dB Noise Control Overlay;

25. The Planners agree that the Airport 55 dB Ldn Noise Control Overlay is additive to the Airport 50 dB Ldn Noise Control Overlay. The PDP 'avoid' provisions are to apply to noise sensitive activities within the Airport 50 dB Ldn Noise Control Overlay, and also apply within the Airport 55 dB Ldn Noise Control Overlay.
26. There is an overlapping suite of controls on these matters precluding noise sensitive activities within the 50dB Ldn Noise Control Overlay throughout a number of Chapters in the Plan (Strategic Directions, Urban Growth, Energy and Infrastructure, Noise), as well as specific activity-based provisions in the GRUZ Chapter.
27. The 55 dB Ldn Noise Control Overlay provides an additional layer of control by prescribing noise mitigation standards through the NOISE Chapter for those activities that are permitted under GRUZ. In reality the only activities that are permitted in the GRUZ are residential units on sites over 4 hectares in area and residential activities in conjunction with rural activities compliant as at 23 August 2008 (i.e. 'family flats'), and all other noise sensitive activities require resource consent.

MATTER 'e'

The interplay between provisions in the Energy and Infrastructure, Noise and GRUZ chapters that relate to activities occurring in the GRUZ within the 50 and 55 dB Noise Control Overlays, both noise sensitive activities and residential activities generally (including those on complying lot sizes and those on sites that do not comply with PDP density provisions, i.e. such as on lots smaller than 4 ha);

28. Ms Barker and Mr Trewin agree that the GRUZ Chapter functions to restrict noise sensitive activities (including residential activities on non-complying lot sizes) within the 50 dB Ldn Noise Control Overlay (and therefore inclusive of activities within the 55 dB Ldn Noise Control Overlay) through activity based provisions. The NOISE Chapter is additive by requiring noise mitigation for noise sensitive activities; however in effect this rule has a narrow application as most noise sensitive activities are not permitted under

GRUZ except for residential activity activities on complying lot sizes of 4ha or greater.

29. The planners consider that there is a tension, and the need for improved clarity between the provisions, particularly between the NOISE Chapter (NOISE-R4), and the GRUZ Chapter.
30. The planners are of the view that this could be remedied through:
 - (a) amending the definition of 'noise sensitive activities';
 - (b) amending the Noise Overview to add contextual wording as sought in the Evidence of Mr Bonis⁵:
 - (c) amending NOISE-P3 and the application of NOISE-R4 to relate to residential units on sites over 4 hectares in area and residential activities in conjunction with rural activities compliant as at 23 August 2008 (i.e. 'family flats') rather than 'noise sensitive activities';
 - (d) amending NOISE-R4; and
 - (e) amending the GRUZ rules.
31. The Planner's agreed that with the recommended changes to NOISE-R4 (inclusive of Advisory Note 1 in that rule), in addition to cross referencing within the GRUZ 'Overview', that sufficient certainty was provided in the interplay between the NOISE and GRUZ provisions, acting as a 'catch all' rule for 'noise sensitive activities'
32. In summary:
 - (a) The GRUZ Chapter (and the Subdivision Chapter⁶) should function to avoid 'noise sensitive activities' (including through restrictions on density⁷) within the Airport 50 dB Ldn Noise Control Overlay.

This is not explicit within the individual provisions (and there is inconsistency in terms of the notified consent categorisation⁸).

⁵ EIC Noise. Bonis [34.4]

⁶ SUB-R2, SUB-R11, and SUB-R26 (noting CIAL submission seeking amendment to 50dB Ldn Noise Control Overlay (DPR-0371.044) which as notified seeks to regulate subdivision within the 55dB Ldn Airnoise contour).

⁷ GRUZ- SCHED2 'Residential Density' Inner Plains / Te Urumanuka ki Ana-i.

⁸ EIC Bonis. GRUZ Proposal [15.2].

There is no 'catch all'⁹ Activity Rule that would otherwise bundle 'noise sensitive activities' into a non-complying activity status. This could be remedied through the recommended amendments to NOISE-R4.

- (b) The definition of Noise Sensitive Activity includes 'Residential Activity'. GRUZ-R5 relates to 'Residential Unit'¹⁰ which is nested within the definition of Residential Activity¹¹.

There is no distinction within the notified PDP definition for 'noise sensitive activity' as applied to a residential unit associated with a compliant 4ha density in the GRUZ, and one that is not.

The evidence provided at the hearing from Ms McNeill that such activities are Activities Sensitive to Airport Noise (ASAN) including under NZS6805:1999 provides a technical basis that all residential activities are noise sensitive. However, the definition of 'noise sensitive activities' in the CRPS establishes an exemption (which then carries through as an exemption from the strict 'avoid' requirement in CRPS Policy 6.3.5(4)) for residential activities on rural land which were compliant with the rules in the relevant District Plan as at 23 August 2008). This then supports allowance for a residential unit on a site over 4ha. That same exemption should be carried through into the definition of 'noise sensitive activities' in the PDP so that the associated rules framework gives effect to the CRPS.

- (c) NOISE-R4 as proposed seeks to ensure acoustic mitigation for any 'noise sensitive activity' – inclusive of 'residential activities (regardless of density)' located within the 55dB Ldn Noise Control Overlay. The reality is there is only a narrow range of noise sensitive activities that are permitted within the GRUZ which means it is currently unclear how this additive rule works in relation to the GRUZ rules..

Most activities subject to the requirements of NOISE-R4, are otherwise already precluded by the GRUZ Chapter and the link

¹⁰ National Planning Standard Definition [Part 14]

¹¹ National Planning Standard Definition [Part 14]

between the provisions needs to be made clearer. The Planner's have recommended changes to NOISE-R4 accordingly.

33. In terms of the interplay between Chapters, Mr Bonis retains the view that a more directive application of Policy 6.3.5(4) is necessary within the PDP. These include:
 - (a) Strategic Directions and / or Energy and Infrastructure, including EI-P6 – Amendments to provide directive policy as to the avoidance of noise sensitive activities within the 50dBA Ldn contours¹².
 - (b) Urban Growth – Amendments to UG-P8 associated with the avoidance of urban growth within the 50 dBA Ldn contour¹³.
34. Ms Barker does not agree with the need for further amendment to EI-P6 and considers that when EI-P6 is read in conjunction with amended NOISE-P3 and the GRUZ policies is sufficiently directive and gives effect to the CRPS.
35. The Planners agree that the Plan should be consistent and certain in precluding noise sensitive activities within the 50 dB Ldn Noise Control Overlay, including 'residential activities' located on sites of less than 4ha.
36. The Planner's agree to amendments to a number of provisions within NOISE-R4 and the GRUZ provisions as set out in **Appendix 1**, and to be read within the context of the agreed changes to the GRUZ provisions, referencing the amendments sought in the EiC of Mr Bonis. Mr Bonis also identifies for the Panel that he considers that these changes should also be read in conjunction with, and integrated with, recommended changes to provisions contained in his evidence on each Chapter, including Strategic Directions, Energy and Infrastructure and Urban Growth.

MATTER 'f'

The need for consistent rule categories within those three chapters for the same activity within the Noise Control Overlays, to avoid decision-makers having to reconcile different rule categories by applying the bundling principle when considering site specific applications

¹² Refer EiC Strategic Directions. Bonis Attachment A – SD-IR-P1(1). Energy and Infrastructure [68] Amendments to EI-P6.

¹³ Refer Urban Growth s42A Report [21.9]. Bonis [11.2]

37. Based on the preceding discussion, the Planners agree the following:
- (a) That there should be a consistent rule category to all activities deemed as 'noise sensitive activities' within the GRUZ and NOISE Chapters. As discussed, the definition in the CRPS is complete and exhaustive, and is not able to be contextualised to apply an exclusion, or lesser rule category.
 - (b) The classification to be applied is as a 'non-complying activity', given the 'avoidance' directive in the associated policy provisions.
 - (c) The practical effect is that 'noise sensitive activities' as contained within the 50 dB Ldn Noise Control Overlay should be deemed non-complying, and where a lesser classification is applied in the GRUZ, a carve out is appropriate and applicable where such activities are located within the 50 dB Ldn Noise Control Overlay.

MATTER 'g'

Any other matters within the PDP provisions relevant to the effective and efficient implementation of the 50 and 55 dB Noise Control Overlays that the parties consider would assist the commissioners.

38. There are no other matters of relevance.

MATTERS NOT CONFERENCED

39. The Planners are of the view that the matters raised in Minute 15 have been addressed.



Matt Bonis



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Vicki Barker



Jon Trewin

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Appendix 1 Amendments to the PDP

The Panel directs that the parties develop specific wording for all of the provisions addressed in the CIAL planning evidence of Mr Bonis for the GRUZ hearing, setting out agreed wording where that is the outcome of the caucusing and alternatively setting out different wording supported by each party where agreement is not reached.

Amendments to GRUZ

Bold text without highlight indicates S42a author's recommendations

Recommendations provided in the GRUZ Proposal Evidence in Chief by Mr Bonis and are not agreed are **in grey**.

Changes that are agreed from the GRUZ Proposal Evidence in Chief by Mr Bonis are **highlighted yellow**.

Additional changes recommended by Mr Bonis extending beyond those identified in his Evidence in Chief are in **red text**. Where this is agreed this is **highlighted yellow**.

Changes recommended by Ms Barker and Mr Trewin are in **green text**. Where this is agreed this is **highlighted yellow**.

GRUZ Overview	
.... As the Christchurch International Airport 50dB Ldn Noise Control Overlay is located predominantly over the General Rural Zone, restrictions on residential density and avoidance of noise sensitive activities function are in place to protect the operation of Christchurch International Airport.	
GRUZ - 01	Subdivision, use, and development in rural areas that: ... 3. allows primary production and important infrastructure to operate without being compromised by reverse sensitivity; and ..
GRUZ – P7	Avoid reverse sensitivity effects on lawfully established primary production activities and important infrastructure.
GRUZ-P2	
Avoid the development of residential units on sites that are smaller than the required minimum site size, except where:	
a. the development has been provided for through a grandfather clause; or	
b. the minimum residential density requirement is achieved through balance land that adjoins the proposed undersized allotment in a coherent form to maintain a predominance of open space immediately surrounding the undersized allotment; or	
c. the development is has been provided for as a temporary activity, or temporary accommodation or seasonal worker accommodation ;	
and	
d. the development of the residential unit(s) is outside:	
i. the Airport 50dB Ldn Noise Control Contour and	
ii. The Port 45dB LAeq Noise Control Overlay;	

GRUZ-P3	
Avoid the creation of minor residential units that:	
<ol style="list-style-type: none"> are larger than the permitted maximum area; or exceed the 1:1 ratio with residential units-; and are not located within the Airport 50dB Ldn Noise Control Overlay, unless they are Family Flats and not provided for as a minor residential unit. 	

Insert Definition 'Family Flat'	<u>means any dwelling up to 70m² in gross floor area, excluding garaging, which is located on the same site as an existing dwelling and the family flat is occupied by a member of the same immediate family as a person residing in the main dwelling on the site. A family flat may be attached to the dwelling or an accessory building, or be free-standing.</u>
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GRUZ-R6 Minor Residential Unit		
	Activity Status: PER <ol style="list-style-type: none"> The establishment of a new, or placement, or alteration, or expansion of an existing minor residential unit. <p>Where</p> <ol style="list-style-type: none"> the minor residential unit.... <p><u>e. limited to a family flat not exceeding a maximum building coverage of 70m² where located within either:</u></p> <ol style="list-style-type: none"> <u>the Airport 50dB Ldn Noise Control Overlay; or</u> <u>Port 45dB LAeq Noise Control Overlay.</u> 	Activity status when compliance not achieved: <ol style="list-style-type: none"> When compliance with any of GRUZ-R6.1.a, or GRUZ-R6.1.b, <u>or GRUZ-R6.1.e</u> is not achieved: NC <p>...</p> <p><u>7. Where compliance with GRUZ-R6.1(e).i is not achieved any application shall be limited to at least Christchurch International Airport (absent its written approval).</u></p>

GRUZ-R15 Visitor Accommodation		
	Activity Status: PER <ol style="list-style-type: none"> The establishment of a new, or placement, or alteration, or expansion of an existing Visitor Accommodation. <p>Where</p> <ol style="list-style-type: none"> Accommodation offered to not more than five guests for reward or payment at any one time; and <u>The registered proprietor resides permanently on-site-; and</u> 	Activity status when compliance not achieved: <ol style="list-style-type: none"> When compliance with any of GRUZ-R15.1.a <u>or GRUZ-R15.1.b</u> is not achieved: DIS <u>When compliance with GRUZ-R15.1.c is not achieved: NC.</u> <u>Any application shall be limited notified at least to Christchurch International Airport (absent its written approval).</u>

	c. is not located within the Airport 50dB Ldn Noise Control Overlay.	
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GRUZ-R31	Camping Grounds	
	<p>Activity Status: PER</p> <p>1. The establishment of a new or expansion of an existing camping ground facility.</p> <p>Where:</p> <p>a. The camping ground facility is permitted within a Reserve Management Plan, approved under the Reserves Act 1977, and</p> <p>b. The camping ground facility is not located in the Christchurch International Airport 55dB 50 Ldn Noise Control Overlay</p> <p>And this activity complies with the following rule requirements: GRUZ-REQ10 Sensitive Activity Setback from Intensive Primary Production GRUZ-REQ11 Sensitive Activity Setback from Mineral Extraction</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of GRUZ-R31.1a is not achieved: DIS</p> <p>3. When compliance with any of GRUZ-R31.1b is not achieved: NC</p> <p>3-4 When compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement Notification</p> <p>5. Absent their written approval, any application arising from GRUZ-R31.3 shall be notified only to Christchurch Airport International Limited</p>

GRUZ-R33	Community Facility	
	<p>Activity Status: DIS</p> <p>1. The establishment of a new or expansion of an existing Community Facility.</p> <p>Where:</p> <p>a. The activity does not provide overnight accommodation if it is located within the Airport 50dB Noise Control Overlay.</p>	<p>Activity status when compliance not achieved: NA</p> <p>2. When compliance with GRUZ-R33.1.a is not achieved: NC</p> <p>Any application shall be limited notified at least to Christchurch International Airport (absent its written approval).</p>

GRUZ-R37	Landfill	
	<p>Activity Status: NC DIS NC</p> <p>1. The establishment of a new or expansion of an existing landfill.</p> <p>Where:</p>	<p>Activity status when compliance not achieved: NA</p> <p>2. When compliance with GRUZ-R37.1.a is not achieved: NC</p> <p>Any application shall be limited notified at least to Christchurch International</p>

	<p>a. <u>13km from the thresholds of the runways at Christchurch International Airport (as shown on the Planning Maps).</u></p>	<p><u>Airport (absent its written approval).</u></p>
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GRUZ-RNEW1	SEASONAL WORKER ACCOMODATION	
	<p><u>Activity Status: PER</u></p> <p><u>1. The establishment of a new, or expansion of existing seasonal worker accommodation.</u></p> <p><u>Where:</u></p> <p>a. <u>The accommodation is associated with rural production activity</u></p> <p>b. <u>The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities</u></p> <p>c. <u>The accommodation provides for no more than 12 workers</u></p> <p>d. <u>The accommodation complies with Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008.; and</u></p> <p>e. <u>not located within the Airport 50dB Noise Control Overlay.</u></p> <p><u>Where this activity complies with the following rule requirements:</u></p> <p><u>GRUZ-REQ1: Building Coverage</u></p> <p><u>GRUZ-REQ2 Height</u></p> <p><u>GRUZ-REQ4 Structure Setbacks</u></p> <p><u>GRUZ-REQ10 Sensitive Activity Setback from Intensive Primary Production</u></p> <p><u>GRUZ-REQ11 Sensitive Activity Setback from Mineral Extraction</u></p> <p><u>GRUZ-REQ16 Springfield Airfield Height Restriction</u></p>	<p><u>Activity status when compliance not achieved:</u></p> <p><u>2. When compliance with GRUZ-RNEW1.(a) and GRUZ-RNEW1.(e) is not achieved: NC</u></p> <p><u>3. When compliance with GRUZ-RNEW1.(b)-(d) is not achieved: DIS</u></p> <p><u>4. Where compliance with any rule requirement is not achieved: Refer to relevant Rule Requirement</u></p> <p><u>5. Absent their written approval, any application arising from GRUZ-RNEW.1.(e) shall be notified only to Christchurch Airport International Limited</u></p>

	EI-REQ23	West	Melton	
	Aerodrome		Height	
	Restriction			

Amendments to NOISE

Changes have also been identified by Parties that need to be made to the NOISE Chapter.

Bold text without highlight indicates S42a author's recommendations

Recommendations provided in the NOISE Proposal Evidence in Chief by Mr Bonis and are not agreed are in grey.

Changes that are agreed from the NOISE Proposal Evidence in Chief by Mr Bonis are highlighted yellow.

Additional changes recommended by Mr Bonis extending beyond those identified in his Evidence in Chief are in red text. Where this is agreed this is highlighted yellow.

Changes recommended by Ms Barker and Mr Trewin are in green text. Where this is agreed this is highlighted yellow.

'Noise Sensitive Activity'.

Any:

- a. Residential activity, **other than that existing in conjunction with rural activities that comply with the rules in the relevant District Plan as at 23 August 2008**
- b. Educational facility
- c. Visitor accommodation
- d. Hospital or healthcare facility, **and any elderly persons housing or complex.**

NOISE-Overview
<p>...</p> <p>The objectives and policies for noise seek to control the levels of noise created by activities to limit the adverse effects of noise on character, amenity values, and human health, and to protect some existing important infrastructure activities which generate elevated levels of noise from reverse sensitivity effects.</p> <p>...</p> <p>There are some noise generating activities that are not controlled by the RMA, such as aircraft in flight, or are subject to additional controls under controlled by the application of relevant New Zealand Noise Standards or sections 16 and 17 of the RMA and therefore are not managed by the District Plan.</p> <p>...</p> <p>Residential density Land use controls for noise sensitive activities within the Airport 50 dB Ldn Noise Control Overlay (which is the outer control boundary for aircraft noise in Greater Christchurch), including residential density within the Christchurch International Airport 50 dB Ldn Noise Control Overlays, and acoustic mitigation</p>

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requirements within the 55 dB Ldn Noise Control Overlay is are managed by the General Rural Zone chapter provisions.

Additional controls for acoustic mitigation within the Airport 55 dB Ldn Noise Control Overlay are required by provisions in this Chapter.

NOISE-P3

Protect Christchurch International Airport from reverse sensitivity effects by:

a. avoiding ~~residential activities on sites noise sensitive activities, including residential units on lots less than four hectares, within the Airport 50 dB Ldn Noise Control Overlay that do not meet a density of one residential unit per four hectares within the Christchurch International Airport Noise Control Overlays,~~ and

b. subject to NOISE-P3.a, requiring noise ~~insulation~~ mitigation for residential activity which meets residential density requirements and family flats within the GRUZ noise sensitive activities within the ~~Christchurch International~~ Airport 55dB Ldn Noise Control Overlay

NOISE-R4	Activities within the Christchurch International Airport 55 dB Ldn Noise Control Overlays	
Christchurch International Airport 55 dB Ldn Noise Control Overlay	Activity Status: PER 1. The establishment of any new building for a noise sensitive residential activity, or any addition or alteration to an existing building which contains a residential activity which creates a new habitable room or will be occupied by a noise sensitive activity, which complies with GRUZ-SCHED2 Residential Density.	Activity status when compliance not achieved: 2. When compliance with any of NOISE-R4.1a-b. is not achieved: NC
	Where: a. The building is insulated from aircraft noise and designed to comply with the indoor design sound limits specified in NOISE-TABLE2 Indoor Design Noise Levels, Christchurch International Airport 55 dB Ldn Noise Control Overlay ; and b. Where windows need to be closed to achieve the internal noise levels specified in NOISE-R4.1.a., an alternative ventilation system shall be provided which satisfies clause G4 of the New Zealand Building Code, for habitable rooms: i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and i. provides relief for equivalent volumes of spill air; and ii. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and v. does not generate more than 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.	
Airport 55 dB Ldn Noise Control Overlay	Activity Status: NC 3. The establishment of any new building for a noise sensitive activity, or any addition or alteration to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity, not subject to NOISE-R4.1	4. When compliance with Noise-R4.2 is not achieved: N/A
Advisory note:		

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1. This rule is to be read in conjunction with the GRUZ Chapter provisions applicable to noise sensitive activities where it is of note that most noise sensitive activities seeking to locate within the Airport 50 dB Noise Control Overlay (which includes the Airport 55 dB Noise Control Overlay) require non-complying activity resource consent.	
2. For the purpose of sound insulation calculations, the external noise levels for a site shall be determined by application of the air noise contours Ldn and LAE. Where a site falls within the contours the calculations shall be determined by linear interpolation between the contours.	
3. To demonstrate compliance, a design report (including calculations) prepared by a suitably qualified acoustic engineer shall be submitted to the Council with the application for Building Consent.	
NOISE-TABLE2 - Indoor Design Noise Levels, Christchurch International Airport 55 dB L _{dn} Noise Control Overlay	
Activity	Indoor Design Noise Level
Residential Activity	
Bedrooms	65 dB LAE / 40 dB L _{dn}
Other habitable rooms, except bedrooms	75 dB LAE / 50 dB L _{dn}
Visitor Accommodation, Hospital, and Health Care Facility	
Bedrooms, Conference Meeting Rooms	65 dB LAE / 40 dB L_{dn}
Service Activities	75 dB LAE / 60 dB L_{dn}
Educational Facility	
Libraries, study areas, teaching areas, assembly areas	65 dB LAE / 40 dB L_{dn}
Workshops, gymnasiums	85 dB LAE / 60 dB L_{dn}

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Note: If the Panel considers that the Planners interpretation of the interplay between the definition of 'Noise Sensitive Activity' (and its exceptions) and Policy 6.3.5 is correct, consequential amendments may also be required for other Important Infrastructure to ensure appropriate linkage between the NOISE policies and rules to avoid unintended consequences.